



Response of the Government of Greece to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Greece from 14 to 26 March 1993

The Government of Greece has agreed to the publication of the CPT's report on the visit to Greece from 14 to 26 March 1993 (see CPT/Inf (94) 20) and of its response. The Government's response is set out in this document; a number of documents of the Greek Ministries of Justice and National Defence, which form an integral part of the response, can be obtained from the CPT's Secretariat (Council of Europe, F - 67075 Strasbourg Cedex, tel.: 88.41.20.00, extension 28.42; fax.: 88.41.27.72).

Strasbourg/Athens, 29 November 1994



HELLENIC REPUBLIC
MINISTRY OF FOREIGN AFFAIRS

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TO: C.P.T.
Council of Europe
Strasbourg

We hereby send you the interim answer of Greece to the Report of the Committee on the prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe (CPT(93)56, dated December 3, 1993).

The answer consists of three parts pertaining to:

a) police stations, b) correctional institutions and c) psychiatric institutions, that were drawn up by the respective competent ministries of Public Order, Justice and Health, Welfare and Social Security.

I. POLICE STATIONS

1. RECOMMENDATIONS OF THE COMMITTEE

a) Matters relating to the training of Police Personnel:

1. We believe that the subject matter of the "PROTECTION OF HUMAN RIGHTS" is being taught, quite satisfactorily, in the productive Police Schools and, more particularly, in the Police Constables', Police sergeants' and Police Officers' Schools, as well as in the Department concerned with the Retraining of Police Sub-lieutenants.



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By way of specification, in the respective training Programmes, there has been incorporated and taught the curriculum referred to hereunder, which includes the texts of the relevant International Conventions, Declarations etc., as well as the relevant statutes of our national Legislation.

INTERNATIONAL CONVENTIONS AND TREATIES

- Universal Declaration of the human rights (United Nations, 10 Dec 1948).

- European Convention for the Protection of Human Rights and Fundamental Freedoms (4 November 1980) article 3.

- International Covenant on Civil and Political Rights (16 December 1966) article 7.

- Declaration on the protection of all persons against torture and any other cruel, inhuman or degrading treatment or punishment (General Assembly of the United Nations, 9 December 1975).

- Basic rules on the treatment of prisoners (Economic and Social Council of the United Nations, 31 July 1975) articles 31,32 and 33.

- Code of Conduct of the competent organs for the application of the Law (General Assembly of the United Nations, 17 December 1979).

- Interpretative comments relating to the "Code of Conduct of the competent organs for the application of the Law".



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- Declaration of rules of ethics concerning the Police (Resolution 690 of the Parliamentary Assembly of the Council of Europe, 1979).

- Ratification of the Convention on the prevention of torture and inhuman or degrading treatment or punishment L. 1949/1991 (Govt.Gaz. 83-A').

- A 12-point program on the prevention of torture (Amnesty International, 1984).

"CONSTITUTIONAL LAW"

- Individual freedoms (rules on the protection of rights).

- Individual rights, Political rights, Social rights.

- Individual liberties as enshrined in the Constitution of 1975/1986.

Article 2 para 1 (respect and protection of the value of the human being).

Article 4 (All Greeks are equal before the law).

Article 5 (free development of personality).

Article 6 (individual right to personal safety-guarantees, so that deprivation of freedom should be considered lawful).

Article 7 (nulla poena sine lege, to-wit no punishment shall be inflicted unless specified by law - Torture, bodily maltreatment, impairment of health or the use of psychological violence, as well as any other offence against human dignity are prohibited.



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Article 8 (No person shall be deprived of the Judge assigned to him by law).

Article 9 (Every person's home is a sanctuary. Personal and family life of the individual is inviolable).

Article 10 (each person shall have the right to petition in writing public authorities).

Article 11 (safeguarding of the right of peaceful assembly).

Article 12 (Greeks shall have the right to form associations and unions - freedom of association).

Article 13 (right to freedom of religious conscience).

Article 14 (The press is free. Censorship is prohibited).

Article 15 (Right to objective information).

Article 16 (Free development of art and science, research and teaching - the social right of education provided gratis by the State).

Article 17 (Individual right to property).

Article 19 (Basic individual right to secrecy of letters and all other forms of free correspondence and communication).

Article 20 (Every person shall be entitled to receive legal protection by the courts and may plead before them his views).

Article 21 (protection of the family, motherhood and other persons belonging to special categories).

Article 22 (protection of the social right to work).

Article 23 (Right to establish associations by persons exercising the same profession with a view to promoting their professional interests).

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Article 24 (protection of the natural and cultural environment with a view to the promotion of the social right of citizens).

Article 25 (Individual rights and fundamental and inalienable rights of man, in general, are guaranteed by the State).

- Organization and functions of the State.

Article 29 (protection of the political rights of citizens).

- Parliament.

Article 51 (Universal suffrage).

Article 55 (right to eligibility for election).

- Final provision

Article 120 (Greeks shall have the right and the duty to resist by all possible means whoever attempts the violent abolition of the Constitution).

"PENAL CODE" (PD 283/1985 Govt.Gaz. 106-A', May 31, 1985)

Article 137 A' (acts of torture and other attacks on human dignity).

Article 137 B (Specific cases of torture).

Article 322-335 (offences against personal liberty).

"CRIMINAL PROCEDURE" (PD 258/1986, Govt.Gaz. 121-A', August 8, 1986).

Articles 72-81 (Criminal trial - The Rights of the accused).

Article 100 (Right of the accused to attend by counsel).

Article 101 (The accused has the right to be informed of the contents of the interrogating official's file).

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Article 102 (The accused has the right to ask for a delay to advance his plea in defence).

Article 103 (The interrogating officer is obliged to advise the accused of his rights).

Article 104 (Rights of the accused during the stage of interrogation).

Article 252 (Rights of the person being interrogated).

Article 376 (Ex officio appointment of a defence council).

Article 470 (The position of the accused is prohibited to be made worse).

Articles 533-534 (claims to damages by those who have been unjustly convicted or have been held in custody provisionally - the beneficiaries of compensation and any other persons eligible to receive compensation).

(Bodily search - Search of Premises)

Article 253 (Requirements for the carrying out of a search).

Article 254 (Night search of premises).

Article 255 (Legal formalities for conducting a search of premises).

Article 256 (Mode of conducting the search).

Article 257 (Bodily searches (patdowns-frisks)).

Article 273 (Mode of interrogation of the accused).

(Arrest - Custody)

- Article 276 (Arrest of the accused by a warrant)
- Article 278 (How arrest is effected).
- Article 279 (Formal appearance (arraignment) of the accused)
- Article 281 (Custody of the person arrested).
- Article 282 (Temporary custody and restrictive terms).
- Article 283 (Temporary custody warrant).
- Article 284 (Temporary detention of the accused).
- Article 285 (Filing of a recourse (appeal) by the person held in temporary custody).
- Article 286 (Lifting or replacement of the temporary detention and of the restraining terms).
- Article 287 (Maximum time limits of temporary detention).

2) The subject "QUESTIONING" is being taught in Police Sergeants' schools (practical application on criminal cases) and in Police Officers' Schools, as well as in the Department charged with the refresher training of Police Sub-lieutenants. Those graduating from the said schools are entrusted, in accordance with the statutory legislation, with the task of exercising the functions of the interrogating officer.

The person teaching the above subject in Police Officers' Schools and in Police Sub-lieutenants' Schools is a member of the Judiciary, whilst in the Police Sergeants' Schools the above subject is being taught by a senior Police retired Officer.



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The teaching of the above subject is always effected by strict adherence to the principles of respect for human rights.

3) The foregoing subjects aside, useful knowledge referring to the broader conduct of Law Enforcement officials towards citizens - which at all events impart a positive influence with regard to the matter at issue- is accorded to the students of Police Schools also in the framework of related subjects, such as those of "PUBLIC RELATIONS" , "VOCATIONAL AND SOCIAL EDUCATION" etc.

4) With regard to the recommendations of the Committee, top priority should be accorded to the education of Police Officers - of all ranks and categories - on human rights issues, as well as to their education on state-of-the-art questioning techniques. In regard to the matter of "experts" not belonging to police being included in the above educational courses, it is stressed that:

a) Above subjects have been incorporated in the table of taught subjects as primary subjects, and special emphasis is being laid on their successful teaching.

b) The persons employed as professors, provide all safeguards that the subjects in question will be taught in strict observance of the principles of respect for human rights.

b) Terms of detention in police premises:

1) Attica Security police Headquarters
of

a) The duration/ detention in the guardhouses of the above Service is restricted to the absolutely necessary. However,



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any likely exceptions relate to the foreigners under deportation and only where those foreigners are not in possession of travel documents, to-wit a fact that calls for sufficient time to be expended for their supply with such documents in order for their deportation to materialize ; naturally the police cannot be blamed for such a delay.

b) The maximum limit of four (4) detainees per cell is observed where the total number of detainees does not exceed eighty (80). However, in the cases where this number is increased owing to the detention of foreigners under deportation, keeping the said analogy is not feasible.

c) Steps have been taken towards the improvement of the hygienic conditions of toilets etc., and the persons held in custody have been provided with all the necessary items pertaining to their individual hygiene. These persons are also provided with blankets but not mattresses, as the space of each guardhouse is not sufficient for it.

d) The detainees are segregated, on the basis of the legislation on foreigners, from criminal detainees, when the number of them so permits. These detainees are provided by the Sub-directorate on Aliens with pamphlets relative to the legislation in force, as well as with oral instructions on the procedure to be followed in each particular case.

e) The "setting up" of the Committee on the daily exercise outdoors of prisoners being held for more than 24 hours, cannot materialize due to objective inefficiencies.



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f) It is stressed that for those of the "recommendations" that are not always applied or have failed to be applied, an effort is being made towards their materialization and, to this end, relevant instructions have been given by the competent Directorate of our Ministry.

- Also, in regard to the foregoing places of detention, a study has been drawn up by the Technical Department of our Ministry, and the relevant expenditure will be met by the allocations of the State Investments Program of the Greek Police for the year 1994. To this end, the sum of 40.000.000 drachmae has been duly authorized.

2) Athens Fourth Police Station and Piraeus Second Police Station:

The relevant "recommendations" of the Committee have materialized.

3) Glyfada Police Station

It is noted that a proposal was advanced to the competent Directorate of our Ministry for approval of the requisite funds designed for the reconstruction or the relocation of the aforementioned guardhouse to other more suitable premises, as there is sufficient space in the dwelling where the Glyfada police station is housed.

- Also instructions were given to the respective Service for the guardhouse to be put out of operation, until its overhaul or relocation to more/suitable^a space in the dwelling.



4) Guardhouses of the Larissa Police Headquarters

The operation of the above guardhouses was interrupted immediately after the Committee made its oral remarks (March 1993).

Already, there have been constructed and in operation new guardhouses which are suitable from the viewpoint of their hygiene, security and functionality.

5) Guardhouses of the Thessaloniki Security Headquarters

a) Every possible step has been taken for restricting the time detainees are held in these guardhouses to the bare minimum.

b) Not only the two cells lying in the basement have been put out of operation, as was so recommended by the CPT, but also all the cells of the underground guardhouses.

c) Said Service is in possession of a uniform space of detention on the mezzanine of the building, of overall surface area of approximately 55 m², which is equipped with (7) beds, and an equal number of blankets and mattresses, while all bedding items are being replaced at regular intervals.

- Natural and artificial lighting and ventilation have been installed in the said space, as well as a central heating system, while the premises are being painted every two months and disinfected every twenty days.

d) The detainees are served by one toilet and a shower with a water-heater, which lie in the same space and are cleaned daily to cover their bodily needs.



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e) The persons who are held in custody in accordance with the legislation pertaining to "aliens" shall be forwarded immediately after their arrest or, where this is not feasible, shall remain for a brief period of time in the subdivision of Provisional Detentions pending trial of the Thessaloniki Courthouses.

For the matter in question relevant instructions have been given by the appropriate Directorate of our Ministry.

f) Instructions were given to the Thessaloniki Sub-division on Aliens with regard to the compilation of a leaflet which shall be handed over to alien detainees, and in which the procedure applicable to them as well as their rights shall be laid down.

- Also said detainees shall be provided with interpreters by the same Service, whenever this is required.

g) With respect to the "setting up" of the Committee for the daily exercise outdoors of detainees that are held for more than 24 hours, this cannot materialize owing to objective shortcomings.

h) It is particularly stressed that a building under construction has already been leased - the monthly rent for it amounting to 2.850.000 - for the relocation of the Provisional Detention Directorate of the Thessaloniki Courthouses, in which special spaces have been allocated for each category of detainees (minors, women, foreigners under deportation etc.). Following commencement of its operation (it is estimated that the relocation shall be implemented after the lapse of approximately eight



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months), the matter of the detention of persons in the jailhouses of the Thessaloniki Security Police Headquarters shall be dealt with effectively.

6) C' Thessaloniki Police Station

a) The guardhouse of the above service is being used to cover temporary needs only (that is a few hours' detention), and only for dangerous persons or for averting a self-inflicted wound. In case there are not many detainees held, provision is being taken for their transport to the guardhouses of other services. As regards all other prisoners, who, due to the nature of the cases, are not escape suspects, they shall be detained in the Duty Officers' or Non-Commissioned Officers' Office.

b) Also the so requested funds for the maintenance-repair of said guardhouse have been approved by the Financial Department of our Ministry.

7) Sub-division of Provisional Detentions pending trial-
Athens Courthouses

a) The recommendations of the Committee have materialized, save that which refers to the exercise of the detainees held for more than 24 hours, for the reasons that have already been described.

b) Nevertheless, the Athens Police Headquarters judges that said Service must be relocated to a special building suitable for the discharge of its mission.

- To this effect, a relevant proposal was advanced to the competent Directorates of our Ministry to examine the matter.

8) Section of Provisional Detentions pending trial
of the Piraeus Courthouses

a) A considerable amount of work of maintenance and repair of the guardhouses has been done (painting, placement of tiles on the patio of the guardhouses of the groundfloor, hydraulics and electrical installations overhaul, supply of a hundred mattresses).

b) The relocation of said Service has already been decided and the relevant procedures have been set into motion (allocations have been granted to the tune of 1.200.000 drachmas monthly for the initiation of a call for tenders for the leasing of a suitable building. The whole relocation procedure is anticipated to have been completed by the end of 1994.

9) Guardhouses in the premises of the ex American base
in the Hellenikon airport.

a) The building that is used to house the men's guardhouses is suitable in terms of space layout as well as in terms of lighting, ventilation and heating.

b) The building which shall be used as a special guardhouse has been suitably laid out in terms of lighting and ventilation, but it still lacks heating facilities.



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c) A telephone device has been installed in the men's guard-house for its exclusive use by foreign detainees and a room with counters has been fixed for the reception of their counsels and relatives.

d) Oral instructions are being given to the detainees, upon their arrest, for the procedure to be followed in each particular case, as well as pamphlets containing the statutory legislation.

- There are also dispensed all the necessary items relating to individual hygiene.

e) Newspapers and periodicals, printed matter and radios are not dispensed, but detainees are allowed to be supplied with these items by their relatives or at their own expense.

f) The personnel has been carefully selected for their cultural background, and in their majority, are well versed in foreign languages.

g) The detainees receive medical treatment by a doctor and a nurse of the Services and in the case of an emergency are promptly admitted to the city hospitals.

h) Scheduled for completion are all those works which are required to be done (installation of heating in the special guard-house, floor covering, more secure wire-fencing, placement of beds). The relevant allocations have been approved by the Financial Department of our Ministry. In parallel, instructions have been given for the continuation of the efforts geared towards the implementation of the recommendations put forward by the CPT.



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i) For the time being, owing to existing difficulties, it is not possible for the detainees to stay outdoors or in the courtyard. However an effort is being made, through a suitable reinforcement of the existing fencing, to achieve that to the extent possible.

j) The abovementioned Centre of Foreign detainees always operates on the basis of an estimated capacity. Whereas, however, the Centre failed to solve the problem in a definite way, the competent Service of our Ministry is on the lookout for new premises suitable to this purpose.

10) Police installations in general

The effective provisions of Legislative Decree 141/1991 concerning jailhouses - along with the relevant orders at times being issued by our Ministry - more than cover the criterions stipulated in paragraph 52 of the report, save for the daily exercise outdoors of the detainees held for more than 24 hours. This step cannot be rendered feasible today, regard being had to the existing situation of the buildings of Police Services (lack of enclosed outdoor spaces). In its stead, the pertinent provisions of the LD 141/1991 (article 67 para 4 sub-para 1b' and 1c), provide for a few hours' daily exit of the detainees from their guardhouses into the spaces of the Police Premises for recreational purposes.

c) Safeguards against the ill-treatment of persons held
in police custody

1) The right to communication of persons arrested by the police with a council of their choice, which is absolutely safeguarded in article 100 of the Code of Criminal Procedure, shall be exercised by them immediately after their formal appearance (referral) before the competent Police Authority.

Thus, since these persons are accorded the right referred to above, it is evident that they must be given all reasonable facilities to communicate, without any delay whatsoever, with their relatives or any third person of their choice, for the purpose of informing them of their condition.

2) In order for the detainee to be given the option to call, in case she/he is ill, the physician of his choice, we are of the opinion that this recommendation can be satisfied in the context of the implementation of the provisions of articles 60 and 67 of LD 141/1991, on the express precondition that a Police doctor shall be present during the medical examination and that all the statutorily prescribed measures for the safeguarding of the detainee shall be taken.

3) In regard to the setting up of the Committee for the drawing up of a formal Code of Conduct pertaining to Police Interrogating Officers, we must remark that the matters associated with the procedure of interrogation and the conduct of the aforesaid Law Enforcement Officials during interrogation are laid



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down in detail in the respective provisions of the Penal Code, the Code of Criminal Procedure and the Internal Rules of the Police Department and constitute the subject matter of training in all Police Schools.

4) As regards the cases of torture and other modes of ill-treatment for which paragraphs 17-25 are applicable, the Greek side cannot accept the position of the Committee based almost exclusively on the allegations put forward by the interested individuals, which appear to be particularly general and vague. The scant medical indications mentioned falls far short, in the opinion of the Greek side, of proving the truth of these allegations. However, the Greek side, in virtue of the principle of cooperation provided for by the Convention, had asked the CPT to provide us with specific data on alleged incidents of torture, in order for the Greek authorities to be able to establish truth with certainty. The CPT, however, gave us no particulars, thus, unfortunately, making it not possible for these cases to be thrown light on and for suitable measures to be taken in furtherance.

Concluding, although the Greek side cannot rule out the existence of isolated acts of ill-treatment, in no case can accept the ascertainment of the Committee which is formulated in paragraph 25 of its Report for the reasons referred to above.



2. REQUESTS FOR INFORMATION BY C.P.T.

a) The information that came to the knowledge of the Committee to the effect that the period within which the arrested should have been referred before the Prosecutor may have allegedly grossly surpassed the 24-hour limit, is in our opinion mistaken, for the provision of paragraph 1 of article 279 of the Code of Criminal Procedure, which expressly and categorically calls for the referral, without any delay, of the arrested before the competent Prosecutor the latest within (24) hours after s/his arrest and, if the arrest was effected outside the prosecutor's seat, within the absolutely necessary time for s/his transport, is being applied by the Police without any derogation whatsoever.

b) In the context of our international obligations but also of our sensitivity in matters relating to human rights - in the protection of which our country has played a pioneering role - the principle of NON-REFOULMENT is being applied scrupulously not only in connection with refugees, but also in any case in which it must be proved that the foreigner, on his being reforwarded, would have risked being subjected to torture, inhuman or degrading treatment or punishment.

- The practice followed to ascertain whether the risk really exists or not, is analogous to that of granting asylum to a refugee, and provides adequate guarantees for the protection of the foreigners.



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c) Relative to the information requested by the CPT on the grievances filed by detainees with the Services of Provisional Custody of Detainees pending trial, with respect to their daily subsistence allowance (para 78 of the Report), we hereby apprise you of the following:

1) In accordance with joint decision No 2068594/6072/0022/27-11-1991 reached by the Ministers of Finance and Public Order, the detainees who are being held for more than 24 hours in Police guardhouses shall be provided with a subsistence allowance amounting to 500 drs daily.

2) Said sum is discharged by detainees themselves, according to their preferences, for food which is bought, care of our Services, from establishments lying close to these Services. Also, the provisions of article 67 para 4 sub-para kd' of PD 141/1991 provide for the victualling of the detainees care of the appropriate Services, as well as ^{for} the facilitation of detainees to obtain food at their own expense.

3) The readjustment of the daily expenditure for the victualling of the detainees cannot be made possible by the existing allocations. The matter however shall be examined in the light of the budgeted power of the Ministry of Finance to approve the allocation of the required funds.

d) In regard to the requested information on the duration of the training of Police Officials, we let you know that said training per school, has as follows:

- 1) Police Officers' School three (3) years of Studies
- 2) Police Sergeants' School one training year (10 months)
- 3) Police Constables' School one training year (10 months)
- 4) Retraining of Police Sub-lieutenants nine (9) months

e) A copy of our Circular No 4808/4/76-OH', dated June 28, 1993, which was requested by CTP (paragraph 29 of the Report), is attached herewith. In it, after making note of the observations made by the CPT during its visit in Greece, strict orders and instructions are given to the competent Services of our Ministry in respect to the absolute compliance of the Police Officers, both with the legislation in force pertaining to detainees, as well as with our various orders which had been issued on matters of Police Officers' conduct towards private citizens, etc.

f) For the period 1990-1993, criminal proceedings were instituted against Police Officers charged with the ill-treatment of detainees in thirty three (33) cases which are broken down as follows:

1) Case of Theodore PARASKEVOPOULOS

PARASKEVOPOULOS Theodore, a private citizen who was apprehended on 05.00' hours of August 2, 1989 by Police Officers in the rural area of Amali-Mitilene, for cultivating Indian Cannabis, filed a complaint against three (3) Police Officers of the Mitilene Security Department, contending that they, following



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his arrest, beat him all over his body with the butts of their service guns; the relevant consequence was that criminal proceedings were instituted against them.

The medical report that above person attached to his complaint did not corroborate his allegations, since it was ascertained that he sustained only abrasions on his chest and hands, to-wit injuries that were caused when, on his being pursued by the Police Officers, he crawled over a dense, bushy expanse trying to avoid being arrested.

The One-member Magistrates' Court in and for Mitilene which tried the criminal case, acquitted the Police Officers, because it was not proved that they committed the acts with which they were charged.

2) Case of BAXEVANIS Angelos

On November 8, 1989, the aforementioned private citizen, on his being interrogated by Police officers of the Exaplatanos-Pella Police station, within the framework of a preliminary investigation for the tracking down of the arsonist of a kiosk, he confessed that he had committed the crime and admitted his guilt.

The arrested individual was brought before the competent Public Prosecutor who fixed a date for the hearing of the case and set him free.

Eleven (11) days afterwards, to-wit on November 20, 1989, the President of the Community of Exaplatanos, by his report



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filed with our Ministry, while accepting explicitly that Baxevas confessed his crime voluntarily and without being under duress, accused the Police officer who questioned him that, after the confession was obtained he, (the officer), ill-treated the detainee, and specifically, forced him to stand upright on a chair and sing, as well as that he used physical force against him.

The Public Prosecutor of Edessa, to whom the report was dispatched, initiated criminal proceedings against the Police Officer for contravention of article 137 A of the Penal Code.

The Mixed Jury Criminal Court of Yiannitsa, which tried the case, sentenced the Police officer in question to an imprisonment term of two (2) years and six (6) months for the violation of article 137 A, and imposed upon him a five-year deprivation of his political rights.

An appeal was lodged against the aforesaid decision by the convicted officer. The appeal, however, does not have a suspensory effect upon the execution of the sentence.

3) Case of PEPPAS Anastatios and RAPANTZIKOS Anastasios

On May 11, 1990, there took place protracted violent episodes in the Centre of Athens. Groups of demonstrators attacked the Police officers, who arrived at the scene with a view to preventing any further violent acts and restoring law and order, by hurling at them stones and molotov cocktails.

After a hot pursuit, the police officials of the Rapid Action Force arrested the above-captioned private citizens on the grounds that they had participated in the episodes and hurled stones and Molotov cocktails.

The arrested individuals lodged a formal complaint against the two police officers who arrested them, alleging that upon their arrest they were showered with verbal abuse and beaten.

The competent Prosecuting attorney initiated criminal proceedings both against the arrested individuals on charges of causing a riot, disrupting communications and using explosive substances, to-wit for offences that are prosecuted to a degree of felony, but also against the Police Officers for breach of duty and causing dangerous bodily harm, a case still pending following a relevant committal order before the Mixed Jury Criminal Court in and for Athens.

4) Case of CHARALAMBOPOULOS Demetrios

Charalambopoulos Demetrios, a detainee in the Korydallos Closed Prison, made a formal complaint against (7) Police Officers, who were in the service vehicle /^{for} the transport of detainees (the so called police van) No EA- 14067, alleging that, during his transfer from the Korydallos prison to the Larissa Closed Prison, they jointly inflicted on him a minor bodily injury; the relevant consequence was that the Public Prosecutor instituted criminal proceedings against said Police Officers.



Following an investigation which was carried out, it was affirmed that the complainant was transferred to Larissa by another vehicle and in the company of other Police Officers.

The appropriate criminal tribunal (to-wit the One-member Magistrates' Court in and for Larissa), which tried the case, acquitted the Police Officers against whom above proceedings had been instituted.

5) Case of PROKOS George

On August 24, 1990, the abovementioned individual, upon his exiting the Thessaloniki airport, by his general demeanour, the instability of his movements and mainly because of the gun that he carried on him almost conspicuously, created a sensation, to-wit a stir, and caused anxiety to the rest of the travellers, who took him for a drug-dealer or a trafficker in narcotics and informed the officers of the competent Service accordingly.

He was taken to the Headquarters of the Antinarcotics Branch, wherefrom, after being ascertained that he was under the influence of an alcoholic drink (namely vodka) and that he was in possession of a lawful gun permit, he departed, as it was not established that he had violated the Law on Narcotics.

Eleven (11) days afterwards, to-wit on September 4, 1990, he filed a formal complaint with a result that criminal proceedings were instituted by the competent Public Prosecutor against six (6) Police Officers charged with verbal abuse, threats and dangerous bodily harm.

By an order of the Council of Judges of the Court of Magistrates in and for Thessaloniki, it was decided that no charges should be laid against the Police Officials, as there was not sufficient evidence constituting their guilt and the complaint that was lodged against them was judged as patently false, having been made with malice aforethought.

6) Case of YIANNOPOULOS Christos

On October 22, 1990, officers of the Kardamili Police Station, carried out an inspection on a building being constructed by the above private citizen.

In the course of the above inspection, and after it, YIANNOPOULOS poured verbal abuses on the Police Officers, a thing which led to his arrest. He also resisted authority and was referred to the Public Prosecutor.

In furtherance, the arrestee filed a complaint which resulted in the competent Prosecutor initiating criminal prosecution against two (2) Police Officers, who, ultimately, were committed to face trial before the Three-member Appeals Court in and for Nafplion on charges of threat and causing bodily injury deemed to be particularly slight.

During the adjudicatory proceedings in the above Court, private citizen YIANNOPOULOS retracted his complaint; the relevant consequence was that the Court ceased Criminal proceedings that had been instituted against the two (2) Police Officers permanently.



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7) Case of TSOUMANIS Nicolaos

On November 12, 1990, on the island of Naxos, LOULAKIS Minas, driver of a truck owned by TSOUMANIS Nicolaos, had parked the said vehicle in a way that it caused total obstruction to the oncoming traffic.

An Officer of the Naxos Police Station, who happened to pass by the spot, after revealing his special status as a police officer and showing his identity to the driver, asked him to move his car so that traffic would be restored. At this moment, TSOUMANIS intervened by repudiating the recommendation and refusing to hand over his identity card when asked to do so.

The Police Officer, after stating to them that they had been committing criminal offences, suggested that they should comply with his previous recommendation, without however receiving any positive response from them. The relevant consequence was that the Police Officer departed from the scene to inform his superiors of the incident. The above-named citizens took advantage of his temporary absence and fled in an unknown direction. The truck was later found to have been parked in the same square where it again obstructed traffic. This resulted in a traffic violation citation (ticket) being affixed on the car's windscreen. A short time afterwards, the truck was again tracked down moving on the coastal motorway.

The driver of the aforementioned vehicle failed to take heed of the stop sign made to him by a uniformed traffic warden who he narrowly escaped being dragged away down the road. The



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whole incident resulted in the two individuals, to-wit the driver and the owner, being arrested after a chase for contravention of the Highway Code. Upon his arrest, TSOUMANIS swore at and threatened the Police Officers.

On the morning hours of November 13, 1990, they were led to the competent Prosecutor who instituted criminal proceedings against them for hindering communications, shouting verbal abuses and resisting authority. He then released them after setting a regular date of hearing (January 1st, 1991).

The Three-Member Magistrates' Court in and for Naxos, at the hearing of January 9, 1991, sentenced TSOUMANIS to an imprisonment term of sixteen (16) months and LOULAKIS to an imprisonment term of three(3) months.

TSOUMANIS, on January 8, 1991, to-wit the day preceding that of the trial, and after 57 days had elapsed from his arrest, lodged a complaint against a Police Officer, alleging that he was verbally abused and beaten by him during his transport to the Station and during his stay at it, with the result that criminal proceedings were instituted against the Police Officer on charges of dangerous, bodily harm and verbal abuse, a case that is pending before the courts.

8) Case of TAMOUTSIDIS Charalambos

On November 26, 1990, above individual filed a complaint against Police Officers maintaining the following:



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On 21/22 November 1990, unknown youngsters attempted to rob him in a Thessaloniki street and one of them was arrested by passing Police Officers. When above complainant asked for the particulars of the person arrested, he was hit by the Police Officers.

In consequence the responsible Prosecutor initiated criminal proceedings against five (5) Police Officers on charges of bodily injury deemed to be quite slight, and verbal abuse.

At the courtroom of the One-member Magistrates' Court, which tried the case, TAMOUTSIDIS withdrew his complaint. The relevant consequence was for the Court to cease altogether Criminal prosecution that had been opened against the aforementioned Police Officers.

It is noted that the abovementioned private citizen had not been held in police custody.

8) Case of TSOLERIDIS Ilias

On December 24, 1990, the aforesaid private citizen, lodged a complaint against two (2) Police Officers, alleging that a few days before, and whilst he was being interrogated at the Thessaloniki Security Headquarters for violations of the Law on "Narcotics", the said Police Officers inflicted physical injuries and perpetrated other attacks on human dignity upon him and on another fellow-defendant for the purpose of extracting a confession from them.



In light of the foregoing, the competent Prosecutor instituted criminal proceedings against the Police Officers in question for contravention of articles 137A' para 3, 137 C' and 137 D' of the Penal Code. A main pre-trial hearing was conducted following a prosecutorial injunction.

By a judicial decision issued by the Council of Magistrates in and for Thessaloniki, it was ruled that no charges should be preferred against the Police Officers, as, from the probative material gathered, no compelling circumstantial evidence ensued capable of securing a charge against the defendants in an open session of a court of law for the acts attributable to them. It was also established that the complaint filed by TSOLERIDIS was made with malice aforethought, to-wit it was lodged with a view to having his confession obtained at the preliminary stage and that of his co-defendant challenged later in a court of law.

10) Case of TSOUMBRIS Pantelis

On 16 January 1991, in the Centre of Athens, there was traced by Police Officers of the Rapid Deployment Unit a person suspected of having snatched a handbag, namely an offence that is prosecuted at a felonious degree. While the suspect consented to his being checked with alacrity and did not object to the intention of the Police Officers to take him to the appropriate Police Authority, the abovementioned individual unjustifiably intervened.



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He falsely stated that he was a lawyer although he was a law student, and perceiving the suspect's taking to the police station as being unlawful, sought to prevent it by using physical force, to-wit by kicking and shouting abusive language at the police officers, thus obstructing the performance of their duty. All this happened despite the fact that it had been intimated to him by the police officers that he could follow them to the police station and support his views about the incident there.

TSOUMBRIS'behaviour forced the Police officers to arrest him by acting in a dynamic way; the relevant consequence was that they were jeered at and insulted by citizens who gathered at the spot. These bystanders, although they did not know what had happened, were nevertheless incited to act so by the above arrested person.

In the course of the detainee's transport to the Third Athens Police Station, the three (3) Police Officers, having become very indignant because of the provocative behaviour of the arrested individual, but also because of the jeerings they received from the bystanders, lost their self-control, beat TSOUMBRIS with their police sticks and verbally abused him.

Following a complaint lodged by TSOUMBRIS, criminal proceedings were instituted against the Police Officers, for slight bodily injuries and verbal abuse, a case which is pending before Justice.



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II) Case of Vasilis MAKRIPOULIAS, Vasilis MAKRINITSAS
and Argyris KAVATAS

On 7 April 1991, in Thebes, the aforementioned private citizens using a one-barrel sawn-off carbine, fired shots at the cars of two police officers which had been parked outside their homes. Their act was noticed by one of the aggrieved Police officers who arrested them.

The arrested persons were brought before the Public Prosecutor who referred them to the Investigating Magistrate in and for Thebes.

During their detention at the Thebes Police Station, they filed complaints against the Police Officers on charges of verbal abuse and ill-treatment. Four (4) days later they retracted their complaints by stating that they had been in total confusion that was occasioned by their previous intoxication.

The Prosecuting attorney instituted criminal proceedings against two (2) Police Officers on charges of verbal abuse and violation of article 137 A' of the Penal Code.

By a judicial decision issued by the Council of Magistrates in and for Thebes, it was decided that no charges should be laid against the Police Officers, as from the totality of the probative material gathered during the main hearing, there was not established according to the judgment of the Judicial Council, compelling circumstantial evidence justifying discussion of the case at court. It was proved that the accused Police



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officers did not perpetrate the offences with which they were charged, since complainants themselves by readjusting their original statement of complaint, alleged that they had been in a state of intoxication and that defendants had not offended them in any way, either by deed or by word.

12) Case of SAMARAS Constantine

On 17 April, 1991, officers of the Veria Security Police Headquarters, in the framework of a preliminary investigation being carried out on a charge of theft having been committed against a lawyer of the area, conducted an interrogation of the aforementioned private citizen, who was a burglar with a criminal record and had been accused in the past for animal theft and rape, as there was reasonable ground to believe that he had participated in the specific theft.

He departed after his examination, as no incriminating evidence was ultimately established against him.

On 19 April, 1991, after two days had elapsed, he lodged a complaint against Police officers, arguing that in the course of his interrogation he was tortured by them with the ultimate purpose of extracting a confession from him.

The competent Prosecutor instituted criminal proceedings against two Police Officers of the Veria Security Department on charges of dangerous bodily harm, threats, verbal abuse, and



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abuse of authority, referring the case to be heard by the Three-Member Court Misdemeanours in and for Veria.

The so committed Police Officers appealed the writ of summons, with the result that there was ordered the conclusion of the preliminary investigation through the carrying out of a main hearing, which is still pending.

13) Case of KONTOPOULOS Nicolaos

Above citizen was arrested on 21 May 1991 by Police officers of the Anti-Narcotics Sub-division of the Attica Security Directorate, and was referred to the Public Prosecutor on charges of receiving stolen goods on a repeated basis and drugs-trafficking following information laid on the police by another citizen who had been arrested for thefts.

On 23 May 1991, KONTOPOULOS' mother lodged a complaint alleging that Police Officials had tortured her son during his detention.

Following said allegations, the competent Prosecutor instituted criminal proceedings against four (4) Police Officers for the violations of articles 137 A', 137 C' etc of the Penal Code.

This criminal case is still pending before Justice.

14) Case of MICHALAKOPOULOS Constantine

On 7 July 1991, in the city of Megalopolis, above private citizen was arrested by a Police Officer of the Megalopolis



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Police Department on charges of dangerous driving, verbal abuse, resisting authority, occasioning bodily harm and causing damage to foreign property.

While he was being detained at the Police Station, he lodged a complaint against the Police Officer who arrested him, alleging that while he was being held in detention, the Police Officer hit him with his fists causing him to sustain bodily injuries.

Both of them, that is the citizen and the Officer, were taken to the competent Prosecutor who, after fixing a date for trial, set them free.

As regards the Police Officer, the hearing of the criminal case for the charges of abuse and slight bodily harm is still pending.

15) Case of KATHERKLAKIS Ioannis

On 30 July 1991, above citizen was arrested by Police Officers of the Sitia Police Station for driving his moped in a state of drunkenness, moving against the oncoming traffic in a one-way street, and for not being in possession of the documents prescribed by the Highway Code.

In the course of his walking up the stairs to the Police Station and upon his trying to evade being brought into the Station, above individual got hold of the protective railings rather abruptly, with the result that he sustained a dislocation



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of his left shoulder, namely a part of his body with a long medical history.

He was promptly taken to the local hospital, where he remained for further treatment.

On 17 September 1991, and after forty seven (47) days had elapsed from the said event, he filed a complaint against the three Police Officers who made his arrest, alleging that he was ill-treated at the time of his arrest, a thing that was not even confirmed by a friend of his who was present at the very spot of his arrest.

The Prosecutor responsible for criminal prosecutions instituted criminal proceedings against the Police Officers on charges of simple bodily harm committed jointly by them, to-wit for a case still pending before Justice.

16) Case of ANASTASAKIS Avgoustis and KOUGIOS Eleftherios

On 9 September, 1991, on the island of Patmos, there were apprehended in flagrante delicto by Police Officers of the Patmos Police Department, ANASTASAKIS and KOUGIOS, criminals by

habit and profession, on the grounds that they had broken open the safe of a restaurant and had removed from it 2.500.000 drachmas, 930 Deutsche marks, 1.650 US dollars and jewellery worth 3.000.000 drachmas. The loot was found in their possession in the presence of private citizens.



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The arrested persons were referred to the competent Prosecutor who instituted criminal proceedings against them. They were subsequently committed to trial and were sentenced each to an imprisonment term of six (6) years.

ANASTASAKIS alleged before the Prosecutor of Kos that he was tortured by Police Officers of the Patmos Police Station in order to confess the theft.

On his examination (September 12th) by a doctor, it was ascertained that he had suffered minor physical injuries which had been inflicted one week before their arrest.

After a complaint filed by the convicted individuals, criminal proceedings were instituted against two(2) Police Officers for bodily injuries and exercise of psychological violence (137 A' - 137 C' of the PC).

The criminal case is in the stage of preliminary investigation which is being carried out by the Magistrate (Justice of the Peace) of Kos.

17) Case of NATHANIEL Pavlos and DIAVOLITSIS Constantine

On the night hours of 15 September, 1991, in a Central street of Athens, there were apprehended by Police Officials of the Rapid Action Force six (6) persons, among them the aforementioned individuals, for the unlawful sticking up of posters.

At the very time that the Police Officers were putting the arrested persons into the patrol car, NATHANIEL and DIAVOLITSIS, who had been bound together by the same pair of handcuffs,



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tried to escape in order to avoid the consequences of their illegal action; whilst running, tied up together as they were, and consequently not having liberty of movement and stability, and having covered a distance of approximately eighty (80) metres, NATHANIEL lost his balance and fell head down on the road surface dragging DIAVOLITSIS down after him. Upon his falling down, NATHANIEL sustained injuries in his legs, while DIAVOLITSIS suffered a bodily injury deemed to be particularly slight.

The following day, that is on 16 September 1991, the arrested individuals were led to the Prosecutor in charge who committed them to stand trial at the One-Judge Misdemeanours Court which ruled on cases prosecuted in flagrante delicto. The hearing took place on 19 September 1991, and NATHANIEL and DIAVOLITSIS were condemned to an overall imprisonment term of eighty (80) days each, for illegal sticking up of posters and attempt to escape.

On the same day, that is on 19 September, 1991, NATHANIEL and DIAVOLITSIS, filed a complaint against the two (2) Officers who arrested them, alleging that the injuries they suffered while attempting to escape were occasioned by kickings and punchings dealt at them by the Police Officers.

They also maintained that they were threatened by the said officers.

The competent Prosecutor initiated criminal prosecution against the Police officers for slight bodily harm and threats, a case still pending before Justice.



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18) Case of TRIANTAFYLLIDIS Panagiotis and KARGAKOS Ilias

On 6 September, 1991, the abovenamed private citizens, who were being held in the Kos Judicial Prison, filed formal personal complaints with the Kos Public Prosecutor alleging that, a few days before, when they had been transferred and held at the Rhodes Police Station for a visit from their relatives, they were physically abused by Police Officers.

In furtherance, criminal charges were brought against four (4) Police officers accused of slight bodily harm.

The criminal case is held in abeyance before Justice.

19) BILL-STICKERS' Case

On 2 November, 1991, in Central Athens, there were traced groups of citizens while sticking up posters and distributing proclamations with an abusive content directed against politicians, police officers and journalists.

Whereas the said acts constitute criminal offences, there was ordered the check and arrest of the persons illegally sticking up bills who refused being checked, used vulgar and abusive language against the officers making the inspection, and resisted arrest. The relevant consequence was that there was exercised the absolutely necessary legal violence for their arrest.

The persons arrested, (33) persons in all, (12) women among them, were taken to the Attica Security Headquarters, where



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they were visited by parliamentarians, lawyers and friends to whom they voiced their grievances with respect to the ill-treatment they suffered in the hands of police officers at the premises of the said Security Department.

The (33) bill-stickers were charged with resisting authority, incitement to riot, disturbance of the common peace, disturbance of the peace of citizens, verbal abuse and illegal posting of bills. They were all taken to the competent prosecutor who committed them to answer charges at the Three-Judge Court of Magistrates in and for Athens hearing cases of flagrant crimes. The court, after discussing the case that lasted until 13 November 1991, sentenced each defendant to an imprisonment term of six (6) months.

During the whole time the trial was in progress, the defendants were held at the Attica Security Headquarters, where they were kept in continuous contact with their lawyers, relatives and friends.

On 5 November 1991, during their detention, one of the women detainees complained for the first time, through a newspaper, that she suffered an affront on her personality, while after their conviction, (15) of the bill-posters filed a complaint against unknown Police officers for ill-treatment during the time they were being detained.

The competent Prosecutor instituted criminal proceedings against Police officers and ordered the carrying out of a preli-



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minary investigation, after the completion of which, three(3) Police officers were remitted to face trial before the Three-Judge Magistrates' Court of Athens on charges of simple and grievous bodily injuries, and verbal abuse. The case is still pending before the courts.

20) Case of FRANGAKIS Stylianos

FRANGAKIS Stylianos, a detainee in the Korydallos Prison, by a report to our Ministry, a copy of which was dispatched to the appropriate Prosecutor's Office, filed grievances to the effect that, in the Appeals Court, where he was transferred, on 10 January 1992, for the hearing of a criminal case of his, suffered ill-treatment by the Police officer who escorted him to court with the result that criminal prosecution were initiated against the said Police officer by the competent Prosecutor.

The case is still pending before Justice.

21) Case of MAVROKEFALOS Nicolaos

MAVROKEFALOS Nicolaos, a private citizen, who had many a time being charged and convicted for narcotics, thefts and illegal possession of a weapon, was taken to the Sub-division of the Patras Anti-Narcotics Squad, on 11 January 1992, by Police officers of the said Department, for identification. On 17 January, 1992, and after six (6) days had elapsed, he lodged a complaint against two uniformed officers of the Rapid Deployment Force and the 2nd Patras Police Precinct, alleging that while he was being detained at the premises of the Anti-Narcotics



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Department, he was beaten with fists and a police club, with the result of his being inflicted bodily injuries on the head and lips.

The medical doctor who examined him ruled out all possibility that the injuries could have been caused by the use of a police truncheon.

The competent Prosecutor instituted criminal proceedings against the Police officers for causing grievous bodily harm (article 309 and 308 of the Penal Code).

The case is still pending before the courts.

22) Case of PAPACHARALAMBOUS Vasilios

The Prosecutor in and for Aegion, instituted criminal proceedings against a Police officer of the Aegion Police Department, on the grounds that on 22 January 1992, and whilst private citizen PAPACHARALAMBOUS Vasilios was being detained in the jail-house of the said Department, above Police officer inflicted physical injury on him and affronted his human dignity (article 137 A' of the PC).

The Three-Judge Misdemeanours Court in and for Aegion, which heard the case, acquitted the Police officer against whom charges had been brought, for he admitted that he did not commit battery against the detainee, as the same maintained in his pertinent complaint.



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On the contrary, it was proved that complainant behaved in an utterly unbecoming manner, hurling abuses at the Police officers and threatening them, while at the same time he was pounding at the desks, being in a state of frenzy. As to the abrasion which was affirmed that he sustained, this was not the result of physical violence being inflicted on him by the Police officer, but a consequence of a fray that complainant entered into with a habitu  (patron) of an establishment, a fray that resulted in the Police officers being called to restore law and order.

23) Case of MOSCHOS Cornelios

On 3 March 1992, Police officers of the Thessaloniki Anti-Narcotics Squad Sub-division, following an injunction by the Head of their Department, which was given after an intervention by the Director of Public Prosecutions, went up to a Thessaloniki cafeteria, as there was reliable information that drug-trafficking took place therein.

The Police officers, after making their identity known, asked from the habitu s of the establishment to produce their identification. Everybody complied with their instruction save for the citizen referred to above, who persistently refused to show his identity and who reacted violently when the Police officers tried to submit him to a bodily search, hitting one of them with his fists. The relevant consequence was that in



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their effort to contain him as he continued to respond violently, the Police officers threw him down on the floor where they finally immobilized him.

The fray resulted in MOSCHOS's getting injured in the face when he fell down on the floor where there were fragments from broken glasses.

MOSCHOS, who was apprehended for offences he committed against the Police officers, subsequently filed a complaint against them, alleging that he got injured by the Police officers during his transport to the Thessaloniki Security Headquarters, where he was also repeatedly beaten, abused and threatened.

The competent Prosecutor initiated criminal prosecution against five (5) Police officers on charges of dangerous bodily harm and verbal abuse. The Council of Magistrates in and for Thessaloniki, however, ruled that charges should not be brought against them, for, from the preliminary inquiry that was conducted by a Magistrate it was established that he wasn't exposed to verbal abuses and threats, while the injuries he sustained in the establishment were caused by the effort of the Police officers to overpower the violent reaction of the complainant and submit him to a bodily search, to-wit for an act that was not a wrongful act per se, as it was carried out in the discharge of a legal duty.



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24) Case of KOURKOUMELIS Andreas

On the night hours of 11 April, 1992, an unknown person burst into a house in Argostoli and tried to rape the owner of the house and her minor daughter.

On the basis of a description given by the victims, KOURKOUMELIS Andreas was brought to the Argostoli Police Station, on 14 April 1992, in order to be examined on confrontation with the victim. The victim failed to recognize him as the perpetrator of the offence and KOURKOUMELIS therefore departed.

On the following day, that is, on 15 April 1992, KOURKOUMELIS, who had to answer charges for another case of rape, lodged a complaint against the Police Officer who brought him to the Police station alleging that, while he was at the Police precinct, psychological and physical violence was exerted on him by the Police officer who tried to extract a confession from him. More particularly, that the police officer abused him verbally and beat him with his hands and a wooden stick.

After he was examined by a doctor on 16 April 1992, it was evidenced that he had suffered only minor injuries in the eyes, possibly from punches and not from the application of a wooden baton on him, as he himself maintained.

A preliminary investigation on the case was ordered by the competent Prosecutor in order to be decided whether criminal proceedings should be instituted or not.



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25) Case of FRATZIAS Nicolaos

Abovenamed individual was apprehended on 4 May 1992 by two (2) officers of the Plomari Police Station because, being in a state of drunkenness, he placed impediments to the execution of their duties, hurled abuses at them and attempted to hit one of them.

He was led to the Prosecutor to the Court of Magistrates in and for Mitilene, who committed him to stand trial at a regular day of hearing before the Three-Judge Court of Magistrates in and for Mitilene.

During the time he remained at the guardhouse of the above Police Station, a doctor was called to take blood from him for the purpose of ascertaining the content of alcohol in his blood, but he met/ ^{with the} refusal of the person whose blood he was to take.

The doctor stated in his sworn testimony that above individual was in a state of intoxication. Also in the period under consideration, above person was visited by his lawyer and a citizen known to him.

Forteen (14) days later, FRATZIAS lodged a complaint against two (2) Police officers for slight bodily injury and verbal abuse, to-wit. for acts which, according to his allegations, took place in the guardhouse of the Plomari Police Station. The result was that the competent Prosecutor brought criminal charges against the said Police officers.



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The criminal proceedings that were instituted against the police officers were definitely terminated owing to a relevant withdrawal of the complaint by FRATZIAS.

26) Case of SOÏLEMEZIDIS Demetrios

On 6 June, 1992 a private citizen was apprehended in Axioupolis-Kilkis for cultivating Indian cannabis. He pleaded not guilty and pointed to SOÏLEMEZIDIS, resident of Thessaloniki, as the perpetrator of the offence.

On 7 June, 1992, Police Officers apprehended SOÏLEMEZIDIS in the presence of a Magistrate outside his home. Upon his arrest, SOÏLEMEZIDIS put up fierce resistance and attacked the Police officers with the help of some of his relatives.

The arrested individual was taken to the Prosecutor to the Court Magistrates in and for Kilkis, who referred him to the Examining Magistrate. Upon advancing his plea in defence before the said Magistrate, he asserted that he suffered ill-treatment by the Police officers.

In consequence thereof, criminal charges were brought against six (6) Police officers for contravention of article 137 A' etc of the Penal Code.

A main pre-trial hearing was conducted by the Examining Magistrate; after its completion the case was referred to the Council of Magistrates in and for Kilkis. The Council by its decision ruled that no charges should be brought against the



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Police officers, insofar as from the probative material gathered there did not arise sufficient evidence to warrant committing the defendants for trial.

27) Case of PATSIOS Stephanos

On 11 September, 1992, PATSIOS Stephanos, a convict charged with counterfeiting bank bonds, was transferred from Koyrdallos Prison to the Appeals Court of Athens, where his criminal case was to be heard.

The above transferred individual resisted attempt by Police officers to handcuff him, considering his handcuffing an offensive act. He further showered the Police officers with verbal abuses.

The Police officers, in light of this situation, were forced to act in a dynamic way in order to secure his handcuffing.

On 13 November, 1992, PATSIOS filed a complaint against four(4) Police officers, alleging that during his handcuffing they verbally abuse him and hit him with their fists.

The competent Prosecutor instituted criminal proceedings against three(3) of them on charges of simple physical injury and verbal abuse; the case is still pending before Justice.

28) Case of PATIRAKIS Ioannis

On 12 February, 1992, private citizen PATIRAKIS Ioannis was picked up by Officers of the Aegion Police Station on the



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grounds that he failed to comply with a stop sign made to him by the Traffic warden whom he subsequently abused by words.

The arrestee put up fierce resistance on his being arrested, while, on walking up the stairs to the Police Station, where he was taken, he tried to escape by pushing back the Police officers who escorted him.

On the evening of the same day, he was led to the competent Prosecutor who set him free after fixing a day of hearing.

After (14) days had elapsed, PATIRAKIS filed a complaint against four (4) Police officers of the Aegion Police Department alleging that on his being transported from the place of arrest to the Police Station, but also in the premises of the Police Station itself, he was beaten, threatened and verbally abused. The relevant consequence was that criminal proceedings were instituted against the said Police officers for contravention of article 137 A' 361 (verbal abuse) and 333 (threat) of the Penal Code; the case is still pending before the courts.

29) Case of CHALARIS THEOKLIS

On 12 March, 1993, the aforecited private citizen was apprehended by Officers of the Pefki Police Station for having committed a criminal offence of a felonious character (to-wit extortion), caught in flagrante delicto and prosecuted ex officio. He was led to the Prosecutor to the Magistrates' Court in and for Athens, who referred him to the 5th Regular Investigating Magistrate. After his plea in defence, there was ordered his remand into custody. Eventually he was sentenced by the Three-



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Judge Criminal Appeals Court in and for Athens to an imprisonment term of 7 $\frac{1}{2}$ years.

CHALARIS, on advancing his defence before the Examining Magistrate, alleged that he was forced to confess because of the torture inflicted upon him by Police officers of the Pefki Police Department.

The Prosecutor to the Athens Court of First Instance to whom a copy of CHALARIS' plea in defence was dispatched, after ordering a preliminary inquiry, which was subsequently conducted, turned down by a decision of his the complaint lodged by the aforesaid individual on the grounds that he was not convinced of the truth of the allegations put forward by the above person.

CHALARIS filed an appeal against the aforesaid decision to the Prosecutor of the Athens Appeals Court, who allowed the appeal and ordered the Prosecutor to the Athens Court of First Instance to institute criminal proceedings on charges of dangerous bodily harm against any person held criminally liable to it.

In furtherance, by a prosecutorial injunction, there was held a preliminary inquiry which has already been completed.

The above criminal case is still pending before Justice.

30) Case of HUSSEIN Tsezul

On 18 April, 1993, in Thessaloniki, above individual, driving a two-wheeled moped, was involved in a traffic accident with a passenger motor-vehicle driven by a Police officer. Mate-



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rial damages ensued as a result of the accident .

The appropriate Traffic Department was called to the scene of the accident. A Traffic officer of the said Department tried to effect an exchange of the identity particulars of the drivers. Whereas HUSSEIN was not in possession of an identity, a driving licence and a car plates licence, he was led to the Traffic Department for the usual identification formalities to take place. He had previously been handcuffed as he was considered to be an escape suspect. Police formalities having been completed in a spate of a few minutes, the individual departed.

On the night hours of the same day, HUSSEIN presented himself at the IST' Thessaloniki- Police Department and filed a complaint against the Traffic officer who brought him to the Traffic Department, asserting that the Police officer beat him after he had tied him up.

The competent Prosecutor instituted criminal proceedings against the Police officer for breach of article 137 A', paragraphs 1 and 3 of the Penal Code. The case is pending before Justice.

31) Case of KARAVASOS Georgios

On the morning hours of 18 July, 1993, on MYKONOS, the aforesaid private citizen was driving his motor-vehicle while being in a state of drunkenness. The result was that he verbally abused and hit the Police officers who tried to check him.



He was led to the MYKONOS Police Station where he continued to hurl insults at the Police officers and attacked one of them causing damages to bear on his police uniform.

During his stay at the Police Station, he complained of a heart problem and was taken to the local Health Center, where, after he was given first aid, he left in the escort of Police officers who had been entrusted with his custody, until he regained soberness.

In point of fact, the Police officers, putting in effect the provision of article 118 of the PD 141/1991 (protective custody of persons), placed him under custody, a thing which is not considered to be tantamount to an arrest. When, at about 12.55' hours, he recovered his senses, they allowed him to leave, after his rendering an apology for his previous demeanour.

He was not submitted to the judicial process of "flagrante delicto" for the crimes he committed; instead, a regular suit was brought against him.

On the following day, KARAVASOS made his appearance at the 2nd Piraeus Police Station and filed a complaint against a Police officer of the Mykonos Police Precinct alleging that, during his stay at the Police Station, the Police officer in question verbally abused him and struck him with his fists and police truncheon.

The case, as far as its criminal adjudication is concerned, is in the stage of preliminary investigation.



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32) Case of HADJIOANNOU Georgios

On the night hours of 21 September, 1993, four (4) Police officers of the Anti-Narcotics Sub-directorate of the Thessaloniki Security Headquarters, whilst engaged in the monitoring of the heroin-trafficking network in Thessaloniki, conducted a check of the identity particulars of the above citizen and of the supporting documents pertaining to his car. Above individual drove by the very spot-where the Police officers had been positioned - being in charge of a vehicle which was similar to that which was reportedly driven by a person that had connections with the aforesaid network. He was taken to the competent Police Department wherefrom he subsequently departed, after it was ascertained that he had nothing to do with the drugs-trafficking network.

On the following day, that is on 22 September, 1993, he lodged a complaint, and the Prosecutor to the Magistrates Court in and for Thessaloniki initiated criminal prosecution against the abovementioned Police officers on charges of causing simple bodily harm.

The aforesaid criminal case is still pending.

33) Case of SULEYMAN AKYAR

At the close of December 1990, and after the death of a drugs-dealer and user of narcotics, information was laid to the Anti-Narcotics Branch of the General Security of Attica



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to the effect that the deceased was being supplied with great quantities of narcotics/^{by}Turkish drugs-dealers acting in Greece.

On the basis of the foregoing information, and following investigations conducted by the above Service, there were identified in Athens, two Turkish dealers in narcotics, to-wit YALGIN HALIT, who was residing in the district of Exarcheia and AKYAR SULEYMAN, who was residing in the Markopoulo area of Attica.

On the evening hours of 31 January, 1991, Police officers apprehended AKYAR. They subsequently led him to his house to carry out a search for the discovery of narcotics.

At the very moment when one of the Police Officers discovered two small plastic parcels of heroin in a portable plastic basin weighing approximately 100 grams in all, AKYAR, acting with amazing speed, grabbed a screwdriver that lay behind an electric appliance - and which was readily available for the launching of an attack at point blank range or from a distance - and brandishing it, he assailed the Police officer who kept a watch over him. His purpose was to hit the officer and escape through the entrance that the officer was guarding.

The Police officer fended off the attack by using his police baton; he tried to hit the assailant's armed hand with the view to disarm him; this brought no results, for the attacker swung around himself, thus receiving the blow on his body.



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Immediately afterwards, the arrested individual launched a new attack against the Police officer. He in his turn evaded the attack and dealt him a new blow on his body.

On seeing what was happening, the two other officers, who were conducting the search, ran to the help of their colleague, and the three of them acting in concert and using their police truncheons finally managed to overpower him and place him in handcuffs.

In furtherance, AKYAR was referred to the Sub-directorate of the Anti-Narcotics Branch of Attica. He sustained only minor abrasions on the face, while there was no other evidence likely to raise even the slightest suspicion of injury to his health. But neither he however ever mentioned anything of the sort or asked to be medically treated or examined.

In the course of the preliminary investigation he confirmed that the supplier of the drugs in which he traded, was YALGIN HALIT, who was apprehended during the night hours of 21 January 1991.

At about 24.00' hours on the same date, while he was being kept/ⁱⁿ custody in an office of the aforesaid Narcotics Branch, he informed his guard that he was feeling unwell. He subsequently lost consciousness.

He was immediately transported by ambulance to the "RED CROSS" Hospital where he was given first aid. Hence he was transported to the KAT Hospital, where he remained for treatment. Though by 25 January 1991 his condition had improved and was progressing in a satisfactory manner, it subsequently presented

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a serious complication and at 3 a.m. of 29 January 1991 the patient died.

The autopsy-postmortem examination established that his death occurred as a result of final pneumonia contracted in the course of sustaining severe injuries on his body.

Prompt notification on AKYAR's death was given to the Prosecutor to the Magistrates' Court in and for Athens, to the Examining Magistrate, to the Consul of Turkey in Athens, to the Ministry of Public Order and to other competent Services.

Criminal proceedings were instituted against three (3) Police officers charged with causing unintentional fatal bodily injuries while being in a state of self-defence - but in excess of its statutorily prescribed limits - and of using weapons illegally, to-wit for offences allegedly having been perpetrated against SULEYMAN AKYAR on 21 January 1991.

A main pre-trial hearing was further ordered. After its completion the case was remitted to the Athens Council of Magistrates, which by its decision ruled that no charges should be brought against the three (3) officers for the reasons stated hereunder.

In the case at issue, it was established by the facts of the case that the accused Police officers, upon discharging their lawful duties, were all of a sudden attacked by the person they had arrested at the time above referred to - to-wit SULEYMAN AKYAR, and thus they found themselves, beyond any doubt, in a state of self-defence. To fend off this unlawful attack being waged against them - which continued with unabated intensity



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after each aborted effort by the assailant to contest their statutorily protected interest to physical integrity and also to protect their statutory interests which stood in immediate peril - the defendants used their police clubs to disarm him and placed him in handcuffs with a view to physically incapacitate him.

On putting forward said defence against the unlawful attack they suffered, they did not overstep the requisite limits of defence, regard being had to the degree of dangerousness of the attack, the kind of threatened harm, the mode of attack, its intensity, and by and large, the circumstances under which it took place. The wrongful character of their act should therefore^{be}/excluded.

f) With respect to the requested information on administrative-disciplinary procedures, we hereby apprise you of the following:

(1) Allegations made, by whichever way, against a Police officer for reprehensible actions or omissions, invariably constitute a subject for an administrative scrutiny designed to ascertain the tenability or not of these allegations and to attach, in an affirmative instance, the pertinent disciplinary responsibilities to the persons held liable.

- More particularly, when allegations and grievances concern the commission of disciplinary wrongs by Police officers against citizens, the same shall be inquired into by the Police Personnel Directorate of our Ministry on a strict line of priority in connection with other allegations.



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- The prosecution of the disciplinary offences complained of shall be initiated ex officio by an officer vested with the right to exercise disciplinary prosecution on the basis of the information laid before him.

- If the existing data do not suffice to form a thorough and objective judgement with respect to the existence or not of disciplinary responsibilities, the Senior Officer charged with the exercise of disciplinary prosecution, shall have the option to request that he be supplied with oral or written explanations by the Officer who is alleged to have committed the disciplinary offence, or, to order the carrying out of an oral administrative enquiry or to finally recommend to his Superior Officers to issue an order for the carrying out of such an enquiry, if he has not the competence to do so in compliance with the statutory provisions.

(2) If the allegations relate to serious disciplinary offences having been committed by Police officers, which incur, pursuant to the statutory legislation, strict disciplinary penalties namely (cashiering, suspension followed by dismissal from duties, suspension followed by temporary discharge from duties), investigation into and ascertainment of commission of the said offences shall always be effected by means of a Sworn Administrative Inquiry to be ordered either by an Officer who is in charge of a Department of equal status to that of a Directorate or over, or by the Police Chief or the Minister or the General Secretary of the Ministry.



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(3) Both the Sworn as well as the Oral Enquiries, which are ordered with a view to ascertain the commission of disciplinary offences, will be conducted by one - in each case - Senior Officer of the Greek Police, who must be senior by virtue of grade or length of service to the one who is accused in the instant case. In order to conduct the Sworn Administrative Enquiry assigned to him, the Officer conducting the Enquiry shall be assisted by a non-commissioned officer to act as secretary.

(4) The statutory provisions do not provide for the attendance of an outside observer at these enquiries. However, in the case of sworn enquiries, the defendant shall, when called to make a statement of defence, be entitled to exercise to his benefit the following rights:

(a) To take cognizance of the documents contained in his case-file,

(b) To ask for a delay to advance his plea in defence (a 24-hour delay for Senior Officers and a 48-hour delay for Low-ranking Officers),

(c) To propose a maximum number of five (5) persons as his defence witnesses, who will be mandatorily examined in the context of a Sworn Administrative Enquiry.

(5) The Officers conducting the Sworn Administrative Enquiries and the Oral Administrative Enquiries shall not be empowered to impose sanctions themselves after completion of the investigations, but they shall be entitled to propose the taking of specific administrative measures against the Officers who have been probed into.



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(6) The investigative material which shall be gathered as a result of the so conducted Sworn Administrative Enquiries and Oral Administrative Enquiries, will be judged and assessed, in the case of an O.A.E., by the person who ordered it, or, in the case of a S.A.E., by the General Secretary to the Ministry of Public Order, or by the Chief of Police (if the S.A.E. concerns a Senior Officer or a Non-Commissioned Officer), who will decide on the imposition of the appropriate administrative measures against the officer being judged in due proportion to the gravity of the ascertained offences.

(7) More specifically, in the case of serious offences warranting, according to the judgement of the deciding organ (General Secretary or Chief of Police), the imposition of the penalty of Discharge or Suspension followed by dismissal), the Officer complained of shall be remitted, by dint of a pertinent motion to be filed by the above organ, to the competent Examining Council which shall be composed of five (5) Senior officers, higher in rank in each case than the Officer complained of.

(8) The procedure to be followed during the hearings held by the Examining Councils shall be the oral one. It shall be conducted in the presence of the Officer complained of and the witnesses likely to be examined without the attendance of an outside observer being statutorily required.

In the context of this procedure, the Officer complained of shall be entitled to propose five (5) witnesses for defence at the most.

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(9) If the offences committed by the Police Officers constitute also criminal offences, which the Prosecutorial Authority has been privy to, either directly by the person complained of, or ex officio via our Department, then the criminal procedure shall be set into motion against these officers in accordance with the Procedures of the Code of Criminal procedure for the purpose of establishing liabilities and imposing the relevant sanctions upon the persons held to be criminally liable.

In these instances, the Administration, on examining the disciplinary aspect of the case, when from the evidence it has in its possession it is not possible for it to form a thorough and safe judgment with respect to the existence or not of disciplinary responsibilities, usually proceeds to the suspension of the disciplinary scrutiny until the judicial investigation has been completed, so as to be able to co-assess the findings issuing from the said investigation.

(10) Concluding, if the offences committed by the Police officers relate to the enforcement of lawful injunctions issued by the Judicial Authorities, the disciplinary prosecution against the persons held liable shall be lodged by the respective Prosecutor to the Court of First Instance (to-wit a Judicial Official), who shall proceed to all the necessary investigative acts in order to establish the disciplinary offence. In these instances the disciplinary jurisdiction shall be exclusively exercised by the appropriate Councils to the Magistrates' and Appeals' Court in the first and second degree of jurisdiction respectively.



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(11) Apart from the foregoing, we deem it advisable to stress that in the seats of the General Police Directorates of Attica and Thessaloniki - where the greatest numbers of Police officers serve - in comparison to the other Police Services, there have been set up Special Services (Services of Administrative Enquiries), the operation of which, especially in cases of serious allegations made against Police Officers for the ill-treatment of citizens, for unbecoming conduct towards them in the execution of their duties, and for violation of human rights, with the high authority and standing that they possess, reinforce and consolidate, to a large degree, the feeling of trust of the citizens, as well as of the foreign authorities and of the international agencies for the protection of human rights, to the investigative findings of this Interrogation Body.



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II. CORRECTIONAL INSTITUTIONS

1. Article 53, para 2, of L. 2172/93 was marked as the starting point not only for the decongestion of prisons, but also for the rational handling of the serving of the sentence. By subsequent law 2207/94, there was an intervention in the critical fields of Law (temporary detention - conditional discharge), wherein the problematic application of the statutory provisions has been pointed to by science as constituting a factor of the crowding of prisons and of the in concreto sliding of the deprivative of freedom sentence towards the ius talionis (i.e. the Law of Retaliation). This law does not only seek to decongest prisons in the short term, but also to re-evaluate in the long run the terms both of the provisional deprivation of freedom as well as of those pertaining to the serving of sentences.

Thus, the prime objectives of the said law are, respectively, to serve to the best possible extent the scope of anti-crime policy and to respect the fundamental freedoms and expectations of the prisoners, as well as to bring to prominence the absolutely exceptional character of the measure of temporary custody in the light of the presumption of innocence of the defendant. This orientation of the new provisions is in line with the recent case-law of the European Court of Human Rights. The decongestion of prisons will serve as a secondary and delineated consequence of the materialization of these aims. What's more, a provision



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of transitional character of the aforesaid law shall have as its primary and immediate objective the decongestion of prisons. The statistical table attached herewith shows a reduction in the number of detainees, per prison and in the entirety of prisons. This reduction will be far greater in the near future and will permit the Prison Services to offer far better living conditions for the detainees (paragraph 95).

2. The selection of 28 doctors of various specialties, among them of (4) Psychiatrists, and of 185 correctional officials (20 women and 165 men).

The aforementioned persons shall be posted to various prisons (para 96).

The invitation for the filling up of those posts issues from our document No 30894/17.3.94.

We have also requested the Secretariat of the Cabinet, by our document No 56443/30.5.94, to allow by way of exception the filling up of 369 vacancies of correctional officials.

3. It has been scheduled and is in the stage of its materialization the functional separation of the Korydallos Psychiatric Home for Detainees into two parts, to-wit into a purely Psychiatric Clinic and into a Drug-addicts Section.

All the above steps, together with the hiring of 4 Psychiatrists, will contribute to the improvement of the situation existing there, to its better functionality and to the betterment of the medical treatment provided to patient detainees (paragraph 189).



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4. We have requested by our document No 43758/8.6.94 that the "intensive care unit" of the Korydallos Psychiatric Institution for Detainees (paragraph 189) be put out of operation.

5. During the second fortnight of July, there shall materialize the separation of the B' floor, C' wing of the Korydallos Central Closed Prison for Women - where the 5 detainees of special category shall be kept - from the two other floors (to-wit Ground floor and A' floor), which shall be used to house the women detainees. This was the solution that was given to the issue of concern to the Ministry, because the space which was constructed for the transfer of the above 5 detainees is eventually being used by those mothers who keep their children with them. Also all available cells are housed by women detainees who are pregnant, as it follows from our documents Nos 49752/26.4.94, 36822/18.4.94 and 45879/22.4.94 (paragraphs 113 and 114).

6. From documents Nos 5807/30.3.94 and 11926/27.6.94 issued by the Warden of the Judicial Prison of Larissa, it follows which measures from those that had been recommended (paragraph 122) have materialized for the time being.

7. The Ministry of Justice, in collaboration with other agencies, State or non-state Organizations, is promoting various educatory and vocational training schemes for detainees in Greek prisons with a view to provide them with the necessary means for their social reintegration or employment in prison during the period of their detention.

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At the same time, it has developed modes of labour for the detainees by having approved an overall number of 2316 work positions for all prisons. Most working posts are related to the employment of detainees in agricultural and cattle-breeding exploitations and in various handicraft workshops having the requisite infrastructure. Detainees are also being employed in general services posts (covering functional needs of prisons) such as those of cleaners, cook assistants and bread-makers, launderers, carpenters, blacksmiths etc.

IN PARTICULAR PER PRISON

AGYA RURAL PRISON

Detainees receive training in pottery and woodcarving workshops, where they work for their own benefit producing handicrafts which will be sold in local fairs and in the "Panhellenic Handicrafts Exhibition of Athens" or following orders placed by third parties.

The rest of the detainees are employed in various agricultural and cattle-breeding concerns (agricultural cultivations, cowhouse, pigsty, poultry farm etc.) and in general tasks. There is a training course for the illiterate introduced by NELE.



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KASSANDRIA RURAL PRISON

All detainees work in agricultural and cattle-breeding exploitations (rural cultivations, pigfarm, cowhouse, poultry-farm, cheese-dairy etc.), as well as in general prison services as cleaners, bread-makers, cooks, launderers etc.

Groups of prisoners also attend an athletics program introduced by the Prefecture.

TIRINS RURAL PRISON

All detainees are being engaged in agricultural tasks, such as garden-produce and orange-grove cultivations, in stock-farming tasks, such as those relating to pigsties, poultry-farms, rabbit-farms, and in various general tasks (clean-ups, laundries, bakery etc.). Also an intensive-course Vocational Training School is run by the national Employment Office for the specialty of Car Mechanic.

HALICARNASSOS CLOSED PRISON

In operation are 2 pottery and woodcarving workshops, where detainees receive training and are productively employed to their own benefit. Their products are being on display in various exhibitions and are sold via orders placed by third parties. The proceeds go to the detainees at a rate of 90 percent, when they use electric current, and at 95 percent when they don't. There are also 70 work positions reserved for various general tasks to be undertaken by detainees.



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PATRAS CLOSED PRISON

An athletics program is in operation for the detainees. Also 164 detainees in all are being engaged in various tasks and in the bakery.

An instructor is expected to be appointed by NELE to run the woodworking workshops.

TRIKALA CLOSED PRISON

Athletics program.

Woodcarving workshop for productive work.

Employment in general tasks (71 work posts).

CHALKIS CLOSED PRISON

Engagement in general prison tasks.

A mattresses-manufacturing workshop is in operation (total number of work posts 41).

WOMEN'S CLOSED PRISON

A Productive Workshop and a Carpet-manufacturing school is run by the National Welfare Organization. A production-related pay system has been introduced.

A workshop for the training in and manufacture of Costume-Jewellery^{is} in operation.

Miscellaneous general tasks.

(Total number of work positions 138).



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VOLOS JUDICIAL PRISON

Engagement in general prison tasks (25 posts).

THESSALONIKI JUDICIAL PRISON

Engagement in general prison tasks (64 posts). Development of a program for the education of about 60 detainees by the Greek Productivity Centre (ELKEPA) in the use of electronic computers (commencement of operation within 1994).

JUDICIAL PRISON OF IOANNINA

Employment in general tasks (work posts 16).

Etching and literacy programs are in operation.

JUDICIAL PRISON OF KOMOTINI

A workshop for the training of inmates in woodcarving is in operation.

Employment in general tasks (34 working posts).

KORYDALLOS JUDICIAL PRISON

A psychological support program for inmates freed from addiction to narcotic substances is being run by the Therapeutic Community ("18 years and over").

There has been set up and fitted out a centre of training in state-of-the-art typography-bookbinding with future prospects for productive employment. Thirty (30) persons are already being



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trained within the framework of the "HORIZON" Community Program.

A productive bookbinding workshop is in operation covering the needs of Departments to the Ministry of Justice.

Employment in various prison tasks (total number of posts for working detainees 301).

LARISSA JUDICIAL PRISON

A Training program for detainees in hydraulic and electro-logical applications has been completed by the Thessalian Research and Retraining Centre.

The Greek Productivity Centre is currently staging the operation of a workshop for the education of detainees in electronic computers.

Employment in general tasks (work posts 124).

CENTRAL MATERIALS DEPOT FOR PRISONS

A streamlined educationary and productive bakery is in operation - working posts 42 - for all detainees.

KASAVETIA RURAL CORRECTIONAL INSTITUTION FOR MINORS

This House of Corrections (ASKA in Greek) consists of:
a) An "open rural correctional institution of total capacity of 100 minors, and b) "a closed one" (informally founded in 1992 to be housed in a completely overhauled wing of the building,



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for the purpose of decongesting the Korydallos Correctional Institution for minors (SKA), of total inmate capacity of 100 minors. Overall, about 140 minors (70+70 respectively), aged 15 through 21 years, and about 30 adult inmates, are being detained. (The latter are employed in rural works in which the minors cannot be used for lack of knowledge and experience). Very soon, by the end of the year, an intervention geared to the improvement of above institution's installations shall be effected by a technical company with a view to promote the living conditions of the detainees. The minors of the "open" correctional establishment shall be engaged in light rural tasks, keeping watch of herds etc. The minors of the "closed" institution shall work within its premises (cleaning of the building, repairs etc.). In both instances of employment of juvenile offenders, (be it a rural or an internal one), each day of work shall be calculated as double; said "double" days shall be added to the actual time of the serving of the sentence with a view to the assessment of the time for the discharge of the detainees. Let it be of note that underaged juvenile offenders (aged up to 17 years) are being subjected to a penal correction with a minimum or maximum limit of sentence. In this case, labour days shall be co-assessed for the discharge of the juvenile offender in light of the fact that discharge may be granted upon the expiry of the minimum limit. The prospect of minor detainees remaining in the rural penal institution beyond their 21st year



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is already being planned, in accordance with the Code of Corrections, so as to enable these detainees, ^{after} having acquired experience, to get involved in more specialized rural undertakings, enjoying a semi-liberty status, (to-wit living in small dwellings lying outside the prison building), like their adult counterparts referred to above, who will get transferred to rural prisons for adults, as they will gradually be replaced by minor detainees.

From the viewpoint of education of minor detainees, in operation within the premises of AKSA (Correctional Institutions for the minors) are: a) A junior primary school established within the premises of the Institution, b) Training programs for detainees in pottery and automobile-engineering applied in the institution's premises by the Prefectural Committee on Popular Retraining (NELE) of the Magnesia Prefecture. c) An apprentice school set up by the Manpower Employment Organization (OAED) providing intensive vocational education in the field of an electrician-installer of a building (it will commence operation in September 1994). From that date onwards, there shall operate - within the context of the "HORIZON" Community Program - and under the auspices of the Aristotelian University of Thessaloniki, a vocational training program in the specialties of the machinist and car lamp-maker for the training of 20 detainees (300 hours each).

The Ministry of Culture, in collaboration with the Ministry of Justice, has set up a library in which books and periodicals, Greek and foreign, are provided to detainees.



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Three (3) places of recreation for detainees have been created and in operation, while steps have been taken towards the full utilization of the existing football ground for the athletic training of detainees by specialists to be hired in the near future.

Concluding, a briefing seance of inmates shall be staged by the Centre/^{of}Special Infections of the Ministry of Health concerning AIDS, and a taking of blood shall be conducted (on a voluntary basis to ascertain whether the inmates are suffering from various contagious or communicable diseases).

It is noted that aside from the foregoing, the Ministry is developing programs which have been submitted to the competent Services for their financing by the B' COMMUNITY SUPPORT FRAMEWORK and concern the setting up and fitting out of Vocational Training Centres in various prisons, as well as the corresponding Educational Programs relating to specific subjects which will provide employment within prison and the means for Social Rehabilitation.

These programs consist in:

Typography and bookbinding.

Carpenter's works.

Blacksmith's and hydraulic works.

Creating sur mesure clothes (Façon clothes-making)
Box-making and

Pasteurization of produced milk.

The financing of the above is subject to authorization.



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BORSTAL INSTITUTIONS FOR MINORS

a) MINOR'S INSTITUTION OF VOLOS (MALE)

A training pottery workshop is in operation.

A literacy and athletics program has been initiated.

b) ATHENS BORSTAL INSTITUTION FOR FEMALE MINORS

Education in theater-music-psychodrama.

Employment in a workshop which manufactures various artifacts.

c) KORYDALLOS BORSTAL TRAINING INSTITUTION FOR MALE

A workshop is ⁱⁿ operation providing training in Painting.

A workshop is in operation providing training in Woodcarving
by instructors sent by NELE.

8. We attach herewith above laws along with the relevant documents.

III. PSYCHIATRIC INSTITUTIONS

A. Program of de-institutionalization

The biennial programme "LEROS" (1993-1994) is a special programme provided for ^{by} EEC Regulation 815/84 which constitutes the continuity and extension of the programme which materialized in the period 1991-1992.

Programme "LEROS II" falls within the overall revised programme of Psychiatric Reform aiming, on the one hand, at the radical improvement of the material standards of living and



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hygiene in the State Therapeutic Establishment of Leros, and on the other, at the de-institutionalization of its sections.

These objectives shall be achieved via three sub-programmes.

Sub-programme I

It provides for the operation of thirteen (13) Guest-houses, of total capacity of 10 persons each, outside the island of Leros. Already in operation, and with full development of measures provided for in the Programme, are 4 Guest-houses in Athens, 3 in Thessaloniki and 1 in the cities Levadia, Amfissa, Larissa, Ioannina, Alexandroupolis and Chalkis.

Sub- programme 2

It consists in therepeutic and educationary interventions in the state Infirmary of Leros geared towards its de-institutionalization - improvement of the standards of hygiene and living standards - creation of new structures of medical treatment and living conditions.

The progress that has been made in the last ten months towards the materialization of the measures specified in this Sub-programme is truly amazing. Already in operation are 3 in-hospital guesthouses accommodating ten persons each, as well as 11 protected quarters within the city, which can play host to 5-6 person each. By the end of 1994 the construction works or another 5 in-hospital Hostels will have been completed. Said



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Guesthouses will have an accommodation capacity of ten persons each on average.

Sub-programme 3 concerns therapeutic and educationary interventions designed for the de-institutionalization of the Sector of Persons with Special Needs of the State Health Institution of Leros and the creation and operation of the Athens Therapeutic Boarding-house.

The boarding-house has been in operation since September 1993 in Holargos and provides accommodation to 11 persons suffering from serious learning dysfunctions (mental retardation); among them are those suffering from mobility handicaps as well. The results of this effort geared towards the education and socialization of these persons are indeed impressive.

Talking about Leros, the works which have been undertaken for the construction of the building concerning the Sector of Persons with Special Needs are progressing at a fast pace and they will have been completed within the first trimester of 1995.

Works aiming at the personification of living quarters have begun since September 1993. The Hostels are spatially laid out into rooms, accommodating six persons each, together with the attendant sanitary and dining spaces and a place for staying the day.



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Works started in one of the four wings of the building have already been completed. Works in one more wing began on March 1st, 1994 and are due to be finished in September. Works for the laying out of the ground floor started in June.

A new Central Heating System has been installed to cover the whole building, as well as an elevator, while the supply of items designed for the fitting-out of the newly-constructed spaces and the new Physiotherapy installations is under way.

An In-hospital questhouse has been in operation since May 1st, 1994, while six persons with special needs are being trained and prepared to be incorporated into other structures lying outside the Institution.

With regard to the personnel concerned with the Sector of Persons with Special Needs, we hereby apprise you that an Inter-disciplinary group of six persons with full employment, and three persons with partial employment, has been involved with this particular sector since April 1st, 1993. These persons are derived from the specialties that pertain to Mental Health occupations and their main task is the training of the unskilled staff of the Institution and the development of activities aimed at the functional and social mobilization of the chronically institutionalized patients.

In the context always of the program "LEROS II", the Sector of persons with special needs of the State Health Institution of Leros, has been manned, starting April 1, 1994, with a group of seven Mental Health assistants (Health Nursing Staff), one Physical Instructor and one Pedagogue.



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The members of the group of foreign experts who follow up the implementation of EEC Regulation 815/84, during their last visit which took place in the period from 27 June 1994 through 1 July 1994 in Leros and Athens, expressed their satisfaction about the things accomplished in Leros, both as regards scientific intervention as well as that part of the program which relates to the development of new structures (Hostels, quarters, etc.). Moreover, some of the experts expressed the view that the task being accomplished in Leros may well serve as a yardstick for the whole of Europe with regard to what actually can be achieved in the field of de-institutionalization.

B. Training of Personnel.

1. Specialty in Psychiatry

According to the data kept with the Health Occupations Directorate of the Ministry, 179 Health Nurses, graduates of schools of higher Education, have acquired a specialty in Psychiatry.

By way of specification:

- 29 were trained during training year 1990-91
- 47 were trained during training year 1991-92
- 103 were trained during training year 1992-93
- 48 were training during training year 1993-94



2. Educational programs in the context of Regulation 815/84

a. There has been approved and is in the process of implementation for the period from March 1st, 1994 up to December 31st, 1994, an educational program designed for Mental Health Employees in the cities of Athens, Thessaloniki, Herakleion Crete and Alexandroupolis.

The program is divided into five autonomous units:

-staff training in primary care (guards, auxilliary nursing staff etc.).

- Training of administrative personnel.

- Training of Nursing Personnel holding a degree in higher Education (3-year course).

- Training of unskilled nursing personnel, whose formal qualification consists in the possession of a high school certificate.

- Autonomous pilot-program for the high-level training of a selected number of cadres of the related field on matters of organizational planning, identification and evaluation of patients and services.

b. There has been approved and will be implemented during September-November 1994 a refresher program - which will take the form of educationary visits in Mental Health Units of countries of the European Union - designed for 250 persons working in respective units of our country. The program aims at the psychiatric reform which shall be achieved through the assumption of new initiatives to be brought about by the exchange of views and experience.



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c. A significant part of the program "LEROS II" has been dedicated to education.

In pursuance of Sub-programme 2, an educational program addressed to 385 members of the permanent staff of the State Therapeutic Institution of Leros is in progress.

The first cycle of education (practical training) has been completed, while the theoretical cycle (100 hours teaching course) began on 31 January 1994.

The initial program provided for a pay of 25.000 per month to be received by each worker attending the program, for a period of eight months per year, for 2 years.

The program also includes visits to other psychiatric institutions of the country and Europe. Groups of persons representing all branches of personnel have already made such visits during 1994 lasting from 7 to 15 days.

C. Administration of Psychiatric Hospitals

Pursuant to article 55 of L. 2071/1992, above Hospitals are governed by seven-member boards whose tenure is for two years. These boards of Trustees shall be composed of:

a) four persons possessing scientific qualifications or relevant experience, who shall be appointed by the Minister of Health, Welfare and Social Security, b) a representative of the doctors and other scientists of the Medical Department of the Hospital, who shall be elected by them, c) one representative of all the



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other persons working in the Hospital, who shall be elected by them, d) one representative of the local administration authority of the area to which the Hospital belongs.

Today, the Boards of Trustees of the Hospitals which were visited by members of the CPT, present the following picture:

Aside from the elected representative of the doctors prescribed by the aforementioned provision, one of the four members appointed by the Minister should be a doctor.

In particular, the Chairman of the Board of Trustees of the State Mental Hospital of Leros is a Psychiatrist, namely a Paedopsychiatrist, the Chairman of the Psychiatric Hospital of Attica is a Doctor, and lastly, one more member of the Board of the Paedopsychiatric Hospital of Attica is a Doctor.

Concluding, it will be noted that those points in the CPT's report that will remain unanswered by present interim answer, shall be the subject of a second final Report to be submitted to you upon the expiry of the 12-month limitation period which has been set by CPT.

Athens, 22 August 1994

Certified true translation.

Athens, 22/9/1994

A handwritten signature in cursive script, appearing to read 'Kondylis', is written over the printed name 'S. KONDYLIS'.

S. KONDYLIS

Translator