



CPT/Inf (2001) 18 [Part 1]

**Report to the Government of Greece
on the visit to Greece
carried out by the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)**

from 25 May to 6 June 1997

The Government of Greece has agreed to the publication of this report and of its responses. The Government's responses are set out in document CPT/Inf (2001) 19.

Strasbourg, 13 September 2001

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Copy of the letter transmitting the CPT's report

Strasbourg, 9 December 1997

Dear Sirs,

In pursuance of Article 10, paragraph 1, of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment, I have the honour to enclose herewith the report to the Government of Greece drawn up by the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) after its visit to Greece from 25 May to 6 June 1997. The report was adopted by the CPT at its thirty-fourth meeting, held from 3 to 7 November 1997.

I would draw your attention in particular to paragraph 264 of the report, in which the CPT requests the Greek authorities to provide an interim and a follow-up report on action taken upon its report. The CPT would be grateful if it were possible, in the event of the reports forwarded being in Greek, for them to be accompanied by an English or French translation.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Finally, I would be grateful if you could acknowledge receipt of this letter.

Yours faithfully,

Ivan ZAKINE
President of the European Committee for
the prevention of torture and inhuman
or degrading treatment or punishment

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I. INTRODUCTION

A. Dates of the visit and composition of the delegation

1. In accordance with Article 7 of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment (hereinafter referred to as "the Convention"), a delegation of the CPT visited Greece from 25 May to 6 June 1997.

The visit formed part of the Committee's programme of periodic visits for 1997, and was the second periodic visit to Greece to be carried out by the Committee (the first periodic visit having taken place in March 1993)¹.

2. The visit was carried out by the following members of the CPT:

- Ingrid LYCKE ELLINGSEN, First Vice-President of the CPT, Head of the delegation
- Christina DOCTARE
- Miklós MAGYAR
- John OLDEN
- Demetrios STYLIANIDES.

They were assisted by:

- James MacKEITH, Consultant Forensic Psychiatrist, the Bethlem Royal and Maudsley Hospitals, London (expert)
- James McMANUS, Scottish Prisons Complaints Commissioner, Edinburgh (expert)
- Françoise BRON-HADZINICOLAOU (interpreter)
- Rhéa FRANGOFINO (interpreter)
- Maria LOUCA-HOUVARDA (interpreter)
- Myrto ROUSSOU-ATZITIRIS (interpreter)
- Alexander ZAPHIRIOU (interpreter)

and were accompanied by the following members of the CPT's Secretariat:

- Geneviève MAYER, Deputy Secretary of the CPT
- Petya NESTOROVA.

¹ The Committee's report on its first periodic visit and the responses of the Greek government have been made public at the request of the Greek authorities (cf. documents CPT/Inf (94) 20, CPT/Inf (94) 21 and CPT/Inf (96) 8).

B. Establishments visited

3. The delegation visited the following places of detention:

Police establishments

Athens

- Police Headquarters, Alexandras Avenue (follow-up visit)
- Drapetzone Police Station, Socratous Street, Piraeus
- Police Station No.2, East Terminal, Athens Airport
- Holding areas at Athens Airport
- Hellenikon Holding Centre for Aliens (follow-up visit)
- Piraeus Holding Centre for Aliens, Asklepiou Street
- Piraeus Transfer Centre, Notara Street (follow-up visit)

Corfu

- Police Headquarters, Alexandras Street
- Police Station, Samartzi Street

Ioanina

- Police Headquarters, 28 October Street
- Ioanina Centre for Illegal Immigrants

Thessaloniki

- Police Headquarters, Valaoritou Street (follow-up visit)
- Police Station, Democracy Square

Prisons

- Korydallos Prison Complex, Athens (follow-up visit)
- Corfu Prison
- Diavata Judicial Prison, Thessaloniki

Psychiatric establishments

- Attica State Mental Hospital, Athens (follow-up visit)
- Thessaloniki State Mental Hospital

Other establishments

- Detention facilities of the Courts of First Instance, Evelpidon, Athens

C. Consultations held by the delegation

4. In addition to meeting local officials at the establishments visited, the delegation held talks with the competent national authorities, with staff at the Athens Forensic Medical Department and with representatives of several non-governmental organisations active in areas of concern to the CPT, as well as with the Representative of the United Nations High Commissioner for Refugees in Athens.

A list of the national authorities and organisations consulted during the visit is set out in Appendix II to this report.

D. Co-operation encountered during the visit

5. At the beginning of its visit, the CPT's delegation held fruitful discussions with the Minister for Justice, Mr Evangelos YANNOPOULOS, the Minister for Health, Mr Kostas GEITONAS, and the Minister for Public Order, Mr Georgios ROMEOS, and with a number of senior officials from the Ministries of Defence, Foreign Affairs, Health, Justice and Public Order. The Committee is particularly grateful to the Ministers for the time they devoted to meet its delegation. As had been the case during the CPT's 1993 visit to Greece, these discussions, as well as the talks with the Greek authorities at the end of the visit, were conducted in a spirit of close co-operation.

6. The CPT wishes to express its appreciation of the assistance provided to its delegation by Mr Panaghiotis VASSILAKOPOULOS, liaison officer to the Committee at the Ministry of Justice, Mrs S. PAPAMITROPOULOU of the Ministry of Justice, Mr Demetrios HASLARIDES, liaison officer at the Ministry of Defence, Mrs Kalliopi MAVRADZOTOU of the Ministry of Health, and Brigadier General Georgios GIANNES and Police Superintendent Ioannis HOULIARAS, liaison officers at the Ministry of Public Order.

7. The co-operation received by the CPT's delegation from the management and staff at the establishments visited was on the whole very good. The delegation enjoyed rapid access to the establishments-including those which had not been notified in advance of the Committee's intention to carry out a visit-and was provided with all the necessary information and facilities.

As regards more particularly those establishments which were the subject of a follow-up visit, the delegation noted that the management of several - but not all - of the establishments concerned was familiar with the CPT's report on the 1993 visit to Greece. In this respect, **the CPT would like to underline the importance of Parties bringing the contents of the report drawn up by the Committee after a visit to the attention of all the relevant authorities and staff, in an appropriate form. It would also be desirable to make use of the reports on CPT visits in the training of the different categories of staff working with persons deprived of their liberty.**

8. It should be added that when the delegation visited the Athens Police Headquarters for the first time, on 26 May 1997, it was informed that sixty-three persons were in custody in the detention area on the 7th floor. However, in the course of its second visit to the Headquarters, the delegation was able to establish that eighty-six people had in fact been in custody on the 7th floor on 26 May. Moreover, the delegation heard allegations that shortly before its arrival there on 26 May, a number of foreign detainees (three or four men and, according to various reports, between twelve and twenty women) had been moved from the detention area on the 7th floor to offices on the 6th floor. Those persons were allegedly held there from approximately 1 pm until around 8 pm, by which time the delegation had left the 7th floor; the detainees were apparently then returned to the 7th floor detention area. In this connection, **the CPT wishes to stress that attempts to mask the level of overcrowding in a particular detention facility would be contrary to the principle of cooperation set out in Article 3 of the Convention.**

E. Immediate observation under Article 8, paragraph 5, of the Convention

9. On 6 June 1997, at the end of its visit to Greece, the CPT's delegation presented its first impressions to Mr Emmanuel SKOULAKIS, Deputy Minister for Health, and senior officials of the Ministries of Health, Justice and Public Order. On this occasion, the delegation invoked Article 8, paragraph 5, of the Convention and made an immediate observation in respect of the holding of foreigners awaiting deportation.

In particular, the delegation drew attention to the conditions of detention at the Ioanina Centre for Illegal Immigrants. It requested the Greek authorities immediately to withdraw the above-mentioned facility from service, and to find more appropriate premises in which to accommodate this category of detained persons.

The delegation also drew attention to the situation of foreigners being held for prolonged periods at the Hellenikon Holding Centre for Aliens, Athens Police Headquarters and Drapetzone Police Station in Piraeus. It requested the Greek authorities to take immediate action to remedy the shortcomings observed in those establishments.

10. The above-mentioned immediate observation was subsequently confirmed in a letter of 7 July 1997 from the Head of the CPT's delegation, the Greek authorities being requested to submit within three months a report on the action taken in response.

On 29 October 1997 the Greek authorities sent by fax a report dated 6 October 1997 informing the Committee of the measures taken in response to the immediate observation. These measures will be considered in detail later in the report.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Establishments under the authority of the Ministry of Public Order

1. Introduction

11. The CPT's delegation visited several types of establishments falling under the authority of the Ministry of Public Order: police headquarters and stations (in Athens, Corfu, Ioanina and Thessaloniki); holding centres for foreigners awaiting deportation (in Athens, Piraeus and Ioanina); and a transfer centre providing temporary accommodation to prisoners being transported from one establishment to another (in Piraeus). Some of these establishments had already received a visit by a CPT delegation in 1993 (cf. paragraph 3).

12. The legal provisions governing the detention of persons by the police have remained practically unchanged since the CPT's visit in 1993.

Persons suspected of criminal offences must be brought before a public prosecutor at the latest within 24 hours of their arrest and referred to the competent judge. The judge must decide within three days either to release the person concerned or issue a warrant of imprisonment. A two-day extension of this time limit is possible in certain cases, in particular if the person concerned requests such an extension in order to prepare his defence. During this period of up to five days following his initial appearance before a judicial authority, the arrested person usually remains in the custody of the police.

As regards foreigners who have been refused entry to Greece or are illegally present in the country, and have been apprehended by the police for the purpose of deportation, they may be detained by decision of the Ministry of Public Order until their removal from Greek territory becomes possible (cf. Article 27, paragraph 6, of the Act No 1975/1992 on the exit, residence, employment and expulsion of aliens, hereinafter referred to as the "Aliens' legislation"). The law does not fix a maximum period during which foreigners illegally present in Greece can be detained by the police.

13. In relation to the last mentioned category of detained persons, the CPT recognises that, in the very nature of things, persons deprived of their liberty under the Aliens' legislation may have to spend some time in an ordinary police detention facility. However, the CPT wishes to stress from the outset that conditions in police stations/headquarters will frequently - if not invariably - be inadequate for prolonged periods of detention. This certainly proved to be the case at Athens Police Headquarters and Drapetzone Police Station in Piraeus, which, as already indicated (cf. paragraph 9), were the subject of an immediate observation under Article 8, paragraph 5, of the Convention.

The CPT is of the view that in those cases where it is deemed necessary to deprive such persons of their liberty for a prolonged period, they should be accommodated in centres specifically designed for that purpose. The Greek authorities have begun to establish such centres; however, the information gathered in the course of the visit demonstrates that for the time being they display serious shortcomings as regards material conditions, regime activities and staffing arrangements. The situation at the Hellenikon Holding Centre for Aliens was such that it was covered by the immediate observation referred to in paragraph 9. In paragraphs 73 and 74 of the report, the CPT spells out the conditions which should prevail in this type of centre.

2. Torture and other forms of physical ill-treatment

14. In its report drawn up after the first periodic visit to Greece, the CPT concluded that certain categories of persons deprived of their liberty by the police (in particular, persons arrested for drug-related offences, persons arrested for severe crimes such as murder, rape, robbery, etc.) ran a significant risk of being ill-treated, and that on occasion resort might be had to methods of severe ill-treatment/torture.

During the second periodic visit, the CPT's delegation continued to receive allegations of ill-treatment by the police. The allegations mainly concerned detained persons of Albanian origin suspected of criminal offences, although some were also made by Greek nationals and persons of other nationalities suspected of such offences. However, fewer allegations were received than during the 1993 visit and hardly any allegations were heard of recent ill-treatment of a severity which could be considered as amounting to torture. In particular, unlike in 1993, no allegation was heard during the 1997 visit of the administration of electric shocks. Some allegations were heard by the delegation of beating on the soles of the feet (at Thessaloniki Police Headquarters); however, they dated back to 1995.

15. The allegations of ill-treatment received in the course of the 1997 visit mainly concerned punches, kicks and slaps delivered at the time of arrest and/or during questioning. In two cases, the persons concerned were found on examination by medical members of the delegation to display injuries compatible with their allegations. At Athens Police Headquarters, the delegation met a person of Albanian origin who claimed that, during an interrogation a few days before the delegation's visit, he had been beaten, struck with an iron bar, and kicked while he lay on the floor. The person concerned displayed: a diagonal cut just to the right of the mid line on the inside of his lower lip; a cut on the bridge of the nose; a bruise on the upper end of the left radius; on the inner aspect of the right leg, just below the tuberosity of the tibia, three cuts, one of which crescent shaped, about 2½ cm long; an abrasion with irregular edges, about 4½ cm long x 2½ cm wide, over the left greater trochanter of the femur. The person concerned showed the delegation the jacket he had apparently been wearing during his questioning: the front was spattered with reddish-brown spots while the back bore the clear prints of two shoes.

In Thessaloniki, a newly-arrived Albanian prisoner at Diavata Judicial Prison claimed that a few days previously, while in police custody, he had been kicked and jabbed with elbows by police officers in the course of his questioning. The person concerned displayed: a fading yellow-green haematoma around the left eye; a scab measuring ½ cm at the top of the left ear; a yellow-green bruise about 5 x 4 cm below and lateral to the right nipple; pain on palpation, medial and below the right scapula and on the lower outer aspect of the right quadriceps. The person stated that he had reported the ill-treatment to the public prosecutor.

16. The information gathered during the second periodic visit to Greece suggests that the situation as regards the treatment of persons in police custody has improved in recent times. However, the persistence of allegations of ill-treatment indicates that the Greek authorities must remain vigilant in this area.

In its first report, the CPT stressed that it is highly important for the relevant national authorities as well as senior police officers to deliver the clear message that the ill-treatment of detained persons is not acceptable and will be dealt with severely. In the light of the information gathered during the visit in 1997, and bearing in mind that since that visit the CPT has continued to receive reports containing allegations of ill-treatment by the Greek police, **the CPT recommends that the Ministry of Public Order remind police officers, through a formal statement, that they should be respectful of the rights of persons in their custody and that the ill-treatment of such persons will be the subject of severe sanctions. In this statement, emphasis should be placed on the key role to be played by senior staff in managing and supervising police activities at all levels.**

17. As regards more specifically the allegations received of ill-treatment at the time of arrest, the CPT fully recognises that taking a person into custody is often a hazardous task, particularly if the person concerned resists and/or is someone whom the police have good reason to believe represents an immediate danger. The circumstances may be such that injuries are sustained by the person concerned (or by police officers), without this being the result of an intention to inflict ill-treatment. However, no more force than is reasonably necessary should be used when apprehending a person. Furthermore, once the person apprehended has been brought under control, there can be no justification for him being struck or otherwise roughly treated or humiliated by police officers.

The CPT recommends that police officers also be reminded of these precepts.

18. Of course, public prosecutors and judges before whom persons arrested by the police are brought should take prompt action in appropriate cases. In this regard, it should be pointed out that, as in 1993, certain persons interviewed in the course of the 1997 visit claimed that they had complained about ill-treatment by the police to the public prosecutor/judge, but that the latter had not taken action on the matter. **The CPT recommends that whenever a public prosecutor or judge receives an allegation of ill-treatment by the police, or observes that a detained person brought before him could have been a victim of ill-treatment, he should immediately request a forensic medical examination of the person concerned and bring the matter to the attention of the relevant public prosecutor.**

More generally, the CPT considers that regular and unannounced visits to police detention facilities by public prosecutors can make a significant contribution to preventing torture and ill-treatment. Such visits should be seen as an intrinsic part of their duty to control and direct the work of the police in criminal proceedings. **The CPT would like to be informed if there are provisions obliging public prosecutors to undertake on-the-spot supervision of the work of the police in criminal cases, and, if so, to receive details on the manner in which such supervision takes place.**

19. In the report drawn up after the 1993 visit, the CPT stressed the importance of the role to be played by forensic doctors and other doctors appointed by the State to carry out forensic tasks, in cases involving allegations of ill-treatment by the police (cf. CPT/Inf (94) 20, paragraph 32). In the course of the 1997 visit, the CPT's delegation paid a follow-up visit to the Ministry of Justice's Forensic Medical Department in Athens. The discussions held there highlighted the lack of progress in the implementation of the recommendations previously made by the Committee. In particular, forensic doctors employed at the Department continued to carry out examinations only upon requests addressed to them by the judicial authorities or the police. Further, as regards the actual content of the forensic medical certificate, it continued to lack an account of the examined person's statements which are relevant to the medical examination.

The CPT recommends that steps be taken to ensure that:

- **State forensic services are authorised to accept requests for medical examinations presented to them directly by persons who allege ill-treatment, or by their doctor or lawyer;**
- **all medical certificates drawn up after a forensic examination contain:**
 - (i) a full account of statements made by the person concerned which are relevant to the medical examination (including his description of his state of health and any allegations of ill-treatment),**
 - (ii) a full account of objective medical findings based on a thorough examination, and**
 - (iii) the doctor's conclusions in the light of (i) and (ii);**
- **such medical certificates are made available to the person concerned and his lawyer.**

3. Conditions of detention

a. preliminary remarks

20. In the course of the discussions held between the delegation and the Greek authorities at the beginning of the CPT's second periodic visit, the Minister for Public Order stated that conditions in police detention facilities were not ideal, but that his Ministry was making continuous efforts to improve them. In this connection, the CPT wishes to recall the conditions of detention which should be offered to persons in police custody.

All cells should be clean, be of a reasonable size for the number of persons they are used to accommodate, and have adequate lighting (i.e. sufficient to read by, sleeping periods excluded) and ventilation; preferably, cells should have access to natural light. Further, cells should be equipped with a means of rest (e.g. a fixed chair or bench), and persons obliged to stay overnight in custody should be provided with clean mattresses and blankets.

Persons in custody should be allowed to comply with the needs of nature when necessary in clean and decent conditions, and be offered adequate washing facilities. They should have ready access to drinking water and be given food at appropriate times, including at least one full meal (i.e. something more substantial than a sandwich) every day. Persons held for extended periods (24 hours or more) should be provided with appropriate personal hygiene items and, as far as possible, be offered outdoor exercise every day.

21. In most countries visited by the CPT, persons are held for only a relatively short time on police premises. However, the delegation which carried out the 1997 visit to Greece observed that foreign nationals detained under the Aliens' legislation were being held for weeks and, on occasion, for months in police establishments. As already indicated (cf. paragraph 13), such periods of detention call for a better material environment than that described above, as well as a suitable activities programme.

b. police headquarters/police stations/transfer centres

i) *follow-up visits*

- *Athens*

22. The detention facility located on the 7th floor of Athens Police Headquarters was described in paragraph 54 of the CPT's report on its first visit. The CPT stated that "in principle, the cellular accommodation could be considered as acceptable for persons obliged to remain in police custody for a relatively short period, on condition that the premises are kept clean and those obliged to spend the night in custody are provided with mattresses and blankets". The CPT has noted with satisfaction that, in contrast to the situation observed in 1993, the state of cleanliness of the cells and sanitary facilities was satisfactory, and that persons in custody were supplied with mattresses and blankets.

However, in view of the overcrowding observed during the visit and the length of time people were detained, the situation remained unacceptable.

23. When the delegation visited the premises in the late evening of 29 May 1997, the delegation counted 104 persons in custody (a figure which, according to statistics on the number of persons in custody since the beginning of May 1997, was not at all exceptional). The cells (which measured 12m²) were holding up to seven persons - especially in the women's detention area - and in certain cases detainees were obliged to share mattresses. Such a situation is not consistent with the CPT's recommendations.

Moreover, as in 1993, the detention facility on the 7th floor of the Police Headquarters was being used to hold not only criminal suspects but also foreign nationals detained under the Aliens' legislation, in a certain number of cases for lengthy or even very long periods of time (between one and three months, and in one case in excess of six months). These detainees were accommodated in cells which were not suitable for extended periods of custody, with nothing to resemble a programme of activities and no possibility of taking outdoor exercise. The only way of escaping the suffocating atmosphere of the cells was to wander about the detention area corridors; however, even this was scarcely practicable at the time of the visit, since the number of people being held meant that the corridors were also used as sleeping areas.

24. As already indicated above (cf. paragraph 9), the delegation invoked Article 8, paragraph 5, of the Convention in respect of, inter alia, the situation of foreign nationals detained for prolonged periods in Athens Police Headquarters. In their report sent in response to the immediate observation made by the CPT's delegation, the Greek authorities stated that the detention facility located on the 7th floor had a total capacity of 80 (twenty cells in which four persons are detained). However, it was pointed out that "in cases of increased numbers of detainees brought forward to the Police Building, there might be more than four persons kept in the same cell for very limited periods of time". Further, the Greek authorities indicated that "no detainee remains in the corridors and it is most possible that the foreign nationals the Committee observed in the corridors were simply waiting there for their cases to be settled by the immigration services housed in the same building". As regards the periods for which foreign nationals were being detained, it was advanced that prolonged detention occurred only in a small number of cases when there were various problems in the deportation process which were beyond the control of the Greek authorities.

The CPT recommends that immediate steps be taken to ensure that:

- no more than four persons are kept overnight in a cell on the 7th floor;
- detained persons are not obliged to spend the night in the corridors of the detention facility;
- each detained person kept overnight is provided with a mattress.

Further, the CPT recommends that the Greek authorities put an end to the practice of holding foreign nationals for prolonged periods at Athens Police Headquarters.

25. Though somewhat austere, the physical conditions in the detention area on the 3rd floor of the Police Headquarters, which was reserved for children and young persons, were acceptable for short stays. The delegation noted that repair work was underway in the cells and that other work was planned to improve the sanitary facilities.

Like the facilities on the 7th floor, the 3rd floor cells were not suitable for prolonged periods of custody. However, an examination of the registers revealed that two children had been held in custody for ten days in April 1997 and one boy for seventeen days, with no access to the open air or other forms of activity. Such a situation is clearly unacceptable. **The CPT recommends that steps be taken to ensure that it is not repeated.**

26. In its report on the 1993 visit, the CPT stressed that the size of the 11th floor cells (3,5 m²) made them unsuitable for overnight custody. It added that, at the very most, they might be used for temporary holding purposes (i.e. for a maximum of a few hours) and this subject to the strict condition that they were equipped with adequate lighting and ventilation as well as a means of rest. The delegation which undertook the 1997 visit found that the cells were equipped with either a mattress or a platform, but that the lighting and ventilation were still unsatisfactory.

The 12th floor contained a group of eleven cells with the same shortcomings.

The delegation received conflicting information concerning the use of the 11th floor cells, whilst those on the 12th floor had reportedly been used for the last time in 1995.

The CPT recommends that no-one be held overnight in the cells on the 11th and 12th floors and that if the cells are used for temporary holding purposes, steps be taken to improve their lighting and ventilation.

27. As regards Piraeus Transfer Centre, the CPT stated in the report on its 1993 visit that "conditions of detention could fairly be described as inhuman". In their interim and follow-up reports, the Greek authorities referred to a proposal to find a more suitable building for the Transfer Centre. At the beginning of the second periodic visit, the authorities provided written information to the delegation according to which it had proved impossible to find a suitable building, mainly because of opposition from the residents and traders of the neighbourhood concerned (the building in question was eventually used for the Drapetzona Police Station). However, it was indicated that improvements had been made to the existing premises, such as upgrading of the electrical fittings, paintwork and tiling in the sanitary facilities.

28. Despite the work which had been carried out, the state of the premises at the time of the second periodic visit was just as bad as that described in paragraph 76 of the CPT's first report, and in certain respects even worse (for example, some of the sanitary facilities used by the detainees had no lighting and some of the toilets could not be flushed). Nor was any improvement noted regarding the state of cleanliness of the premises; the sanitary facilities in particular were very dirty.

29. In their report of 6 October 1997 referred to above, the Greek authorities also indicated that "the procedure of leasing a new building and transferring the Transfer Centre has now been undertaken by the proper services. However, due to the absence of any interested parties, the invitation to tender on 22 August 1997 was postponed to a later date".

In the light of this information, **the CPT can only repeat the recommendation made in its first report that the detention facilities be extensively renovated without delay and that if such a renovation proves to be unfeasible, the existing premises be taken out of service and the Transfer Centre relocated elsewhere in a place offering better conditions of detention.**

- *Thessaloniki*

30. Conditions in Thessaloniki Police Headquarters were criticised during the CPT's first visit and were the subject of a number of recommendations (cf. CPT/Inf (94) 20, paragraph 71). During the second periodic visit, the CPT's delegation paid two separate visits to that establishment. At the time of the first visit, two persons were being detained (a man and a woman), and at the time of the second visit, five men (of whom one detained under the Aliens' legislation). The delegation was pleased to note that the practice of holding remand and sentenced prisoners at the Police Headquarters had been discontinued, and that special care was being taken to accommodate persons detained under the Aliens' legislation separately from criminal suspects.

As regards more particularly the basement area detention facility, the authorised capacity (20) was in line with the recommendations made in the CPT's first visit report. Further, the delegation was told by police officers - and observed for itself in the custody register - that no more than 15 persons were held in custody at any given moment.

In addition, the delegation established that the two segregation cells in the basement area had remained out of service, in conformity with the recommendation made in the CPT's first visit report.

31. The detention facilities were found to be in a satisfactory state of cleanliness and repair. However, some of the mattresses were old and in a filthy condition, a situation all the more regrettable given that the delegation saw a large stock of new mattresses in a store room. The toilet/washing facilities in both the mezzanine and the basement detention areas were of an adequate standard; however, the absence of an electricity bulb in the toilet for female detainees rendered it pitch black.

32. The CPT recommends that steps be taken at Thessaloniki Police Headquarters to ensure that:

- **detained persons are provided with clean mattresses and blankets;**
- **all toilet/washing facilities are equipped with appropriate lighting.**

33. In addition to the detention facilities already described in the CPT's 1993 report, the delegation was shown a small (4.2 m²), windowless cell, located on the first floor of the Headquarters building (in the Drugs Department). It had artificial lighting and was equipped with a mattress and a blanket. Police officers stated that detained persons who were violent or experiencing withdrawal symptoms could be kept in the cell while awaiting interrogation, usually for very short periods of time (i.e. up to half an hour). However, the lack of a register recording the use of the cell made it impossible for the delegation to establish with certainty how often and for what duration it was being used.

The design and equipment of the cell rendered it scarcely suitable as a place of detention for persons experiencing withdrawal symptoms. More generally, if the cell is to remain in service for detention purposes, its use should be properly recorded.

ii) *establishments visited for the first time*

34. Drapetzona Police Station had moved recently to new premises in Piraeus. The custodial facilities comprised 19 cells divided into three sections, accommodating respectively women (5 cells), men (13 cells) and juveniles (1 cell). At the time of the delegation's visit, these detention facilities were being used exclusively for holding foreign nationals, both criminal suspects and persons detained under the Aliens' legislation. These two categories of detainees were not separated from one another. Thirty-one persons were in custody on the night of the visit (six women, twenty-four men and one juvenile). The periods for which they had been in custody varied from a few days to six months.

35. The cells were designed to accommodate four persons and were of an adequate size (19 m²) for such an occupancy level. In the sections for men and for women, the cells were situated along both sides of a wide corridor, the side facing the corridor being bar-fronted. Artificial light was adequate; however, the only source of natural light in each section was a small window at the end of the corridor. Further, the air extraction system was said to be so noisy that detainees preferred to have it turned off; as a result, ventilation left something to be desired. The cells were fitted with concrete blocks equipped with mattresses/blankets; however, some of the latter were in a filthy condition.

There were toilet/washing facilities in each section, and no complaints were heard about access to those facilities. However, some detainees complained about the lack of hot water.

36. As regards activities for detainees, they were to all intents and purposes nonexistent. The principal recreation consisted in a period of up to three hours a day during which the detainees could loiter in the corridor. There were no facilities for outdoor exercise, and no activities of any other sort - not even books or newspapers were offered. To be subjected to such a situation for months on end must be a stultifying experience.

37. To sum up, conditions of detention at Drapetzona Police Station were totally unsuitable for foreigners awaiting deportation detained for lengthy periods of time.

As already pointed out, Drapetzona Police Station was covered by the immediate observation made under Article 8, paragraph 5, of the Convention in respect of the holding on police premises of foreigners awaiting deportation. In their report sent in response to the immediate observation, the Greek authorities indicated that the detention facilities at Drapetzona Police Station "are modern ... built approximately two years ago on the basis of the studies elaborated by the competent technical services". Further, it is stated that "the cells are equipped with suitable ventilation and heating. The Committee's impression as to the insufficient ventilation could be due to a specific and temporary cause, related to the prisoners themselves." As regards activities for detainees, the Greek authorities point out that "there is a daily schedule for the detainees to get out and spend time in the spacious corridor of their wards".

The above information does not diminish the CPT's concerns regarding the conditions of detention of foreigners awaiting deportation, who can be held at Drapetzona Police Station for lengthy periods of time. **The CPT therefore recommends that such persons are not held at Drapetzona Police Station.**

38. As far as the conditions of detention of criminal suspects held at Drapetzone Police Station are concerned, **the CPT recommends that the state of cleanliness of bedding and the availability of hot water be reviewed.**

39. Police Station No 2 at Athens Airport, East Terminal, had a relatively large (30 m²) cell equipped with two platforms, five mattresses and blankets. The state of cleanliness of the cell, and of the mattresses and blankets, was unsatisfactory. Further, the lighting left much to be desired. Detained persons had access to adequately-equipped sanitary facilities; however, the latter were located at the far end of the police station, which was extremely impractical for both detainees and staff.

The delegation was informed of a plan to construct a new custody unit, which would apparently comprise two cells and sanitary facilities; such a development is very desirable. **The CPT recommends that, in implementing this plan, account be taken of the criteria set out in paragraph 20.**

40. The detention area in Corfu Police Headquarters, situated in the basement, comprised two spacious cells each measuring about 35 m². Detainees were supplied with new mattresses and blankets. Lighting and ventilation appeared to be adequate.

Nevertheless, the two cells were in a generally dilapidated state and very dirty. Moreover, none of the sanitary facilities in the cells or the detention area as a whole - be they toilets or wash basins - were usable because there was no running water (nor was drinking water available). Plumbing work had begun but the facilities had not yet been connected to the water supply. This situation had apparently lasted for some time and seemed likely to continue, since staff told the delegation that they did not have the funds to employ the necessary workers.

In their report of 6 October 1997, the Greek authorities indicated that the renovation works in the detention area of Corfu Police Headquarters have now been completed, taking into consideration the observations made by the CPT's delegation at the end of the visit. The CPT welcomes this development.

41. The two cells in Samartzi Street Police Station in Corfu measured between 6 and 7 m². In the light of the delegation's examination of the custody register, **the CPT wishes to emphasise that cells of this size should, in principle, not accommodate more than one person overnight.**

The cells included platforms, mattresses - which were dirty and worn - and blankets, though the latter were quite clean. The cells received practically no daylight, while the artificial lighting (halogen) was glaring; this made the atmosphere, which was already suffocating because of extremely poor ventilation, even more difficult to bear. **The CPT recommends that the Greek authorities rectify these material problems.**

42. In contrast, physical conditions in the four cells of Ioanina Police Headquarters were quite suitable for periods of custody of a few days. Three of them were even equipped with beds and a table. The general state of cleanliness and repair was also satisfactory.

43. The police station in Democracy Square in Thessaloniki had two multi-occupancy cells measuring respectively 12 m² and 28 m². The cells were reasonably clean; however, there was no access to natural light, and artificial lighting (coming from the corridor) was totally inadequate. Further, not all detained persons were provided with mattresses and blankets. Sanitary facilities were located in proximity to the cells; some of them were reasonably clean, others were dirty. As for the two waiting rooms for persons about to be questioned, it should be noted that the artificial lighting was out of order.

The detention facilities were being used for both criminal suspects and foreigners detained under the Aliens' legislation. However, the latter category of detainees remained on the premises only for short periods of time (from several hours to a day), before being transferred to the custody of the Aliens' Police.

The CPT recommends that conditions of detention at the police station in Democracy Square be improved in the light of the above remarks.

iii) personal hygiene/food/outdoor exercise

44. The CPT is concerned about the absence of means for enabling persons in police custody to maintain their **personal hygiene**. Although at some of the police establishments visited the delegation noted that there was toilet paper at the disposal of detainees, as a rule they were not being provided with personal hygiene products and towels. Only those few who received visits or with money had the privilege of possessing such items. Many detainees interviewed by the delegation complained that they found it difficult to keep themselves clean.

The CPT recommends that the Greek authorities take steps to ensure that all persons detained in police establishments for an extended period have access to personal hygiene items (soap, towels, sanitary towels, etc.).

45. In the 1993 visit report, the CPT expressed concern about the arrangements for the provision of **food and drink** to detained persons in transfer centres (cf. paragraph 78 of document CPT/Inf (94) 20). During the 1997 visit, the delegation received again numerous complaints about the quantity and quality of food supplied to persons in police custody. The delegation observed that arrangements for the distribution of food to persons held in police establishments in general remained problematic. It was not clear how the system whereby every person in police custody is provided with 1,000 drachmas a day for food worked in practice. In some cases the money was given to the detainee; in other cases it was "converted" into food and drink provided by police officers; and in several establishments the delegation was told that it was not worth the police's while to go through the formality of claiming food allowance money and that, if necessary, the police purchased food out of their own means.

Further, the delegation met detainees who claimed that they had received food or food allowance money only after they had spent 24 hours in police custody. Indeed, police officers spoken to confirmed that the food allowance money was distributed once a day (e.g. at noon); consequently, a person brought to the detention area in the afternoon would not receive the money, or food, until after midday on the following day.

Following the second periodic visit to Greece, the Greek authorities informed the CPT that according to Decree 116/14.02.1996 (T.A. 28) and Decision No 2062661/7617/002 of 22 November 1995 (T.B. 980), detainees should be offered meals immediately upon their arrest and not after a period of 24 hours. **The CPT recommends that the Greek authorities take immediate steps to ensure compliance with the existing regulations, in the light of the above remarks.**

46. None of the police establishments visited possessed the necessary facilities to enable detainees to take **exercise in the open air**. This situation is totally unacceptable in the case of foreign nationals detained for lengthy periods under the Aliens' legislation; it is also far from satisfactory as regards criminal suspects, who can be detained for up to 6 days.

The CPT recommends that steps be taken to ensure that persons detained by the police for more than 24 hours are, as far as possible, offered outdoor exercise on a daily basis.

c. detention facilities for aliens

i) *holding areas at Athens Airport*

47. Athens Airport has two holding areas for foreign nationals who are not authorised to enter the country, located respectively in the West and East Terminals. Given the use to which it is put - namely to detain foreign nationals for the few hours required to place them on a flight - the West Terminal holding area calls for no particular comments.

By contrast, the holding area in the East Terminal may be used to detain foreign nationals for extended periods. Upon examination of the registers, the delegation noted that stays of up to four days had been recorded.

48. The holding facilities for men comprised a sort of antechamber measuring about 40 m², equipped with fifteen chairs, a table and a pay telephone, and two small rooms, each with a bed, mattress and wash basin. This unit also included toilet/sanitary facilities with WCs and a (non-functioning) shower. Access to natural light was very limited, although the artificial lighting was adequate. Further, ventilation left much to be desired: the atmosphere was stifling and a disagreeable smell pervaded the premises.

The delegation was able to establish that on the night preceding its visit more than twenty persons had been detained in this unit, the majority of them having to sleep in chairs or even on the floor, apparently without mattresses or blankets. The CPT must emphasise that such a situation is unacceptable.

49. The area set aside for women and families, which had a similar layout, offered better physical conditions, although certain shortcomings were observed. Its three rooms were spacious - 12 m² for the two single-bedded rooms and 17 m² for the three-bedded one - and properly fitted out, and detainees had access to suitable sanitary facilities. There was no access to natural light, but the artificial lighting was acceptable. As in the men's unit, the ventilation was inadequate.

50. Persons detained in the holding area in the East Terminal were not allowed outdoor exercise, and in any case there were no facilities available for this purpose. They therefore spent the whole day confined in the holding area and could at best circulate around the two units and in the corridor.

51. As regards the provision of food to persons detained in the East Terminal holding area, the delegation was informed that this was the responsibility of whichever airline they had been travelling on when they reached the Greek border. However, according to information received by the delegation from various sources, the airlines concerned did not always fulfil their obligations in this regard.

52. The delegation was informed that persons detained in the holding areas could, if necessary, have access to the Airport medical service. However, the delegation was unable to form a precise idea of how this access was ensured in practice, no doctor being available to meet the delegation.

53. In the light of the above, **the CPT recommends that the Greek authorities:**

- **explore the possibility of improving access to natural light in the holding facilities;**
- **improve the ventilation system;**
- **take immediate steps to ensure that persons required to spend the night in the holding facilities are provided with mattresses and blankets;**
- **ensure that persons detained for extended periods (24 hours or more) are, as far as possible, offered outdoor exercise every day;**
- **review the provision of food to detained persons and, if necessary, take steps to ensure that they are given food at appropriate times, including at least one full meal every day.**

The CPT would also like to receive detailed information on the steps taken to ensure that detained persons who require medical care have access to a doctor.

ii) Hellenikon Holding Centre for Aliens at Athens Airport

54. This holding centre, located in a building of the former military base at Athens Airport, is designed to accommodate foreign nationals awaiting deportation (cf. paragraph 80 of the report on the CPT's first visit). The centre's capacity had been set at forty persons, and at the time of the second visit, twenty-three foreign nationals were being held there. Eleven of them had been detained for extended, or even lengthy periods of time (between one and four months). The majority had previously been detained at Athens Police Headquarters (sometimes for long periods) or in other police establishments in Attica.

55. When the CPT visited the centre in 1993, the building work had not yet been completed and the Committee made a number of recommendations and comments in the light of this situation.

During the 1997 visit, the delegation noted with satisfaction that steps had been taken to enable detainees to maintain contact with the outside world, through the installation of pay telephones and the fitting out of a visiting facility. However, in a number of other respects no progress had been made.

56. Indeed, there had been no improvement to the material conditions of detention described in paragraph 81 of the first visit report. The detention facilities' equipment was still extremely rudimentary, comprising simply mattresses, blankets and pillows placed on the floor, and the state of maintenance and cleanliness was not satisfactory. Moreover, the ventilation was significantly less effective than in 1993. Finally, the sanitary facilities, particularly the showers, were in a poor state of repair and dirty.

57. Turning to personal hygiene, numerous complaints were heard about the lack of basic items such as soap, towels and toilet paper. The delegation discovered that the centre did not hold any stocks of these products. It should be added that there were no facilities enabling detainees to wash their clothes.

58. The CPT's delegation also had serious reservations concerning the food offered to detainees. The food was transported from Athens Police Headquarters, and the delegation was not convinced that this was done in a hygienic manner. It was also observed that food storage and the preparation and distribution of meals did not satisfy basic hygiene standards. The so-called kitchen was dirty and its equipment was not always operational (one of the sinks was blocked and was no longer supplied with running water); plastic bowls containing the remains of meals were placed alongside stocks of blankets and dirty, worn-out mattresses. In addition, there were no facilities for reheating or keeping warm meals that were supposed to be served hot.

59. Regarding medical care, it had been stated in 1993 that regular visits to the Centre by a doctor and nurse were envisaged. However, by 1997, such visits had still not been arranged. Doctors and/or nurses only visited the centre following a specific request.

60. The delegation was also very concerned to discover that no steps had been taken to ensure that foreign nationals could take daily outdoor exercise. Nor had any arrangements been made to provide them with a minimum of activities. Only a few fortunate detainees had some reading matter or a pack of cards, which had either been in their possession on arrival or had been brought to them by visitors.

61. To sum up, the foreign nationals could be locked up 24 hours a day (except for the time dedicated to personal hygiene and occasional visits) in rooms where the alternatives were to sit/lie on mattresses placed on the floor or to stand (even while eating) without anything to occupy their time. Such a situation could last for weeks and even months.

62. In reply to the immediate observation made by the delegation at the end of the visit (cf. paragraph 9), the Greek authorities stated that the public investment programme included provision for work to be carried out at the Centre in the course of 1997. Nevertheless, the CPT was very concerned to learn from the Greek authorities' report of 6 October 1997 that, for the time being, there are no plans for the fitting out of areas for outdoor exercise.

63. **The CPT recommends that the Greek authorities take urgent steps to ensure that:**
- **the Holding Centre premises, including the kitchen and sanitary facilities, meet proper standards of cleanliness and hygiene;**
 - **the detention rooms are equipped with tables, chairs and beds or sleeping platforms;**
 - **the rooms are properly ventilated;**
 - **detainees are supplied with basic personal hygiene products. Appropriate facilities should also be provided to enable them to wash their clothes;**
 - **food is transported in satisfactory hygiene conditions and meals are served at the appropriate temperature;**
 - **detainees are offered at least one hour's outdoor exercise per day;**
 - **detainees, particularly those held at the Centre for prolonged periods, are offered an appropriate range of activities;**
 - **regular visits to the Centre by a qualified nurse are arranged.**

iii) Piraeus Holding Centre for Aliens

64. During the second periodic visit, the Greek authorities invited the CPT's delegation to visit the Piraeus Holding Centre, the entry into service of which was said to be imminent. It was to become operational once surveillance staff had been recruited.

65. The Centre, which was situated in an old garage within the confines of a police station, had two detention units with, respectively, five and nine cells. Their design and layout were similar to those seen in other police custody facilities in Athens and the Attica region. The cells were bar-fronted, measured about 12 m² and were equipped with two concrete platforms on which mattresses were placed; two additional mattresses were laid on the floor.

There was only very limited access to natural light and, by reason of their location, certain cells received none at all. Further, the artificial lighting in the corridor - and on which all the cells were largely dependent - was poor (i.e. insufficient to light up the backs of the cells). As for ventilation, this was to be provided via a series of apertures in the ceiling of the corridors; however, the delegation was not convinced that this would prove effective. It should nevertheless be added that the Centre's sanitary facilities were adequate.

66. As regards food, it was apparently planned to apply the system used at Hellenikon Holding Centre (cf. paragraph 58). However, the delegation noted that the new Centre was not equipped with facilities for storing or reheating meals before they were served.

67. The delegation also examined the issue of activities be offered to persons detained at the Centre. Apparently, no plans had so far been made in this respect; nor had any space, such as a television room, been fitted out for that purpose. The same went for outdoor exercise.

By contrast, regarding detainees' contact with the outside world, the delegation was shown two rooms which were intended for visits from lawyers and other persons. It was also told that pay telephones would be installed.

68. Clearly, the opening of a new Centre specifically intended for foreign nationals awaiting deportation constitutes a step forward. However, the CPT has to point out that, in its present state, the Centre is only acceptable for periods of detention of up to a few days, and then only if the physical shortcomings regarding the lighting and ventilation of the premises and the absence of facilities for outdoor exercise are remedied. Should the Centre be required to accommodate foreign nationals for longer periods, other substantial improvements would be necessary to ensure detention conditions adapted to their circumstances. Failing that, there would simply be a repetition of the undesirable situation which the delegation found at the Hellenikon Holding Centre for Aliens.

Further, the CPT noted in the Greek authorities' report of 6 October 1997 that the total capacity of the Centre has been fixed at 56 persons. The Committee wishes to emphasise that cells measuring 12 m² are not suitable for accommodating four persons for prolonged periods; ideally, they should be limited to a maximum of two occupants.

The CPT recommends that the Greek authorities take due account of the above remarks concerning Piraeus Holding Centre for Aliens. It would also like to be informed of the Centre's date of entry into service and provided with all relevant details about its functioning (activities available, access to medical care, etc.).

iv) Ioanina Centre for Illegal Immigrants

69. This Centre is located in a suburb of the city of Ioanina called Perama. It occupies one of several groups of huts in a complex belonging to various government departments and which also serves as a car dump.

The police bring suspected illegal Albanian immigrants to the Centre, who are then escorted back to the Albanian border, some seventy kilometres away, in a police van. When the delegation visited the Centre, nine Albanian nationals were about to be sent back to the border.

70. From a physical standpoint, the conditions in the Centre can only be described as inhuman and degrading, as well as posing a health risk for the persons detained (and equally for staff employed at the Centre). The foreign nationals were kept in an unfurnished room measuring about 16 m², in which they paddled around in several centimetres of murky water containing various forms of rubbish. The water came from the adjacent primitive toilet (consisting of an opening giving directly onto the canalisation system), which had been blocked up with the aid of plastic bottles to prevent rodents from passing through. The smell in the room was quite simply appalling and it swarmed with insects. In addition, there was no access to running or drinking water; the former had apparently been cut off because the bills were too high. Although the room had access to natural light, there was no artificial lighting. Further, there was no glass in the windows and no heating system for the winter.

The delegation found that four of the nine persons being held had spent the previous night in the above-mentioned room, and that in the recent past the room had accommodated seventeen detainees overnight.

71. It should be stressed that members of the Ioanina police had tried in vain to find alternative accommodation for this category of persons deprived of their liberty, the most recent refusal of the Ioanina regional buildings department being on 27 May 1997.

72. By fax of 31 October 1997 in response to the CPT's immediate observation (cf. paragraphs 9 and 10), the Greek authorities informed the CPT that the existing premises of the Ioanina Centre for Illegal Immigrants would be withdrawn from service by 15 December 1997. **The CPT would like to receive confirmation of the closing down of the premises at Perama and to be informed of the steps taken to find alternative premises.**

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73. The CPT is aware of the difficulties currently confronting the Greek authorities as a result of the high level of illegal immigration into the country. It welcomes the authorities' efforts to increase the number of specific holding centres for foreign nationals detained under the Aliens' legislation, particularly in Athens. However, in the light of the delegation's findings during the second periodic visit, the Committee must stress that further efforts are required to adapt the conditions under which such persons are deprived of their liberty. Detaining persons for weeks or even months in very poorly furnished and inadequately lit and/or ventilated premises, without offering them either the possibility of daily outdoor exercise or a minimum of activities with which to occupy themselves during the day, is unacceptable and could even amount to inhuman and degrading treatment.

Centres designed to accommodate persons deprived of their liberty for prolonged periods under the Aliens' legislation should be adequately furnished (for example, beds or sleeping platforms, cupboards, tables and chairs), clean and in a good state of repair, and should provide sufficient living space for the persons likely to be detained. The design and layout of such premises should avoid, as far as possible, any impression of a carceral environment. As regards regime activities, they should include outdoor exercise, access to a recreation room and to radio/television and newspapers/magazines, as well as other appropriate means of recreation (e.g. board games, table tennis). The longer the period for which persons are detained, the more developed should be the activities which are offered to them.

Such centres should also have at least a medical room where any medical examinations or nursing care can be carried out in satisfactory material conditions and where the confidentiality of medical examinations is guaranteed. It would be highly desirable to have qualified nurses in regular attendance at such centres, who could, inter alia, manage and distribute the medicines needed by detainees.

The CPT recommends that the Greek authorities give a very high priority to measures designed to modify conditions in centres specifically designed to hold foreign nationals, in the light of these remarks.

74. In its first report (cf. paragraph 85), the CPT also noted that police officers attached to holding centres had a particularly difficult task. The Committee stressed that officers assigned to supervisory duties in such centres should be carefully chosen. In particular, they should have developed interpersonal communication skills and a knowledge of the cultural backgrounds of the detainees; at least some of them should have relevant language skills. Further, such police officers should be taught to recognise possible symptoms of stress reactions displayed by detained persons (whether post-traumatic or induced by socio-cultural changes) and to take appropriate action.

The delegation's observations in the course of the 1997 visit indicated that, notwithstanding the commendable efforts of certain police officers, the staff of the holding centres visited had not received the training necessary to carry out their tasks.

The CPT recommends that the Greek authorities review the procedure for selecting and training police officers assigned to the supervision of foreign nationals, in the light of the above considerations.

4. Fundamental safeguards against ill-treatment

a. preliminary remarks

75. The CPT wishes to recall the particular importance which it attaches to three rights for persons detained by the police:

- the right of those concerned to have the fact of their detention notified to a close relative or third party of their choice,
- the right of access to a lawyer,
- the right of access to a doctor.

The CPT considers that these three rights are fundamental safeguards against the ill-treatment of persons detained by the police, which should apply from the very outset of custody (i.e. from the moment when those concerned are obliged to remain with the police).

76. Moreover, it considers it equally fundamental that detained persons be informed without delay and in a language they understand, of all their rights, including those mentioned above.

77. In the report on the first periodic visit to Greece, the CPT made a number of recommendations designed to strengthen these fundamental safeguards. This issue has since formed part of the ongoing dialogue between the CPT and the Greek authorities, and the Committee is pleased to note that several measures have been adopted with a view to reinforcing the safeguards applying to persons in police custody. Nevertheless, the observations made during the CPT's second periodic visit demonstrate that some of the Committee's recommendations in this area remain pertinent.

b. notification of custody

78. In the report drawn up after its first periodic visit (cf. document CPT/Inf (94) 20, paragraph 38), the CPT recommended that persons arrested by the police have the right to inform, without delay, a close relative or third party of their choice of their arrest, and that any possibilities for the police exceptionally to delay contact with a third person be clearly circumscribed, made subject to appropriate safeguards (e.g. such delay to be recorded in writing together with the reasons therefore and to require the approval of a senior officer or public prosecutor) and strictly limited in time.

79. The follow-up report submitted by the Greek authorities stated, inter alia, that Presidential Decree 141/1991 on the "Powers of Ministry of Public Order staff and services" already made provision for the above-mentioned right (cf. page 19 of document CPT/Inf (96) 8). In response to the CPT President's letter of 14 May 1997 (concerning observations on the interim and follow-up reports of the Greek authorities), the Ministry of Public Order offered further clarification of the relevant provisions.

In particular, it was noted that the right of persons arrested by the police to give notification of their custody is guaranteed by Sections 60(1)xi and 67(4)xii of Presidential Decree 141/1991 and by Order No 4803/22/14-a of 3 November 1995, issued by the Chief of the Greek Police, on "Information sheets for detainees and aliens detained with a view to deportation".

80. The CPT has taken careful note of the above-mentioned information. The sections of Presidential Decree 141/1991 referred to above oblige police officers to contact immediately the relatives of a detained person who falls ill, has a serious accident or is taken to hospital (Section 60(1)xi), and to enable detained persons to receive visits from their relatives in accordance with the relevant rules (Section 67(4)xii).

The Committee also noted that Order No 4803/22/14-a provides that "... particular emphasis is laid on the police's obligations to allow detainees to inform their relatives of their place of detention, if they so wish, and to consult their lawyer. In cases where it is impossible for detainees to communicate directly with their relatives or lawyer (telephone communications malfunction, the detainee is an alien, etc), the Police Authority will do all it can, within its powers, to ensure that the communication is made possible (e.g. informing relatives through the Police Authority at the detainee's place of residence, informing the relevant consulate, etc) Special sensitivity and care must be shown in case of the detention of minors or persons with special needs under legal restriction or assistance. In each case, the persons responsible for them or their relatives should be informed, as above."

81. The CPT considers that the issuing of such instructions is a most welcome development.

Nevertheless, the Committee remains concerned about the exact moment from which the right of notification of custody applies. The CPT's delegation found that in practice the extent to which detained persons were placed in a position to notify a close relative or third party of their situation varied from one police station to another. As was the case in 1993, some police officers spoken to asserted that a person brought in for interrogation could not benefit from the right of notification of custody until such time as he had been charged with a criminal offence. The delegation's impression was that the police enjoyed a wide margin of discretion in evaluating whether and how to enable detained persons to notify someone of their detention.

82. In the light of the above remarks, **the CPT recommends that the Greek authorities reconsider the recommendations made in paragraph 38 of the report on the CPT's first visit, in order to ensure that persons detained by the police have, from the moment they are obliged to remain with the police, the right to inform members of their family or a third person of their choice of their situation. In order for this right to be effective, it will be necessary to define in a precise manner the situations in which its exercise can exceptionally be delayed.**

c. access to a lawyer

83. As already indicated in the 1993 visit report, the right of the "accused" to have access to a lawyer has been enshrined in the Greek Code of Criminal Procedure (cf. paragraph 39 of document CPT/Inf (94) 20). It should be added that the recently amended Section 105 of the Code of Criminal Procedure provides that the right of access to a lawyer applies to all persons undergoing preliminary investigation by the police.

84. Further, according to the information provided by the Ministry of Public Order in response to the CPT President's letter of 14 May 1997, the right of persons in police custody to communicate with their lawyers is also safeguarded by Presidential Decree 141/1991 (Section 60, para xiii) and Order No 4803/22/14-a (cf. paragraph 80 above). It was pointed out that, in practice, detainees' communication with a lawyer of their choice "is exercised immediately after their being brought before the relevant police authority. This means that as soon as the detainees or aliens arrested with a view to expulsion are brought to the police station (i.e. a few minutes after their arrest) they are given the opportunity to exercise the right described above."

As regards the actual content of the right of access to a lawyer, it includes the right to have the lawyer present during interrogations, to communicate with him freely, and to have the lawyer consult the investigation file.

85. The CPT welcomes these developments, which are in accordance with the recommendations made in the first visit report. Nevertheless, it should be noted that, as in 1993, some police officers spoken to by the delegation asserted that a person is entitled to exercise his right of access to a lawyer only after he has been charged, or referred to a public prosecutor or an investigating judge.

The CPT recommends that the Greek authorities take steps to ensure that the practice followed by police officers is brought in line with the above-mentioned legal provisions concerning the right of access to a lawyer.

86. To be effective, the right of access to a lawyer must include the right to talk to him in private. In this connection, the CPT's delegation noted that none of the police establishments visited possessed facilities designated for the purpose of meetings between detainees and their lawyers. For example, at Athens Police Headquarters the detainee and his lawyer conversed through a grille, with both other detainees and police officers in the vicinity.

The CPT recommends that the Greek authorities make appropriate arrangements to ensure the confidentiality of discussions between persons in police custody and their lawyers.

87. Finally, the delegation met a considerable number of detainees who stated that they had not been in a position to consult a lawyer because of a lack of resources. **The CPT would like to receive the comments of the Greek authorities on this question.**

d. access to a doctor

88. Since the CPT's first visit to Greece, specific legal provisions have been adopted on the subject of the right of persons in police custody to have access to a doctor. The right of a detainee to be examined by a doctor of his own choice is currently governed by Section 2 of Presidential Decree 405/1994, according to which police officers on duty should ensure that "detainees who are ill must be given access to the Greek Police health service doctor or, in case of impediment or absence, to another doctor, for the provision of medical care or treatment. Instead of examination by the service doctor, the detainee is entitled to demand examination by another doctor of his or her choice".

Further, the above-mentioned Order No 4803/22/14-a provides "... the necessary preventive procedures and measures must also be taken to protect the health of detainees suffering from illness (doctors should be called or the detainee should be transported to hospital, etc)". The information sheets issued under that Order advise detainees that they have the right to "... request an examination, if [they] have a health problem, by a doctor provided by the Police, but also, if [they] wish, by a doctor of [their] choice at [their] own expense."

The CPT welcomes the adoption of the above provisions.

89. Police officers interviewed by the delegation stated that, in principle, whenever a detained person had a health problem, they either called in a police doctor or took the person concerned to a nearby health centre/hospital. However, the delegation met some persons who claimed that they had not been seen by a doctor whilst in police custody, despite their alleged need for medical assistance, or complained about long delays before receiving medical assistance.

90. **The CPT trusts that the Greek authorities will ensure that the above-mentioned provisions are fully applied in practice. Further, the CPT would like to reiterate its recommendations that:**

- **all medical examinations be conducted out of the hearing and - unless the doctor requests otherwise in a given case - out of the sight of police officers;**
- **the results of every examination, as well as any relevant statements by the detainee and the doctor's conclusions, be formally recorded by the doctor and made available on request to the detainee and his lawyer.**

e. information on rights

91. In its first report, the CPT recommended that a form setting out the rights of persons detained by the police be given systematically to such persons at the outset of their custody (cf. paragraph 44 of document CPT/Inf (94) 20).

The Committee welcomes the steps taken by the Greek authorities, through Order No 4803/22/14-a, to produce information sheets for detainees. These information sheets have been made available in ten different languages and the Greek authorities have indicated that further translations will be provided in the near future.

92. The CPT's delegation inquired about the precise moment a person was provided with an information sheet. The situation varied: some detainees said that they had been given the information sheet at the moment of apprehension; others affirmed that they had received it from the police officer questioning them, or after they had been charged with a crime. Certain persons interviewed by the delegation alleged that they had never received any written information about their rights.

The CPT recommends that the Greek authorities take steps to ensure that the information sheets are systematically given to persons detained by the police at the outset of their custody.

f. conduct of interrogations

93. One of the recommendations made in the report on the first periodic visit concerned the drawing up of a code of conduct for interrogations (CPT/Inf (94) 20, paragraph 46). In the course of the second periodic visit, the Greek authorities reiterated their position that the existing provisions of Greek law - supplemented by a number of international documents followed by the police - regulate in a satisfactory manner the conduct of interrogations.

Admittedly, the Code of Criminal Procedure does lay down important procedural principles concerning the custody and questioning of detained persons. In addition, the CPT has noted that the new Code of Ethics for the Police provides general guidelines on the behaviour of police officers. However, although a useful document, it is hardly a substitute for a detailed code of conduct of interrogations. The Committee therefore remains convinced of the need for such a code, setting out in detail the procedure to be followed on a number of specific points, including those mentioned in paragraph 46 of the 1993 visit report. The existence of a code of conduct for interrogations would in particular serve to underpin the lessons taught during professional training.

The CPT can therefore only reiterate the recommendation that a code of conduct for interrogations be drawn up for the Greek police force.

g. persons detained under the Aliens' legislation

94. Immigration detainees should - in the same way as other categories of persons deprived of their liberty - be entitled, as from the outset of their detention, to inform a person of their choice of their situation and to have access to a lawyer and a doctor. Further, they should be expressly informed, without delay and in a language they understand, of all their rights and of the procedure applicable to them.

95. The information sheets issued under Order No 4803/22/14-a advise aliens detained for deportation inter alia of their rights to: engage a lawyer of their choice (at their own expense); request that the Consulate of their country in Greece be informed and receive visits from/communicate with its representatives; receive visits from members of their family; request a medical examination, including by a doctor of their choice at their own expense.

96. Nevertheless, the delegation met detained foreign nationals who had not received the information sheet and others who had received one, but in a language they did not understand. Moreover, even those who did have such a sheet often had no idea of how they could exercise their rights in practice, particularly to contact a lawyer or their country's consulate. **The CPT recommends that the Greek authorities remedy these shortcomings.**

It also recommends that the information sheet be expanded to include a description of the procedure applicable to foreign nationals detained under the Aliens' legislation. The information sheet currently used simply indicates the ways in which such persons can contest a deportation order.

The CPT would also like to receive the following information:

- **does the right of persons detained under the Aliens' legislation to have access to a lawyer extend to the latter's presence during police questioning and immigration service hearings?**
- **are there provisions ensuring that foreign nationals who are destitute are in a position to exercise the right of access to a lawyer?**

Further, the CPT delegation met detained persons who had been placed directly in a police vehicle with a view to their deportation, without passing through a police establishment. **In this context, the CPT would like to be informed of the steps taken to inform such persons of their rights and the procedure which applies to them.**

97. The prohibition of torture and inhuman or degrading treatment or punishment encompasses the obligation not to send a person to a country where there are substantial grounds for believing that he would run a real risk of being subjected to torture or ill-treatment. In its letter of 14 May 1997, the Committee reiterated the request for information - already made in its first visit report - concerning the precise practical steps taken to ensure that such a situation does not occur. Up until now, the Greek authorities have simply referred to the legal obligations assumed by them in this area.

The CPT wishes to receive a detailed account of the precise practical steps taken by the Greek authorities in order to ensure compliance with the obligation not to send a person to a country where he runs a risk of ill-treatment.

B. Establishments under the authority of the Ministry of Justice

1. Introduction

98. In the report on its first periodic visit (CPT/Inf (94) 20, paragraphs 94 and 95), the CPT raised the issue of the serious overcrowding of civil prison establishments, which was a nationwide problem. It recommended that a very high priority be given to measures to reduce overcrowding.

In the course of the second periodic visit, the Greek authorities informed the CPT's delegation that the measures taken in recent years to address the problem of overcrowding were already bearing fruit. In particular, following the adoption of Law No 2408/1996 amending provisions of the Penal Code, the Code of Criminal Procedure, the Code of Basic Rules for the Treatment of Prisoners and various other provisions (and which involved the development of alternatives to imprisonment), some 700 prisoners had been released. In addition, the Greek authorities had pressed on with their prison building/extension programme: seven new prisons were at the stage of preliminary study or construction, and fourteen existing prisons were undergoing modernisation. This was expected to increase the number of prison places by 1,500.

Figures supplied by the Greek authorities to the CPT on 16 May 1997 confirmed that some headway had been made, but that the problem of overcrowding remained acute: there were 5,452 prisoners for 4,332 places (as opposed to 6,700 prisoners for 3,900 places in 1993). It was stressed by the Greek authorities that efforts to reduce overcrowding had been undermined by a continuous increase in foreign prisoners, currently constituting 40% of the total prison population. Further, the modernisation of prisons had been hampered by a series of disturbances.

99. The CPT is pleased to note the progress made since its first visit in tackling the problem of overcrowding and particularly welcomes the multi-faceted approach adopted in this area. Indeed, the Committee is far from convinced that providing additional accommodation will alone offer a lasting solution. A number of European States have embarked on extensive programmes of prison building, only to find their prison populations rising in tandem with the increased capacity acquired by their prison estates. By contrast, the existence of policies to limit or modulate the number of persons sent to prison has in certain States made an important contribution to maintaining the prison population at a manageable level.

The CPT recommends that the Greek authorities pursue vigorously the application of all the different measures designed to combat prison overcrowding.

100. The problem of overcrowding has a direct bearing on the issue of activities for prisoners. In this connection, it should be emphasised that the work/training/education situation for inmates in most of the prison establishments visited was far from satisfactory, a problem which apparently exists throughout the Greek penitentiary system. The Greek authorities informed the delegation of various vocational training programmes for sentenced prisoners and persons who are about to be released from prison. **The CPT would add that in the interests of their psychological well-being, remand prisoners should also be offered activities and training opportunities.**

The CPT's delegation was informed that a recently adopted law (Law 2479/1997) contains measures designed to improve the employment situation for prisoners; **the Committee would like to receive further information on this subject.**

2. Torture and other forms of ill-treatment

101. As had been the case in 1993, the CPT's delegation found no evidence of torture in prison establishments in Greece and received very few allegations of other forms of physical ill-treatment of prisoners by prison staff.

102. Some isolated allegations of physical ill-treatment of inmates by prison officers were heard at Diavata Judicial Prison. Such assaults were said to have occurred in particular in the prison's disciplinary unit. **The CPT recommends that the management and staff of Diavata Judicial Prison be reminded of the importance of avoiding all forms of ill-treatment of prisoners.**

103. The CPT has taken note of the information supplied by the Greek authorities that since March 1996, six complaints of ill-treatment by prison staff have been registered. All these complaints have been the subject of disciplinary and criminal proceedings; two of them have been filed by the Public Prosecutor, while the other four are still pending. **The CPT would like to be informed of the outcome of the four pending complaints.**

The Committee would also like to receive the following information in respect of 1997:

- **the number of complaints of ill-treatment lodged against prison staff and the number of criminal/disciplinary proceedings initiated as a result of such complaints;**
- **an account of criminal/disciplinary sanctions imposed following complaints of ill-treatment by prison staff.**

104. The CPT's mandate is not limited to ill-treatment of persons deprived of their liberty which is inflicted or authorised by prison staff. The Committee is also very concerned when it discovers evidence of inter-prisoner intimidation/violence.

In the course of the visit, senior officials from the Ministry of Justice and staff working at the prisons visited expressed their concern about the growing incidence of inter-prisoner violence, often related to conflicts between different groups of foreign prisoners. Further, at Korydallos Prison for men the delegation received allegations of inter-prisoner violence, certain of which were corroborated by medical evidence.

For example, a prisoner examined by one of the delegation's medical members displayed a swelling on the top of his head and two sutured cuts about 2.5 cm long, consistent with his allegation that a week earlier he had been struck with a metal bar by other prisoners on that part of his body. The recently-introduced register of prisoners' injuries (cf. also paragraph 153) stated that the prisoner had received the following care: "contusion of the head cleaned and stitched". However, there was no reference to the possible cause of the injury. In another case, the prisoner concerned displayed a 1.5 cm sutured cut on the front of the right biceps, consistent with his allegation that he had been stabbed in the front of his right biceps with a sharp object while attempting to assist a prisoner of African origin who was being attacked by a group of European prisoners. The aforementioned register referred in this case to "contusion of the right upper arm", which was said to have required stitches; once again, there was no reference to the possible cause of the injury.

105. The CPT wishes to emphasise that the duty of care which is owed by the prison authorities to prisoners in their charge includes the responsibility to protect them from other prisoners who might wish to cause them harm. In particular, prison staff must be alert to signs of trouble and both resolved and properly trained to intervene. Such a capacity to intervene will of course depend in large measure on an adequate staff/prisoner ratio (cf. also paragraph 170 below). In addition, the prison system as a whole may need to develop the capacity to ensure that potentially incompatible categories of prisoners are not accommodated together.

Further, prison staff are unlikely to be able to protect prisoners if they fear for their own safety or if they lack effective management support. These issues should be openly addressed in initial, in-service and ongoing training programmes for staff of all grades.

The CPT recommends that the Greek authorities devise a national strategy concerning inter-prisoner violence, taking into account the above remarks.

Reference should also be made in this context to the recommendation contained in paragraph 154 of the report, concerning the approach to be followed as regards the medical examination of a prisoner following a violent episode in the prison.

3. Conditions of detention

a. Korydallos Prison Complex

106. Korydallos Prison Complex was first visited by the CPT in 1993 and was the subject of a number of recommendations and comments in the subsequent visit report (CPT/Inf (94) 20, pages 41 to 44). The present report assesses the progress which has been made in response to those recommendations and comments and makes some proposals for further action.

i) material conditions of detention

107. At the time of the visit, Korydallos Prison for men was holding 1,032 inmates (of which approximately half were sentenced, and the other half on remand). Although this is more than twice the establishment's official capacity of 480, it can be seen as an improvement on the situation observed in 1993 (1,410 prisoners for the same capacity). Nearly 40% of the prisoners were foreign nationals, who originated from some 45 different countries. The delegation was informed of the management's intention to reduce further overcrowding by transferring some 250 prisoners to Avlona Military Prison, which was to be converted to civilian use.

108. As in 1993, prisoner accommodation was provided in a large three-storey building comprising four wings (A, B, C and D), in cells measuring 9.5 m². With regard to cell occupancy levels, the Committee's 1993 recommendation that immediate steps be taken to ensure that no more than three prisoners are held per cell had been implemented. However, the majority of the cells still accommodated three prisoners; at such an occupancy level, conditions were very cramped.

Consequently, **the CPT must reiterate the recommendation made in 1993 that serious efforts be made to reduce as soon as possible the occupancy rate to two prisoners per cell.**

109. The material environment in the prison had suffered considerably as a result of a series of recent riots, the signs of which could still be seen around the establishment (especially in the basement areas where the laundry and shower facilities were located). However, some improvements had been introduced to the cellular accommodation in two of the wings (i.e. new plumbing, refurbished sanitary annexes in the cells), and similar measures were being taken in the remaining two wings.

No laundry facilities were available (the laundries having been destroyed during a riot), and prisoners used plastic tubs to wash their bedding and clothes. As regards personal hygiene products, only prisoners who were destitute could receive a limited range of items. As for the prison kitchen, it was well-equipped and no complaints were heard about the quality and quantity of food.

110. **The CPT recommends that:**

- **the shower and laundry facilities be restored to a good state of repair;**
- **the refurbishment of the cellular accommodation in all the wings be completed as soon as possible;**
- **steps be taken to ensure that all prisoners have access to a suitable range of personal hygiene items.**

111. The population of Korydallos Prison for women had been reduced by one third since the first periodic visit (194 inmates on 28 May 1997, as compared to 287 in March 1993).

The prisoners' accommodation (including the sanitary annexes adjacent to the dormitories and the shower areas) had benefited from some renovation and was found to be in an acceptable state of repair and decoration. Further, the dormitories had recently been equipped with television sets supplied by the prison.

The CPT was also most pleased to note that a separate Mother-and-Child Unit had now been built. This unit was brightly decorated and well equipped. Mothers and children had access to a pleasant garden with playground equipment. The children attended a kindergarten in the outside community and work was in progress with a view to providing a kindergarten adjacent to the unit.

To sum up, material conditions of detention at Korydallos Prison for women had improved since the first periodic visit in 1993.

112. The CPT's first periodic visit report was very succinct in respect of Korydallos Prison for young male offenders, the Committee having understood that the inmates were shortly to be transferred to a rural prison in the area of Volos. However, although some 100 juveniles had indeed been transferred in 1995, at the time of the second visit the prison was still holding a total of 95 inmates aged between 15 and 21 (45 sentenced and 50 awaiting trial).

113. No changes had been made to the material conditions since the first periodic visit and, as in Korydallos Prison for men, the signs of damage caused during recent riots were still evident.

Prisoner accommodation was provided on the first and second floors of the building. Each floor was divided into two sections: one containing four cells (10 m²) holding two prisoners each, the other composed of five dormitories (55 m²) accommodating 7 to 8 prisoners. Such occupancy levels can be considered as acceptable.

114. Cell fittings were rather basic: two iron beds with mattresses and blankets, and a radio set. However, access to natural light, artificial lighting and ventilation were of a good standard, and the cells were equipped with a sanitary annexe (toilet, sink and shower) screened by a curtain.

Like the cells, the equipment in the dormitories was quite basic and dilapidated; in particular, the mattresses were old and in a poor state of repair. However, the dormitories had adequate lighting and ventilation, and television sets had recently been supplied by the prison. Each dormitory had a distinct toilet/shower annexe, containing toilets, wash basins and showers; however, they were in a poor state of repair and cleanliness (e.g. broken sinks).

115. As in the men's prison, the prison laundry had been destroyed during a recent riot and inmates had to make their own washing arrangements, using plastic bowls in their cells. Further, no provision was made for supplying prisoners with bed sheets and personal hygiene items.

116. As regards material conditions of detention at Korydallos Prison for young male offenders, **the CPT recommends that:**

- **steps be taken to improve the state of repair of the toilet/shower facilities adjacent to the dormitories and to bring the prison laundry back into use;**
- **all prisoners be provided with clean mattresses and regularly-cleaned bed linen and towels;**
- **steps be taken to ensure that all prisoners have access to a suitable range of personal hygiene items.**

The CPT also invites the Greek authorities to explore the possibility of improving the current curtain partitioning of the in-cell sanitary annexes.

ii) *activities*

117. As had been the case in 1993, inmates in Korydallos Prison for men enjoyed generous out-of-cell time. Cells were unlocked for much of the day and prisoners could circulate within their accommodation wings and use good-sized courtyards where, inter alia, ball games could be played.

However, the delegation found that little progress had been made in implementing the recommendations made by the CPT that the number of work places be increased and that activity programmes in general - including education, sport and recreational activities - be developed (though this situation could be attributed, at least in part, to the damage caused during recent riots).

The objective of social rehabilitation set out in the Greek Code of Basic Rules for the Treatment of Prisoners remains to a large extent a pious hope, at least insofar as Korydallos Prison for men is concerned.

118. At the time of the delegation's visit, a mere 295 of the 1,032 prisoners had work, in the kitchen, on maintenance and domestic tasks, and in the prison workshops. However, reference should be made to an impressive state-of-the-art printing and bookbinding workshop which had been established in a recently-constructed building. It provided paid employment to some 30 prisoners, and there were plans to increase further the number of work places in the future. Both sentenced and remand prisoners could apply for a job at the workshop. The delegation was informed by the enthusiastic prison officer in charge that the workshop could function as a profitable business enterprise, and print newspapers in addition to the printed matter produced by order of the Ministry of Justice. However, implementation of these plans depended to a large extent on the employment of additional technical staff to supervise prisoners in the workshop. In association with the workshop, the prison operated a EU-sponsored vocational training programme in desktop printing, design and binding. The training lasted 6 months, and twenty-five prisoners were undergoing such training at the time of the visit.

The new building also comprised a metal and a carpentry workshop (each employing 8 prisoners) which produced a range of furniture and other items, both for the needs of the prison and for sale. The delegation heard of plans to set up a car-repair workshop in the near future.

The delegation was also told that arts and crafts classes were periodically organised by outside teachers, but could not establish how many prisoners attended them.

The weight training facilities which had previously existed had been taken out of service as a result of damage caused during riots. Further, the prison library had been burnt down during a riot in March 1996, and a lack of resources was preventing the management from acquiring a new stock of books.

The CPT recommends that the Greek authorities vigorously pursue efforts to develop the activity programmes at Korydallos Prison for men; the recently-opened printing and book-binding workshop should serve as a model for future developments. Further, the completion of the building currently under construction - and which will provide inter alia recreational facilities for prisoners - should be seen as a priority. The CPT also recommends that efforts be made to bring the prison library back into service.

119. Little improvement was observed as regards the activities offered to prisoners at Korydallos Prison for women. On the day of the visit, 88 sentenced women had a job; taking into account the reduced number of prisoners at the establishment, this meant that 70% of sentenced prisoners had work (as opposed to none of the remand prisoners). The carpet workshop continued to be the major source of jobs, together with the kitchen and general cleaning work. Further, a small jewellery workshop had been set up and was being attended by 10-15 women.

Out-of-cell time was even more generous than at the men's prison: cell doors were unlocked from 7 am to 10 pm, and prisoners could circulate freely between the wings. They had access to good-sized exercise yards equipped with basketball hoops and volleyball nets. However, there was no indoor sports facility.

Educational activities remained under-developed and the delegation noted that the prison library had only a modest selection of books.

The CPT invites the Greek authorities to diversify further the activities offered to inmates at Korydallos Prison for women.

120. The delegation was informed that some improvements had been introduced to the programme of activities for inmates at Korydallos Prison for young male offenders.

Some 42 inmates had work either in the prison kitchen or as cleaners. Elementary school education was apparently provided for an average of 12 prisoners. Further, four-month vocational training courses in computing and for car electricians had recently been organised, and were attended by respectively 18 and 15 inmates. It should be noted that the inmates who attended those courses received certificates and payment. In addition, the prison was said to organise optional courses from time to time. The delegation observed that the facilities used by the school and for the organisation of courses and other association activities were spacious and appropriately equipped, but had a distinctly under-used appearance.

The outdoor sports facilities were spacious and equipped with a basketball and a football pitch. Two sports teachers came to the prison on a daily basis and organised various sports activities and competitions. However, the indoor gym which was destroyed in a 1993 riot had not yet been restored.

121. The CPT recommends that the Greek authorities persist in their efforts to enhance the programme of activities for prisoners at Korydallos Prison for young male offenders. In this connection, the CPT wishes to stress once again that young persons in custody should be provided with a full regime of educational, recreational and other purposeful activities. Physical education should constitute a significant element of that regime. Moreover, the staff assigned to units accommodating juveniles should be carefully chosen and, more specifically, be persons capable of guiding and motivating young people.

b. Corfu Prison

122. Corfu Prison dates from 1834 and was built on the remains of an ancient Venetian fort. It is a high security prison for convicted offenders, inmates coming from all over Greece. The establishment also accommodates prisoners transferred from other prisons because they are considered to be "difficult" or "disruptive". Finally, it serves as a local prison for men and women remanded in custody.

In late February - early March 1996 the prison was seriously damaged during a major riot. At the time of the visit, many of the prison's facilities were still out of operation. Reconstruction work was underway but was proceeding very slowly. Consequently, the usual capacity of 150 prisoners had been reduced to 95, which was the occupancy level at the time of the visit. Seventy-five prisoners were serving sentences, the great majority of them ranging from five years to life. The remainder (including one woman) were detained on remand. About thirty of the prisoners were foreign nationals.

i) *material conditions of detention*

123. In principle, prisoners were accommodated in ten wings designed on the panoptic model, surrounding a circular central building. However, at the time of the visit only seven wings were in service, and four of them were still undergoing repairs. Prisoners serving sentences and those on remand were held together; attempts had been made to separate, as far as possible, those considered calm from "difficult" inmates.

124. The cells, measuring 6 m², were in principle intended for individual occupation; however, as a result of the repair work underway, prisoners were normally accommodated two to a cell, which left them only a very restricted living space. **It is axiomatic that this situation should be brought to an end as soon as possible.**

The cell fittings could be described as acceptable (beds, table, chair). Cells were also equipped with fully partitioned sanitary annexes of a good standard, with a toilet, wash basin and shower. The natural light, artificial lighting and ventilation were satisfactory. However, the cells' call system did not work.

125. As regards the two rooms reserved respectively for women on remand and prisoners considered to be vulnerable, they were clearly makeshift facilities. Although spacious, the rooms were dilapidated and in need of complete refurbishment. The women's room also suffered from the major defect that it was totally deprived of natural light. Fortunately for its single occupant, steps had been taken to enable her to spend about ten hours a day in the courtyard close to the prison's main entrance.

126. From the standpoint of hygiene, the delegation heard numerous complaints from prisoners about the limited availability of water and basic hygiene products. The arrangements for washing clothes also left a lot to be desired (the prison having no laundering facilities).

127. The delegation also heard repeated complaints about the quality and quantity of food (the more fortunate prisoners could have food brought in by their relatives or purchase food products and prepare meals in the detention wings). The delegation's visit to the prison kitchen added credence to these complaints. It was another makeshift facility (the original kitchen having been burnt down during the recent riot), which was unsuited to preparing meals for the number of prisoners held in the establishment and failed to meet basic standards of hygiene. The kitchen staff had a total of two gas rings and a wood stove for cooking meat. Moreover, the kitchen utensils, dishes, plates and cutlery were washed in a sort of trough and dried in the open air on a rusty set of bedsprings.

The CPT cannot overemphasise the importance of food for prisoners' general health and morale. As stated in the explanatory memorandum to the European Prison Rules, food and water are basic for life itself and, inevitably, are a focus of special interest to people who are bound to the monotony of institutional routines by virtue of imprisonment. It follows that inadequate, poor and badly served food can provoke serious discontent.

128. **The CPT recommends that the Greek authorities:**

- **accord a high priority to the completion of the reconstruction works in Corfu Prison. The list of urgent works should include the provision of a suitably equipped kitchen which conforms to hygiene requirements, and a laundry;**
- **ensure that all prisoners have access to a suitable range of personal hygiene items.**

ii) activities

129. Prisoners enjoyed very generous out-of-cell time, but had few activities to fill this time. They could circulate around their detention wing and the adjoining courtyard for over ten hours per day. The courtyards were spacious and in an adequate state. Prisoners could enjoy a limited amount of sports activities such as football and volleyball. However, for the majority of prisoners, these - together with watching television - were the only available activities. Only about 40 sentenced prisoners were employed in the rebuilding of the prison or allocated to gardening, kitchen duties or other minor jobs.

At the time of the visit there were no appropriate facilities, such as workshops, classrooms or recreation rooms, which would have made it possible to offer work, education, training or leisure activities: each wing contained nothing more than a modest room furnished with benches and a table. Nor did the establishment have the necessary staff for a full programme of activities. As for the library, it had been burnt down during the riot and the prison possessed a very limited number of books.

130. The CPT recognises that in the present state of affairs it is not easy to organise a programme of activities for prisoners at Corfu Prison, and that the introduction of such a programme could take some time. Nevertheless, the situation observed by the delegation, characterised by a total absence of stimulating activities for the majority of prisoners - who were therefore left to their own devices - cannot be allowed to last. This is particularly the case given that many of the prisoners are serving long, or even very long sentences. Measures are required urgently to remedy the situation.

131. **The CPT recommends that the Greek authorities take immediate steps to introduce a minimum programme of activities, including work and education, for both sentenced and remand prisoners at Corfu Prison.**

Naturally, the introduction of a fully satisfactory programme of activities implies the reconstruction and/or fitting out of suitable facilities such as employment/vocational training workshops, classrooms, sports and recreation rooms, and the provision of a sufficient number of qualified staff. **The CPT would like to receive information on the Greek authorities' plans in this field.**

On this subject, the CPT wishes to stress that sentenced prisoners should be offered a programme of activities which corresponds to the objectives set out in the Code of Basic Rules for the Treatment of Prisoners; further, as regards prisoners serving long sentences, they should be offered, as far as possible, individualised programmes.

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132. The CPT's delegation was invited to visit a new building, situated alongside the existing premises of Corfu Prison, which was initially intended to be a prison. At the time of the visit, the future of the building - nearly completed - was uncertain, as the municipality was very reluctant to play host to another prison.

The CPT would welcome clarification of the building's future. Moreover, it wishes to indicate that from the standpoint of a prison establishment, insufficient provision had been made for activities and the exercise areas were oppressive in nature.

c. Diavata Judicial Prison

133. Diavata Judicial Prison is situated on the outskirts of Thessaloniki, on the premises of a former military prison which was refurbished and converted to civilian use at the end of the 1980s. On the first day of the delegation's visit, the prison was holding a total of 461 prisoners, i.e. 25% in excess of its official capacity of 370. Although in principle a remand prison, Diavata Judicial Prison in fact accommodated a mixed population: 214 persons awaiting trial, 226 sentenced prisoners (of whom four with life sentences) and 21 persons detained for failing to pay their debts. The prison population included a small number of juveniles (26) and women (21). Foreign prisoners constituted some 40% of the total population.

i) *material conditions of detention*

134. Prisoner accommodation was provided in a three-storey building which was undergoing refurbishment. Male, female and juvenile prisoners occupied separate living areas and there was no possibility of contact between them. However, there was no separation between remand and sentenced prisoners.

The delegation was informed that there were plans for the construction of a 15-bed unit for drug addicts in proximity to the main building; **the CPT would appreciate receiving further details on this unit.**

135. The wing for male prisoners consisted of three units, each unit corresponding to a floor. As a result of recent refurbishment and extension works, new cells providing a total of 60 beds had been added to the wing. Each unit comprised four cells and eighteen dormitories. The cells measured some 12 m² and accommodated four prisoners, while the dormitories measured 23 m² and were used to hold up to ten inmates. Cell fittings consisted of two double bunk beds, a table, a few chairs, bed-side lockers, and a television provided by the prison. The dormitories were equipped in a similar manner. The cells and dormitories were adequately lit and ventilated, and, despite the very limited living space, maintained clean and in good order. All the cells and dormitories had recently been fitted with a fully partitioned sanitary annexe (toilet, wash-basin and shower with hot water).

The unit for juveniles was situated on the first floor and consisted of four cells measuring some 14 m², each holding 5 to 7 detainees. Ventilation and access to natural and artificial light were adequate. The cells were equipped with single and bunk beds, a table, chairs, shelves and a television; however, the limited floor space precluded the presence of lockers. As in the male wing, all cells were fitted with fully-partitioned sanitary facilities of a good standard. However, the cells themselves had a very austere appearance and were in need of repair and decoration.

The female unit comprised three dormitories of varying size (19, 20 and 27 m²), accommodating respectively 6, 6 and 9 women. The delegation was told that on occasion up to 15 women had been accommodated in the 27 m² dormitory. Cell fittings comprised single and double bunk beds, bedside lockers, a table and chairs, and a television. The sanitary annexes were identical to those already described above. Although the cells were clean and tidy, they were in a poor state of decoration.

136. Regardless of what the official capacities might be, the CPT considers that the above-described levels of occupancy amount to serious overcrowding. The situation was somewhat mitigated by the fact that prisoners were allowed generous out-of-cell time (cf. paragraph 141). However, as acknowledged by prison staff, the overcrowding, in combination with low staffing levels and a very impoverished regime of activities for prisoners, created security hazards and tensions amongst the inmates.

137. Prisoners were provided with blankets and pillows from the prison; however, there was no centralised distribution of bed linen and towels. This appears to be in violation of the Code of Basic Rules for the Treatment of Prisoners, according to which blankets, sheets, pillow cases and towels are to be supplied to detainees at the expense of the State (cf. Section 36, paragraph 5).

Further, the delegation heard a number of complaints about a lack of basic hygiene products. Apparently, only soap and toilet paper were provided by the prison, prisoners having to purchase any other products they needed from the prison shop. The delegation observed a stock of personal hygiene kits which had recently been delivered by the Ministry of Justice and were going to be distributed to prisoners at the beginning of the week following the delegation's visit. The kits were well-equipped (soap, shaving cream, razors, toothpaste, toothbrush, toilet paper, cotton wool, plaster). The provision of such personal hygiene kits is a most welcome development. However, it was not clear how frequently prisoners were to be supplied with fresh kits.

138. The prison laundry was a small and modestly equipped facility which catered only for blankets supplied by the prison. Bed linen and personal clothes were not washed in the prison laundry, and prisoners had to make their own arrangements for washing and drying these items the best they could.

It should be added, however, that the delegation saw some recently-purchased laundry equipment, and was informed that it would be put to use once the laundry had been extended.

139. As regards the prison kitchen, it was well-equipped and catered for a range of diets. Few complaints were heard about the quality and quantity of food. In addition to the food supplied by the prison, inmates could buy a wide range of food products from the prison coffee shop, canteen and bakery.

140. With regard to material conditions of detention at Diavata Judicial Prison, **the CPT recommends that:**

- **serious efforts be made to reduce as soon as possible the occupancy rates of the cells and dormitories** (preferably no more than two prisoners in the 12 m² cells and no more than five in the 23 m² dormitories in the male wing; no more than three prisoners in the 14 m² cells in the juvenile wing; no more than four prisoners in the 19 m² and 20 m² dormitories and no more than six in the 27 m² dormitory in the female wing);
- **a high priority be given to the completion of the refurbishment of all dormitories in the male wing;**
- **steps be taken to improve the general state of repair of the wings for women and juveniles;**
- **all prisoners be provided with bed linen and towels;**
- **implementation of the plan to extend the laundry be accorded a high priority, and the laundry arrangements for bedding and prisoners' clothes be reviewed.**

ii) activities

141. As already pointed out (cf. paragraph 136), prisoners were allowed generous out-of-cell time. Between 8.00 and 12.45, and 14.00 (15.15 in the summer) to sunset, they could circulate freely along the unit corridors. However, there were no common rooms where prisoners could associate with other inmates and engage in activities.

Each unit had an exercise yard to which prisoners had access for 3 hours in the morning and 4 hours in the afternoon. The yards were of a good size, and were being used for various ball games (and the drying of clothes).

142. At the time of the visit, a mere 92 prisoners, of whom only four on remand and only one juvenile and one woman, had some form of work (cleaning, maintenance, canteen, kitchen, etc.). The shortage of work places was particularly resented by those sentenced prisoners who were not offered a job, as it prevented them from earning remission through work.

143. The establishment possessed four well-equipped workshops (plumbing, electricity, musical instruments and bookbinding) designated for male prisoners, and a sewing workshop for the women. However, none of those workshops was in use at the time of the visit. The delegation was told that the workshops were periodically being used for vocational training courses (for example, 40 prisoners had taken part in the courses organised in October-December 1996). Vocational courses on the production of musical instruments and bookbinding - organised with the assistance of Thessaloniki University - were about to start at the beginning of June.

144. No educational or organised sport activities were available. There was a prison library which had a modest stock of books in Greek; however, despite the high proportion of foreign prisoners, no books or journals in any foreign language were available. Further, some of the foreign prisoners spoken to complained that they had not been allowed to receive reading matter brought during visits by their relatives.

145. To sum up, Diavata Judicial Prison offered a very limited range of activities to inmates, in particular to juveniles, women and male prisoners on remand. It was commonplace for prisoners without work (i.e. 80% of the prison population) to spend the bulk of the day in a state of idleness. As regards more particularly the juvenile prisoners, they were not provided with a programme of activities suitable for their age. It should be emphasised that a lack of purposeful activity is harmful for all prisoners and is particularly detrimental to juveniles, who have a special need for physical activity and intellectual stimulation.

The CPT recommends that:

- **serious efforts be made to increase and diversify the activities offered to prisoners at the establishment. Above all, the number of workplaces should be increased;**
- **juvenile prisoners be offered a full programme of educational, recreational and other purposeful activities. Physical education should constitute an important part of that programme.**

Further, the CPT invites the Greek authorities to explore the possibility of establishing prisoners' association facilities and of enlarging the selection of reading material in the prison library.

4. Medical issues

a. health-care services in the prisons visited

i) *staff and facilities*

146. At the beginning of the second periodic visit, the Greek authorities informed the CPT's delegation of their continuous efforts to recruit more doctors and nursing staff for the prison system. However, it was stressed that these efforts had been undermined by a lack of appropriate candidates (for example, only 10 of the 28 new posts created in 1994 had been filled). It would appear that Act No 1968/1991 providing incentives designed to attract medical and nursing staff to the prison service had failed to achieve the desired effect.

An alternative solution had been sought through intensified collaboration between the Ministries of Justice and Health. Following a study on the integration of the prison health-care services into the national health-care system, a process had begun whereby 19 regional medical centres had been set up, with different prisons attached to them. Legislation regulating the functioning of these medical centres was soon to be enacted. **The CPT would like to receive a copy of the relevant legislation and to be informed of any other measures envisaged in this area.**

147. The staffing levels in the health-care services of the prisons visited varied from one establishment to the other, but in none could they be described as satisfactory for the respective prison population. Not surprisingly, in the course of interviews with inmates at all the prison establishments visited, the CPT's delegation heard complaints about delays in gaining access to a doctor / dentist, and the quality of the health-care service.

148. In the course of the first periodic visit in 1993, the delegation found that the health-care service at Korydallos Prison for men was severely undermanned. It recommended that, as an initial measure, and pending a more thorough reinforcement of the prison's health-care service, steps be taken immediately to ensure attendance by general practitioners amounting to the equivalent of the presence of a full-time doctor, and assistance by an appropriate number of qualified nurses (cf. paragraph 151 of document CPT/Inf (94) 20).

During the second periodic visit, the delegation found that little progress had been made in reinforcing the health-care service. There was no full-time doctor; instead, four outside general practitioners held surgeries of a few hours each on alternative days. This state of affairs cannot be considered as satisfactory for an establishment holding more than 1,000 prisoners. There was also a paucity of qualified nursing personnel; the health-care service was staffed by one fully qualified nurse and eight prison officers acting as auxiliary nurses. It should be noted, however, that a member of the nursing staff was available on a 24 hour basis.

A range of visiting medical specialists (an orthopaedic surgeon, a dermatologist, a cardiologist, an ENT specialist and three psychiatrists) held weekly surgeries at the prison. However, as in 1993, there was no dentist appointed to the prison; inmates in need of dental care had to be sent to the nearby Prison Hospital. As regards the prison's health-care facilities, they comprised a number of offices and surgeries which had recently been refurbished and were of a good standard.

The health-care service at Korydallos Prison for women also remained under-resourced, having regard to the number of prisoners held at the establishment. As at the men's prison, there was no full-time doctor. Outside medical care was provided by a general practitioner, a gynaecologist, a psychiatrist and a dentist, each of whom attended the prison twice a week (2-3 hours per visit). As for nursing staff, there was only one fully qualified nurse, who worked in the mornings; a prison officer employed as an auxiliary nurse worked in the afternoons. On a more positive note, it appeared that the privacy of gynaecological examinations was guaranteed (cf. paragraph 154 of document CPT/Inf (94) 20).

The CPT recommends that the Greek authorities persevere in their efforts to reinforce the health-care services at Korydallos Prison for men and Korydallos Prison for women.

149. The delegation was not in a position to examine the health-care centre at Korydallos Prison for young male offenders. However, staff spoken to by the delegation indicated that two general practitioners attended the establishment two days a week each, and that one fully-qualified nurse worked in the mornings and a prison officer with practical nursing experience was available in the afternoon. Apparently, a post for psychologist was to be created. **The CPT would like to receive full information on the resources of the health-care service at Korydallos Prison for young male offenders.**

150. The health-care service at Corfu Prison employed one general practitioner (who was unable to indicate the precise amount of time he devoted to medical care for the prisoners) and three full-time nurses working in shifts on a 24-hour basis. The delegation was informed that prisoners in need of closer observation or specialist medical care were transferred to the general civilian hospital in Corfu, which contained a secure three-bed facility. Further, psychiatric consultations for prisoners were available at the nearby psychiatric hospital. Dental care was also provided by a dentist employed at that hospital. However, it should be noted that both health-care staff and prisoners complained about considerable delays in effecting transfers to outside hospitals.

The health-care service's premises had been destroyed during the recent riot, and were replaced by a temporary facility in the central prison building. This improvised "medical room" was fitted with two beds (also used for medical examinations); no medical equipment whatsoever was available. Further, medicines were kept in a prefabricated building situated outside the prison, which was totally unsuited for storing heat-sensitive products.

The CPT recommends that steps be taken:

- **to ensure that inmates at Corfu Prison who need to be hospitalised are transferred with due promptness;**
- **to provide proper facilities and equipment for the health-care service at Corfu Prison.**

The CPT would also like to be informed of the amount of time spent within the establishment by the general practitioner employed by Corfu Prison.

151. At Diavata Judicial Prison there was no daily attendance by a doctor. A visiting general practitioner provided two weekly surgeries of 2-3 hours each, and a psychiatrist and a dentist attended the prison twice a week. The support health-care staff consisted of one qualified nurse and two prison officers acting as auxiliary nurses.

Such a health-care team is grossly insufficient for an establishment holding some 460 prisoners. Not surprisingly, there was much dependence upon outside medical facilities. An examination of the relevant register revealed that since the beginning of 1997, there had been up to three escorted trips to the nearby medical centre every day.

As for the prison's health-care facilities, with the exception of the dentist's room, they were equipped to an adequate standard. The delegation was informed by the Governor of his wish to enlarge the prison's health-care facilities, by converting the juvenile wing into an infirmary. **The CPT would like to be informed of the plans in this area.**

Further, **the CPT recommends that steps be taken to reinforce the health-care services at Diavata Judicial Prison and in particular to ensure attendance by general practitioners amounting to the equivalent of the presence of a full-time doctor.**

ii) medical screening on admission

152. Similar to the situation observed in 1993, it appeared from the information gathered in the course of the second periodic visit that Rule 24 of the Code of Basic Rules for the Treatment of Prisoners (according to which a prisoner should be seen by a doctor "not later than the day following his admission") was not being respected in practice. This was hardly surprising, given the above-mentioned inadequate staffing levels of the prisons' health-care services. For example, at Corfu Prison, the absence of medical cards for some prisoners who had arrived at the establishment in the month preceding the delegation's visit suggested that the prisoners in question had not been examined by a doctor. Further, the delegation was perplexed by the doctor's practice of putting his signature at the bottom of totally blank medical cards. At Diavata Judicial Prison the delegation met prisoners who alleged that they had not been seen by a doctor/nurse since their arrival at the prison several months prior to the visit.

153. Similarly, the information gathered during the visit suggested that the CPT's recommendation concerning the recording of injuries sustained by prisoners (cf. paragraph 169 of document CPT/Inf (94) 20) has not yet been implemented in many establishments. By way of exception, the delegation was pleased to observe that a special register had recently been opened at Korydallos Prison for men, for recording any injuries observed on newly arrived prisoners and following violent episodes in the prison.

154. The importance of medical screening of new arrivals - especially at establishments which represent points of entry into the prison system - cannot be over-emphasised. Such screening is indispensable, in particular in the interests of preventing the spread of transmissible diseases, suicide prevention and the timely recording of injuries.

The CPT wishes to stress once again that every newly-arrived prisoner should be properly interviewed and physically examined by a medical doctor as soon as possible after his admission; save for in exceptional circumstances, that interview/examination should be carried out on the day of admission, especially insofar as remand establishments are concerned. Such medical screening on admission could also be performed by a fully qualified nurse reporting to a doctor.

In addition, any signs of injuries observed on admission should be fully recorded, together with any relevant statements by the prisoner and the doctor's conclusions. The same approach should be followed whenever the prisoner is medically examined following a violent episode in the prison. Further, if so requested by the prisoner, the doctor should provide him with a certificate describing the injuries.

The Ministry of Justice has issued circulars dated 27 October 1994 and 16 April 1997 covering the above-mentioned points. **The CPT recommends that the Greek authorities monitor closely compliance with those circulars.**

iii) issues related to transmissible diseases

155. The CPT's delegation received conflicting information about the current approach to screening prisoners for HIV. Health-care staff spoken to at the prisons visited affirmed that all newly-arrived prisoners underwent an obligatory HIV test; however, they were not aware of any written instructions from the national authorities on the issue. By contrast, at the end-of-visit talks the Deputy Minister of Health stated that prisoners are HIV-tested on a strictly voluntary basis. **The CPT would like to receive clarification on this point.**

156. In general, prisoners tested for HIV did not benefit from counselling or psychological support, either before or after the test. The delegation met one such prisoner who had spent three days in a cell in the disciplinary unit at Diavata Judicial Prison. During this time, he had not been seen by a doctor or nurse and had not received any medication, counselling or information on his situation.

The delegation was also informed that in the event of a positive test, the Prison Governor and the Chief Warden (as well as possibly other members of staff) were immediately notified. Such an approach is unacceptable from an ethical point of view.

The CPT wishes to emphasise that appropriate counselling should be provided before any screening test and in the case of a positive result, psychological support should be guaranteed. Further, information regarding HIV-positivity should be protected by medical confidentiality. **The CPT recommends that the Greek authorities ensure that the above-mentioned precepts are fully respected in practice.**

157. As in 1993, prisoners found to be HIV-positive were subsequently transferred to Korydallos Prison Hospital. At the time of the visit, there were eight HIV-positive prisoners at Korydallos Prison Hospital (none of whom was physically ill), where they were accommodated separately from the other patients. Conditions in the unit for HIV-positive prisoners had remained unchanged since the 1993 visit (cf. paragraph 172 of document CPT/Inf (94) 20).

Although the CPT recognises the problems of integration of HIV-positive prisoners with the rest of the prison population - arising from lack of experience, insufficient information and fear on the part of other prisoners and staff - it wishes to emphasise once again that there is no medical justification for the segregation of an HIV-positive prisoner who is well. **The CPT therefore recommends that the Greek authorities take steps to ensure that HIV-positive prisoners who are well are not subject to segregation.**

158. More generally, **the CPT wishes to reiterate its recommendation that the Greek authorities devise a policy for combating transmissible diseases (in particular hepatitis, AIDS, tuberculosis and skin diseases) in places of detention, based upon a programme of education and information - for both prison staff and inmates - about methods of transmission and means of protection, as well as the application of adequate preventive measures.**

iv) medical files and confidentiality

159. The recording of medical data for each prisoner left a lot to be desired. It appeared that nothing worthy of being called a personal medical file existed at any prison; instead, there was a health card describing in brief prisoners' diseases.

Further it was obvious from the entries in that card that personal medical details which should normally form part of a confidential medical record were likely to be seen by non-medical staff (for example, the card contained an entry for the prison governor's signature). Further, the delegation observed that whenever a prisoner was helping out in a prison's health-care centre, he was, inter alia, allowed to handle prisoners' health cards.

In principle, the health card should accompany the prisoner when he is transferred to an outside medical facility or to another prison; however, health-care staff admitted that this was not always the case.

160. The CPT considers that a personal medical file should be compiled for each prisoner and that medical secrecy should be observed in prisons in the same way as in the community at large. Keeping prisoners' medical files should be the doctor's responsibility. Consequently, **the CPT recommends that a personal and confidential medical file be opened for each prisoner, containing diagnostic information as well as an ongoing record of the prisoner's state of health, of any special examinations he has undergone and of his treatment. In the event of the prisoner being transferred, the file should be forwarded to the doctors in the receiving establishment, in a manner guaranteeing confidentiality.**

b. Prison Hospital at Korydallos Prison Complex

161. It was noted in the report drawn up after the 1993 visit that the Prison Hospital was not in a position to provide the services of a fully-fledged hospital, and that the transfer of prisoners in need of hospital care to a civil hospital often proved problematic.

At the time of the second periodic visit, the Prison Hospital was accommodating 70 patients. The number of permanent medical staff had increased and comprised six full-time doctors (two general practitioners, a surgeon, a pathologist, an anaesthetist and a dentist). In addition, a range of visiting consultants attended the Hospital twice a week. The nursing staff consisted of nine nurses (several of whom were fully qualified).

It is also noteworthy that, in contrast to the situation observed in 1993, the state of cleanliness of the patient accommodation and the condition of the bed linen were satisfactory.

162. The CPT welcomes the above-mentioned improvements in the Hospital's staffing levels and material conditions.

Nevertheless, the establishment can still not be described as a fully-fledged hospital, and medical staff stated that the transfer of a patient in need of hospital care to a civilian hospital remained problematic. Such transfers were often subject to long delays, at least partly because of the lack of police escorts. Further, certain difficulties persisted as regards the actual process of authorisation of transfers, which require the relevant public prosecutor's approval.

The CPT recommends that the Prison Hospital at Korydallos be resourced as a hospital in the true sense of the term or, when appropriate, ready access to fully-equipped hospital services elsewhere be guaranteed.

c. Psychiatric Unit at Korydallos Prison Complex

163. The functions of the Psychiatric Unit at Korydallos Prison Complex were described in the 1993 visit report (cf. paragraph 175 of document CPT/Inf (94) 20).

Since 1993, the number of patients accommodated at the Unit had dropped from 240 to 181; although closer to the official capacity of 140, this figure still constituted an overcrowding of 30%. At the time of the visit, about fifty of the patients were drug addicts. Although some degree of division had been introduced between mentally-ill patients and drug addicts, the intended functional separation of the establishment into two physically distinct units - by the setting up of an "exemplary unit for drug addicted prisoners" (referred to in the follow-up report of the Greek authorities) - had not yet taken place. In this connection, **the CPT would like to be informed of the intended date of entry into operation of this unit.**

164. At the time of the second periodic visit, the medical team at the Unit comprised one full-time and four part-time psychiatrists (each of whom attended the Unit three times a week for 2-3 hours per visit). There were three more posts for full-time psychiatrists which had not been filled. The general practitioners at the Korydallos Prison Hospital were available on request for the treatment of patients' somatic problems, and guaranteed the provision of emergency medical care on a 24 hour basis.

Nine staff members were employed as nurses; as had been the case in 1993, none of them possessed psychiatric nurse qualifications. Further, there were four social workers (two permanent and two on probation).²

These health-care staff resources were better than in 1993. However, even with the drop in the number of patients, the staffing level still fell short of that required for the proper functioning of a psychiatric hospital. The lack of specialist clinical staff was particularly striking.

165. With the notable exception of television sets in the patient's rooms, the CPT's delegation did not observe any significant improvements in the Unit's material environment. The patients' accommodation and other common facilities continued to have a distinctly penitentiary feel to them, and failed to meet the criteria of a psychiatric hospital.

Further, as in 1993, the treatment provided to patients was limited essentially to pharmacotherapy. There were very few activities (handicraft, table tennis, chess, occasionally football and basketball) with which patients could fill the generous out-of-room time. Psycho-social activities (occupational, group and individual therapy) were clearly underdeveloped, a state of affairs which could be explained by the very limited number of qualified staff and the inadequate facilities.

166. On the decision of a doctor, patients displaying disturbed or aggressive behaviour could be placed in an isolation room in the Unit's basement (already described in the 1993 visit report, cf. paragraph 184). It was stressed by medical staff that in recent years isolation had been used sparingly and that, in contrast to 1993, patients were no longer strapped to their beds. However, placements in the isolation rooms were not recorded in a specific register; consequently, the delegation could not establish how often and for what periods the isolation rooms were being used.

The CPT recommends that all placements in an isolation room be recorded in a specific register, with an indication of the time at which the measure began and ended, the reasons for the measure and the doctor ordering it, the use of physical restraints, periodic supervision by nursing staff, etc.

² Other non-medical staff comprised one chief guard, one deputy chief guard, 64 prison officers and 10 administrative staff.

167. In the 1993 visit report, the CPT recommended that, in the light of its delegation's findings, the "intensive care unit" located in a small annexe to the main building be taken out of service forthwith. In their interim report, the Greek authorities stated that the facility had wrongly been referred to in 1993 as an "intensive care unit", and that it was in fact an "isolation/observation unit". The CPT's delegation established during the second periodic visit that the facility in question was still being used - to accommodate newly admitted patients for observation as well as patients in danger of harming themselves - and that conditions within it remained deplorable.

The fact that the facility in question is an "isolation/observation" rather than an "intensive care" unit does not render the situation observed any more acceptable. **The CPT recommends that immediate steps be taken to improve substantially material conditions within the facility, to ensure proper attention to personal hygiene and to guarantee ongoing supervision of persons placed there.**

168. More generally, in its 1993 visit report the CPT recommended that the operation of the Psychiatric Unit at Korydallos Prison Complex be the subject of a full review, the purpose of which should be to ascertain whether it is feasible in the short term to upgrade the Unit into a proper hospital facility. It is obvious from the delegation's observations during the 1997 visit that, despite some steps in the right direction, such a transition has not yet taken place.

The CPT wishes to stress that any sensible planning of the future of the Psychiatric Unit requires a careful review of the profiles and treatment needs of the patients held there. The underlying objective should be to replace the current prison-like atmosphere and to offer a broader range of rehabilitative and therapeutic activities, particularly for patients who remain in the establishment for prolonged periods. Naturally, this will require the recruitment of appropriately trained staff (clinical psychologists, occupational therapists, trained nurses).

The CPT recommends that the Greek authorities take urgent steps to review the operation of the Psychiatric Unit at Korydallos Prison Complex, in the light of the above remarks.

169. Finally, in the light of information received by the delegation, **the CPT wishes to stress that prison officers assigned to the Psychiatric Unit at Korydallos Prison Complex should be placed under the direct authority of the establishment's Head doctor insofar as their work within the Unit is concerned.**

5. Other issues related to the CPT's mandate

a. prison staff

170. As had been the case in 1993, the ratio of staff to prisoners in the prison establishments visited by the CPT's delegation continued to be low, and on occasion very low. The shortage of staff was particularly striking at Korydallos Prison for men, where in practice two prisoner officers were on duty in each wing (i.e. for some 300 prisoners) during the day, and only one at night. Further, at Korydallos Prison for women, there were ten prison officers on the day shifts (for a total of 194 inmates), and five at night. At Corfu Prison - which is a high-security establishment - there were six to eight prison officers per shift for 95 prisoners (i.e. one officer per wing).

The CPT stressed in its 1993 visit report that an inadequate staff/prisoner ratio not only renders the provision of an acceptable regime well-nigh impossible, but also generates an insecure environment for both staff and prisoners (cf. also paragraph 105 above). The delegation's observations made during the second periodic visit suggested that it was simply impossible for staff to provide proper supervision for all prisoners at all times. In addition to creating a potentially dangerous situation for vulnerable prisoners, it also poses dangers for staff, whose position can be compromised by their inability to exert proper control over - and develop a constructive dialogue with - prisoners.

171. In the course of its discussions with the Greek authorities, the delegation was informed of measures taken since 1993 to reinforce prison staff resources. Law No 2408/1996 had provided for the creation of 1,000 new prison officer posts. According to information supplied by the Ministry of Justice, some 40% of the 3,349 posts making up the official staff complement at the time of the visit were vacant. However, 250 prison officer posts were about to be filled. Further, 12 medical doctors, 40 administrative staff, 25 social workers and 7 nurses were expected to be appointed in the near future.

The CPT welcomes these developments and **would like to be informed of the progress made towards filling all vacant prison staff posts.**

b. contact with the outside world

172. The CPT has already stressed the importance it attaches to prisoners being able to maintain reasonably good contact with the outside world (cf. paragraph 126 of document CPT/Inf (94) 20).

The visit entitlement was the same as in 1993 and prisoners were able to make telephone calls on a regular basis (pay telephones having been installed in all the accommodation wings). Further, once they had served one-fifth of their sentence, prisoners could be granted home leave of up to eight days.

173. Practically no changes had been introduced since 1993 to the visiting facilities at Korydallos Prison for men (used jointly with the Prison for young male offenders). As already pointed out in the 1993 visit report, the facilities for restricted visits were not satisfactory: although some chairs had been provided, the dense net separating prisoners from their visitors continued to render any contact difficult. Further, the room for open visits - also used for meetings with lawyers - was too small for the number of people who tended to use it at any given time, and it was impossible to conduct a private conversation.

Similarly, the visiting facilities at Korydallos Prison for women exhibited the deficiencies already observed in 1993 (i.e. very limited visibility in the room for restricted visits, no privacy in the rooms for open visits/meetings with lawyers).

At Corfu Prison, there was nothing worthy of being called a visiting facility. All visits took place in a very small area by the prison's inner gates, situated just opposite the guards' office.

The visiting facilities at Diavata Judicial Prison were of a somewhat better standard. In particular, the room for open visits was attractively decorated, and visibility was good in the room for closed visits.

174. In the light of the above remarks, **the CPT recommends that:**

- **the rooms for restricted visits at Korydallos prisons for men and for women be re-designed in order to enable prisoners and their visitors to have a clear view of each other and communicate without having to shout;**
- **proper visiting facilities be provided at Corfu Prison;**
- **steps be taken to guarantee the confidentiality of prisoners' discussions with their lawyers.**

More generally, **the CPT invites the Greek authorities to review the facilities for open visits; preferably, prisoners and their families/children should be seated around a table, thereby permitting a private discussion.**

175. Finally, some prisoners interviewed by the delegation complained about the problems they had experienced in obtaining authorization to receive visits from their partners to whom they had not been formally married according to Greek law. As a result, some prisoners were deprived of visits from their partners/children. **The CPT would like to receive the comments of the Greek authorities on this issue.**

c. discipline and segregation

176. The procedure for the imposition of disciplinary sanctions has already been described in the CPT's first visit report (cf. paragraph 131 of document CPT/Inf (94) 20). During the second periodic visit, the CPT's delegation explored how the procedure worked in practice.

The disciplinary board is chaired by the Public Prosecutor posted at the prison³ and includes the prison governor and a social worker. The disciplinary board decides on the basis of evidence from staff whether or not a hearing should be held in a given case. If a hearing does take place, the procedure is oral in the presence of the prisoner concerned; however, no provision is made for interpretation in the case of foreign prisoners, and neither the charges involved nor the decision of the board is provided in writing.

The CPT recommends that every prisoner have the right to be heard before any sanction is imposed, and that interpretation be provided for prisoners who do not understand Greek. Further, prisoners against whom disciplinary proceedings are brought should receive advance warning of the charges involved and be informed of their right to appeal to a higher authority against any sanctions imposed.

In addition, it would be preferable for charges against a prisoner and the subsequent decision to be provided in writing.

177. Prisoners may be placed in special cells "for the maintenance of order and for purposes of protection and pacification in penal institutions" (cf. Rule 93.1(ii) of the Code of Basic Rules for the Treatment of Prisoners). In their follow-up report in reply to the report on the 1993 visit, the Greek authorities indicated that such prisoners enjoyed certain safeguards (right to be informed of the reasons for the measure; right to be heard by the Prison Governor; right to appeal to the Public Prosecutor and the Ministry of Justice). However, the information gathered during the second periodic visit - in particular at Korydallos Prison for men - suggested that these safeguards were not being effectively applied.

The CPT recommends that the Greek authorities take steps to ensure compliance with the above-mentioned safeguards.

178. The segregation unit at Korydallos Prison for men continued to be used for both disciplinary confinement and other segregation purposes; however, at the time of the second periodic visit, none of the seventeen prisoners held in the unit was undergoing disciplinary confinement.

The unit was the subject of several recommendations in the 1993 visit report (cf. paragraphs 135-136 of document CPT/Inf (94) 20). Despite this, conditions of detention had remained unchanged since that visit. They remained unsuitable for prisoners subject to segregation for non-disciplinary reasons.

³ Since 1995, legal provisions have been introduced according to which a Deputy Public Prosecutor of the Appeal Court is posted at Korydallos Prison Complex, Diavata Judicial Prison, Larissa Prison and Patras Prison.

The CPT must therefore reiterate its recommendations:

- **that the cells in the segregation unit used to accommodate prisoners segregated for a non-disciplinary reason be equipped in the same way as an ordinary prison cell;**
- **that the cells used to accommodate prisoners confined to a special cell as a punishment be fitted with a table and chair, if necessary fixed to the floor;**
- **that the respective regimes applicable, on the one hand, to persons undergoing disciplinary confinement and, on the other hand, to persons held in the segregation unit for other reasons, be expressly laid down;**
- **that if, exceptionally, prisoners who are emotionally or psychologically disturbed have to be held temporarily in the segregation unit, they be kept under close observation.**

179. There were no specific facilities used for disciplinary/segregation purposes at Korydallos Prison for women, the two segregation cells in the basement having been turned to other uses. A prisoner isolated on disciplinary grounds was held in an ordinary cell in the wings.

180. Conditions in the disciplinary units of Korydallos Prison for young male offenders and Corfu Prison were totally unacceptable.

The disciplinary unit of the first establishment comprised five cells which were windowless and unventilated. The cells were dark, only a meagre amount of artificial light coming from the corridor through a small aperture in the door; further, they were bare save for a mattress placed on the floor. Prison officers asserted that juveniles were also provided with sheets, blankets and newspapers when placed in isolation. However, this was denied by the juveniles interviewed by the delegation, according to whom only a dirty blanket had been given to them in addition to the mattress. In any case, the darkness of the cells would have precluded the possibility of reading. The delegation was told that young persons could not be held for more than five days in the disciplinary unit; however, it met several boys who claimed that they had spent up to two weeks in the above-described conditions, only leaving the cells in order to go to the toilet.

The disciplinary unit in Corfu Prison comprised nine cells, only four of which were in service (the others being used for storage). Two of these cells were furnished with beds and two with mattresses placed on the floor; in addition, they were all fitted with call systems which were in working order. However, the cells received no daylight and were not ventilated. As for the artificial lighting, it was so limited that, as in the case of the young male offenders' prison, the cells were plunged into near obscurity.

The CPT recommends that the above-mentioned disciplinary units at Korydallos Prison for young male offenders and Corfu Prison be withdrawn from service until such time as they are provided with adequate lighting and ventilation.

181. There were two segregation units at Diavata Judicial Prison, the first one for women and the second for male and juvenile prisoners.

Conditions in the segregation unit for women were satisfactory. As regards the cells in the men's unit, they had good access to natural light and were fitted with artificial lighting and well-ventilated. However, material conditions in some of the cells were very poor; the blankets were soiled, toilets were dirty and broken, and not all the wash-basins were in working order. At the time of the visit, the unit was empty, save for one prisoner segregated after having been tested HIV-positive (cf. also paragraph 156 above).

The CPT recommends that the Greek authorities take urgent steps to remedy these shortcomings.

182. As regards the regime applied to prisoners placed in disciplinary cells, in all the prisons visited they were not offered any outdoor exercise, did not have access to reading matter and could not take a shower while in disciplinary isolation.

The CPT recommends that immediate steps be taken to ensure that all prisoners placed in a disciplinary cell:

- **are guaranteed one hour of outdoor exercise per day;**
- **are allowed to have access to reading matter;**
- **are able to maintain their personal hygiene.**

183. Finally, in the light of the information gathered during the visit, **the CPT wishes to reiterate its recommendation that a register be established in every disciplinary/segregation unit, setting out full details of persons held in the unit: date and time of entering and leaving the unit; grounds for the detention and destination on departure; cell occupied; etc.**

- d. complaints and inspection procedures

184. In the report drawn up after the first periodic visit, the CPT stressed that effective grievance and inspection procedures are fundamental safeguards against ill-treatment in prisons (cf. paragraph 142 of document CPT/Inf (94) 20).

At the beginning of the second periodic visit, the Greek authorities informed the delegation that "the following means are now used for the purpose of ensuring that prisons operate properly and that inmates' rights are respected: a) the permanent presence of one or more public prosecutors on a daily basis; b) visits by the Central Scientific Council for Prisons, which also acts as a prison visiting committee and whose powers include that of receiving any complaints from prisoners; c) regular visits by the local prosecutors; d) official visits by the Justice Ministry in respect of health, welfare and administrative matters."

185. Nevertheless, in the course of the visit the CPT's delegation met prisoners who claimed to be unaware of the possibilities open to them to lodge a complaint. The delegation also received complaints about the effectiveness of the complaints system. It was alleged that complaints to the prison administration or the public prosecutor rarely received a reply, or that replies had been delayed unduly.

The CPT recommends that the Greek authorities review the application of the complaints procedures, with a view to ensuring that they are operating effectively. It also invites the Greek authorities to add the President of the CPT to the list of authorities with whom prisoners can communicate by confidential letter.

186. Further, the information gathered by the CPT's delegation suggests that visits by an outside authority to the detention areas of the prisons visited are not a common occurrence.

The CPT considers that the effectiveness of a body responsible for monitoring conditions in a prison will depend on the way in which it organises its activities in the establishment, on the provision of appropriate training for its members and, perhaps, above all, on its ability to make itself seen as a quite separate body from the prison staff and administration.

To be effective, such a body or certain of its members should undertake regular prison visits. During these visits, the members must be "visible" to the prison authorities and staff and to the prisoners themselves. More specifically, members must not restrict their contacts to persons who have expressly requested to meet them, but should take the initiative by visiting the prison's detention areas and entering into contact with inmates.

It is essential that, should the need arise, such a body be authorised to have direct contact with governmental and/or parliamentary authorities. In certain situations, to fulfil its functions effectively, it must be able to address itself to someone other than just the head of the establishment concerned.

In addition, it would be very desirable for the body to produce and publish an annual report on its activities, in order to achieve greater openness and stimulate public debate on the prison service. It goes without saying that its findings in certain areas could remain confidential.

The CPT recommends that the Greek authorities review the operation of existing prison inspection procedures, in the light of the above remarks.

e. call systems

187. The CPT's delegation observed that the great majority of the cells and dormitories in the prison establishments visited did not possess any form of call system, and in the few that did, the call system was frequently not in working order. As a result, prisoners requiring assistance while locked in their cells had to attract a prison officer's attention by shouting or banging on the door.

188. The risk of a prisoner in need not being provided with assistance could be significantly reduced if a call system were to be installed. **The CPT therefore recommends that all cells and dormitories are fitted with such a system.** Naturally, care should also be taken to ensure that call systems function properly.

f. foreign prisoners

189. As already pointed out (cf. paragraph 98), foreign prisoners constitute about 40% of the current prison population in Greece.

In the establishments visited, many foreign prisoners complained of difficulties in communicating because of language barriers; they also complained about a lack of information concerning the internal regulations and their legal situation and rights. Many of them also stated that they did not know how to contact their consular authorities or a lawyer. The delegation's observations indicated that these complaints were far from being unfounded.

190. The Greek authorities have already taken some positive steps to address these problems. The delegation was shown recently published leaflets containing basic information for prisoners in English and French. Nevertheless, the delegation found that the range of languages in which the information was available was limited, and there was room for improvement concerning the information supplied. Further, not all the prisons visited had been supplied with such information leaflets.

The CPT recommends that the translation of the information leaflet for prisoners into more languages be given a high priority. It would also be desirable for the expressions most commonly used in everyday activities to be translated into a range of languages, together with other appropriate information, such as how to contact a lawyer or consular authorities.

C. Establishments under the authority of the Ministry of Health

1. Introduction

191. The CPT delegation carried out visits to the State Mental Hospitals of Attica and Thessaloniki. The visit to the former establishment was of a follow-up character while the latter establishment was visited by the CPT for the first time.

192. The Attica State Mental Hospital in Athens was described in paragraph 193 of the CPT's first report. Its capacity had remained at about 2,000 beds and the number of patients of both sexes in the hospital was nearly 1,700, a comparable figure to the one of 1993 (1781 patients). There were some 240 involuntary patients: 140 under the 1992 Act on the organisation and modernisation of the health system (henceforth referred to as Act 2071/1992), which covers the involuntary placement of patients under civil law, and about 100 under Article 69 of the Criminal Code, i.e. persons declared "criminally irresponsible" and placed in psychiatric confinement in a civil hospital by court order.

193. The Thessaloniki State Mental Hospital occupies part of the site of a former military base, to which six new buildings have been added since 1984. Over the last twelve years the establishment's initial capacity of 1,200 beds has been reduced to 800 beds. At the time of the visit, the hospital had a little over 700 patients, of whom about 30% were placed involuntarily, under either Act 2071/1992 or Article 69 of the Criminal Code.

The hospital comprises three clinical psychiatric sectors and several somatic departments, covering such areas as general medicine, cardiology, surgery and neuropathology, some of which also treat outside non-psychiatric patients. It also has a detoxification unit for drug addicts.

The delegation paid particular attention to the hospital's four acute wards, two teaching wards (for both acute and chronic patients) and the ward for patients declared "criminally irresponsible"; these were wards where involuntary patients were accommodated.

2. Torture and other forms of ill-treatment

194. The CPT's delegation heard no allegations, and gathered no other evidence, of torture of patients by the staff of the two institutions visited.

Nor did it hear any recent allegations of other forms of physical ill-treatment of patients by staff. The President of the Administrative Board of the Attica State Mental Hospital informed the delegation spontaneously of a complaint lodged two years previously against a member of staff for ill-treating a patient. The complaint was still pending before the relevant court.

In this context, **the CPT would like to be informed of any interim measures that may be taken in respect of members of staff of psychiatric hospitals against whom allegations of ill-treatment have been made and who are the subject of criminal or disciplinary proceedings.**

195. More generally, and in order to enable it to form an opinion about the situation at nationwide level, **the CPT would like to obtain the following information in respect of 1997 concerning State mental hospitals in Greece:**

- **the number of complaints of ill-treatment lodged against members of staff and the number of criminal/disciplinary proceedings initiated as a result of such complaints;**
- **an account of the criminal/disciplinary sanctions imposed following complaints of ill-treatment by members of staff.**

196. The CPT has noted with interest that a staff support and counselling programme had been set up at the Attica State Mental Hospital. Such an initiative is to be welcomed and **the CPT would like to know whether there are similar examples in other Greek psychiatric hospitals.**

197. Finally, in Pavilion 15 of the Attica Hospital and in one of the units of Pavilion 17, the delegation saw several patients bearing marks, such as bruising of the face or eye and scratches or grazes on the face or body, apparently resulting from altercations between patients. Staff acknowledged that this was a problem and did their best to supervise patients as closely as possible, but were hampered by their limited numbers.

The CPT wishes to refer to its remarks in paragraph 105, which apply *mutatis mutandis* in this context.

3. Follow-up visit to Attica State Mental Hospital

198. In the report on its first visit to Greece the CPT identified, in the Attica and other psychiatric hospitals, situations in respect of living conditions and in care administered which were akin to inhuman and degrading treatment and in some cases entailed serious hazards to the physical well-being of patients. The cause of these situations was at that time largely attributed to a severe shortage of resources as regards both qualified health-care staff and material facilities (cf. paragraph 202 of document CPT/Inf (94) 20).

199. The CPT has noted with great interest the efforts made by the Greek authorities to improve patients' living conditions and the care administered to patients, as well as to reinforce health-care staff. It will consider these questions in more detail at a later stage.

However, its delegation's observations at Attica State Mental Hospital show that progress in this establishment has been slow and that sustained efforts are still required if the Greek authorities are to be in a position to guarantee the physical, mental and social well-being of the great majority of patients.

In fact, the shortage of qualified health-care staff, coupled with very poor material conditions in certain parts of the hospital, continues to constitute a high-risk situation for the patients, notwithstanding the good intentions and genuine efforts of the staff.

a. staff resources and training

200. The hospital's medical team was composed of 14 psychiatrists acting as full-time heads of department (as compared with 16 in 1993), assisted by 19 grade A specialist doctors, i.e. with more than five years' specialist training (26 in 1993), 24 grade B doctors undergoing specialist training (35 in 1993), and 23 assistant trainee doctors, which was again fewer than during the previous visit.

The hospital had 13 psychologist posts, of which 11 were filled. In contrast to the situation described above, this represents a significant progress: an increase of 50% over 1993. The number of occupational therapist posts had increased from 17 to 19 and - what is particularly commendable - those posts were all filled. There had also been an improvement (albeit more modest) in the situation regarding physiotherapists, with two of the five existing posts being filled. In contrast, both the speech therapy posts were still vacant; the lack of specialist staff in this field in Greece had already been highlighted in the CPT's report to the Greek authorities following its ad hoc visit in November 1996.

201. Concerning the nursing staff (nurses and nursing assistants), the theoretical number of posts was 1,162. This was identical to the figure given at the time of the first visit. In 1997, 653 of these posts were filled, which represents a positive - albeit still limited - development compared with the CPT's first visit. In practice, the nursing teams per pavilion or unit amounted to 3-4 staff in the mornings and generally 2 in the afternoons and at night, including for pavilions accommodating from sixty to nearly eighty patients (e.g. Pavilions 14 and 17).

202. None of the posts reserved for nurses with a full university training had been filled. In this respect, the delegation was informed that candidates had not shown any interest in the competitions for these posts. However, there were encouraging signs concerning other categories of nursing staff. About a hundred members of staff had received one year's training after completing their secondary education. Thirty-two nurses had been specifically trained in psychiatric care and another 12 were undergoing training. For the remainder, the training varied from one year to a few months. Nevertheless, a significant number of nursing assistants (158) had still not received any type of training.

203. The CPT has noted with satisfaction the efforts made to increase the number of qualified staff in order to ensure the implementation of programmes comprising a full range of physical, psychological, social and occupational treatment activities. It has also noted with interest the developments in the field of nursing staff and their training. Nevertheless, the number of qualified nurses is still inadequate.

The CPT recommends that the Greek authorities:

- **continue actively their efforts to increase the number of qualified staff with a view to implementing therapeutic activities;**
- **take urgent steps to fill all the vacant nursing posts; in this context, it would be advisable to reflect upon measures to encourage qualified nurses to apply.**

It would also like to receive the Greek authorities' comments on the decline recorded in the number of doctors employed in the hospital.

b. patients' living conditions

204. Improvements had been made or were underway in some of the pavilions criticised in the CPT's first report.

Among those which had been renovated, Pavilion 18 - in respect to which major efforts had been made - should be mentioned in particular. The large dormitories had been divided into rooms for four persons each. The rooms had recently been re-decorated and new beds and mattresses had been provided. At the time of the visit, work had begun on fitting out a dining and recreation room for the patients. Pavilions 13 (also called B2) and 16 had benefited from the renewal of beds and mattresses in the dormitories, as well as of some other equipment. For example, in Pavilion 13, new tables and chairs had been provided in the dining/recreation room, water fountains had been installed in the corridors and a new dishwasher installed in the kitchen. In Pavilion 16, the living areas had been re-decorated and provided with plants. Nevertheless, in both pavilions large dormitories offering no privacy to patients had been retained. Moreover, beds were frequently placed very close to each other, leaving no space to walk around them. Most of the dormitories remained very austere and anonymous in character.

During the 1993 visit, Pavilion 7 - accommodating severely mentally handicapped patients of both sexes - was a source of particular concern to the CPT (cf. paragraph 234 of document CPT/Inf (94) 20). In 1997, the delegation noted that painting and decoration work was underway in the pavilion's two large dormitories, in order to offer visual stimulation to patients. Apparently, it was planned to do the same in the unit's recreation rooms. Similar improvements should be made to the games room which, apart from a few benches, was a despairingly bare facility.

205. On the contrary, Pavilions 14, 15 and 17 - accommodating over 300 mostly chronic patients - offered very bad material conditions. The buildings were in a decrepit state and the degree of dilapidation of Pavilions 14 and 17 rendered them clearly insalubrious.

The patients were crammed in dormitories containing 10-24 beds, in which the only other items of furniture were wardrobes (in insufficient numbers). The dormitories and recreation rooms were austere and, in Pavilions 14 and 17, the run-down state of the buildings reinforced the impression of general neglect.

206. Nevertheless, it must be stressed that in a certain number of pavilions, patients' living conditions were good. This was the case in particular in the acute short term treatment unit, Units E 1/2 of Tatsoglio Building and the so-called "prefabricated 1A Pavilion" Block. The bedrooms' capacity varied between 3 and 6 persons, their furnishings were adequate, even good - especially due to the replacement of beds in some of those pavilions - and, in most of them, there were cupboards or bedside tables in which patients could keep their belongings. The rooms were personalized and well decorated.

207. In its first visit report (cf. paragraphs 231 to 234 of document CPT/Inf (94) 20), the CPT made a number of recommendations concerning hygiene and basic hospital equipment.

During its 1997 visit, the delegation found many pavilions and units to be in a state of cleanliness ranging from acceptable to satisfactory. This was all the more commendable as regards the old pavilions or those accommodating bedridden and/or incontinent patients. Nevertheless, this positive remark must be qualified with respect to Pavilion 18, where there was a strong smell of urine. More importantly, the delegation's positive impressions do not apply to Pavilions 14 and 17, where the rooms were dirty. Further, in the corridors of Pavilion 17, the delegation found old and filthy mattresses piled on top of each other and covered with litter, which represented a real danger of infection.

As regards the sanitary annexes, they had been refurbished in some of the pavilions (Pavilions 13, 16 and 18). However, no account had been taken during the renovation work of the CPT's recommendation that the sanitary facilities be adapted to the needs of elderly and/or handicapped patients; only in certain of the most recent pavilions did the delegation note the presence of toilets equipped with seats. Moreover, as in the past, many of the toilets did not have doors. With respect to the cleanliness of the pavilions' sanitary annexes, progress had undoubtedly been made since 1993. In general, they were clean and adequately maintained, with the exception of those of Pavilions 14 and 17 where basic hospital hygiene requirements were not met - the latter annexes were also insalubrious (e.g. damp walls, mould).

208. As for the basic hospital equipment necessary for the care of the elderly and handicapped and/or patients suffering from severe psychomotor difficulties (who represented a high percentage of the hospital's population), the delegation which carried out the 1997 visit found that hardly any progress had been made in this field. A few wheelchairs and stretchers were in evidence, but in numbers totally insufficient for the establishment's needs.

Moreover, there was no equipment enabling staff to provide adequate care (including personal hygiene) to such patients, or even to lift them from their beds.

209. As in 1993, the Attica State Mental Hospital experienced difficulties in providing patients without financial resources with appropriate clothing - this was particularly evident in Pavilions 14 and 17. The hospital depended to a large extent on the generosity of outside charitable organisations.

210. In its report on the first visit, the CPT commented on the need to provide containers allowing the preservation of the temperature of food transported from the central kitchen to the pavilions (cf. paragraph 236 of document CPT/Inf (94) 20). In 1997, the delegation was informed that the necessary equipment had recently been made available and would soon be operational. However, the delegation noted that regardless of the type of food offered to patients and their capacity to feed themselves, only spoons were provided. It must be stressed in this regard that the capacity to accomplish acts of daily existence - such as eating with proper utensils - represents an integral part of programmes for the psycho-social rehabilitation of patients.

211. **The CPT recommends that the Greek authorities pursue actively their efforts to improve patients' living conditions at the Attica State Mental Hospital, taking due account of the remarks set out in paragraphs 204 to 210.**

In this respect, the policy of replacing the large dormitories with small units should be given a high priority.

c. treatment of patients

212. In the report on its first visit, the CPT noted that nearly all the patients were confined throughout the day in surroundings which were totally impersonal and devoid of privacy, generally with no activities or stimulation capable of vitalising their potential (cf. paragraph 238 of document CPT/Inf (94) 20). It therefore recommended the development of varied programmes of therapeutic activities using the full range of treatments.

213. During the 1997 visit, the delegation noted with interest the efforts made to develop therapeutic activities for patients. Particular reference should be made to the setting up, in November 1995, of a therapeutic rehabilitation unit, the long-term goal of which was to develop and improve the co-ordination of the social and vocational rehabilitation activities for the hospital's psychiatric and/or mentally handicapped patients. The new unit was also responsible for developing community facilities for patients, such as sheltered flats, which by late 1996 provided accommodation for more than sixty persons. The occupational therapy centre (cf. paragraph 239 of document CPT/Inf (94) 20) and the new therapeutic rehabilitation unit offered activities to about 150 patients on a regular basis, either in workshops (such as those described in the first report) or as part of new initiatives benefiting particularly from the support of the "Horizon" programme followed by the programme on combating social exclusion (candle manufacturing workshop, car cleaning, bakery, horticultural workshop and the opening of a mini-supermarket and a fast-food establishment).

In addition, some sixty patients were occupied on various tasks in some of the pavilions or elsewhere in the hospital (e.g. tidying open spaces, small reconstruction and renovation jobs). Finally, since early 1997, therapeutic activities had been organised in a number of pavilions (for example, N^os 7 and 13), though these were still at an embryonic stage and few patients had access to them.

214. Nevertheless, the great majority of patients still had no access to activities or other forms of stimulation. They spent the day seated or stretched out in noisy, overcrowded and impersonal rooms, sometimes watching television. For many of them, there was no question even of being able to leave the pavilion to get some fresh air, for the same reasons as those mentioned in paragraph 238 of the CPT's first report (locked doors, absence of recreation areas around the pavilions, physical impossibility of movement without staff assistance and/or suitable equipment).

The CPT recommends that the Greek authorities intensify their efforts to expand considerably the therapeutic activities available, using the full range of treatments (physical, psychological, social and occupational therapies) (cf. also paragraph 203).

215. The CPT again wishes to emphasise that it is not possible to introduce a therapeutic activities programme of a satisfactory standard without a real policy of differentiating between patients, on the basis of their clinical condition and level of development. In this regard, much progress still has to be made in many of the hospital's pavilions. **The Committee would welcome the Greek authorities' comments on this subject.**

4. Thessaloniki State Mental Hospital

a. staff resources

216. The hospital's medical team at the time of the visit consisted of 68 full-time doctors (of which 49 psychiatrists) and 41 trainee doctors.

As regards the staff qualified to provide therapeutic activities, the hospital had 14 psychologist posts, all of which were filled, 13 occupational therapist posts, of which - surprisingly - only 3 were filled, a physiotherapist, a physical education teacher and a pedagogue. Further, it should be noted that, in contrast to the situation observed at the Attica State Mental Hospital, there were two speech therapist posts, of which one was filled.

217. As for the nursing staff, there were 133 posts for psychiatric nurses, of which 126 were filled; 40% of them had completed a three year course in psychiatric care. Further, there were 151 ordinary nurses who had received two years' training (total posts: 157) and 42 nursing assistants (total posts: 54). Apparently, the staff needed to fill the vacant posts had been recruited and were about to be appointed. It should be added that the hospital also runs a one-year postgraduate training course for psychiatric nurses from the whole of Greece.

218. The delegation was told that these staffing levels represented a considerable improvement on the situation which had prevailed before the launching of recent psychiatric reforms. Certainly, the staff situation appeared to be better than that observed at the Attica State Mental Hospital. Nevertheless, the CPT considers that there is still room for improvement. This includes filling the vacant posts and reinforcing the team of specialists in order to offer a full range of physical, psychological, social and occupational treatment activities. As regards the nursing staff, in view of the "open-door" policy followed at the establishment, the number of nurses and nursing assistants employed in the acute wards should be increased (cf. also paragraph 225). Further, more nurses should be encouraged to receive advanced training in psychiatric care.

The CPT recommends that the Greek authorities take the necessary steps in the light of these remarks.

b. patients' living conditions

219. The hospital is made up of a number of pavilions of different ages, situated in extensive grounds. The perimeter wall has gradually been taken down, thus opening up the hospital to the surrounding residential area.

In general, material conditions in the four acute and two teaching wards visited were good and were in marked contrast to the situation prevailing at the Attica State Mental Hospital. Inside the new pavilions, small units had been introduced, with patient accommodation ranging from individual to three-bed rooms. The rooms were well-equipped, had adequate lighting and ventilation, and were maintained in a satisfactory state of repair and cleanliness. Each ward was equipped with a spacious and pleasantly furnished living/activities room where patients could eat their meals and engage in various activities. As for the sanitary facilities, they were equipped to a good standard and clean.

The patients' accommodation in the old pavilions had been undergoing an extensive refurbishment programme, and the delegation observed that the renovated facilities were of a high standard. In particular, the large dormitories had been replaced by bedrooms designed for occupancy by one to four patients, and care had been taken to provide sanitary facilities for handicapped patients.

220. However, these positive findings do not fully apply to the ward housing criminally irresponsible patients placed under Article 69 of the Criminal Code. At the time of the visit, it accommodated 33 patients: 27 men and 6 women. The patients' accommodation comprised a large semi-partitioned dormitory (54 m²) for the men and a number of smaller bedrooms. The dormitory - which contained 22 beds and only one bedside locker - offered very restricted living space and no possibility of privacy; in addition, it had an austere and anonymous appearance. By contrast, the ward's smaller bedrooms were adequately equipped, and the day room was spacious and pleasantly decorated. At the time of the visit, refurbishment work was underway in the ward, which was scheduled for completion by the summer of 1998.

The CPT recommends that a high priority be accorded to the completion of the refurbishment programme at the ward for criminally irresponsible patients. The aim should be to replace the large dormitory with small units similar to those already found elsewhere in the hospital and to introduce material conditions making it possible to provide patients with a differentiated therapeutic environment.

c. treatment of patients

221. An "open-door" policy had been introduced at the hospital. During the day, all patients could move freely within their wards and the hospital grounds (which offered a very pleasant and well-maintained environment). Such a situation is to be commended.

222. Each ward developed its own programmes for the individualised treatment of patients. In the acute wards, in addition to pharmacotherapy, patients were involved in a range of psycho-social therapeutic activities adapted to their profiles, such as support therapy, group therapy, art therapy, the production of a weekly newspaper, and an entertainment group. In addition, other therapeutic activities - such as cooking and gardening - were available to patients in the chronic wards. Further, some chronic patients were attending the hospital's outside workshops (craft work, candle manufacture, joinery, sewing, metal working, etc).

As regards the activities available to patients declared criminally irresponsible, they were de facto limited by the latter's status. Custodial considerations imposed by the judicial authorities apparently took precedence over therapeutic considerations. The hospital seemed to be in an uncertain situation with regard to these patients, and one of the results appeared to be that they were offered a more limited range of activities, such as sports, painting, gardening and embroidery, on a voluntary basis. The delegation was told that in November 1996 the hospital had sent a report on the management of these patients to the relevant authorities, including the Minister of Justice. However, a detailed response had not yet been received.

223. In the light of the above, **the CPT recommends that the Greek authorities persevere in their efforts to develop the range of therapeutic and other activities for patients at the hospital, including those declared criminally irresponsible. It would also welcome the Greek authorities' comments on the situation of the latter category of patients at the hospital.**

5. Instruments of physical restraint

224. The use of instruments of physical restraint was the subject of detailed comments and recommendations in the CPT's first report (cf. paragraphs 253 to 256 of document CPT/Inf (94) 20).

The delegation that carried out the 1997 visit found that the methods used to immobilise patients had barely altered and continued to be potentially dangerous (cf. paragraph 253 of the first report). Moreover, it witnessed a situation in which staff at the Attica State Mental Hospital needed nearly ten minutes to find the key to open the padlock and release an immobilised patient. In their follow-up report (CPT/Inf (96) 8, p.34), the Greek authorities stated that the CPT's recommendations in this area would be submitted for an opinion to the scientific committees of each of the three hospitals visited in 1993. In a letter dated 26 May 1997, the Minister of Health informed the CPT that these committees' responses were not yet available.

In view of the importance of the matter, **the CPT recommends that the Greek authorities carry out without delay a review of the methods used in psychiatric hospitals to immobilise patients.**

225. In the Attica State Mental Hospital and at least in some of the wards of the Thessaloniki State Mental Hospital, the medical staff had given general approval for the use of physical restraints when patients were agitated. Such a situation clearly gives nursing staff wide discretion in assessing the need for such restraint. Given the limited numbers of nursing staff, the risk that instruments of physical restraint will be used for other than emergency therapeutic purposes cannot be ruled out (cf. paragraphs 226 and 227).

The nursing registers recorded the number of patients immobilised and the dates, but did not specify when restraints had been applied or removed, or the precise reason for their use. In Attica State Mental Hospital, moreover, it appeared that where "minor" forms of physical restraint (e.g. a single strap) were used, this was not necessarily brought to the doctor's attention or recorded.

The CPT must reiterate its 1993 recommendations that:

- **every use of physical restraint for each patient only be applied on the express instruction of a doctor or immediately brought to the attention of a doctor for approval;**
- **every recourse to such measures be recorded in the patient's file and in a specific register, with an indication of the times at which the measure began and ended, the circumstances of the case, the reasons for resorting to the measure and an account of any injuries sustained by patients or members of staff.**

226. The delegation was also concerned about two specific situations that it encountered in Thessaloniki and Athens.

In Thessaloniki, it observed that instruments of physical restraint were sometimes used for non-medical reasons, to ensure that patients did not leave the hospital at night. This is unacceptable. **The CPT recommends that such practices cease;** other ways of enforcing security can and must be found.

227. In Athens, the delegation found a patient in Pavilion 17 who, apart from when staff were assisting her to wash or eat, was physically restrained on an ongoing basis. After she had had the padlock opened and the strap around her ankle removed, the delegation's doctor found a red pigmentation in the form of a circle measuring 10 cm, together with a number of slightly infected open sores. There were also marks on the unsecured foot, in the form of scars and hyperpigmentation of the skin, suggesting the prolonged application of physical restraints. The delegation was informed that the patient had to be immobilised to prevent her from injuring herself (she would swallow any object within her reach).

Such patients are clearly difficult to manage. However, the prolonged use of instruments of physical restraint is both unacceptable from a therapeutic standpoint and inhumane. Persons such as this patient should be accommodated in small care units (rather than large dormitories) offering all appropriate material safeguards. **The CPT would welcome the Greek authorities' comments on this subject.**

6. Information for patients, complaints procedures and outside intervention

228. The CPT was pleased to note that patients committed to a psychiatric hospital are now given a document on their arrival informing them of their situation and the remedies available to them. This information sheet must be signed by the patient, the director of the unit in which he or she is placed and the person accompanying the patient to the hospital.

On the other hand, patients who have been placed in a psychiatric hospital after being declared criminally irresponsible do not benefit from such a safeguard. **The CPT recommends that similar information be provided to this category of patients.**

229. The situation regarding complaints procedures and outside intervention in the two hospitals visited was the same as that described in paragraph 257 of the first report, i.e. there was still no clearly defined arrangement for the reception of complaints. In this context the Greek authorities informed the delegation that the CPT's recommendations in paragraphs 257 (on the lodging of complaints and confidential access to a competent authority) and 259 (on the possibility of introducing a system of regular visits to hospitals by an independent outside body) of its first report had been taken into account in a Bill currently before Parliament on the development and modernisation of the National Health Service.

The CPT would like to be informed of the progress made in respect of this Bill.

7. Legal safeguards relating to involuntary hospitalisation

230. In the report on its first visit, the CPT gave detailed consideration to the safeguards relating to involuntary hospitalisation laid down in Act 2071/92 (cf. paragraphs 217 to 222 of document CPT/Inf (94) 20). From a legal standpoint, the situation is unchanged.

In 1993 the CPT noted that in practice the provisions concerning involuntary hospitalisation were not applied and even generally not known. It therefore recommended that the Greek authorities take appropriate measures, as a matter of urgency, to implement the relevant provisions of Act 2071/92.

231. During the 1997 visit, the delegation found that although the parts of Act 2071/92 relating to involuntary hospitalisation (section 96) and the length and termination of involuntary hospitalisation (section 99) were now known, there were considerable difficulties in applying them. It appeared in particular that no list of doctors authorised to carry out the required assessments in accordance with the law had been drawn up. Moreover, in the two hospitals visited, conversations with psychiatrists highlighted their ambivalence towards this legislation, particularly the legal aspects, which were deemed to carry too much weight and be unrealistic. Numerous practical obstacles to the law's application were also cited, such as the difficulties of organising transport for patients to appear before the relevant court. With regard to the provisions concerning the length and termination of involuntary hospitalisation, the delegation was told by psychiatrists in both hospitals visited that, in practice, patients were never referred to the board of three psychiatrists required under the law to rule on the continuation of hospitalisation beyond six months.

The CPT has received a number of documents concerning discussions between hospitals' medical and administrative authorities, representatives of the judicial authorities and the Ministries of Health and Justice. These documents show that the main reason for the difficulties in implementing Act 2071/92 is the continuing absence of the necessary regulations for the application and interpretation of the provisions concerned. It appears that to date the only coherent text with national authority in this area is the circular issued in early 1996 by the Principal State Prosecutor at the Court of Cassation for the attention of public prosecutors at the Courts of Appeal (Circular No. 504/2 of 13 February 1996); the circular reminded the public prosecutors of the provisions of the law governing involuntary hospitalisation and their obligations in this area.

232. The CPT once again recommends that, as a matter of urgency, the Greek authorities take the necessary steps to ensure the proper application of the provisions of Act 2071/92 relating to involuntary hospitalisation.

233. The delegation was also informed that in practice it was often impossible for patients placed under Act 2071/92 who were destitute or had no families to exercise their right of access to a lawyer, as provided for under Section 96 of the Act. In Athens, negotiations were underway between the State Mental Hospital and the Bar Association for the introduction of a legal assistance scheme for such patients.

The CPT would like to be informed of the progress made with respect to this initiative and to learn whether there are other examples of this type in Greece.

234. As regards psychiatric patients confined under Article 69 of the Criminal Code, the delegation again received information similar to that reported in paragraph 223 of the first report. It was confirmed that courts still tended to order patients' continued hospitalisation, even when a medical report had certified that this was no longer necessary as the patients no longer showed symptoms of mental illness.

The CPT wishes to repeat its request for the Greek authorities' comments on this matter.

D. Detention facilities of the courts of first instance

235. The delegation visited the detention facilities of Athens' twenty-two courts of first instance, in the Evelpidon district. The detention facilities are located in the court building's basement. They comprise three cells, two of about 12 m² and the other about 14 m², each fitted with a bench. The cells had no access to daylight but the artificial lighting was sufficient. **As for ventilation, it was inadequate in two of the cells.**

Persons in custody spent a few hours at most in these cells and did not stay overnight. In principle the detention facilities closed at 4 pm, although occasionally the courts sat late into the night.

To sum up, subject to the issue of the cells' ventilation, the material conditions in the detention facilities can be considered adequate for temporary holding purposes.

236. However, the delegation was concerned about the question of access to food and drinking water for persons placed in the cells. Although persons with money were able to purchase items to eat or drink, no provision was made for those who were destitute. **The CPT recommends that the Greek authorities ensure that all persons placed in the detention facilities are given something to eat at appropriate times and that they have ready access to drinking water.**

237. Finally, although persons held in the detention facilities could talk to their lawyers, such meetings took place under unsatisfactory conditions (i.e. at the cell door with other persons in the vicinity). **The CPT recommends that this shortcoming be remedied.**

III. RECAPITULATION AND CONCLUSIONS

A. Establishments under the authority of the Ministry of Public Order

238. During the CPT's second periodic visit to Greece, the Committee's delegation received a number of allegations of ill-treatment by the police. However, fewer allegations were received than during the 1993 periodic visit and hardly any allegations were heard of recent ill-treatment of a severity which could be considered as amounting to torture. The allegations of ill-treatment received in the course of the 1997 visit mainly concerned punches, kicks and slaps at the time of arrest and/or during questioning. In two cases, the persons concerned were found on examination by medical members of the delegation to display injuries compatible with their allegations.

239. The information gathered during the second periodic visit to Greece suggests that the situation as regards the treatment of persons in police custody has improved in recent times. However, the persistence of allegations of ill-treatment indicates that the Greek authorities must remain vigilant in this area. The CPT has recommended that the Ministry of Public Order remind police officers, through a formal statement, that they should be respectful of the rights of persons in their custody and that the ill-treatment of such persons will be the subject of severe sanctions. In this statement, emphasis should be placed on the key role to be played by senior staff in managing and supervising police activities at all levels.

Further, the CPT has highlighted the need for police officers to be reminded that no more force than is reasonably necessary should be used when apprehending a person and that, once apprehended persons have been brought under control, there can be no justification for their being struck or otherwise roughly treated or humiliated by police officers.

240. The CPT has emphasised the importance of prompt action in appropriate cases by public prosecutors and judges before whom arrested persons are brought. The Committee has recommended that whenever such a public prosecutor or judge receives an allegation of ill-treatment by the police, or observes that a person brought before him could have been a victim of ill-treatment, he should immediately request a forensic medical examination of the person concerned and bring the matter to the attention of the relevant public prosecutor. In addition, the CPT has stressed that regular and unannounced visits to police detention facilities by public prosecutors can make a significant contribution to preventing torture and ill-treatment.

Other recommendations made by the CPT seek to reinforce the role played by State forensic services in cases involving allegations of ill-treatment by the police and address the issue of the content of forensic medical certificates.

241. In the report drawn up following the first periodic visit to Greece, the CPT made a number of recommendations designed to strengthen the fundamental safeguards against ill-treatment which are offered to detained persons. The Greek authorities have adopted several measures with a view to reinforcing these safeguards. Nevertheless, the observations made during the second periodic visit demonstrate that some of the Committee's recommendations in this area remain pertinent.

In particular, the CPT is still concerned about the exact moment from which detained persons are entitled to notify someone of their detention. It has recommended that the Greek authorities ensure that persons detained by the police have, from the moment they are obliged to remain with the police, the right to inform members of their family or a third person of their choice of their situation. In order for this right to be effective, a precise definition of situations in which its exercise can exceptionally be delayed will be required.

As regards the right of access to a lawyer, the CPT has recommended that the Greek authorities take steps to ensure that the practice followed by police officers is brought in line with the existing legal provisions, according to which this right should become operative as soon as a detained person is brought to a police station.

The Committee has welcomed the adoption of specific legal provisions on the subject of the right of persons in police custody to have access to a doctor and the steps taken by the Greek authorities to produce information sheets for detained persons. The Committee has made a number of comments and recommendations designed to reinforce the impact of these measures. The CPT has also reiterated the recommendation made after the 1993 periodic visit, that a code of conduct for police interrogations be drawn up. Such a code of conduct could in particular serve to underpin the lessons taught during professional training.

242. The CPT has made a number of recommendations concerning conditions of detention in the **police headquarters, stations and transfer centres** visited by its delegation. Some modest improvements were noted in the detention facilities at Athens and Thessaloniki Police Headquarters as compared to the situation observed in 1993. However, these and other establishments exhibited shortcomings related principally to overcrowding, lighting, ventilation and hygiene, and to outdoor exercise for persons held for extended periods. Arrangements for the provision of food and drink to persons in police custody also remain a subject of concern.

The conditions observed at Athens Police Headquarters and Drapetzone Police Station in Piraeus were totally unacceptable in the case of foreign nationals detained for lengthy periods under the Aliens' legislation, and were the subject of an immediate observation under Article 8 (5) of the Convention. The CPT has recommended that the Greek authorities cease to hold such persons at these two police establishments.

243. The **detention facilities for aliens** visited by the CPT's delegation are also the subject of detailed recommendations designed to palliate the situation observed in these facilities. The CPT noted with particular concern that almost no improvements had been made since 1993 as regards material conditions and activities for detainees at the Hellenikon Holding Centre for Aliens at Athens Airport; the only area in which progress was observed concerned possibilities for the detainees to maintain contact with the outside world.

As for the conditions at the Ioanina Centre for Illegal Immigrants, they could only be described as inhuman and degrading and were the subject of an immediate observation under Article 8 (5) of the Convention. The CPT was pleased to learn that the Greek authorities subsequently ordered the withdrawal from service of the Centre, which should become effective by 15 December 1997.

244. The CPT is aware of the difficulties currently confronting the Greek authorities as a result of the high level of illegal immigration into the country. It has welcomed the authorities' efforts to increase the number of specific holding centres for foreign nationals detained under the Aliens' legislation. However, the Committee has stressed that further efforts are required to adapt the conditions under which such persons are deprived of their liberty. In this context, it has outlined the material conditions and regimes activities which should prevail in centres designed to accommodate persons deprived of their liberty for prolonged periods under the Aliens' legislation. The CPT has also emphasised that police officers attached to holding centres have a particularly difficult task and that consequently they should be carefully chosen and appropriately trained.

B. Establishments under the authority of the Ministry of Justice

245. As had been the case in 1993, the CPT's delegation found no evidence of torture in prison establishments in Greece and received very few allegations of other forms of physical ill-treatment of prisoners by prison staff. Some isolated allegations of physical ill-treatment of inmates by prison officers were heard at Diavata Judicial Prison; the CPT has recommended that the management and staff of that establishment be reminded of the importance of avoiding all forms of ill-treatment of prisoners.

246. Senior officials from the Ministry of Justice and staff working at the prisons visited by the delegation expressed their concern about the growing incidence of inter-prisoner violence. Further, at Korydallos Prison for men the delegation received allegations of inter-prisoner violence, certain of which were corroborated by medical evidence. The CPT has emphasised that the duty of care which is owed by the prison authorities to prisoners in their charge includes the responsibility to protect them from other prisoners who might wish to cause them harm; it has recommended that the Greek authorities devise a national strategy concerning inter-prisoner violence.

247. The CPT has noted the progress made since its first visit in tackling the problem of overcrowding of Greek prisons and welcomed the multi-faceted approach adopted in this area. Nevertheless, the problem of prison overcrowding remains acute. The Committee has recommended that the Greek authorities pursue vigorously the application of all the different measures designed to combat prison overcrowding.

248. Material conditions of detention at Korydallos Prison for men were marginally better than at the time of the 1993 visit; the establishment was less overcrowded and the cellular accommodation was in the process of being refurbished. However, most cells still accommodated three prisoners; at such an occupancy level, living space remained cramped. The Committee has reiterated the recommendation made in 1993 that serious efforts be made to reduce as soon as possible the occupancy rate to two prisoners per cell, and has made various other recommendations designed to improve material conditions of detention.

Little progress had been made towards increasing the number of work places and improving activity programmes in general, despite some positive developments (e.g. the construction of a state-of-the-art printing and bookbinding workshop). The CPT has recommended that efforts to develop the activity programmes at Korydallos Prison for men be vigorously pursued.

249. Material conditions of detention at Korydallos Prison for women had improved since the first periodic visit in 1993. In particular, the prison population had been reduced by one third and the prisoners' accommodation had benefited from some renovation. Further, the establishment now boasts a well-equipped Mother-and-Child Unit. However, little improvement was observed as regards the activities offered to prisoners. In particular, no remand prisoners had work and educational activities remained under-developed. The CPT has invited the Greek authorities to diversify further the activities offered to inmates at Korydallos Prison for women.

250. As regards Korydallos Prison for young male offenders, the CPT has identified several measures designed to improve material conditions of detention. Further, whilst acknowledging improvements introduced since the 1993 visit, the CPT has recommended that the Greek authorities persist in their efforts to enhance the programme of activities for inmates at the establishment. In this connection, the Committee has stressed once again that young persons in custody should be provided with a full regime of educational, recreational and other purposeful activities.

251. Conditions of detention at Corfu Prison displayed a number of shortcomings, at least some of which could be put down to the serious damage inflicted on the prison during a major riot in 1996. The CPT has recommended that the Greek authorities give high priority to the completion of the reconstruction works, the list of urgent works to include the provision of a suitably equipped kitchen.

The Committee has recognised that in the present state of affairs it is not easy to organise a programme of activities for prisoners. Nevertheless, the situation observed by the delegation, characterised by a total absence of stimulating activities for the majority of prisoners, cannot be allowed to last. The CPT has recommended that the Greek authorities take immediate steps to introduce a minimum programme of activities, including work and education, for both sentenced and remand prisoners. The CPT has also stressed that sentenced prisoners should be offered a programme of activities which corresponds to the objectives set out in the Code of Basic Rules for the Treatment of Prisoners, and that prisoners serving long sentences - which is the position of most of the inmates at Corfu Prison - should as far as possible be offered individualised programmes.

252. Prisoners at Diavata Judicial Prison in Thessaloniki were accommodated in overcrowded conditions. The situation was somewhat mitigated by the fact that they were allowed generous out-of-cell time. However, the overcrowding, in combination with low staffing levels and a very impoverished regime of activities for prisoners, created security hazards and tensions amongst the inmates. The CPT has identified a number of steps designed to improve material conditions of detention and activities for prisoners in the establishment. These steps concern in particular the reduction of the occupancy rate of the cells and dormitories, the improvement of the general state of repair of the wings for women and juveniles, an increase in the number of workplaces for prisoners, and the provision of a full programme of educational, recreational and other purposeful activities for the juvenile population.

253. The CPT has made several recommendations with a view to reinforcing the health-care services in the prisons visited. Staffing levels were not satisfactory in any of the establishments, and the health-care team at Diavata Judicial Prison was grossly insufficient. Further, the Committee has stressed once again the importance of medical screening of new arrivals and the recording of injuries observed on admission or following a violent episode in the prison. It has recommended that the Greek authorities monitor closely compliance with the Ministry of Justice circulars issued on the matter.

The CPT has also voiced concern about current HIV screening procedures. In this connection, the Committee has emphasised that appropriate counselling should be provided before any screening test and in the case of a positive result, psychological support should be guaranteed. Further, information regarding HIV-positivity should be protected by medical confidentiality. Moreover, the CPT has had to reiterate the recommendation - already made in 1993 - that HIV-positive prisoners who are well should not be subject to segregation; there is no medical justification for such a measure.

254. The CPT has welcomed the improvements observed in the staffing levels and material conditions at Korydallos Prison Hospital. Nevertheless, the establishment can still not be described as a fully-fledged hospital, and the transfer of patients in need of hospital care to a civilian hospital remains problematic. The CPT has recommended that the Prison Hospital at Korydallos be resourced as a hospital in the true sense of the term or, when appropriate, ready access to fully-equipped hospital services elsewhere be guaranteed.

255. A follow-up visit to the Psychiatric Unit at Korydallos Prison Complex revealed that the situation there remained unsatisfactory. Admittedly, health-care staff resources were better than in 1993; however, even with the drop in the number of patients, the staffing level still fell short of that required for the proper functioning of a psychiatric hospital. Further, with the notable exception of television sets in the patient's rooms, the CPT's delegation did not observe any significant improvements in the Unit's material environment. The patients' accommodation and other common facilities continued to have a distinctly penitentiary feel to them. In addition, as in 1993, the treatment provided to patients was limited essentially to pharmacotherapy. Psycho-social activities were clearly underdeveloped, a state of affairs which could be explained by the very limited number of qualified staff and the inadequate facilities.

The CPT has recommended that the operation of the Psychiatric Unit at Korydallos Prison Complex be the subject of a full review. The underlying objective should be to change the current prison-like atmosphere and to offer a broader range of therapeutic and rehabilitative activities, particularly for patients who remain in the establishment for prolonged periods. Further, the Committee has called for immediate steps to be taken to improve conditions within the establishment's isolation/observation unit.

256. The CPT has made a number of recommendations, comments and requests for information on various other issues related to the Committee's mandate (e.g. prison staff; contact with the outside world; discipline, complaints and inspection procedures; the situation of foreign prisoners). The CPT was particularly concerned to learn that the ratio of staff to prisoners in the prison establishments visited continues to be low; it has sought information on progress made towards filling vacant prison staff posts. Reference might also be made to the Committee's recommendations that the disciplinary units at Korydallos Prison for young male offenders and Corfu Prison be withdrawn from service until such time as they are provided with adequate lighting and ventilation, and that the operation of existing prison inspection procedures be reviewed.

C. Establishments under the authority of the Ministry of Health

257. The CPT's delegation heard no allegations, and gathered no other evidence, of torture of patients by the staff of the two mental hospitals visited. Nor did it hear any recent allegations of other forms of physical ill-treatment of patients by staff.

258. The CPT has acknowledged the efforts of the Greek authorities to enhance the level of care of psychiatric patients. However, it was concerned to note that at Attica State Mental Hospital, the shortage of qualified health-care staff, coupled with very poor material conditions in certain parts of the hospital, continued to constitute a high-risk situation for the patients, notwithstanding the good intentions and genuine efforts of the staff. The Committee has made recommendations with a view to strengthening staff resources at the hospital and promoting improvements to patients' living conditions. As regards the latter aspect, it has emphasised that the policy of replacing large dormitories with small units should be given a high priority.

The CPT has recommended that the Greek authorities intensify their efforts to expand considerably the therapeutic activities available, using the full range of treatments (physical, psychological, social and occupational therapies). In this connection, the Committee has stressed that it is not possible to introduce a therapeutic activities programme of a satisfactory standard without a real policy of differentiating between patients, on the basis of their clinical condition and level of development.

259. Staff resources, patients' living conditions and the treatment of patients at Thessaloniki State Mental Hospital were on the whole satisfactory. However, the CPT has recommended that a high priority be accorded to the completion of the refurbishment programme at the ward for criminally irresponsible patients, the aim being to replace the large dormitory with small units similar to those already found elsewhere in the hospital. Further, there is scope for developing the range of therapeutic and other activities for such patients.

260. As in 1993, the use of instruments of physical restraint continue to be an area of concern for the CPT. In particular, the delegation noted that the methods used to immobilise patients had barely altered and continued to be potentially dangerous. In view of the importance of the matter, the Committee has recommended that the Greek authorities carry out without delay a review of the methods used in psychiatric hospitals to immobilise patients.

261. By contrast, the CPT has noted with satisfaction that patients committed to a psychiatric hospital are now given a document on their arrival providing information on their situation and the remedies available to them. The Committee has recommended that similar information be provided to persons placed in a psychiatric hospital after being declared criminally irresponsible.

262. Finally, the CPT has reiterated its 1993 recommendation that, as a matter of urgency, the Greek authorities take the necessary steps to ensure the proper application of the provisions of Act 2071/92 relating to involuntary hospitalisation. In the course of the 1997 visit, it was found that although these provisions were now widely known, there were still considerable difficulties in applying them.

D. Action on the CPT's recommendations, comments and requests for information

263. The various recommendations, comments and requests for information formulated by the CPT are summarised in Appendix I.

264. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the CPT requests the Greek authorities:

- i. to provide within six months an interim report giving details of how it is intended to implement the CPT's recommendations and, as the case may be, providing an account of action already taken (N.B.: the Committee has indicated the urgency of certain of the recommendations);
- ii. to provide within twelve months a follow-up report providing a full account of action taken to implement the CPT's recommendations.

The CPT trusts that it will also be possible for the Greek authorities to provide in the above-mentioned interim report reactions to the comments formulated in this report which are summarised in Appendix I as well as replies to the requests for information made.

APPENDIX I

**SUMMARY OF THE CPT'S RECOMMENDATIONS, COMMENTS AND REQUESTS
FOR INFORMATION**

A. Establishments under the authority of the Ministry of Public Order

Torture and other forms of physical ill-treatment

recommendations

- the Ministry of Public Order to remind police officers, through a formal statement, that they should be respectful of the rights of persons in their custody and that the ill-treatment of such persons will be the subject of severe sanctions. In this statement, emphasis should be placed on the key role to be played by senior staff in managing and supervising police activities at all levels (paragraph 16);
- police officers to be reminded that no more force than is reasonably necessary should be used when apprehending a person and that once the person apprehended has been brought under control, there can be no justification for him being struck or otherwise roughly treated or humiliated by police officers (paragraph 17);
- whenever a public prosecutor or judge receives an allegation of ill-treatment by the police, or observes that a detained person brought before him could have been a victim of ill-treatment, he should immediately request a forensic medical examination of the person concerned and bring the matter to the attention of the relevant public prosecutor (paragraph 18);
- steps to be taken to ensure that:
 - . State forensic services are authorised to accept requests for medical examinations presented to them directly by persons who allege ill-treatment, or by their doctor or lawyer;
 - . all medical certificates drawn up after a forensic examination contain:
 - (i) a full account of statements made by the person concerned which are relevant to the medical examination (including his description of his state of health and any allegations of ill-treatment),
 - (ii) a full account of objective medical findings based on a thorough examination, and
 - (iii) the doctor's conclusions in the light of (i) and (ii);
 - . such medical certificates are made available to the person concerned and his lawyer (paragraph 19).

requests for information

- whether there are provisions obliging public prosecutors to undertake on-the-spot supervision of the work of the police in criminal cases, and, if so, details on the manner in which such supervision takes place (paragraph 18).

Conditions of detention

recommendations

- immediate steps to be taken to ensure that at Athens Police Headquarters:
 - no more than four persons are kept overnight in a cell on the 7th floor;
 - detained persons are not obliged to spend the night in the corridors of the detention facility;
 - each detained person kept overnight is provided with a mattress (paragraph 24);
- the Greek authorities to put an end to the practice of holding foreign nationals for prolonged periods at Athens Police Headquarters (paragraph 24);
- steps to be taken to ensure that children are not held for prolonged periods of time in the 3rd floor detention facility at Athens Police Headquarters (paragraph 25);
- no-one to be held overnight in the cells on the 11th and 12th floors of Athens Police Headquarters and, if the cells are used for temporary holding purposes, steps to be taken to improve their lighting and ventilation (paragraph 26);
- the detention facilities of Piraeus Transfer Centre to be extensively renovated without delay; if such a renovation proves to be unfeasible, the existing premises to be taken out of service and the Transfer Centre relocated elsewhere in a place offering better conditions of detention (paragraph 29);
- steps to be taken at Thessaloniki Police Headquarters to ensure that:
 - . detained persons are provided with clean mattresses and blankets;
 - . all toilet/washing facilities are equipped with appropriate lighting (paragraph 32);
- foreigners awaiting deportation not to be held at Drapetzona Police Station (paragraph 37);
- with regard to the conditions of detention of criminal suspects held at Drapetzona Police Station, the state of cleanliness of the bedding and the availability of hot water to be reviewed (paragraph 38);
- in implementing the plan for the construction of a new custody unit at Police Station No 2 at Athens Airport (East Terminal), account to be taken of the criteria set out in paragraph 20 (paragraph 39);

- the Greek authorities to rectify the material problems observed in the cells at Samartzi Street Police Station in Corfu (paragraph 41);
- conditions of detention at the police station in Democracy Square in Thessalonki to be improved, in the light of the remarks made in paragraph 43 (paragraph 43);
- the Greek authorities to take steps to ensure that all persons detained in police establishments for an extended period have access to personal hygiene items (soap, towels, sanitary towels, etc.) (paragraph 44);
- the Greek authorities to take immediate steps to ensure compliance with the existing regulations for the provision of food to persons in police custody, in the light of the remarks made in paragraph 45 (paragraph 45);
- steps to be taken to ensure that persons detained by the police for more than 24 hours are, as far as possible, offered outdoor exercise on a daily basis (paragraph 46);
- in respect of the holding area at Athens Airport (East Terminal), the Greek authorities to:
 - . explore the possibility of improving access to natural light in the holding facilities;
 - . improve the ventilation system;
 - . take immediate steps to ensure that persons required to spend the night in the holding facilities are provided with mattresses and blankets;
 - . ensure that persons detained for extended periods (24 hours or more) are, as far as possible, offered outside exercise every day;
 - . review the provision of food to detained persons and, if necessary, take steps to ensure that they are given food at appropriate times, including at least one full meal every day (paragraph 53);
- in respect of the Hellenikon Holding Centre for Aliens, the Greek authorities to take urgent steps to ensure that:
 - . the Centre's premises, including the kitchen and sanitary facilities, meet proper standards of cleanliness and hygiene;
 - . the detention rooms are equipped with tables, chairs and beds or sleeping platforms;
 - . the rooms are properly ventilated;
 - . detainees are supplied with basic personal hygiene products. Appropriate facilities should also be provided to enable them to wash their clothes;
 - . food is transported in satisfactory hygiene conditions and meals are served at the appropriate temperature;
 - . detainees are offered at least one hour's outdoor exercise per day;
 - . detainees, particularly those held at the Centre for prolonged periods, are offered an

appropriate range of activities;

- . regular visits to the Centre by a qualified nurse are arranged (paragraph 63);
- the Greek authorities to take due account of the remarks made in paragraphs 65 to 68 concerning Piraeus Holding Centre for Aliens (paragraph 68);
- the Greek authorities to give a very high priority to measures designed to modify conditions in centres specifically designed to hold foreign nationals, in the light of the remarks made in paragraph 73 (paragraph 73);
- the Greek authorities to review the procedure for selecting and training police officers assigned to the supervision of foreign nationals in the light of the considerations set out in paragraph 74 (paragraph 74).

comments

- the design and equipment of the small cell located on the first floor of Thessaloniki Police Headquarters (in the Drugs Department) rendered it scarcely suitable as a place of detention for persons experiencing withdrawal symptoms. More generally, if the cell is to continue to be used for detention purposes, its use should be properly recorded (paragraph 33);
- cells measuring between 6 and 7 m² should, in principle, not accommodate more than one person overnight (paragraph 41).

requests for information

- detailed information on the steps taken to ensure that persons detained in the holding areas at Athens Airport who require medical care have access to a doctor (paragraph 53);
- the date of entry into service of Piraeus Holding Centre for Aliens and details of its functioning (activities available, access to medical care, etc) (paragraph 68);
- confirmation of the closing down of the premises of the Ioanina Centre for Illegal Immigrants at Perama and information on the steps taken to find alternative premises (paragraph 72).

4. Fundamental safeguards against ill-treatment

recommendations

- the Greek authorities to reconsider the recommendations made in paragraph 38 of the report on the CPT's first visit, in order to ensure that persons detained by the police have, from the moment they are obliged to remain with the police, the right to inform members of their family or a third person of their choice of their situation. In order for this right to be effective, it will be necessary to define in a precise manner the situations in which its exercise can exceptionally be delayed (paragraph 82);
- the Greek authorities to take steps to ensure that the practice followed by police officers is brought in line with the existing legal provisions concerning the right of access to a lawyer (paragraph 85);

- the Greek authorities to make appropriate arrangements to ensure the confidentiality of discussions between persons in police custody and their lawyers (paragraph 86);
- all medical examinations to be conducted out of the hearing and - unless the doctor requests otherwise in a given case - out of the sight of police officers (paragraph 90);
- the results of every examination, as well as any relevant statements by the detainee and the doctor's conclusions, to be formally recorded by the doctor and made available on request to the detainee and his lawyer (paragraph 90);
- the Greek authorities to take steps to ensure that the information sheets provided for by Order No 4803/22/14-a of 3 November 1995 are systematically given to persons detained by the police at the outset of their custody (paragraph 92);
- the Greek authorities to draw up a code of conduct for interrogations for the Greek police force (paragraph 93);
- the Greek authorities to remedy the shortcomings described in paragraph 96 (paragraph 96);
- the information sheet provided to detained persons to be expanded to include a description of the procedure applicable to foreign nationals detained under the Aliens' legislation (paragraph 96).

comments

- the CPT trusts that the Greek authorities will ensure that the existing legal provisions concerning access to a doctor are fully applied in practice (paragraph 90).

requests for information

- the comments of the Greek authorities on the statements made by detainees met by the CPT's delegation that they had not been in a position to consult a lawyer because of lack of resources (paragraph 87);
- does the right of persons detained under the Aliens' legislation to have access to a lawyer extend to the latter's presence during police questioning and immigration service hearings ? (paragraph 96);
- are there provisions ensuring that foreign nationals who are destitute are in a position to exercise the right of access to a lawyer ? (paragraph 96);
- as regards detained persons placed directly in a police vehicle with a view to their deportation, without passing through a police establishment, the steps taken to inform them of their rights and the procedure which applies to them (paragraph 96);
- a detailed account of the precise practical steps taken by the Greek authorities in order to ensure compliance with the obligation not to send a person to a country where he runs a risk of ill-treatment (paragraph 97).

B. Establishments under the authority of the Ministry of Justice

Introduction

recommendations

- the Greek authorities to pursue vigorously the application of all the different measures designed to combat prison overcrowding (paragraph 99).

comments

- in the interests of their psychological well-being, remand prisoners should also be offered activities and training opportunities (paragraph 100).

requests for information

- further information on the recently adopted law (Law 2479/1997) containing measures designed to improve the employment situation for prisoners (paragraph 100).

Torture and other forms of ill-treatment

recommendations

- the management and staff of Diavata Judicial Prison to be reminded of the importance of avoiding all forms of ill-treatment of prisoners (paragraph 102);
- the Greek authorities to devise a national strategy concerning inter-prisoner violence, taking into account the remarks made in paragraph 105 (paragraph 105).

requests for information

- the outcome of the four complaints of ill-treatment by prison staff registered since March 1996 which are still pending (paragraph 103);
- in respect of 1997:
 - . the number of complaints of ill-treatment lodged against prison staff and the number of criminal/disciplinary proceedings initiated as a result of such complaints;
 - . an account of criminal/disciplinary sanctions imposed following complaints of ill-treatment by prison staff (paragraph 103).

Conditions of detention

recommendations

- serious efforts to be made at Korydallos Prison for men to reduce as soon as possible the occupancy rate to two prisoners per cell (paragraph 108);
- the shower and laundry facilities at Korydallos Prison for men to be restored to a good state of repair (paragraph 110);
- the refurbishment of the cellular accommodation in all the wings of Korydallos Prison for men to be completed as soon as possible (paragraph 110);
- steps to be taken to ensure that all prisoners at Korydallos Prison for men have access to a suitable range of personal hygiene items (paragraph 110);
- steps to be taken at Korydallos Prison for young male offenders to improve the state of repair of the toilet/shower facilities adjacent to the dormitories and to bring the prison laundry back into use (paragraph 116);
- all prisoners at Korydallos Prison for young male offenders to be provided with clean mattresses and regularly cleaned bed linen and towels (paragraph 116);
- steps to be taken to ensure that all prisoners at Korydallos Prison for young male offenders have access to a suitable range of personal hygiene items (paragraph 116);
- the Greek authorities to vigorously pursue efforts to develop the activity programmes at Korydallos Prison for men; the recently-opened printing and book-binding workshop should serve as a model for future developments. Further, the completion of the building currently under construction - and which will provide inter alia recreational facilities for prisoners - should be seen as a priority (paragraph 118);
- efforts to be made to bring the prison library at Korydallos Prison for men back into service (paragraph 118);
- the Greek authorities to persist in their efforts to enhance the programme of activities for prisoners at Korydallos Prison for young male offenders. Young persons in custody should be provided with a full regime of educational, recreational and other purposeful activities. Physical education should constitute a significant element of that regime. Moreover, the staff assigned to units accommodating juveniles should be carefully chosen and, more specifically, be persons capable of guiding and motivating young people (paragraph 121);
- the Greek authorities to:
 - accord a high priority to the completion of the reconstruction works in Corfu Prison. The list of urgent works should include the provision of a suitably equipped kitchen which conforms to hygiene requirements, and a laundry;
 - ensure that all prisoners at Corfu Prison have access to a suitable range of personal hygiene items (paragraph 128);

- the Greek authorities to take immediate steps to introduce a minimum programme of activities, including work and education, for both sentenced and remand prisoners at Corfu Prison (paragraph 131);
- serious efforts to be made to reduce as soon as possible the occupancy rates of the cells and dormitories at Diavata Judicial Prison (paragraph 140);
- a high priority to be given to the completion of the refurbishment of all dormitories in the male wing of Diavata Judicial Prison (paragraph 140);
- steps to be taken to improve the general state of repair of the wings for women and juveniles at Diavata Judicial Prison (paragraph 140);
- all prisoners at Diavata Judicial Prison to be provided with bed linen and towels (paragraph 140);
- implementation of the plan to extend the laundry at Diavata Judicial Prison to be accorded a high priority, and the laundry arrangements for bedding and prisoners' clothes to be reviewed (paragraph 140);
- serious efforts to be made to increase and diversify the activities offered to prisoners at Diavata Judicial Prison. Above all, the number of workplaces should be increased (paragraph 145);
- juvenile prisoners at Diavata Judicial Prison to be offered a full programme of educational, recreational and other purposeful activities. Physical education should constitute an important part of that programme (paragraph 145).

comments

- the Greek authorities are invited to explore the possibility of improving the current curtain partitioning of the in-cell sanitary annexes at Korydallos Prison for young male offenders (paragraph 116);
- the Greek authorities are invited to further diversify the activities offered to inmates at Korydallos Prison for women (paragraph 119);
- the placing of two prisoners in cells measuring 6 m² at Corfu Prison should be brought to an end as soon as possible (paragraph 124);
- sentenced prisoners should be offered a programme of activities which corresponds to the objectives set out in the Code of Basic Rules for the Treatment of Prisoners; further, as regards prisoners serving long sentences, they should be offered, as far as possible, individualised programmes (paragraph 131);
- from the standpoint of a prison establishment, insufficient provision had been made for activities in the new building situated next to Corfu Prison and the exercise areas were oppressive in nature (paragraph 132);
- the Greek authorities are invited to explore the possibility of establishing prisoners' association facilities at Diavata Judicial Prison and of enlarging the selection of reading material in the prison library (paragraph 145).

requests for information

- the Greek authorities' plans at Corfu Prison for the reconstruction and/or fitting out of facilities such as employment/vocational training workshops, classrooms, sports and recreation rooms and for the provision of a sufficient number of qualified staff (paragraph 131);
- clarification of the future of the new building situated alongside the existing premises of Corfu Prison (paragraph 132);
- further details on the plans for the construction of a 15-bed unit for drug addicts in proximity to the main building of Diavata Judicial Prison (paragraph 134).

Medical issues

recommendations

- the Greek authorities to persevere in their efforts to reinforce the health-care services at Korydallos Prison for men and Korydallos Prison for women (paragraph 148);
- steps to be taken:
 - . to ensure that inmates at Corfu Prison who need to be hospitalised are transferred with due promptness;
 - . to provide proper facilities and equipment for the health-care service at Corfu Prison (paragraph 150);
- steps to be taken to reinforce the health-care services at Diavata Judicial Prison and in particular to ensure attendance by general practitioners amounting to the equivalent of the presence of a full-time doctor (paragraph 151);
- the Greek authorities to monitor closely compliance with the Ministry of Justice circulars dated 27 October 1994 and 16 April 1997 concerning medical screening on admission (paragraph 154);
- the Greek authorities to ensure that the precepts referred to in paragraph 156 are fully respected in practice (paragraph 156);
- the Greek authorities to take steps to ensure that HIV-positive prisoners who are well are not subject to segregation (paragraph 157);
- the Greek authorities to devise a policy for combating transmissible diseases (in particular hepatitis, AIDS, tuberculosis and skin diseases) in places of detention, based upon a programme of education and information - for both prison staff and inmates - about methods of transmission and means of protection, as well as the application of adequate preventive measures (paragraph 158);

- a personal and confidential medical file to be opened for each prisoner, containing diagnostic information as well as an ongoing record of the prisoner's state of health, of any special examinations he has undergone and of his treatment. In the event of the prisoner being transferred, the file should be forwarded to the doctors in the receiving establishment, in a manner guaranteeing confidentiality (paragraph 160);
- the Prison Hospital at Korydallos to be resourced as a hospital in the true sense of the term or, when appropriate, ready access to fully-equipped hospital services elsewhere to be guaranteed (paragraph 162);
- all placements in an isolation room at the Psychiatric Unit at Korydallos Prison Complex to be recorded in a specific register, with an indication of the time at which the measure began and ended, the reasons for the measure and the doctor ordering it, the use of physical restraints, periodic supervision by nursing staff, etc. (paragraph 166);
- immediate steps to be taken to improve substantially material conditions within the "isolation/observation unit" in the Psychiatric Unit at Korydallos Prison Complex, to ensure proper attention to personal hygiene and to guarantee ongoing supervision of persons placed there (paragraph 167);
- the Greek authorities to take urgent steps to review the operation of the Psychiatric Unit at Korydallos Prison Complex, in the light of the remarks in paragraph 168 (paragraph 168).

comments

- prison officers assigned to the Psychiatric Unit at Korydallos Prison Complex should be placed under the direct authority of the establishment's Head doctor insofar as their work within the Unit is concerned (paragraph 169).

requests for information

- a copy of the legislation regulating the functioning of the regional medical centres and information on any other measures envisaged in this area (paragraph 146);
- full information on the resources of the health-care service at Korydallos Prison for young male offenders (paragraph 149);
- the amount of time spent within the establishment by the general practitioner employed by Corfu Prison (paragraph 150);
- the plans to enlarge the health-care facilities at Diavata Judicial Prison (paragraph 151);
- clarification of the current approach as regards screening prisoners for HIV (paragraph 155);
- the intended date of entry into operation of the unit for drug addicted prisoners at the Psychiatric Unit at Korydallos Prison Complex (paragraph 163).

Other issues related to the CPT's mandate

recommendations

- the rooms for restricted visits at Korydallos prisons for men and for women to be re-designed in order to enable prisoners and their visitors to have a clear view of each other and communicate without having to shout (paragraph 174);
- proper visiting facilities to be provided at Corfu Prison (paragraph 174);
- steps to be taken to guarantee the confidentiality of prisoners' discussions with their lawyers (paragraph 174);
- every prisoner to have the right to be heard before any disciplinary sanction is imposed, and interpretation to be provided for prisoners who do not understand Greek. Further, prisoners against whom disciplinary proceedings are brought should receive advance warning of the charges involved and be informed of their right to appeal to a higher authority against any sanctions imposed (paragraph 176);
- the Greek authorities to take steps to ensure compliance with the safeguards mentioned in paragraph 177 (paragraph 177);
- as regards the segregation unit at Korydallos Prison for men:
 - . the cells used to accommodate prisoners segregated for a non-disciplinary reason to be equipped in the same way as an ordinary prison cell;
 - . the cells used to accommodate prisoners confined to a special cell as a punishment to be fitted with a table and chair, if necessary fixed to the floor;
 - . the respective regimes applicable, on the one hand, to persons undergoing disciplinary confinement and, on the other hand, to persons held in the segregation unit for other reasons, be expressly laid down;
 - . if, exceptionally, prisoners who are emotionally or psychologically disturbed have to be held temporarily in the segregation unit, they should be kept under close observation (paragraph 178);
- the disciplinary units at Korydallos Prison for young male offenders and Corfu Prison to be withdrawn from service until such time as they are provided with adequate lighting and ventilation (paragraph 180);
- the Greek authorities to take urgent steps to remedy the shortcomings described in paragraph 181 (paragraph 181);
- immediate steps to be taken to ensure that all prisoners placed in a disciplinary cell:
 - . are guaranteed one hour of outdoor exercise per day;
 - . are allowed to have access to reading matter;
 - . are able to maintain their personal hygiene (paragraph 182);

- a register to be established in every disciplinary/segregation unit, setting out full details of persons held in the unit: date and time of entering and leaving the unit; grounds for the detention and destination on departure; cell occupied; etc. (paragraph 183);
- the Greek authorities to review the application of the complaints procedures, with a view to ensuring that they are operating effectively (paragraph 185);
- the Greek authorities to review the operation of existing prison inspection procedures, in the light of the remarks made in paragraph 186 (paragraph 186);
- all cells and dormitories to be fitted with a call system (paragraph 188);
- the translation of the information leaflet for prisoners into more languages to be given a high priority (paragraph 190).

comments

- the Greek authorities are invited to review the facilities for open visits; preferably, prisoners and their families/children should be seated around a table, thereby permitting a private discussion (paragraph 174);
- it would be preferable for disciplinary charges against a prisoner and the subsequent decision to be provided in writing (paragraph 176);
- the Greek authorities are invited to add the President of the CPT to the list of authorities with whom prisoners can communicate by confidential letter (paragraph 185);
- it would be desirable for the expressions most commonly used in everyday activities to be translated into a range of languages, together with other appropriate information such as how to contact a lawyer or consular authorities (paragraph 190).

requests for information

- progress made towards filling all vacant prison staff posts (paragraph 171);
- the comments of the Greek authorities on the possibility for prisoners to receive visits from their partners to whom they had not been formally married according to Greek law (paragraph 175).

C. Establishments under the authority of the Ministry of Health

Torture and other forms of ill-treatment

comments

- the remarks made in paragraph 105 concerning inter-prisoner violence apply mutatis mutandis to psychiatric hospitals (paragraph 197).

requests for information

- any interim measures that may be taken in respect of members of staff of psychiatric hospitals against whom allegations of ill-treatment have been made and who are the subject of criminal or disciplinary proceedings (paragraph 194);
- in respect of all State mental hospitals in Greece, for 1997:
 - . the number of complaints of ill-treatment lodged against members of staff and the number of criminal/disciplinary proceedings initiated as a result of such complaints;
 - . an account of the criminal/disciplinary sanctions imposed following complaints of ill-treatment by members of staff (paragraph 195);
- whether there are staff support and counselling programmes in other Greek psychiatric hospitals apart from Attica State Mental Hospital (paragraph 196).

Follow-up visit to Attica State Mental Hospital

recommendations

- the Greek authorities to:
 - . continue actively their efforts to increase the number of qualified staff at the hospital with a view to implementing therapeutic activities;
 - . take urgent steps to fill all the vacant nursing posts at the hospital (paragraph 203);
- the Greek authorities to pursue actively their efforts to improve patients' living conditions at the hospital, taking due account of the remarks set out in paragraphs 204 to 210. The policy of replacing the large dormitories with small units should be given a high priority (paragraph 211);
- the Greek authorities to intensify their efforts to expand considerably the therapeutic activities available at the hospital, using the full range of treatments (physical, psychological, social and occupational therapies) (paragraph 214).

comments

- it would be advisable to reflect upon measures to encourage qualified nurses to apply for vacant nursing posts at the hospital (paragraph 203).

requests for information

- the Greek authorities' comments on the decline recorded in the number of doctors employed at the hospital (paragraph 203);
- the Greek authorities' comments on differentiating between patients at the hospital, on the basis of their clinical condition and level of development (paragraph 215).

Thessaloniki State Mental Hospital

recommendations

- the Greek authorities to take the necessary steps concerning staff resources at the hospital, in the light of the remarks made in paragraph 218 (paragraph 218);
- a high priority to be accorded to the completion of the refurbishment programme at the ward for criminally irresponsible patients. The aim should be to replace the large dormitory with small units similar to those already found elsewhere in the hospital and to introduce material conditions which will make it possible to provide patients with a differentiated therapeutic environment (paragraph 220);
- the Greek authorities to persevere in their efforts to develop the range of therapeutic and other activities for patients at the hospital, including those declared criminally irresponsible (paragraph 223).

requests for information

- the Greek authorities' comments on the situation of patients at the hospital who have been declared criminally irresponsible (paragraph 223).

Instruments of physical restraint

recommendations

- the Greek authorities to carry out without delay a review of the methods used in psychiatric hospitals to immobilise patients (paragraph 224);
- every use of physical restraint for each patient only to be applied on the express instruction of a doctor or immediately brought to the attention of a doctor for approval (paragraph 225);
- every recourse to measures of physical restraint to be recorded in the patient's file and in a specific register, with an indication of the times at which the measure began and ended, the circumstances of the case, the reasons for resorting to the measure and an account of any injuries sustained by patients or members of staff (paragraph 225);
- the use of instruments of physical restraint for non-medical reasons at the Thessaloniki State Mental Hospital to cease (paragraph 226).

requests for information

- the Greek authorities' comments on the situation described in paragraph 227 (paragraph 227).

Information for patients, complaints procedures and outside intervention

recommendations

- patients declared criminally irresponsible to be provided with information on their situation and the remedies available to them (paragraph 228).

requests for information

- progress made in respect of the Bill on the development and modernisation of the National Health Service (paragraph 229).

Legal safeguards relating to involuntary hospitalisation

recommendations

- as a matter of urgency, the Greek authorities to take the necessary steps to ensure the proper application of the provisions of Act 2071/92 relating to involuntary hospitalisation (paragraph 232).

requests for information

- the progress of the initiative to introduce a legal assistance scheme in Athens for patients who are destitute or have no families, and whether there are other examples of this type in Greece (paragraph 233);
- the Greek authorities' comments on information received to the effect that courts tend to order the continued hospitalisation of patients confined under Article 69 of the Criminal Code, even when a medical report had certified that this was no longer necessary (paragraph 234).

D. Detention facilities of the courts of first instance

recommendations

- the Greek authorities to ensure that all persons placed in the detention facilities are given something to eat at the appropriate times and that they have ready access to drinking water (paragraph 236);
- improvements to be made to the conditions under which persons held in the detention facilities meet their lawyers (paragraph 237).

comments

- ventilation in two of the detention facilities' cells was inadequate (paragraph 235).

APPENDIX II

LIST OF THE NATIONAL AUTHORITIES AND NON-GOVERNMENTAL AND OTHER ORGANISATIONS WITH WHICH THE CPT'S DELEGATION HELD CONSULTATIONS

National authorities

Ministry of Justice

Mr Evangelos YANNOPOULOS	Minister for Justice
Mr Constantinos DAILIANAS	Permanent Secretary of State
Mr Nikolaos TSIGAS	General Director for Correctional Policy
Mr Christophoros KALAVRITINOS	General Director for Personnel
Mrs Kiriaki BARDANI	Head of Department, Prevention and Suppression of Juvenile Delinquency
Mrs Sevasti PAPAMITROPOULOU	Head of Department, Adult Education in Prisons
Mr Dimitris KOUTSOUKIS	Head of Department, Prisoners' Vocational Occupation
Mr Ioannis STALIKAS	Head of Department, Adult Correctional Treatment and Prison Establishments' Operations
Mr Antonios PAPADOURAKIS	Prison Health Care Inspector
Mrs Vina TSILIMIGAKI	Social Work Prison Inspector
Mr Panaghiotis VASSILAKOPOULOS	Lawyer, CPT Liaison Officer
Mrs Kalliopi SPINELLI	Professor of Criminology and Correctional Treatment, Athens University, Member of the Central Scientific Prison Board
Mr Manolis NONAS	Head of Athens Forensic Medical Department
Mr LEVKIDIS	Forensic Doctor, Athens Forensic Medical Department

Ministry of Public Order

Mr Georgios ROMEOS	Minister for Public Order
Mr Giannis PAPADOGIANNAKIS	Permanent Secretary of State
Mr Ioannis HOULIARAS	Police Superintendent, International Police Collaboration Directorate, CPT Liaison Officer
Mr Georgios GIANNES	Brigadier General, Director of State Security Directorate, CPT Liaison Officer

Ministry of Health

Mr Kostas GEITONAS	Minister for Health
Mr Emmanuel SKOULAKIS	Deputy Minister for Health
Mrs Kalliopi MAVRADZOTOU	Mental Health Directorate

Ministry of Defence

Mr Demetrios HASLARIDES	Public Prosecutor at Piraeus Marine Military Court, CPT Liaison Officer
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Ministry of Foreign Affairs

Mr BOUKAOURIS	Ambassador
Mr MANESSIS	

Non-governmental and other organisations

Athens Medical Rehabilitation Centre for Torture Victims

Greek Council for Refugees

Greek Human Rights League

Ioanina Rehabilitation Centre for Torture Victims

Marangopoulos Foundation for Human Rights

United Nations High Commissioner for Refugees (Athens Office)