1st Study Commission

GREECE

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1) In Greece, AI tools are not used in the judicial system, save for its use in online legal database systems whereby legislation, court rulings and legal literature are digitally stored and become retrievable using boolean searching modules.

a) There are serious and intense reservations among judges regarding the expedience of using AI tools in the judicial system.

B) There is currently no specific national of EU legislation regulating the use of AI tools in judicial proceedings.

C) We believe that AI will adversely affect the evaluation of judicial evidence.

2 and 3) a) In the domains of Court management and legal research, utilization of AI tools would certainly facilitate easy access to both national and european/international court rulings, national and european/international legislation as well as to legal literature. Legal information would become readily available without language barriers as AI is able to provide acceptable automatic translation. In this respect, as regards the aforementioned domains, AI could play a positive role.

b) Things, however, are in our view entirely different when it comes to the engagement of AI tools with the administration of justice itself. In this respect there are indeed many risks, since, as a matter of principle, awareness on who is using emerging technologies and for what purpose is of the essence. For instance, using AI tools as means of Predictive Justice or for profiling judges, jury members, witnesses, defendants and litigants or even using such tools as a platform for judicial and extrajudicial dispute resolution, all these presumably for lucrative purposes in the hands of private actors, would

admittedly pose a direct threat to the rule of law. Indeed, such misuses of AI technology could potentially open the door to widespread intimidation of judges and other state functionaries, while at the same time would fly in the face of core liberal justice principles such as those of legality and of judicial impartiality. Moreover, the interference of AI tools with the process of rendering judgments itself, i.e. with the application of the judicial method on a case-by-case basis, would presumably subordinate the presumption of innocence to opaque procedures, reproduce stereotypes and prejudices, essentially violating unalienable constitutional rights among which the right to a fair trial before an impartial judge - not before a machine. Such an interference could also be exploited by private actors and governments aiming to replace independent -and thus unpredictable- judicial thinking which by its very nature is reserved only to human beings, with digital platforms easy to manipulate and susceptible to be 'programmed' towards results desirable to their programmers, whoever they might be. Unlike AI patterns, both case law and legal theory are not static and have the ability to adapt to social change and vary according to the ever changing circumstances. It is therefore our view that inserting non-human tools to an intrinsically human - driven and human - aimed procedure, such as the administration of justice, would only undermine the cause of justice itself, cancelling its very constitutional foundations and resulting to a complete dissonance between law and society.