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European Committee for the Prevention of Torture  
and Inhuman or Degrading Treatment or Punishment  
(CPT)

# **13th General Report on the CPT's activities**

**covering the period 1 January 2002 to 31 July 2003**

Strasbourg, 10 September 2003



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The CPT is required to draw up every year a general report on its activities, which is published. For operational reasons, it has become standard practice for the general report to be published in the late summer. To better reflect this practice, the Committee has decided that future general reports should cover the 12-month period from 1 August to 31 July. As a transitional measure, the 13th General Report on the CPT's activities covers the 19-month period from 1 January 2002 to 31 July 2003.

This 13th General Report, as well as previous general reports and other information about the work of the CPT, may be obtained from the Committee's Secretariat or from its website:

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## PREFACE

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) was set up under the 1987 Council of Europe Convention of the same name (hereinafter “the Convention”). According to Article 1 of the Convention:

“There shall be established a European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment... The Committee shall, by means of visits, examine the treatment of persons deprived of their liberty with a view to strengthening, if necessary, the protection of such persons from torture and from inhuman or degrading treatment or punishment.”

The work of the CPT is designed to be an integrated part of the Council of Europe system for the protection of human rights, placing a proactive non-judicial mechanism alongside the existing reactive judicial mechanism of the European Court of Human Rights.

The CPT implements its essentially preventive function through two kinds of visits – periodic and ad hoc. Periodic visits are carried out to all Parties to the Convention on a regular basis. Ad hoc visits are organised in these States when they appear to the Committee “to be required in the circumstances”.

When carrying out a visit, the CPT enjoys extensive powers under the Convention: access to the territory of the State concerned and the right to travel without restriction; unlimited access to any place where persons are deprived of their liberty, including the right to move inside such places without restriction; access to full information on places where persons deprived of their liberty are being held, as well as to other information available to the State which is necessary for the Committee to carry out its task.

The Committee is also entitled to interview in private persons deprived of their liberty and to communicate freely with anyone whom it believes can supply relevant information.

Each Party to the Convention must permit visits to any place within its jurisdiction “where persons are deprived of their liberty by a public authority”. The CPT’s mandate thus extends beyond prisons and police stations to encompass, for example, psychiatric institutions, detention areas at military barracks, holding centres for asylum seekers or other categories of foreigners, and places in which young persons may be deprived of their liberty by judicial or administrative order.

Two fundamental principles govern relations between the CPT and Parties to the Convention – co-operation and confidentiality. In this respect, it should be emphasised that the role of the Committee is not to condemn States, but rather to assist them to prevent the ill-treatment of persons deprived of their liberty.

After each visit, the CPT draws up a report which sets out its findings and includes, if necessary, recommendations and other advice, on the basis of which a dialogue is developed with the State concerned. The Committee’s visit report is, in principle, confidential; however, almost all States have chosen to waive the rule of confidentiality and publish the report.

## ACTIVITIES DURING THE PERIOD 1 JANUARY 2002 TO 31 JULY 2003

### Visits

1. The CPT organised twenty visits totalling 168 days in 2002, divided between twelve periodic (122 days) and eight ad hoc (46 days) visits<sup>1</sup>. As the CPT made clear in the 12<sup>th</sup> General Report, in view of the absence of any further reinforcement of the Committee's Secretariat, it was obliged to limit the visit programme in 2002 to a maximum of 170 days, despite having received appropriations for 180 days.

The ceiling of 170 visit days remains in place in 2003. Nevertheless, the current year will see the CPT make considerable progress towards its declared aim of achieving a balance between periodic and ad hoc visits. The programme of periodic visits will amount to some 100 days (covering 10 visits), the remaining 70 days being used for up to a dozen ad hoc visits. As at 31 July 2003, five periodic visits and eight ad hoc visits had already been organised<sup>1</sup>.

The CPT remains hopeful that in 2004 it will be possible to move closer to the long-standing target of 200 visit days per year (cf. paragraph 26); this is the volume of visit days required to cope effectively with the workload generated by up to 45 Parties to the Convention.

2. The 2002 programme of periodic visits was marked by the CPT's first visits to Armenia and Azerbaijan, and the 2003 programme by the first visit to Bosnia and Herzegovina. The CPT welcomes the very good level of cooperation received by its visiting delegations in each of these countries. The organisation, prior to the visits, of two-day seminars in Baku, Sarajevo and Yerevan concerning the CPT's mandate and activities undoubtedly contributed to this positive situation.

3. The full lists of countries which received periodic visits in 2002 and, to date, in 2003 are as follows, in chronological order:

2002 – Denmark; the Netherlands (Kingdom in Europe and Netherlands Antilles); Bulgaria; the Czech Republic; Ireland; Romania; Latvia; Armenia; “the former Yugoslav Republic of Macedonia”; Azerbaijan; Ukraine;

2003 – Sweden; Luxembourg; Bosnia and Herzegovina; the United Kingdom; Spain. (Further periodic visits will be carried out in 2003 to the following countries, listed in alphabetical order: Croatia; Estonia; Finland; Georgia; Portugal.)

4. The 16 ad hoc visits carried out by the CPT during the period covered by this General Report concerned ten countries: Albania; France (two visits); Hungary; Moldova; Portugal; Romania; Russia (four visits); “the former Yugoslav Republic of Macedonia”; Turkey (three visits); and the United Kingdom.

Most of these visits were organised in order to verify the implementation in practice of recommendations previously made by the CPT concerning issues of particular importance. Others were triggered by new developments in areas covered by the Committee's mandate or by reports received concerning the situation of persons deprived of their liberty.

5. The CPT carried out **three ad hoc visits to the Chechen Republic of the Russian Federation during 2002 and the first half of 2003** (making a total of six visits in the last three and a half years). Further, at the CPT's request, high-level talks were held in Moscow in December 2002, aimed at strengthening the dialogue between the Russian authorities and the Committee on matters relating to the situation in the Chechen Republic. Reference should also be made to meetings which the President of the CPT had in January and May 2003 with the Special Representative of the President of the Russian Federation for ensuring human and civil rights and freedoms in the Chechen Republic, Mr Abdul-Khakim SULTYGOV.

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<sup>1</sup> The countries and places of detention visited are set out in Appendix 6.



Unfortunately, in spite of the CPT's sustained efforts in recent years, the information gathered by the Committee demonstrates clearly that the Russian authorities have failed to tackle effectively major problems related to the Committee's mandate. There is continued resort to torture and other forms of ill-treatment by members of the law enforcement agencies and federal forces operating in the Chechen Republic. Further, the action taken to bring to justice those responsible is slow and – in many cases – ultimately ineffective.

In its public statement concerning the Chechen Republic made on 10 July 2003 (cf. Appendix 7), the CPT acknowledges the extreme difficulties confronting the federal and republican authorities in their efforts to restore the rule of law and achieve a lasting reconciliation in this part of the Russian Federation. However, the Committee also insists that the response to those difficulties must never degenerate into acts of torture or other forms of ill-treatment. The CPT identifies measures which need to be taken by the Russian authorities.

The CPT is determined to pursue its cooperation with the Russian authorities in order to assist them to abide, both in the Chechen Republic and elsewhere in the Russian Federation, by the fundamental principle that “no one shall be subjected to torture or to inhuman or degrading treatment or punishment”. Failure to comply with that principle will render it impossible to create the climate of confidence which is an essential prerequisite for rebuilding civil society in the Chechen Republic.

6. Over the last two years, the Turkish authorities have been engaged in a vast programme of legislative reform. This programme has included numerous positive changes in areas related to the CPT's mandate, in particular as regards *custody by law enforcement agencies*. The main purpose of the Committee's **ad hoc visits to Turkey in March and September 2002** was to examine the implementation in practice of these reforms. The CPT's report on those visits and the Turkish authorities' response were published in June 2003; these documents make clear both what has been achieved and what remains to be done.

Most of the legislative and regulatory framework necessary to combat effectively torture and ill-treatment by law enforcement officials has been put in place. As was rightly pointed out by the Minister of the Interior, Mr Abdülkadir AKSU, in a circular of 16 January 2003, the challenge now is to make sure that all of the above-mentioned provisions are given full effect in practice. This issue was at the centre of high-level talks held between the Turkish authorities and CPT representatives in Ankara on 8 July 2003; it will be pursued during further visits to be organised by the Committee in the months ahead.

7. In the course of the March 2002 ad hoc visit to Turkey, the CPT's delegation also reviewed once again the development of *communal activities for inmates in the new F-type prisons*. This issue is closely connected with the long-running hunger strike campaign related to reform of the prison system, which tragically has claimed so many lives. The Committee's findings were discussed at high-level talks in Ankara on 20 September 2002, which focussed on the recently-introduced additional activity of regular association (“conversation”) periods for up to ten prisoners. At the time of the March 2002 visit, it remained the case that only those prisoners who took part in another communal activity (education, sport, vocational training, etc.) were able to participate in the association periods. At the September talks, the CPT's representatives stressed that this precondition might well be acting as a brake on the development of communal activities in F-type prisons and requested that it be dropped. The Committee was pleased to note that thanks to a circular issued by the Minister of Justice on 10 October 2002, prisoners in F-type prisons can now participate in the regular association periods for groups of up to ten prisoners, irrespective of whether they take part in any other communal activity.

All prisoners in F-type prisons now have at their disposal a range of communal activities involving both structured and unstructured opportunities for human contact outside their living units. The CPT very much hopes that they will make use of those opportunities. The Committee is closely following developments in this area, in order to ensure that the full potential of communal activity programmes in F-type prisons is realised.

8. The CPT continues to pay considerable attention to the treatment of *immigration detainees*. As well as being a regular feature of programmes of periodic visits, this subject was addressed during two ad hoc visits in 2002, to France and the United Kingdom.

In the course of its **June 2002 ad hoc visit to France**, the CPT examined the treatment of aliens refused entry into France and of asylum seekers, whilst held at Paris-Charles de Gaulle Airport. The CPT's delegation reviewed the action taken to implement the recommendations made after the Committee's previous visit to the airport, in May 2000. It also examined procedures for the forcible deportation of foreign nationals by air, a subject dealt with in depth in the substantive section of this General Report.

The **ad hoc visit to the United Kingdom in February 2002** was organised in order to assess the treatment of suspected international terrorists detained pursuant to the Anti-Terrorism, Crime and Security Act 2001. This Act provides for the administrative detention (by Ministerial decision), for an indefinite period, of foreigners believed to pose a risk to national security and suspected of being international terrorists who, for legal or practical reasons, cannot be removed from the United Kingdom. Such persons are considered as immigration detainees.

The report on this visit and the response of the United Kingdom Government were published in February 2003. Replying to the CPT's criticism of the limited out-of-cell time and activities enjoyed by persons detained pursuant to the 2001 Act, the United Kingdom authorities state that the detainees have been moved to units capable of offering enhanced activities. In reaction to other remarks made by the CPT, the response emphasises that the United Kingdom "...intends that action taken by its institutions and officials to combat terrorism and to preserve a democratic society will at all times be in accordance with the fundamental rights of any person against whom action is taken".

9. The CPT organised a **second ad hoc visit to the Transnistrian region of the Republic of Moldova in February 2003** (the first having taken place in November 2000). This region unilaterally declared itself an independent republic in 1991 and negotiations aimed at resolving the situation are still taking place. The visit focussed on the treatment of persons held in penitentiary establishments and, more particularly, on the level of care provided to prisoners suffering from tuberculosis.

As had been the case during the CPT's first visit to the region, the Committee's delegation received valuable assistance from the OSCE Mission to Molodova.

10. During the **ad hoc visits to Portugal and Romania in December 2002 and February 2003**, the CPT reviewed developments at Oporto Prison and the General Directorate of the Police in Bucharest since earlier visits to those establishments; this followed invitations to the Committee from the national authorities that it return. The **ad hoc visit to Albania in July 2003** was also very much of a follow-up nature (implementation of the Committee's recommendations designed to combat ill-treatment by law enforcement officials and to improve conditions at Elbasan Psychiatric Hospital). The same was true of the **May 2003 ad hoc visit to Hungary** (treatment of remand prisoners in both prison and police establishments, with particular reference to the activities provided).

The main purpose of the **ad hoc visit to France in June 2003** was to assess the current situation in the prison system, in particular as regards overcrowding and the regimes offered to prisoners serving long sentences. The CPT's delegation also held in-depth discussions with the national authorities on the safeguards to be offered to persons in police custody and, in particular, access to a lawyer as from the outset of custody.

The **ad hoc visit to Kaliningrad in March 2003** provided the opportunity to examine the treatment of persons held in a variety of establishments on the territory of this enclave of the Russian Federation (police detention facilities, prisons, psychiatric hospitals, and Federal Border Service establishments).

During the **July 2002 ad hoc visit to "the former Yugoslav Republic of Macedonia"**, the CPT's delegation focussed its attention on the treatment of persons detained by law enforcement agencies. The visit report was published in April 2003; it makes clear that the serious problems in this area already identified by the Committee during earlier visits had not been resolved. In their response, the national authorities stress that they are fully committed to complying with the CPT's recommendations.

As for the CPT's **ad hoc visit to Turkey in February 2003**, it was triggered by persistent reports that relatives and lawyers of Abdullah Öcalan were experiencing considerable difficulties in gaining access to Imralı island in order to visit him. The Committee's delegation examined the arrangements for visits, including the means of transport used for this purpose, and discussed in detail with the Turkish authorities means of ensuring that Abdullah Öcalan's right to receive visits from his relatives and lawyers is fully effective in practice.

## Meetings and working methods

11. The CPT held three one-week plenary sessions in 2002 (in March, July and November), and the same pattern will be followed in 2003.

During 2002, the CPT adopted 18 reports (covering 20 visits): on visits to Albania, Belgium, Greece, Romania, Russia, Slovenia, “the former Yugoslav Republic of Macedonia” and Turkey in 2001; and to Bulgaria, the Czech Republic, Denmark, France, Ireland, the Netherlands, Russia (Chechen Republic), “the former Yugoslav Republic of Macedonia”, Turkey and the United Kingdom in 2002.

To date in 2003, the CPT has adopted 11 reports (covering 12 visits): on visits to Armenia, Azerbaijan, Latvia, Portugal, Romania, “the former Yugoslav Republic of Macedonia” and Ukraine in 2002; and to Luxembourg, Moldova (Transnistrian region), Romania, Sweden and Turkey in 2003.

12. The working group set up by the CPT in July 2000 to review all aspects of the Committee’s working methods presented its final report at the March 2003 plenary session.

Information on this group’s work has been provided in previous general reports. As was pointed in the 12<sup>th</sup> General Report, it has already led to the provisional introduction of a system of “advisers”, based on members volunteering to take a specific interest in particular countries. It is hoped in this way to place individual members in a position to make a more effective contribution to the CPT’s activities. For the time being, the system is being applied – on a two-year pilot project basis – to six countries (France, “the former Yugoslav Republic of Macedonia”, Germany, Italy, Russia and Sweden); two advisers have been designated in respect of each of those countries. The members concerned work in close cooperation with the CPT’s Secretariat and meet and communicate regularly in order to exchange views.

The working group’s final report did not result in any revolutionary changes to the CPT’s working methods. However, a considerable amount of “fine-tuning” of existing arrangements was proposed, and accepted by the Committee. Most notably, visiting delegations and (where they exist already) country advisers have been given greater responsibility for the follow-up of visits and hence for the pursuit of the ongoing dialogue with States. More generally, the CPT endorsed the working group’s view that fact-finding must be accompanied by the development of strategies aimed at bringing about change. This will require continuous reflection about the most effective methods of pursuing dialogue with each Party to the Convention.

13. The discussions which CPT delegations hold with senior officials in the context of visits continue to be supplemented, in appropriate cases, by high-level talks between the national authorities and CPT representatives. Such direct contacts outside the context of a visit have frequently made it possible to clear up misunderstandings and enrich the ongoing dialogue with States.

Reference has already been made to the talks which were held in Ankara in September 2002 and July 2003, and in Moscow in December 2002. Similar talks were organised in Chisinau in April 2002, Brussels in October 2002 and the Hague in June 2003.

14. Should the CPT adopt a more proactive approach vis-à-vis the implementation of its recommendations, in particular those with substantial financial implications, by seeking to identify means of providing assistance to States? This question first surfaced at the CPT’s tenth-anniversary event held in Strasbourg on 19 November 1999, and the Committee has been wrestling with it ever since. The CPT is grateful to the Association for the Prevention of Torture for having organised in Strasbourg, on 24 and 25 June 2002, a workshop on the theme “How to improve the implementation of CPT recommendations?”, which helped to identify the multifarious issues involved.

This subject remains under active consideration by the CPT and the Committee would welcome any comments concerning it which interested persons might wish to present.

The CPT would also like to take this opportunity to thank the Luxembourg authorities for having made voluntary contributions to the Council of Europe, totalling 90,000 Euros, for the purpose of assisting States to implement CPT recommendations.

15. The CPT continues to receive scores of invitations per year to participate in meetings of intergovernmental and non-governmental organisations, in order to provide information about its activities. The Committee was particularly grateful for the possibility afforded its President to take part in the hearing on conditions of detention in Council of Europe member States, organised on 19 March 2002 by the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly. The CPT greatly appreciates the opportunity these occasions provide to exchange experiences and ideas.

## Publications

16. A vast amount of CPT material has been placed in the public domain during the period covered by this General Report. Twenty visit reports were published by the Committee in 2002, at the request of the governments concerned, together with a similar number of government responses; a further 15 visit reports have been published to date in 2003. These publications include, for the first time, reports on visits to Albania, Estonia, the Russian Federation and Ukraine. In fact, leaving aside those States which are new Parties to the Convention and have only recently received the first visit from the CPT, all States which have ratified the Convention have now agreed to the publication of at least one CPT visit report<sup>2</sup>. The CPT welcomes the fact that authorisation of publication of the Committee's reports is now becoming the norm.

The CPT is also pleased to note the increasing number of cases in which visit reports and government responses are published in the national language of the country concerned. Clearly this will serve to maximise the impact of the Committee's reports, allowing increased access for a wide range of interested organisations and individuals, including law enforcement and custodial officials at all levels, non-governmental organisations at the domestic as well as at the regional and international level, and persons working in related professions.

17. Particular reference should be made to the publication on 30 June 2003 of documents concerning the CPT's periodic visit to the Russian Federation in December 2001. In their response to the Committee's visit report, the Russian authorities point out that the Ministry of Justice has issued instructions for the removal of all shutters from the windows of prisoner accommodation. This seemingly technical measure constitutes, in fact, a major step forward in terms of improving conditions of detention.

The CPT very much hopes that the Russian authorities' lead on this issue will be followed by other countries in which the practice of blocking up cell/dormitory windows still prevails. As the CPT stressed in its 11<sup>th</sup> General Report, natural light and fresh air are basic elements of life which every prisoner is entitled to enjoy; moreover, the absence of these elements generates conditions favourable to the spread of diseases and in particular tuberculosis.

18. During 2002, a "CPT information pack" was compiled, consisting of various materials describing the Committee's modus operandi and the standards it has developed. In addition to English and French, this pack is currently available in Albanian, Croatian, Estonian, German, Romanian, Russian, Serbian, Turkish and Ukrainian. Translations into Italian and Spanish are planned. The information pack is available in the eleven above-mentioned languages on the CPT's website, and printed copies can be obtained from the Committee's Secretariat.

It should also be recalled that a CD-ROM containing the whole of the website is produced once per year (latest edition: May 2003).

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<sup>2</sup> A State-by-State table showing the situation as regards the publication of visit reports is set out in Appendix 3.



## ORGANISATIONAL ISSUES

### The Convention establishing the CPT

19. Almost eight and a half years after their opening for signature, Protocols Nos 1 and 2 to the Convention finally entered into force on 1 March 2002. Protocol No.1 “opens” the Convention by providing that the Committee of Ministers may invite any non-member State of the Council of Europe to accede to it; Protocol No.2 introduces amendments aimed at ensuring a more orderly renewal of the CPT’s membership and provides that Committee members may be re-elected twice (instead of only once as previously).

As a result of their entry into force, the provisions of the Protocols have been incorporated into the text of the Convention. The Convention can now only be ratified, or acceded to, in its amended form.

20. The state union of Serbia and Montenegro joined the Council of Europe on 3 April 2003. It has undertaken to sign and ratify the Convention establishing the CPT within one year of its accession to the Organisation, and the Committee understands that it is the intention of the authorities of Serbia and Montenegro to ratify the Convention at the earliest possible opportunity. The CPT looks forward to cooperating with those authorities in the application of the Convention.

In anticipation of ratification by Serbia and Montenegro, consultations are already underway with a view to ensuring the application of the Convention in Kosovo.

### Optional Protocol to the United Nations Convention against Torture

21. The Optional Protocol was adopted by the United Nations General Assembly on 18 December 2002. It was opened for signature on 1 January 2003 and will enter into force upon the 20<sup>th</sup> ratification. The CPT welcomes this development and looks forward to cooperating with the Subcommittee on Prevention of Torture to be established under the Optional Protocol as well as, in countries which have ratified both the Convention and the Optional Protocol, with the national preventive mechanisms provided for by the Protocol.

22. Article 31 of the Optional Protocol explicitly encourages the Subcommittee and regional bodies like the CPT “to consult and cooperate with a view to avoiding duplication”. That process of consultation and cooperation would be facilitated if a proposal made by the CPT more than ten years ago, in its 3<sup>rd</sup> General Report<sup>3</sup>, were to be accepted. The proposal was that Parties to the Convention establishing the CPT which also ratify the Optional Protocol agree that visit reports drawn up by the CPT in respect of their countries, and their responses, be systematically forwarded to the Subcommittee on a confidential basis. In this way, consultations between the Subcommittee and the CPT could be held in the light of all the relevant facts. In the CPT’s view, implementation of this measure should not require an amendment of the Convention.

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<sup>3</sup> cf. Appendix 5 of CPT/Inf (93) 12

## CPT membership

23. Six new CPT members took up office in 2002: Mr Roger BEAUVOIS (in respect of France); Ms Marija DEFINIS GOJANOVIĆ (Croatia); Ms Hildburg KINDT (Germany); Ms Günsel KOPTAGEL-İLAL (Turkey); Mr Esteban MESTRE DELGADO (Spain); and Ms Tatiana RĂDUCANU (Moldova). Further, the following members were re-elected: Mr Andres LEHTMETS (Estonia); Ms Ingrid LYCKE-ELLINGSEN (Norway); and Mr Volodymyr YEVINTOV (Ukraine).

To date in 2003, Ms Isolde KIEBER (Liechtenstein) and Ms Ann-Marie ORLER (Sweden) have been elected to seats on the Committee, and Mr Mario BENEDETTINI (San Marino), Mr Aleš BUTALA (Slovenia) and Ms Veronica PIMENOFF (Finland) have been re-elected.

At the time of the publication of this General Report, the CPT has 35 members<sup>4</sup>. The seats in respect of Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Ireland, Portugal, Romania, Slovakia and the Russian Federation are vacant.

24. In the course of 2002 and to date in 2003, the following members of the CPT have left the Committee on the expiry of their terms of office: Ms Maria Teresa BELEZA (elected in respect of Portugal); Mr Fatmir BRAKA (Albania); Mr Aurel KISTRUGA (Moldova); Mr Yuri KUDRYAVTSEV (Russian Federation); Mr John OLDEN (Ireland); Ms Jagoda POLONCOVÁ (Slovakia); Mr Rudolf SCHMUCK (Germany); Mr Florin STĂNESCU (Romania); and Mr Davor STRINOVIĆ (Croatia). The CPT wishes to place on record its gratitude for their contributions to the Committee's work.

25. The CPT welcomes the fact that the proportion of women among its membership has risen over the last twelve months and now stands at 13 out of 35. Further, the number of members with a medical background is once again close to being on a par with that of lawyers in the Committee.

However, following recent departures from the CPT, the Committee currently does not have a sufficient number of members with practical experience of prison work. Further, it would be desirable to have still more members with first-hand knowledge of the work of law enforcement agencies and of immigration issues. In the health-care field, one or more members with extensive nursing experience would be a considerable asset to the CPT. The Committee would also benefit from the presence among its members of a specialist in child psychiatry and of more doctors with relevant forensic skills (in particular as regards the observation and recording of physical injuries) and with experience of treating torture survivors.

The CPT hopes that these remarks will be kept in mind during the process of filling vacant seats in the Committee.

## Administrative and budgetary questions

26. In its 12th General Report, the CPT explained at some length the need for the considerable expansion of its field of operations in recent years to be matched by a corresponding increase in its human and financial resources. The Committee was subsequently pleased to learn that plans are afoot to address this matter.

In the context of defining the Council of Europe's priorities for 2004, the Secretary General proposed that the CPT receive additional support and, more specifically, that "the number of visit days (and corresponding staff numbers) be increased", in order to cope with the rise in the number of Parties to the Convention. He subsequently fleshed out this proposal, requesting that the CPT be provided with appropriations for 180 days of visits in 2004, as well as with two additional posts for its Secretariat.

The CPT is very grateful to the Secretary General for his continuing support.

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<sup>4</sup> See Appendix 4 for the list of CPT members. Abridged curricula vitae of the members can be obtained from the Committee's Secretariat and are posted on the CPT's website ([www.cpt.coe.int](http://www.cpt.coe.int)).





## DEPORTATION OF FOREIGN NATIONALS BY AIR

27. As from the beginning of its activities, the CPT has examined the conditions of detention of persons deprived of their liberty under aliens legislation, and this issue was dealt with in a section of the CPT's 7th General Report (CPT/Inf (97) 10, paragraphs 24 to 36). The CPT set out in that report some basic rules concerning the use of force and means of restraint in the context of procedures for the deportation of immigration detainees.

28. The CPT's visits since that report have enabled it to flesh out its knowledge of practices concerning the deportation of foreign nationals by air. During its visits, the CPT has concentrated on procedures involving forcible departure with an escort<sup>5</sup>, and on a number of cases brought to its attention, in particular because of the death of the deported person, the extent of the means of restraint used and/or allegations of ill-treatment. The CPT did not confine its examination to the procedure followed when the person concerned boarded the plane and during the flight; it also monitored many other aspects, such as detention prior to deportation, steps taken to prepare for the immigration detainee's return to the country of destination, measures to ensure suitable selection and training of escort staff, internal and external systems for monitoring the conduct of staff responsible for deportation escorts, measures taken following an abortive deportation attempt, etc.

29. In order to be able to make a detailed study of the procedures and means used during deportation operations, the CPT obtained copies of the relevant instructions and directives. It also obtained copies of many other documents (statistics on deportation operations, escort assignment orders, escort assignment reports, incident reports, reports in the context of legal proceedings, medical certificates, etc.) and examined the restraint equipment used during deportation operations. It also had detailed interviews in various countries with those in charge of units responsible for deportation operations and with prospective deportees met on the spot, some of whom had been brought back to holding facilities after an abortive deportation attempt.

30. After its visits, the CPT drew up a number of guidelines, which it recommended the countries concerned to follow. In order to promote widespread application of these guidelines in all the States Parties to the Convention, the Committee has decided to group together the most important principles and comment on them below.

Of course, what follows must be read in the light of a State's fundamental obligation not to send a person to a country where there are substantial grounds for believing that he/she would run a real risk of being subjected to torture or ill-treatment.

31. The CPT recognizes that it will often be a difficult and stressful task to enforce a deportation order in respect of a foreign national who is determined to stay on a State's territory. It is also clear, in the light of all the CPT's observations in various countries – and particularly from an examination of a number of deportation files containing allegations of ill-treatment – that deportation operations by air entail a manifest risk of inhuman and degrading treatment. This risk exists both during preparations for deportation and during the actual flight; it is inherent in the use of a number of individual means/methods of restraint, and is even greater when such means/methods are used in combination.

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<sup>5</sup> Deportation procedures tend to be classified according to a number of factors, such as the extent to which force is used, the type of means of restraint employed, and the number of persons escorting the deportee. For example, one of the countries visited recently distinguished between departures in which no resistance was offered, forcible departures without an escort and forcible departures with an escort. In general, the most problematic procedures were those involving the combined use of force, several means of restraint and a large number of escort staff until the deportee's arrival in the country of final destination.

32. At the outset it should be recalled that **it is entirely unacceptable for persons subject to a deportation order to be physically assaulted as a form of persuasion to board a means of transport or as a punishment for not having done so.** The CPT welcomes the fact that this rule is reflected in many of the relevant instructions in the countries visited. For instance, some instructions which the CPT examined prohibit the use of means of restraint designed to punish the foreigner for resisting or which cause unnecessary pain.

33. Clearly, one of the key issues arising when a deportation operation is carried out is the use of force and means of restraint by escort staff. The CPT acknowledges that such staff are, on occasion, obliged to use force and means of restraint in order to effectively carry out the deportation; however, **the force and the means of restraint used should be no more than is reasonably necessary.** The CPT welcomes the fact that in some countries the use of force and means of restraint during deportation procedures is reviewed in detail, in the light of the principles of lawfulness, proportionality and appropriateness.

34. The question of the use of force and means of restraint arises from the moment the detainee concerned is taken out of the cell in which he/she is being held pending deportation (whether that cell is located on airport premises, in a holding facility, in a prison or a police station). The techniques used by escort personnel to immobilise the person to whom means of physical restraint – such as steel handcuffs or plastic strips – are to be applied deserve special attention. In most cases, the detainee will be in full possession of his/her physical faculties and able to resist handcuffing violently. In cases where resistance is encountered, escort staff usually immobilise the detainee completely on the ground, face down, in order to put on the handcuffs. Keeping a detainee in such a position, in particular with escort staff putting their weight on various parts of the body (pressure on the ribcage, knees on the back, immobilisation of the neck) when the person concerned puts up a struggle, entails a risk of positional asphyxia<sup>6</sup>.

There is a similar risk when a deportee, having been placed on a seat in the aircraft, struggles and the escort staff, by applying force, oblige him/her to bend forward, head between the knees, thus strongly compressing the ribcage. In some countries, the use of force to make the person concerned bend double in this way in the passenger seat is, as a rule, prohibited, this method of immobilisation being permitted only if it is absolutely indispensable in order to carry out a specific, brief, authorised operation, such as putting on, checking or taking off handcuffs, and only for the duration strictly necessary for this purpose.

The CPT has made it clear that **the use of force and/or means of restraint capable of causing positional asphyxia should be avoided whenever possible and that any such use in exceptional circumstances must be the subject of guidelines designed to reduce to a minimum the risks to the health of the person concerned.**

35. The CPT has noted with interest the directives in force in certain countries, according to which means of restraint must be removed during the flight (as soon as take-off has been completed). If, exceptionally, the means of restraint had to be left in place, because the deportee continued to act aggressively, the escort staff were instructed to cover the foreigner's limbs with a blanket (such as that normally issued to passengers), so as to conceal the means of restraint from other passengers.

On the other hand, instructions such as those followed until recently in one of the countries visited in connection with the most problematic deportation operations, whereby the persons concerned were made to wear nappies and prevented from using the toilet throughout the flight on account of their presumed dangerousness, can only lead to a degrading situation.

36. In addition to the avoidance of the risks of positional asphyxia referred to above, the CPT has systematically recommended **an absolute ban on the use of means likely to obstruct the airways (nose and/or mouth) partially or wholly.** Serious incidents that have occurred in various countries over the last ten years in the course of deportations have highlighted the considerable risk to the lives of the persons concerned of using these methods (gagging the mouth and/or nose with adhesive tape, putting a cushion or padded glove on the face, pushing the face against the back of the seat in front, etc.). The CPT drew the attention of States Parties to the Convention to the dangers of methods of this kind as far back as 1997, in its 7th General Report. It notes that this practice is now expressly prohibited in many States Parties and **invites States which have not already done so to introduce binding provisions in this respect without further delay.**

<sup>6</sup> See, in particular, "Positional Asphyxia – Sudden Death", US Department of Justice, June 1995, and the proceedings of the "Safer Restraint" Conference held in London in April 2002 under the aegis of the UK Police Complaints Authority (cf. [www.pca.gov.uk](http://www.pca.gov.uk)).

37. It is essential that, in the event of a flight emergency while the plane is airborne, the rescue of the person being deported is not impeded. Consequently, **it must be possible to remove immediately any means restricting the freedom of movement of the deportee, upon an order from the crew.**

Account should also be taken of the health risks connected with the so-called “economy-class syndrome” in the case of persons who are confined to their seats for long periods<sup>7</sup>.

38. Two particular points were of concern to the CPT after visits to certain countries: the wearing of masks by deportation escorts and the use, by the latter, of incapacitating or irritant gases to remove immigration detainees from their cells in order to transfer them to the aircraft.

In the CPT’s opinion, **security considerations can never serve to justify escort staff wearing masks during deportation operations.** This practice is highly undesirable, since it could make it very difficult to ascertain who is responsible in the event of allegations of ill-treatment.

**The CPT also has very serious reservations about the use of incapacitating or irritant gases to bring recalcitrant detainees under control in order to remove them from their cells and transfer them to the aircraft.** The use of such gases in very confined spaces, such as cells, entails manifest risks to the health of both the detainee and the staff concerned. Staff should be trained in other control techniques (for instance, manual control techniques or the use of shields) to immobilise a recalcitrant detainee.

39. Certain incidents that have occurred during deportation operations have highlighted **the importance of allowing immigration detainees to undergo a medical examination before the decision to deport them is implemented.** This precaution is particularly necessary when the use of force and/or special measures is envisaged.

Similarly, **all persons who have been the subject of an abortive deportation operation must undergo a medical examination as soon as they are returned to detention** (whether in a police station, a prison or a holding facility specially designed for foreigners). In this way it will be possible to verify the state of health of the person concerned and, if necessary, establish a certificate attesting to any injuries. Such a measure could also protect escort staff against unfounded allegations.

40. During many visits, the CPT has heard allegations that immigration detainees had been injected with medication having a tranquillising or sedative effect, in order to ensure that their deportation proceeded without difficulty. On the other hand, it also noted in certain countries that instructions prohibited the administration, against the will of the person concerned, of tranquilisers or other medication designed to bring him or her under control. **The CPT considers that the administration of medication to persons subject to a deportation order must always be carried out on the basis of a medical decision taken in respect of each particular case. Save for clearly and strictly defined exceptional circumstances, medication should only be administered with the informed consent of the person concerned.**

41. **Operations involving the deportation of immigration detainees must be preceded by measures to help the persons concerned organise their return, particularly on the family, work and psychological fronts.** It is essential that immigration detainees be informed sufficiently far in advance of their prospective deportation, so that they can begin to come to terms with the situation psychologically and are able to inform the people they need to let know and to retrieve their personal belongings. The CPT has observed that a constant threat of forcible deportation hanging over detainees who have received no prior information about the date of their deportation can bring about a condition of anxiety that comes to a head during deportation and may often turn into a violent agitated state. In this connection, the CPT has noted that, in some of the countries visited, there was a psycho-social service attached to the units responsible for deportation operations, staffed by psychologists and social workers who were responsible, in particular, for preparing immigration detainees for their deportation (through ongoing dialogue, contacts with the family in the country of destination, etc.). Needless to say, **the CPT welcomes these initiatives and invites those States which have not already done so to set up such services.**

<sup>7</sup> See, in particular, “Frequency and prevention of symptomless deep-vein thrombosis in long-haul flights: a randomised trial”, John Scurr et al, *The Lancet*, Vol. 357, 12 May 2001.

42. The proper conduct of deportation operations depends to a large extent on the quality of the staff assigned to escort duties. Clearly, **escort staff must be selected with the utmost care and receive appropriate, specific training designed to reduce the risk of ill-treatment to a minimum.** This was often far from being the case in the States Parties visited. In some countries, however, special training had been organised (methods and means of restraint, stress and conflict management, etc.). Moreover, certain management strategies had had a beneficial effect: the assignment of escort duties to staff who volunteered, combined with compulsory rotation (in order to avoid professional exhaustion syndrome and the risks related to routine, and ensure that the staff concerned maintained a certain emotional distance from the operational activities in which they were involved) as well as provision, on request, of specialised psychological support for staff.

43. **The importance of establishing internal and external monitoring systems in an area as sensitive as deportation operations by air cannot be overemphasised.** The CPT observed that in many countries, specific monitoring systems had, unfortunately, been introduced only after particularly serious incidents, such as the death of deportees.

44. **Deportation operations must be carefully documented.** The establishment of a comprehensive file and a deportation record, to be kept for all operations carried out by the units concerned, is a basic requirement. Information on abortive deportation attempts should receive special attention and, in particular, the reasons for abandoning a deportation operation (a decision taken by the escort team on managerial orders, a refusal on the part of the captain of the aircraft, violent resistance on the part of the deportee, a request for asylum, etc.) should be systematically recorded. The information recorded should cover every incident and every use of means of restraint (handcuffs; ankle cuffs; knee cuffs; use of self-defence techniques; carrying the deportee on board; etc.).

**Other means, for instance audiovisual, may also be envisaged, and are used in some of the countries visited, in particular for deportations expected to be problematic.** In addition, surveillance cameras could be installed in various areas (corridors providing access to cells, route taken by the escort and the deportee to the vehicle used for transfer to the aircraft, etc.).

45. **It is also beneficial if each deportation operation where difficulties are foreseeable is monitored by a manager from the competent unit, able to interrupt the operation at any time.** In some of the countries visited, the CPT found that there were spot checks, both during preparations for deportation and during boarding, by members of internal police supervisory bodies. What is more, in an admittedly limited number of cases, members of the supervisory bodies boarded aircraft incognito and thus monitored the deportee and the escort until arrival at the destination. The CPT can only welcome these initiatives, which are all too rare at present in Europe.

Further, **the CPT wishes to stress the role to be played by external supervisory (including judicial) authorities, whether national or international, in the prevention of ill-treatment during deportation operations.** These authorities should keep a close watch on all developments in this respect, with particular regard to the use of force and means of restraint and the protection of the fundamental rights of persons deported by air.

# **APPENDICES**

## APPENDIX 1

**Signatures and ratifications of the European Convention for the  
Prevention of Torture and Inhuman or Degrading Treatment or  
Punishment  
(as at 31 July 2003) \***

Member States of the Council of Europe	Date of signature	Date of ratification	Date of entry into force
Albania	02.10.1996	02.10.1996	01.02.1997
Andorra	10.09.1996	06.01.1997	01.05.1997
Armenia	11.05.2001	18.06.2002	01.10.2002
Austria	26.11.1987	06.01.1989	01.05.1989
Azerbaijan	21.12.2001	15.04.2002	01.08.2002
Belgium	26.11.1987	23.07.1991	01.11.1991
Bosnia and Herzegovina	12.07.2002	12.07.2002	01.11.2002
Bulgaria	30.09.1993	03.05.1994	01.09.1994
Croatia	06.11.1996	11.10.1997	01.02.1998
Cyprus	26.11.1987	03.04.1989	01.08.1989
Czech Republic	23.12.1992	07.09.1995	01.01.1996
Denmark	26.11.1987	02.05.1989	01.09.1989
Estonia	28.06.1996	06.11.1996	01.03.1997
Finland	16.11.1989	20.12.1990	01.04.1991
France	26.11.1987	09.01.1989	01.05.1989
Georgia	16.02.2000	20.06.2000	01.10.2000
Germany	26.11.1987	21.02.1990	01.06.1990
Greece	26.11.1987	02.08.1991	01.12.1991
Hungary	09.02.1993	04.11.1993	01.03.1994
Iceland	26.11.1987	19.06.1990	01.10.1990
Ireland	14.03.1988	14.03.1988	01.02.1989
Italy	26.11.1987	29.12.1988	01.04.1989
Latvia	11.09.1997	10.02.1998	01.06.1998
Liechtenstein	26.11.1987	12.09.1991	01.01.1992
Lithuania	14.09.1995	26.11.1998	01.03.1999
Luxembourg	26.11.1987	06.09.1988	01.02.1989
Malta	26.11.1987	07.03.1988	01.02.1989
Moldova	02.05.1996	02.10.1997	01.02.1998
Netherlands	26.11.1987	12.10.1988	01.02.1989
Norway	26.11.1987	21.04.1989	01.08.1989
Poland	11.07.1994	10.10.1994	01.02.1995
Portugal	26.11.1987	29.03.1990	01.07.1990
Romania	04.11.1993	04.10.1994	01.02.1995
Russian Federation	28.02.1996	05.05.1998	01.09.1998
San Marino	16.11.1989	31.01.1990	01.05.1990
Serbia and Montenegro **			
Slovakia	23.12.1992	11.05.1994	01.09.1994
Slovenia	04.11.1993	02.02.1994	01.06.1994
Spain	26.11.1987	02.05.1989	01.09.1989
Sweden	26.11.1987	21.06.1988	01.02.1989
Switzerland	26.11.1987	07.10.1988	01.02.1989
“the former Yugoslav Republic of Macedonia”	14.06.1996	06.06.1997	01.10.1997
Turkey	11.01.1988	26.02.1988	01.02.1989
Ukraine	02.05.1996	05.05.1997	01.09.1997
United Kingdom	26.11.1987	24.06.1988	01.02.1989

\* The Convention is open for signature by the member States of the Council of Europe. Since 1 March 2002, the Committee of Ministers of the Council of Europe may also invite any non-member State of the Council of Europe to accede to the Convention.

\*\* On 3 April 2003, Serbia and Montenegro became the 45th Member of the Council of Europe. It has undertaken to ratify the Convention within one year of its accession to the Organisation.

## APPENDIX 2

### The CPT's field of operations (situation as at 31 July 2003)



Note: This is an unofficial representation of States bound by the Convention.  
For technical reasons it has not been possible to show the entire territory of certain of the States concerned.

<b>States bound by the Convention</b>	<b>Prison population *</b>
<b>44 States</b> <ul style="list-style-type: none"> <li>- Albania</li> <li>- Andorra</li> <li>- Armenia</li> <li>- Austria</li> <li>- Azerbaijan</li> <li>- Belgium</li> <li>- Bosnia and Herzegovina</li> <li>- Bulgaria</li> <li>- Croatia</li> <li>- Cyprus</li> <li>- Czech Republic</li> <li>- Denmark</li> <li>- Estonia</li> <li>- Finland</li> <li>- France</li> <li>- Georgia</li> <li>- Germany</li> <li>- Greece</li> <li>- Hungary</li> <li>- Iceland</li> <li>- Ireland</li> <li>- Italy</li> <li>- Latvia</li> <li>- Liechtenstein</li> <li>- Lithuania</li> <li>- Luxembourg</li> <li>- Malta</li> <li>- Moldova</li> <li>- Netherlands</li> <li>- Norway</li> <li>- Poland</li> <li>- Portugal</li> <li>- Romania</li> <li>- Russian Federation</li> <li>- San Marino</li> <li>- Slovakia</li> <li>- Slovenia</li> <li>- Spain</li> <li>- Sweden</li> <li>- Switzerland</li> <li>- "the former Yugoslav Republic of Macedonia"</li> <li>- Turkey</li> <li>- Ukraine</li> <li>- United Kingdom</li> </ul>	<b>1 836 361 prisoners</b>  (Main source: Council of Europe Annual Penal Statistics (SPACE 2002.1); data as at 1 September 2002)  * It should be noted that the CPT's mandate covers also all other categories of places where persons are deprived of their liberty: <ul style="list-style-type: none"> <li>- police establishments,</li> <li>- detention centres for juveniles,</li> <li>- military detention facilities,</li> <li>- holding centres for aliens,</li> <li>- psychiatric hospitals</li> <li>- homes for the elderly</li> </ul> etc.

## APPENDIX 3

**State-by-State table showing the number of visits by the CPT,  
visit reports sent to Governments and reports published  
(as at 31 July 2003)**

States	Number of visits	Number of reports submitted	Number of reports published
Albania	5	4	4
Andorra	1	1	1
Armenia	1	1	0
Austria	3	3	3
Azerbaijan	1	1	0
Belgium	3	3	3
Bosnia and Herzegovina	1	0	0
Bulgaria	3	3	2
Croatia	1	1	1
Cyprus	3	3	3
Czech Republic	2	2	1
Denmark	3	3	3
Estonia	2	2	2
Finland	2	2	2
France	7	6	5
Georgia	1	1	1
Germany	4	4	4
Greece	5	5	5
Hungary	3	2	2
Iceland	2	2	2
Ireland	3	3	2
Italy	4	4	4
Latvia	2	2	1
Liechtenstein	2	2	2
Lithuania	1	1	1
Luxembourg	3	3	2
Malta	3	3	3
Moldova	4	4	3
Netherlands	6	6	6
Norway	3	3	3
Poland	2	2	2
Portugal	5	5	4
Romania	5	5	2
Russian Federation	11	7 (a)	1
San Marino	2	2	1
Slovakia	2	2	2
Slovenia	2	2	2
Spain	8	7	7
Sweden	4	4	3
Switzerland	3	3	3
“the former Yugoslav Republic of Macedonia”	4	4	3
Turkey	15	13 (b)	7 (c)
Ukraine	4	4	3
United Kingdom	8	7	7

(a) Covering nine visits.

(b) Covering the fifteen visits.

(c) The Turkish authorities have also authorised the publication of five reports which relate to visits from 1990 to 1996. These reports will be published as soon as possible.



## APPENDIX 4

**Members of the CPT**  
**(listed in order of precedence – as at 31 July 2003) \***

Name		Term of office expires
Ms Silvia CASALE, President	British	18.12.2005
Mr Andres LEHTMETS, 1st Vice-President	Estonian	29.01.2006
Mr Zdeněk HÁJEK, 2nd Vice-President	Czech	12.09.2004
Ms Ingrid LYCKE ELLINGSEN	Norwegian	19.12.2005
Mr Mario BENEDETTINI	San Marinese	19.12.2007
Mr Adam ŁAPTAŚ	Polish	30.11.2003
Ms Emilia DRUMEVA	Bulgarian	07.06.2005
Mr Pieter Reinhard STOFFELEN	Dutch	19.09.2005
Mr Pierre SCHMIT	Luxemburger	19.09.2005
Mr Ole Vedel RASMUSSEN	Danish	03.10.2005
Ms Renate KICKER	Austrian	03.10.2005
Mr Volodymyr YEVINTOV	Ukrainian	19.12.2005
Mr Aleš BUTALA	Slovenian	19.12.2005
Ms Veronica PIMENOFF	Finnish	19.12.2007
Mr Nikola MATOVSKI	citizen of “the former Yugoslav Republic of Macedonia”	16.11.2003
Mr Petros MICHAELIDES	Cypriot	30.11.2003
Mr Marc NÈVE	Belgian	08.01.2004
Mr Eugenijus GEFENAS	Lithuanian	16.02.2004
Mr Antoni ALEIX CAMP	Andorran	30.03.2004
Mr Mario FELICE	Maltese	25.04.2004
Mr Pétur HAUKSSON	Icelander	18.07.2004
Ms Ioanna BABASSIKA	Greek	12.09.2004
Mr Mauro PALMA	Italian	19.12.2004
Ms Anhelita KAMENSKA	Latvian	19.12.2004
Mr Eric SVANIDZE	Georgian	17.07.2005
Mr Jean-Pierre RESTELLINI	Swiss	19.09.2005
Mr Laszlo CSETNEKY	Hungarian	30.10.2005
Ms Günsel KOPTAGEL-İLAL	Turkish	29.01.2006
Mr Roger BEAUVOIS	French	19.12.2005
Ms Hildburg KINDT	German	19.12.2005
Ms Tatiana RĂDUCANU	Moldovan	19.12.2005
Ms Marija DEFINIS GOJANOVIĆ	Croatian	19.12.2005
Mr Esteban MESTRE DELGADO	Spanish	19.12.2005
Ms Isolde KIEBER	Liechtensteiner	19.12.2005
Ms Ann-Marie ORLER	Swedish	19.12.2005

\* At this date, the seats in respect of Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Ireland, Portugal, Romania, Slovakia and the Russian Federation were vacant.

## APPENDIX 5

### Secretariat of the CPT (as at 31 July 2003)

Mr Trevor STEVENS	Executive Secretary
Ms Geneviève MAYER	Deputy Executive Secretary
Secretariat:	Ms Janey MASLEN
	Ms Antonella NASTASIE

<b>Central section</b>
Ms Florence CALLOT Administrative, budgetary and staff questions
Mr Patrick MÜLLER Head of the documentation and information centre
Ms Mireille MONTI Archives and publications

### Units responsible for visits

<b>Unit 1</b>
Ms Geneviève MAYER, Head of Unit
Mr Jan MALINOWSKI, Coordinator of Operational Activities
Ms Hanne JUNCHER
Mr Cyrille ORIZET
Ms Yvonne HARTLAND
Secretariat: Ms Antonella NASTASIE

• Andorra	• Norway
• Cyprus	• Portugal
• Denmark	• Romania
• France	• Spain
• Greece	• Sweden
• Ireland	• Turkey
• Moldova	• Ukraine
	• United Kingdom

<b>Unit 2</b>
Mr Fabrice KELLENS, Head of Unit
Mr Edo KORLJAN
Ms Bojana URUMOVA
Mr Michael NEURAUTER
Secretariat: Ms Nadine SCHAEFFER

• Albania	• Luxembourg
• Belgium	• Malta
• Bosnia and Herzegovina	• Netherlands
• Croatia	• San Marino
• Czech Republic	• Slovak Republic
• Estonia	• Switzerland
• Italy	• “the former Yugoslav Republic of Macedonia”
• Latvia	
• Lithuania	

<b>Unit 3</b>
Mr Wolfgang RAU, Head of Unit
Ms Petya NESTOROVA
Mr Borys WÓDZ
Secretariat: Ms Maia MAMULASHVILI

• Armenia	• Hungary
• Austria	• Iceland
• Azerbaijan	• Liechtenstein
• Bulgaria	• Poland
• Finland	• Russian Federation
• Georgia	• Slovenia
• Germany	

## APPENDIX 6

### Countries and places of detention visited by CPT delegations during the period 1 January 2002 to 31 July 2003

#### I. Periodic visits

##### A. Armenia (06/10/2002 - 17/10/2002)

###### Establishments under the authority of the Ministry of Internal Affairs

- Temporary detention centre of the Department of Internal Affairs of the City of Yerevan
- Arabkir District Division of Internal Affairs, Yerevan
- Kentron District Division of Internal Affairs, Yerevan
- Shengavit District Division of Internal Affairs, Yerevan
- Zeitun-Kanaker District Division of Internal Affairs, Yerevan
- Akhurian Department of Internal Affairs, Temporary detention centre and police station
- Fourth District Division of Internal Affairs, Gyumri
- Hrazdan Department of Internal Affairs, Temporary detention centre and police station
- Maralik Department of Internal Affairs, Temporary detention centre and police station
- Sevan Department of Internal Affairs, Temporary detention centre and police station

###### Establishments under the authority of the Ministry of National Security

- Isolator of the Ministry of National Security, Yerevan

###### Establishments under the authority of the Ministry of Justice

- Erebuni Prison, Yerevan
- Nubarashen Prison, Yerevan
- Hospital for Prisoners, Yerevan
- Gyumri Prison
- Sevan Prison

###### Establishments under the authority of the Ministry for Public Health

- Nubarashen Republican Psychiatric Hospital, Yerevan

###### Establishments under the authority of the Ministry of Defence

- Yerevan Central Detention Centre of the Military Police
- Detention House of Yerevan Garrison
- Yerevan Military Police Division
- Shirak Military Police Division, Gyumri

##### B. Azerbaijan (24/11/2002 - 06/12/2002)

###### Establishments under the authority of the Ministry of Internal Affairs

- Temporary detention centre No. 1 of the Police Directorate of the City of Baku
- Temporary detention centre No. 2 of the Police Directorate of the City of Baku
- Temporary detention centre of the Department for combating organised crime, Baku
- Special reception station of the Police Directorate of the City of Baku, Khatai District
- Reception and distribution centre of the Police Directorate of the City of Baku, Binagadi District
- Reception and distribution centre for minors of the Police Directorate of the City of Baku, Khatai District
- Police stations Nos 5, 19, 21, 22 and 39, Baku
- Temporary detention centre of the Police Department of Ganja
- Police station of Nizami District, Ganja
- Temporary detention centre of the Police Division of Lenkoran
- Police station, Liman
- Temporary detention centre of the Police Division of Masalli

###### Establishments under the authority of the Ministry of National Security

- Investigative isolator of the Ministry of National Security, Baku

###### Establishments under the authority of the Ministry of Justice

- Investigative isolator No. 1, Bayil settlement, Baku
- Investigative isolator No. 2, Ganja
- Central Penitentiary Hospital, Baku
- Specialised medical establishment for prisoners suffering from tuberculosis, Bina settlement, Baku

###### Establishments under the authority of the Ministry of Health

- Centre for forensic psychiatric assessment, Psychiatric Hospital No. 1, Mashtaga settlement, Baku

Establishments under the authority of the Ministry of Defence

- Disciplinary unit ("hauptvachta") of Baku Garrison
- Disciplinary unit of Ganja Garrison
- Disciplinary unit of Lenkoran Garrison

Establishments under the authority of the National Border Service

- Disciplinary unit for Border Guard servicemen and temporary detention centre for persons who have violated border regulations, Goytepe, Jalilabad region
- Disciplinary unit for Border Guard servicemen and temporary detention centre for persons who have violated border regulations, Lenkoran

**C. Bosnia and Herzegovina  
(27/04/2003 - 09/05/2003)**

*Federation of Bosnia and Herzegovina*

Police establishments

- Police Administrations of Mostar and Novo Sarajevo
- Mostar Centar, Posušje and Široki Brijeg Police Stations

Prisons

- Mostar and Sarajevo Remand Prisons
- Zenica Prison (including the psychiatric annexe)

*Republika Srpska*

Police establishments

- Banja Luka and Srpsko Sarajevo Centres for Public Security
- Banja Luka 1 & 3, Pale and Srpsko Sarajevo Police Stations

Prisons

- Banja Luka and Srpsko Sarajevo Remand Prisons

Psychiatric establishments

- Jakeš Institution for the Treatment and Rehabilitation and Social Protection of chronic mental patients, Modrica
- Sokolac Psychiatric Hospital

**D. Bulgaria (17/04/2002 - 26/04/2002)**

Police establishments

- District Police Directorate, Botevgrad
- 1st District Police Directorate, Burgas
- 3rd District Police Directorate, Burgas
- District Police Directorate, Byala Slatina
- District Police Directorate, Kazanluk
- Police Station at Sofia Railway Station
- District Police Directorate, Vratsa
- Petrich National Border Police Station

Prisons

- Burgas Prison
- Pleven Prison
- Reception/transit cells at Sofia Prison

Investigation detention facilities

- Botevgrad, Burgas, Byala Slatina, Gabrovo, Kazanluk, Petrich, Plovdiv, Vratsa
- "Major Vekilski" 2, Sofia
- "Maria Louisa" 110 A, Sofia

Psychiatric establishments

- Karlukovo State Psychiatric Hospital
- Home for adults with mental disorders in the village of Razdol, Strumyani municipality

Military detention facilities

- Temporary detention facility of the Regional Army Security Service, Sofia
- Detention facility of the 9th Armoured Tank Brigade, Gorna Banya
- Detention Facility of the Training Centre for junior officers and new recruits, Unit No.14 460, Pleven

Other establishments

- Correctional boarding school in the village of Jagoda, Muglitzh municipality

**E. Czech Republic (21/04/2002 - 30/04/2002)**Establishments under the authority of the Ministry of Interior*Ostrava region:*

- Masna District Police Station, Ostrava
- Masna Municipal Police Station, Ostrava
- Cesky Tesin-Chotebuz Border Police Station

*Plzen region:*

- Regional Police Headquarters, Plzen
- Perlova Police Station, Plzen
- Aliens Police Station, Plzen
- Balkova Detention Centre for Foreigners

*Prague region:*

- Holding facilities for foreign nationals at Prague-Ruzyně International Airport
- Hybernska Police Station, Prague
- Vysehradská Police Station, Prague

Establishments under the authority of the Ministry of Justice

- Prague-Pankrac Prison
- Prague-Ruzyně Prison
- Plzen Prison
- Valdice Prison

Establishments under the authority of the Ministry of Health

- Opava Psychiatric Hospital

Establishments under the authority of the Ministry of Labour and Social Affairs

- Ostravice Social Care Home for Mentally Handicapped Juveniles

**F. Denmark (28/01/2002 - 04/02/2002)**Police establishments

- Copenhagen Police Station No. 1
- Copenhagen Police Station No. 6
- Elsinore Police Headquarters
- Glostrup Police Headquarters
- Horsens Police Headquarters

Prisons

- Elsinore Local Jail
- Horsens State Prison
- Sandholm Foreigners' Detention Centre
- Vridsløselille State Prison

Psychiatric establishments

- Glostrup Hospital Psychiatric Department
- Haderslev Hospital Psychiatric Department
- Nykøbing Sjælland Psychiatric Hospital

**G. Ireland (20/05/2002 - 28/05/2002)**Garda Síochána

- Cobh Garda Station
- Bridewell of the Garda Síochána, Cork
- Gurrabraher Garda Station
- Bridewell of the Garda Síochána, Dublin
- Store Street Garda Station, Dublin

Prisons

- Cork Prison
- Cloverhill Prison, Dublin
- Mountjoy Prison (including the Dóchas Centre for women), Dublin

Mental health establishments

- Central Mental Hospital, Dundrum
- Grove House Intellectual Disability Service, Cork
- St Joseph's Intellectual Disability Service, Portrane
- St Raphael's Centre, Youghal

Detention facilities for children

- Trinity House School, Lusk

**H. Latvia (25/09/2002 - 04/10/2002)**Establishments under the authority of the Ministry of the Interior

- Daugavpils Police Headquarters
- Liepāja Police Headquarters
- Ogre Police Station
- Rīga Pre-Trial Investigation Centre and Short-Term Isolator
- Ventspils Police Headquarters
- Detention facilities at Rīga International Airport
- Kaplava Border Guard Unit
- Olaine Detention Centre for Illegal Immigrants

Establishments under the authority of the Ministry of Justice

- Daugavpils Prison
- Jelgava Prison
- Liepāja Prison
- Rīga Central Prison (including the Prison Hospital)

Establishments under the authority of the Ministry of Welfare

- Mental Hospital for Children, Vīķi
- Ezerkrasti Social Care Centre, Rīga

**I. Luxembourg (02/02/2003 - 07/02/2003)**Law enforcement agencies

## Police

- Regional Police Headquarters, Luxembourg City
- Regional Police Headquarters, Capellen
- Police Station at Luxembourg Central Railway Station
- Transit rooms of the police at Luxembourg-Findel Airport
- Custodial and mobile reserve units, Luxembourg City
- Aliens Police Unit, Luxembourg City

## Customs and Excise Administration

- Service of the Customs and Excise Administration at Luxembourg-Findel Airport
- Intervention Brigade of the Drugs and Controlled Products Directorate, Rumelange

Prisons

- Luxembourg Prison, Schrassig (including the Centre for the Temporary Stay of Illegal Foreign Nationals)

Health establishments

- Secured rooms at Luxembourg Central Hospital, Luxembourg City

Juvenile institutions

- State Socio-Educational Centre for Boys, Dreibern

**J. Netherlands (17/02/2002 - 26/02/2002)***Kingdom in Europe*Law enforcement agencies

- Detention facilities of Amsterdam Police Headquarters
- Various facilities of the Royal Maréchaussée (KMAR) at Schiphol International Airport (Terminal 3, Triport, Elzenhof)

Establishments under the authority of the Ministry of Justice

- Extra Security Institution (EBI), Nieuw Vosseveld Prison, Vught
- Detention facility for persons suspected of carrying drugs *in corpore*, Bloemendaal
- Asylum Application Centre, Schiphol International Airport

Establishments under the authority of the Ministry of Health

- R.K. Sint Jacob Care Centre, Amsterdam
- Wittenberg Nursing Home, Amsterdam

*Netherlands Antilles*

- Bon Futuro Prison (formerly known as Koraal Specht)
- Pointe Blanche Prison
- Philipsburg Central Police Station

**K. Romania (16/09/2002 - 25/09/2002)**Police establishments

- General Inspectorate of the Police, Bucharest
- General Directorate of the Police of Bucharest
- Police holding facilities at Braila, Galati, Iasi, Ploiesti and Tulcea
- Detention Centre for Foreigners in Otopeni and holding facilities in the transit zone at Otopeni Airport

Prisons

- Tulcea Prison (including the unit at Chilia Veche)

Mental health establishments

- Voila Psychiatric Hospital, Prahova
- Padureni-Grajduri Hospital for the Implementation of Security Measures, Iasi
- Racaciuni Neuro-Psychiatric Recovery and Rehabilitation Centre, Bacau

**L. Spain (22/07/2003 - 01/08/2003)**Law enforcement establishments

## National Police

- Seville Police Headquarters
- Alicante and Alicante North Police Stations
- Algeciras, Jerez de la Frontera, and Sanlucar de Barrameda Police Stations (Cadiz)
- Playa de Las Americas (Adeje), La Laguna, Reina Sofia Airport and Santa Cruz South District Police Stations (Tenerife)

## Civil Guard

- Civil Guard Headquarters, Ceuta
- Civil Guard Headquarters, Puerto Rosario, Fuerteventura
- Civil Guard Headquarters, Santa Cruz, Tenerife
- Civil Guard Headquarters, Torrevieja (Alicante)

## Municipal police

- Detention facilities, Algeciras and Sanlucar de Barrameda (Cadix)
- Detention facilities, Lebrija (Seville)

## Establishments for foreigners

- National Police Detention Centre for Foreigners, Algeciras
- National Police Holding Facility for Foreigners, Las Eras, Algeciras
- National Police Detention Centre for Foreigners "El Matorral", Fuerteventura
- National Police Detention Centre for Foreigners, Fuerteventura airport
- Civil Guard Holding Facility for Foreigners "Isla de las Palomas", Tarifa

Prisons

- Tenerife II Prison
- Villabona Prison, Asturias
- Penitentiary Psychiatric Hospital, Alicante
- Penitentiary Psychiatric Hospital, Seville

Detention facilities for Children

- San Antonio Centre for Children, Ceuta
- Llanos Pelados Immediate Admission Centre for foreign minors, Fuerteventura
- Casillas del Angel Children's Home, Fuerteventura
- Nivaria Detention Centre for delinquent minors, Tenerife

**M. Sweden (27/01/2003 - 05/02/2003)**Police establishments

- Borås Police Station
- Gothenburg Police Headquarters
- Stockholm Police Headquarters
- Umeå Police Station
- Västberga Police Station

Prisons

- Gothenburg Remand Prison
- Kronoberg Remand Prison (Västberga Section)
- Tidaholm Prison
- Umeå Remand Prison

Psychiatric establishments

- Sahlgrenska Psychiatric Clinic, Gothenburg
- Department for Forensic Psychiatric Assessment, Gothenburg
- Umeå Forensic and General Psychiatric Unit

Establishments for young persons

- Bärby Home for Young Persons

Establishments for substance abusers

- Rebecka Home for substance abusers

**N. "The former Yugoslav Republic of Macedonia" (18/11/2002 - 27/11/2002)**Establishments under the authority of the Ministry of the Interior

- Káfasan Border Police Station
- Kuanovo Police Station
- Ohrid Police Station
- Resen Police Station
- Gazi Baba Police Station (Skopje)
- Struga Police Station
- Tearce Police Station
- Tetovo Police Station

Ministry of Justice

- Bitola Prison
- Ohrid Prison
- Tetovo Prison
- Skopje Prison (including the Educational-Correctional Institution)

Ministry of Health

- Skopje Psychiatric Hospital (Bardovci)

Ministry of Labour and Social Policy

- Demir Kapija Special Institution for mentally handicapped persons.

**O. Ukraine (24/11/2002 - 06/12/2002)**Law enforcement agencies

- Ministry of Internal Affairs Central Directorate Holding Facility (ITT), Kyiv
- Ministry of Internal Affairs District Directorate Holding Facility (ITT) and Novoselytsky District Department of the Police, Novoselytsya, Chernivtsi Region
- Ministry of Internal Affairs Municipal Directorate Holding Facility (ITT), District Department of the Police and Centre for admission and distribution of minors, Zhytomyr
- Ministry of Internal Affairs Municipal Directorate Holding Facility (ITT), Vuchinetsky Subdistrict Police station and Centre for the reception and allocation of vagrants, Ivano-Frankivsk
- Ministry of Internal Affairs Municipal Directorate Holding Facility (ITT) and Kyivsky and Malinovsky District Departments of the Police, Odessa
- Ministry of Internal Affairs Municipal Directorate Holding Facility (ITT), Illichivsk, Odessa Region
- Ministry of Internal Affairs District Directorate Holding Facility (ITT) and Mukachivsky City Department of the Police, Mukachevo, Transcarpathian Region
- Ministry of Internal Affairs Municipal Directorate Holding Facility (ITT) and Uzhgorod City Department of the Police, Uzhgorod, Transcarpathian Region
- Ministry of Internal Affairs District Directorate Holding Facility (ITT) and District Department of the Police, Khust, Transcarpathian Region

Prisons

- Prison No. 8, Zhytomyr
- Pre-trial prison (SIZO) No. 21, Odessa
- Colony No. 14, Odessa

Border Guard establishments

- Check Point Temporary Detention Centre, Chop, Transcarpathian Region
- Temporary Detention Centre of the Military Unit 2142 (including Pavshino Centre for Men, Mukachevo Detention Centre and Mukachevo Centre for Women and Children), Mukachevo, Transcarpathian Region

Mental health establishments

- Chernivtsi Regional Clinical Psychiatric Hospital,
- Pohonya Neuropsychiatric Institution for women, Ivano-Frankivsk Region

**P. United Kingdom (12/05/2003 - 23/05/2003)***England*Prisons

- Liverpool Prison
- Pentonville Prison, London
- Winchester Prison

*Scotland*Police establishments

- Helen Street Police Station, Glasgow
- Lanark Police Station

Prisons

- Barlinnie Prison, Glasgow

Psychiatric establishments

- State Hospital, Carstairs, Lanark

Detention facilities for children

- St Mary's Secure Accommodation for Children, Glasgow

*Isle of Man*Police establishments

- Douglas Police Headquarters
- Lower Douglas Police Station

Prisons

- Isle of Man Prison, Douglas

Detention facilities for children

- White Hoe Secure Care Home, Douglas



## II. Ad hoc visits

### A. Albania (13/07/2003 - 18/07/2003)

#### Police establishments

- Police Directorate, Elbasan
- Police Directorate, Shkodra
- Police Station No. 2, Tirana

#### Prisons

- Prison No. 313, Tirana

#### Psychiatric establishments

- Elbasan Psychiatric Hospital

### B. France (17/06/2002 - 21/06/2002)

#### Paris - Charles de Gaulle Airport

- Immigration Waiting Areas (ZAPI) II and III
- Transit Lounge at Terminal 2A
- Police Stations at Terminals 1, T9, 2A, 2C and 2F2
- Holding facilities used by Customs Units 2 and 4 and by Customs Control and Surveillance Brigades 2 and 4

### C. France (11/06/2003 - 17/06/2003)

#### Law enforcement agencies

- Reception, research and judicial investigation departments of the 9th and 16th districts of Paris

#### Prisons

- Clairvaux Prison
- Loos Remand Prison
- Toulon Remand Prison

### D. Hungary (30/05/2003 - 04/06/2003)

#### Police establishments

- Police Central Holding Facility, Budapest
- 2nd and 4th District Police Stations, Budapest

#### Prisons

- Budapest Remand Prison

### E. Moldova (Transnistrian region) (24/02/2003 - 01/03/2003)

#### Law enforcement agencies

- Police Headquarters, Tiraspol
- Temporary holding facility (IVS) and administrative detention facility, Tiraspol

#### Prisons

- Prison No. 1, Glinoe
- Colony No. 2, Tiraspol
- Remand prison (SIZO) at Colony No. 3, Tiraspol

### F. Portugal (17/12/2002 - 20/12/2002)

#### Prisons

- Oporto Prison

### G. Romania (09/02/2003 - 11/02/2003)

#### Police establishments

- General Directorate of the Police in Bucharest

#### H. Russian Federation (Chechen Republic) (31/01/2002 - 07/02/2002)

##### Law enforcement agencies

- Temporary Department of Internal Affairs (VOVD), Argoun
- IVS of the Directorate of Internal Affairs of the Ministry of Internal Affairs for the Chechen Republic, Grozny
- Temporary Department of Internal Affairs (VOVD), Leninskyi District, Grozny
- Temporary Department of Internal Affairs (VOVD), Urus-Martan

##### Prisons

- SIZO No. 2, Chernokozovo

#### I. Russian Federation (Chechen Republic) (24/05/2002 - 29/05/2002)

##### Law enforcement agencies

- Operative and Search Bureau of the Ministry of Internal Affairs (commonly known as the "RUBOP"), Grozny
- Temporary Department of Internal Affairs (VOVD), Leninskyi District, Grozny
- Regional Department of Internal Affairs (ROVD), Leninskyi District, Grozny
- Temporary Department of Internal Affairs (VOVD), Leninskyi District, Kurchaloy
- Regional Department of Internal Affairs (ROVD), Leninskyi District, Kurchaloy
- Regional Department of Internal Affairs (ROVD), Leninskyi District, Urus-Martan
- Department of the Federal Security Service, Urus-Martan

#### J. Russian Federation (Kaliningrad) (24/03/2003 - 01/04/2003)

##### Police establishments

- Temporary Holding Facility (IVS) at Bagratyonovsk Department of Internal Affairs
- Temporary Holding Facility (IVS) at Gusev Department of Internal Affairs
- Temporary Holding Facility (IVS) at Kaliningrad Department of Internal Affairs
- Leningradskiy District Command of Internal Affairs, Kaliningrad
- Moskovskiy District Command of Internal Affairs, Kaliningrad
- Reception and Distribution Centre of Kaliningrad Department of Internal Affairs
- Special Reception Centre for Persons under Administrative Arrest, Oktyabrskiy District Command of Internal Affairs, Kaliningrad
- Temporary Holding Centre for Juvenile Offenders, Kaliningrad

##### Prisons

- SIZO No. 1, Kaliningrad
- SIZO No. 2, Kolosovka
- Colony No. 13, Slavyanovka

##### Psychiatric establishments

- Psychiatric Hospital with Intensive Supervision, Chernyakhovsk

##### Federal Border Service establishments

- Temporary Holding Facility (IVS) at the Headquarters of the Federal Border Service of Kaliningrad Region
- Mamonovo Border Crossing Point
- Federal Border Service Unit No. 2297, Mamonovo

#### K. Russian Federation (Chechen Republic) (23/05/2003 - 29/05/2003)

##### Law enforcement agencies

- ORB-2 (operational/search bureau of the North Caucasus operations directorate of the Chief directorate of the Ministry of Internal Affairs of Russia responsible for the Southern federal region), Grozny
- IVS (temporary detention facility) of the Directorate of Internal Affairs, Ministry of Internal Affairs of the Chechen Republic, Grozny
- Leninskyi District Department of Internal Affairs, Grozny
- Zavodskiy District Department of Internal Affairs, Grozny
- Naurskiy District Department of Internal Affairs, Naurskaya
- Groznenskiy District Department of Internal Affairs, Tolstoy Yurt

##### Prisons

- SIZO No. 1, Grozny
- SIZO No. 2, Chernokozovo

**L. "The former Yugoslav Republic of Macedonia" (15/07/2002 - 19/07/2002)**Police establishments

- Bit Pazar Police Station, Skopje
- Mirkovci Police Station, Skopje area
- Department for Illegal Trade and Smuggling, Skopje
- Tetovo Police Station

The delegation also went to the remand section of Skopje Prison in order to gather further information relating to deprivation of liberty by the police.

**M. Turkey (21/03/2002 - 27/03/2002)**Law enforcement agencies

- Ankara Police Headquarters, Anti-Terror Department
- Bismil Police Headquarters
- Diyarbakır Police Headquarters: Anti-Terror Department; Narcotics Division
- Carşı Police Station, Diyarbakır
- Provincial Gendarmerie Command, Batman
- District Gendarmerie Command, Batman
- Provincial Gendarmerie Command, Diyarbakır

Prisons

- Sincan F-type Prison, Ankara
- Batman Prison
- Diyarbakır Prisons Nos. I and II

**N. Turkey (01/09/2002 - 06/09/2002)**Law enforcement agencies

- Diyarbakır Police Headquarters: Anti-Terror and Law and Order Departments; Narcotics Division
- Provincial Gendarmerie Command, Diyarbakır
- District Gendarmerie Command, Diyarbakır
- Diyarbakır Prisons Nos. I and II

**O. Turkey (16/02/2003 - 17/02/2003)**Prisons

- Imralı Closed Prison

**P. United Kingdom (17/02/2002 - 21/02/2002)**Prisons

- High security unit, Belmarsh Prison
- Highdown Prison

## APPENDIX 7

### Public statement concerning the Chechen Republic of the Russian Federation

(made on 10 July 2003)

1. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has carried out six visits to the Chechen Republic since the outbreak of the conflict which began in October 1999. During these visits, the Committee has interviewed in private hundreds of persons about their experiences whilst detained, and held talks with scores of federal and republican officials.

The CPT has witnessed for itself the extreme difficulties confronting the federal and republican authorities in their efforts to restore the rule of law and achieve a lasting reconciliation in this part of the Russian Federation. Acts causing great loss of life and human suffering have been, and continue to be, committed by combatants opposing federal power structures. The CPT condemns these acts and fully understands the need for a strong response from State institutions. However, that response must never degenerate into acts of torture or other forms of ill-treatment; a State must avoid the trap of abandoning civilised values.

2. On 10 July 2001, the CPT issued a public statement concerning the Chechen Republic. It was prompted by the Russian authorities' failure to cooperate with the Committee in relation to two matters: the carrying out of a thorough and independent inquiry into events at the Chernokozovo detention facility during the period December 1999 to early February 2000; and action taken to uncover and prosecute cases of ill-treatment of persons deprived of their liberty in the Chechen Republic in the course of the current conflict.

Subsequently, some steps forward have been made. The Russian authorities have issued a number of orders and instructions aimed at reinforcing control over the operations conducted by the federal forces. The structures of the civil and military prosecutors' offices have been developed, and mechanisms for better co-ordination between them introduced. In the law enforcement sphere, there has been a progressive transfer of functions to Chechen Internal Affairs structures. Reference can be made to the gradual restoration of the court system and the resumption of lawyers' activity. The CPT also wishes to highlight that in the course of its most recent visits, hardly any allegations were received of ill-treatment by staff working in Ministry of Justice establishments in the Chechen Republic, namely SIZO No. 2 in Chernokozovo and the recently re-opened SIZO No. 1 in Grozny.

3. However, in spite of sustained efforts by the CPT over the last two years, the Russian authorities have failed to tackle effectively major problems related to the Committee's mandate. There is continued resort to torture and other forms of ill-treatment by members of the law enforcement agencies and federal forces operating in the Chechen Republic. Further, the action taken to bring to justice those responsible is slow and – in many cases – ultimately ineffective. Consequently, the CPT has been obliged to make this second public statement.

4. In the course of the CPT's visits to the Chechen Republic in 2002 and, most recently, from 23 to 29 May 2003, a considerable number of persons interviewed independently at different places alleged that they had been severely ill-treated whilst detained by law enforcement agencies. The allegations were detailed and consistent, and concerned methods such as very severe beating, the infliction of electric shocks, and asphyxiation using a plastic bag or gas mask. In many cases, these allegations were supported by medical evidence. Some persons examined by the delegation's doctors displayed physical marks or conditions which were fully consistent with their allegations. Documentation containing medical evidence consistent with allegations of ill-treatment during periods of detention in law enforcement agencies was also gathered.

The allegations of ill-treatment received by the CPT concerned law enforcement establishments (Departments of Internal Affairs and certain Federal Security Service facilities) throughout the territory of the Chechen Republic and related to both official and unofficial places of detention. As regards the latter, the Military Base at Khankala was referred to repeatedly.

5. One establishment stands out in terms of the frequency and gravity of the alleged ill-treatment, namely ORB-2 (the Operative and Search Bureau of the North Caucasus Operations Department of the Chief Directorate of the Russian Ministry of Internal Affairs in the Southern Federal District) in Grozny.

ORB-2 has never appeared on any official list of detention facilities provided to the CPT. However, persons certainly are being held there, on occasion for very lengthy periods of time. In the course of its visits in 2002, the CPT received a large number of allegations of ill-treatment concerning this establishment which were supported in several cases by clear medical evidence gathered by its delegation. During the CPT's most recent visit to the Chechen Republic, in May 2003, further allegations were received, once again supported in some cases by medical evidence.

When the CPT re-visited ORB-2 in May 2003, it was holding 17 persons, some of whom had been there for several months. The persons detained were extremely reluctant to speak to the delegation and appeared to be terrified. From the information at its disposal, the CPT has every reason to believe that they had been expressly warned to keep silent. All the on-site observations made at ORB-2, including as regards the general attitude and demeanour of the staff there, left the CPT deeply concerned about the fate of persons taken into custody at the ORB.

The CPT has repeatedly recommended that a thorough, independent inquiry be carried out into the methods used by ORB-2 staff when questioning detained persons; that recommendation has never been addressed in a meaningful manner. To argue that "a formal, written complaint is required for action to be taken" is an indefensible position to adopt given the climate of fear and mistrust which currently pervades the Chechen Republic, and constitutes a dereliction of responsibility. The CPT calls upon the Russian authorities to put a stop to ill-treatment at ORB-2 in Grozny.

6. In the course of its visits to the Chechen Republic in 2002 and 2003, the CPT has gathered a considerable amount of information pointing to human rights violations during special operations and other targeted activities conducted by federal power structures, involving ill-treatment of detained persons and forced disappearances.

During the May 2002 visit, the CPT's delegation met public prosecutors, military commandants and members of the local administration in Argun, Kurchaloy and Urus-Martan. They stated that large-scale special operations took place according to the provisions of Order No. 80 of 27 March 2002 by the Commander of the Allied Group of Forces for the conduct of "anti-terrorist operations" in the North Caucasian region, with the participation of prosecutors, and that there were no complaints about illegal detention and subsequent disappearances. However, a certain number of targeted activities by unidentified forces were apparently conducted without prior notification to the local military commanders and prosecutors. The delegation's interlocutors spoke of the appearance at night of units, whose members wore masks and drove in vehicles without number plates, and who took away Chechen inhabitants to unknown locations. Prosecutors said that they were powerless to find out who had performed such activities and to locate the whereabouts of the persons detained. Some of the detained persons subsequently reappeared, but were apparently so terrified that they refused to talk about what had happened to them, let alone lodge complaints; others had disappeared without trace or their bodies, frequently mutilated, had subsequently been found.

In its visit report, the CPT recommended that immediate measures be taken to exercise due control over all special operations and targeted activities in the Chechen Republic. In this connection, the Committee stressed the need for civil and military prosecutors to exercise close supervision, for complete lists to be drawn up of all persons detained for checks, and for information about their whereabouts to be provided without delay to their relatives.

7. The information at the CPT's disposal indicates that serious problems remain in this area. According to reports received by the Committee, including via the Council of Europe's experts based in Chechnya, the Prosecutor of the Chechen Republic has assessed that from among the 565 criminal cases concerning abductions opened in 2002, there exists evidence in approximately 300 of the involvement of members of the federal forces. This matter was expressly raised with the Prosecutor by the CPT's delegation when it met him in May 2003, and he did not contest the assessment attributed to him. As regards 2003, senior members of the Chechen Administration spoken to indicated that the problem of "disappearances" continued unabated (the figure of 233 being mentioned for the first four months of the year), and that there was evidence of the involvement of members of federal forces in a significant proportion of those cases. The Military Prosecutor of the Allied Group of Forces also acknowledged that there were cases of human rights violations by members of federal forces, including abductions during targeted activities; he referred to one specific case in January 2003, in respect of which trial proceedings would soon be opened. However, he emphasised that these violations were crimes by individual officers and were not a reflection of State policy.

The fact that the existing orders and instructions are not always respected is explicitly acknowledged in Order No. 98/110 of 23 April 2003 by the Commander and Military Prosecutor of the Allied Group of Forces. Hopefully, this latest text will prove more effective than its predecessors. It is incumbent upon the Russian authorities to take adequate steps to ensure that operations by their forces are conducted in accordance with the law and standing orders and instructions, and that any violations committed during such operations are thoroughly and expeditiously investigated. In this connection, the CPT wishes to emphasise the importance of prosecutors being present not only during large-scale special operations but also when targeted activities are carried out; for the time being, such a presence is not guaranteed.

8. As regards action taken to bring to justice those responsible for acts of ill-treatment, illegal detention and disappearances on the territory of the Chechen Republic, to date it has proven largely unproductive. A considerable number of cases have been opened in relation to crimes committed by members of the federal forces and law enforcement agencies. However, from the information provided by the Russian authorities to the CPT, it is clear that only a low proportion of cases have resulted in judicial proceedings, and that very few have led to sentences. Specific reference should be made to the investigations into violations committed by members of federal power structures during the special operations in Alkhan-Kala in April 2001, and Sernovodsk and Assinovskaya in July 2001; they have been slow and inconclusive, apparently due to the inability to identify the specific perpetrators. This can only contribute to a sense of impunity.

The CPT calls upon the Russian authorities to provide the Offices of the Prosecutor of the Chechen Republic and the Military Prosecutor of the Allied Group of Forces for the conduct of “anti-terrorist operations” in the North Caucasian region with the staff, resources and facilities necessary for the effective investigation of cases involving allegations of ill-treatment, illegal detention and disappearances.

In this connection, the need to substantially reinforce the forensic medical services in the Chechen Republic must be highlighted. At the present time they are not able to provide the support required by the criminal justice system to deal with the problems referred to above. The Forensic Medical Bureau of the Chechen Republic faces enormous limitations in terms of resources, equipment and staff, and there are still no possibilities to perform full autopsies on the territory of the Republic. The CPT calls upon the Russian authorities to take the necessary steps, as a matter of priority, to enable the Forensic Medical Bureau of the Chechen Republic to function adequately.

9. On numerous occasions in the course of its dialogue with the Russian authorities, the CPT has stressed the importance of members of the federal forces and law enforcement agencies in the Chechen Republic being reminded, through a formal statement emanating from the highest political level, that they must respect the rights of persons in their custody (including those detained during special operations and targeted activities) and that the ill-treatment of such persons will be the subject of severe sanctions. A direct message of this kind from that level would provide crucial – much needed – support to existing measures designed to counter ill-treatment in the Chechen Republic. As far as the CPT can ascertain, such a message has not yet been delivered in a clear manner; it should be, without further delay.

10. In making this public statement, the CPT remains fully committed to continuing its dialogue with the Russian authorities. The Committee is determined to pursue its co-operation with the Russian authorities in order to assist them to abide, both in the Chechen Republic and elsewhere in the Russian Federation, by the fundamental principle that “no one shall be subjected to torture or to inhuman or degrading treatment or punishment”. Failure to comply with that principle will render it impossible to create the climate of confidence which is an essential prerequisite for rebuilding civil society in the Chechen Republic.