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Date: 13/04/2018

DH-DD(2018)396

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Meeting: 1318th meeting (June 2018) (DH)

Item reference: Action report (13/04/2018)

Communication from Greece concerning the case of SIASIOS AND OTHERS v. Greece (Application No. 30303/07)

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Réunion : 1318^e réunion (juin 2018) (DH)

Référence du point : Bilan d'action

Communication de la Grèce concernant l'affaire SIASIOS ET AUTRES c. Grèce (requête n° 30303/07)
(anglais uniquement)

ACTION REPORT ON THE EXECUTION OF THE JUDGMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS IN THE SIASIOS V. GREECE GROUP OF CASES.

Case Name	Application Number	Final Judgment Date
<u>ADAMANTIDIS v. Greece</u>	<u>10587/10</u>	17/07/2014
<u>ALI AND OTHERS v. Greece</u>	<u>13385/14</u>	07/04/2016
<u>ARVANITIS AND OTHERS v. Greece</u>	<u>73011/13</u>	12/01/2017
<u>ASLANIS v. Greece</u>	<u>36401/10</u>	17/02/2014
<u>DIMITRIOS DIMOPOULOS v. Greece</u>	<u>49658/09</u>	09/01/2013
<u>GRAMMOSENIS AND OTHERS v. Greece</u>	<u>16287/13</u>	30/03/2017
<u>IATROPOULOS AND OTHERS v. Greece</u>	<u>23262/13</u>	20/04/2017
<u>IBRAM v. Greece</u>	<u>39606/09</u>	25/01/2012
<u>KAVOURIS AND OTHERS v. Greece</u>	<u>73237/12</u>	17/07/2014
<u>LICI v. Greece</u>	<u>69881/12</u>	17/07/2014
<u>PANAGOS v. Greece</u>	<u>36382/10</u>	13/11/2014
<u>PEIDIS v. Greece</u>	<u>728/13</u>	16/07/2015
<u>SHUVAEV v. Greece</u>	<u>8249/07</u>	29/01/2010
<u>VAFIADIS v. Greece</u>	<u>24981/07</u>	02/10/2009

I. DESCRIPTION OF THE CASES

In the above cases the Court found the following violations: a) Violation of Article 3 of the Convention on account of the conditions of detention in various police stations in respect of persons who have been remanded or detained pending trial or following sentence and b) Violation of Article 13 of the Convention on account of lack of an effective domestic remedy in respect of the applicants' complaints concerning the conditions of their detention of said persons. More specifically,

As regards the conditions of detention

Apart from the specific deficiencies concerning the applicants' detention in each of the above cases, particularly overcrowding, lack of outdoor space for walking,

poor sanitary conditions and the poor quality of the food, the Court based its finding of a violation of Article 3 on the nature of the police stations per se, which are places designed to accommodate people for a short time. Imprisonment for between one and three months was thus considered contrary to Article 3.

As regards lack of an effective remedy to challenge the conditions of detention

In a number of cases of the group, the Court found a violation of Article 13 of the Convention on account of lack of an effective remedy to challenge the conditions of detention of persons who have been remanded or detained pending trial or expulsion.

In the Vafiadis and Shuvaev cases, the Court found also a violation of art. 5 § 3 on account of the reasoning of the judicial decisions which did not provide sufficient grounds for extending the applicants' pre-trial detention.

In the Dimopoulos case, the Court found also a violation of Art. 5 § 4 on account of (a) the rejection of the applicant's request for leave to appear in person before the Indictment Division which examined his request for release and (b) the Indictment Division's failure to decide "speedily" on the lawfulness of the applicant's detention.

II. INDIVIDUAL MEASURES

Currently, none of the applicants is being detained. Furthermore, the compensation adjudicated by the Court has been paid.

III. GENERAL MEASURES

1. Translation - dissemination.

All the above Court's judgments have been translated into Greek and published on the official web site of the State Legal Council (www.nsk.gov.gr) accessible to the public. Moreover, the same judgments have been broadly disseminated to all the authorities concerned, especially police officers, prosecutors and judges.

The Minister of Foreign Affairs himself in cooperation with the Permanent Representation of Greece at the Council of Europe, has addressed his colleagues the Minister of Justice and the Minister of Interior in a letter, in which he has particularly recalled the violations found by the Court at these cases and indicated appropriate

measures to tackle possible new violations. The Government Agent as well has made a briefing to the Minister of Citizen Protection.

2. Legislative measures.

The problem of the imprisonment of persons who have been remanded or detained pending trial for a period longer than one month in various police stations is closely connected with the problem of overcrowding in prisons.

At the legislative level, the most important developments aiming to improve the correctional system are summarized in the enactment of Laws no. 4322/2015 and no. 4356/2015.

In particular, in order to address immediately and drastically the problem of overcrowding in prisons, urgent measures for the decongestion of the Detention Facilities were included in Law no. 4322/2015 (Article 12) which have resulted in a considerable decompression of the correctional system as a whole.

More specifically, the average crowd of the Detention Facilities on January 2015 amounted to 11,798. Following the enactment of Law no. 4322/2015 (April 2015) and on March 28, 2017, the respective average amounted to 9,602, taking into account that the aggregate capacity of the Detention Facilities was 9,886 posts. This means that there has been a significant crowd decrease of almost 20% which remains stable until today due essentially to the releases under the provisions of Law no. 4322/2015. Undoubtedly, the strategic of the Ministry of Justice, Transparency and Human Rights target is the preservation on the long-term of the pre-mentioned crowd rates in such levels as to not exceed the capacity in question.

It should be noted that Article 15 of Law no. 4411/2016 provided for an extension of the validity of the decongestion provisions of Law no. 4322/2015, aiming to a further improvement of the detention conditions due to the overcrowding's elimination. Also, by the provisions of Law no. 4489/2017, the urgent measures for the decongestion of the Detention Facilities were extended for certain categories of prisoners.

As a result, the detention of criminal detainees in police stations for a period of more than one month has stopped. Today the detention of persons who have been remanded or detained pending trial or expulsion in various police stations does not exceed the absolutely necessary period, that is from three (3) up to four (4) days.

It is noted that a) the issue of the establishment of a domestic remedy to complain about conditions of detention and claim compensation is examined in the *Nisiotis* group of cases, b) the issue of inadequate reasoning of judgments extending pre-trial detention is examined in the *Nerattini* group of cases and the issue of the appearance before Indictment Divisions during pre-trial criminal procedure , as well as the issue of the speediness of the proceedings concerning applications to lift pre-trial detention or replace it with alternative measures is examined in the *Giosakis I* group of cases.

Finally, it is noted that no similar applications concerning detention periods after the enactment of Law no. 4322/2015 have been communicated to the Government.

IV. CONCLUSION

According to the above information, the Greek Government considers that it has fully complied with its obligations provided under article 46.1 ECHR and the supervision of the cases should be concluded.