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

12th General Report on the CPT's activities

covering the period 1 January to 31 December 2001

Strasbourg, 3 September 2002

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The CPT is required to draw up every year a general report on its activities, which is published. This 12th General Report, as well as previous general reports and other information about the work of the CPT, may be obtained from the Committee's Secretariat or from its website:

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PREFACE

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

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

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

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

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

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

Visits may be carried out to any place “where persons are deprived of their liberty by a public authority”. The CPT's mandate thus extends beyond prisons and police stations to encompass, for example, psychiatric institutions, detention areas at military barracks, holding centres for asylum seekers or other categories of foreigners, and places in which young persons may be deprived of their liberty by judicial or administrative order.

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

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

ACTIVITIES IN 2001

Visits

1. The CPT organised seventeen visits totalling 162 days during 2001. This represents only a slight increase in visit days as compared to 2000, a situation largely explained by the last-minute cancellation, on security grounds, of a visit planned towards the end of 2001 to the North Caucasian region of the Russian Federation (that visit finally took place in January/February 2002). A list of the countries and places of detention visited by CPT delegations in 2001 is set out in Appendix 5.

2. The CPT carried out 10 periodic visits: to Belgium, Georgia, Greece, Malta, Moldova, Russia, Slovenia, Switzerland, Turkey and the United Kingdom. This was the first time that the CPT had visited Georgia. The Russian Federation received its third periodic visit within three years, the CPT's delegation focussing its attention on the Far East.

As had been the case in 2000, particular attention was paid to the treatment of immigration detainees during many of the periodic visits in 2001. In two countries (Belgium and Switzerland), the CPT's delegation examined in depth the procedures and means of restraint applied during the expulsion of foreign nationals.

Further, the treatment of young persons deprived of their liberty and the situation in military detention facilities often figured in visiting programmes.

3. The traditional programme of routine, periodic, visits is increasingly being counterbalanced by targeted ad hoc visits addressing particularly sensitive issues. Seven ad hoc visits were organised in 2001, to Albania, Romania, the North Caucasian region of the Russian Federation, Spain, the "former Yugoslav Republic of Macedonia" and Turkey (two visits).

4. The visit to **Albania** was of a follow-up nature, aimed at examining the implementation in practice of recommendations made after the December 2000 periodic visit concerning the treatment of persons deprived of their liberty by law enforcement agencies and the situation at Vlora Psychiatric Hospital.

5. In the course of the visit to **Romania**, the CPT's delegation examined the situation of children placed by public authorities in centres run by the National Authority for Child Protection and Adoption and by the State Secretariat for Handicapped Persons. The CPT had for some time been receiving alarming reports about conditions in such centres. Three placement centres were visited, in the Constanta and Vaslui regions.

6. The visit to the **North Caucasian region** in March 2001 was the CPT's third to that part of the Russian Federation since the outbreak of the current conflict in the Chechen Republic. The CPT's findings during the March 2001 visit, as well as the facts found in the course of its earlier visits, remain confidential, the Russian authorities not having authorised the publication of the Committee's visit reports. However, on 10 July 2001, the CPT decided to resort to Article 10, paragraph 2, of the Convention and make a public statement concerning the Chechen Republic (cf. Appendix 6A). This was the third time since its establishment in November 1989 that the CPT had used its power to make a public statement.

The public statement was prompted by the Russian authorities' failure to cooperate with the CPT in relation to two issues: i) the carrying out of a thorough and independent inquiry into events in a detention facility at Chernokozovo during the period December 1999 to early February 2000; ii) action taken to uncover and prosecute cases of ill-treatment of persons deprived of their liberty in the Chechen Republic in the course of the current conflict.

The CPT is grateful for the very supportive declaration issued by the Committee of Ministers' Chairperson a week later, on 18 July 2001 (cf. Appendix 6B).

The CPT emphasised at the end of the public statement that it remained fully committed to pursuing its dialogue with the Russian authorities on matters related to the Chechen Republic, and in subsequent contacts the Russian authorities have stressed that they share this sentiment. The CPT's activities in relation to Chechnya continue unabated; representatives of the Committee had high-level talks in Moscow on this subject with Russian officials in November 2001, and two further visits by the Committee to the Chechen Republic have already been organised in 2002.

7. The main purpose of the ad hoc visit to **Spain** was to examine the efficacy in practice of the formal legal safeguards against ill-treatment which are available to persons deprived of their liberty by the law enforcement agencies. The delegation reviewed the action being taken by the Spanish authorities to implement the CPT's previous recommendations on this subject. It also examined the internal accountability procedures of the National Police and the Civil Guard in cases involving allegations of ill-treatment by members of those agencies. Further, the delegation interviewed a number of persons recently detained by the National Police and the Civil Guard on suspicion of terrorist-related offences.

8. In the course of the visit to "**the former Yugoslav Republic of Macedonia**", the CPT's delegation examined the treatment of persons deprived of their liberty by the law enforcement agencies; earlier in 2001 this issue had already been the subject of high-level talks in Skopje between the CPT and the national authorities. The delegation visited several police establishments and also interviewed a considerable number of persons who had recently been in police custody. In addition, the delegation reviewed specific police-related issues which had been the subject of recommendations following the CPT's first visit to "the former Yugoslav Republic of Macedonia", and examined the efficacy of existing legal remedies in cases involving allegations of ill-treatment.

9. The steps being taken by the Turkish authorities to introduce smaller living units for prisoners and the repercussions they have had - the ongoing hunger strike campaign and the prison interventions of December 2000 - have been at the centre of the CPT's activities in recent times. The two ad hoc visits to **Turkey** in 2001 focussed on this issue, which was also one of the main themes of the periodic visit organised later in the year.

It should be stressed once again that the CPT has no fundamental objections to the Turkish authorities' plans; large capacity dormitories of the kind commonly found in Turkish prisons are for a variety of reasons not a satisfactory means of accommodating inmates. However, the Committee has also repeatedly emphasised that moves towards smaller living units for prisoners - such as those found in the new F-type prisons - must be accompanied by measures to ensure that prisoners spend a reasonable part of the day engaged in a programme of communal activities outside their living units; a generalised system of small group isolation would not be acceptable to the CPT.

F-type prisons do possess areas specifically designed for communal activities, and the Turkish authorities have made legislative changes which make it possible for all categories of prisoners to participate in activity programmes in those areas. Other very welcome prison reforms have also been introduced, such as measures to enhance prisoners' contacts with the outside world and to establish prison monitoring boards and sentence enforcement judges. The CPT continues to monitor closely the practical implementation of all these reforms, with a view to ensuring that their full potential is realised.

For a situation of small-group isolation to be avoided, prisoners must themselves be willing to leave their living units and take advantage of what is on offer. The unwillingness to participate in the communal activities available which has to date been displayed by most prisoners covered by the Law to Fight Terrorism is obviously not facilitating the task of the Turkish authorities. In this context, the CPT has welcomed the steps recently taken to introduce the additional activity of regular association (conversation) periods for up to 10 prisoners. However, it has also recommended that the existing precondition for enjoying this activity be dropped; all prisoners should be eligible for the conversation periods, irrespective of whether they already take part in another communal activity. The CPT believes that for many prisoners, participation in such conversation periods could well prove the crucial first step in winning their confidence and encouraging them to engage in the other communal activities available.

10. Looking to the future, periodic visits to States are explicitly foreseen by the Convention and they will certainly remain an important feature of the CPT's activities. They provide the opportunity to establish a solid basis for cooperation with national authorities on a range of matters falling within the Committee's mandate. However, the current length of such visits will most probably be reduced in the future, especially as regards countries which have already received several periodic visits. The CPT's overall aim is to achieve a better balance between the different types of visits it organises, dividing the number of visit days in a given year more evenly between periodic and ad hoc visits.

The trend towards an increasing number of short and very targeted visits carried out by small delegations will continue. More specifically, the CPT has every intention of enhancing its capacity to react rapidly to events as they happen, and ensure a physical presence on the spot when emergency situations arise.

Meetings and working methods

11. The CPT held three plenary sessions (in March, July and November) during 2001. During a typical plenary week, the full Committee meets from Tuesday morning until late Friday afternoon. The Monday - and increasingly part of Sunday - is devoted to meetings of delegations (for the preparation of future visits) and of other sub-groups, such as the medical group and the working groups entrusted with reviewing the CPT's working methods and with monitoring the evolution of its jurisprudence.

Practically the only internal CPT meetings held outside the framework of plenary sessions are those of visiting delegations to examine draft reports and the regular inter-plenary Bureau meeting.

12. The CPT adopted 14 reports (covering 15 visits) during 2001: on visits to Albania, Germany, Moldova (Transnistrian region), the Russian Federation (Siberia), the Slovak Republic, Switzerland, Turkey and Ukraine in 2000; and to Georgia, Malta, Moldova, the Russian Federation (North Caucasian region), Spain, Turkey and the United Kingdom in 2001.

Ten of the 14 reports were adopted according to the expedited procedure, under which draft visit reports circulated at least two weeks before a plenary session are adopted without debate, save for paragraphs in respect of which a discussion has been specifically requested in advance. The discussion tends to focus upon issues with implications for the CPT's evolving standards.

13. In the course of 2001, the CPT's working group on working methods proposed that a system of three sub-committees be introduced, each sub-committee to be closely involved in the visiting and reporting process in relation to one third of the Parties to the Convention. The underlying thinking was that an individual (and part time) CPT member cannot be expected to examine closely the situation concerning all aspects of deprivation of liberty in 40 or more States; for the object and purpose of the Convention to be met, individual Committee members must be placed in a position where they can focus their attention on a limited number of countries.

After lengthy debate, the proposal made by the working group was rejected by a majority of the CPT's members. However, the Committee recognised the need to place members in a position to make a more effective contribution to its activities; it therefore requested the working group to explore the possibility of assigning to visiting delegations or "advisory groups" a greater responsibility for the ongoing dialogue with specific States.

The working party subsequently proposed the introduction of a system of "advisers", based on members volunteering to take a specific interest in particular countries. This proposal was accepted by the CPT at its November 2001 meeting, in the form of a pilot project for a limited number of countries. The precise modalities of the adviser system are currently being worked out; further information will be provided in the 13th General Report.

14. In April 2001, CPT representatives held wide-ranging talks in Moscow with the Russian authorities, in order to reinforce the ongoing dialogue on matters falling within the Committee's mandate. Further talks took place in Moscow in November 2001, focussed on the CPT's activities in relation to the Chechen Republic.

Talks between CPT representatives and the national authorities were organised in Skopje in July 2001; they addressed the issue of the treatment of persons detained by the law enforcement agencies.

Reference should also be made to a meeting held in Belfast in January 2001, organised at the proposal of the United Kingdom authorities. During that meeting, CPT representatives examined additional video material concerning a case referred to in the report on the Committee's November/December 1999 visit to Northern Ireland (cf. CPT/Inf (2001) 6, paragraphs 25 to 27).

Further, in line with standard practice, an information meeting on the CPT's activities was organised in Tbilisi in January 2001, in preparation for the Committee's first visit to Georgia later that year.

15. CPT representatives have continued to participate in meetings organised by intergovernmental and non-governmental organisations, in order to speak about the Committee's activities.

The CPT is also very grateful to the Parliamentary Assembly of the Council of Europe for having invited its President to address the Standing Committee at its May 2001 meeting in Istanbul, in the context of the examination of two draft texts concerning the CPT's work. The continuing close interest shown by the Assembly in the Committee's activities is greatly appreciated.

Publications

16. The trend in favour of lifting the veil of confidentiality and publishing CPT visit reports continues. No fewer than 16 visit reports were published by the Committee during 2001, at the request of the governments concerned, together with a similar number of government responses. Another 7 visit reports have already been published to date in 2002, and more will be published in the coming months. It is particularly noteworthy that the Ukrainian authorities have recently requested the publication of the reports on the three visits carried out so far to their country, in 1998, 1999 and 2000; these reports will be made available shortly.

At the time of writing, 91 of the 129 visit reports so far drawn up have been placed in the public domain. A State-by State table showing the situation as regards the publication of CPT visit reports is set out in Appendix 2.

17. On 6 February 2002, the Committee of Ministers of the Council of Europe “encourage(d) all Parties to the Convention to authorise publication, at the earliest opportunity, of all CPT visit reports and of their responses”. The CPT welcomes this clear message and hopes that it will be heeded. Publication of visit reports can only increase the impact of the CPT’s work; it allows other relevant organisations to contribute to the process of taking forward the implementation of CPT recommendations and also enables the Committee to participate directly in public debate on the issues involved.

The Committee of Ministers also invited Parties to the Convention to consider the possibility of publishing written observations forwarded to them by CPT visiting delegations after a visit, together with any comments they wish to make in response. It is now common practice for CPT delegations to provide States with written preliminary observations shortly after visits. Timely publication of such observations will mean that the delegation’s principal findings are widely known at an early stage rather than months after the event. Consequently, the CPT hopes that more States will be persuaded to follow the example of Turkey in this regard, which has already on four occasions authorised the publication of preliminary observations made by CPT delegations.

18. On 17 May 2001, the CPT launched a torture prevention database. It contains the full text of all published CPT reports, amounting to some 6000 pages of text. Searching has been made as easy and powerful as possible; users can search for any words, but can also select from pre-established lists of keywords, detention places, categories of detained persons and States.

The database is accessible at <http://hudoc.cpt.coe.int/>

19. 2001 also saw the publication of “Combating torture in Europe – The work and standards of the European Committee for the Prevention of Torture”. The authors of this book, Professors Rod Morgan and Malcolm Evans from Bristol University (UK), provide what is undoubtedly the most comprehensive independent analysis to date of the standards developed by the CPT over the last twelve years.

English and French versions of this book have been published by Council of Europe Publishing, and an Italian version by Sapere 2000 Edizioni Multimediali. German and Russian versions are currently in preparation.

ORGANISATIONAL ISSUES

The Convention and its Protocols

20. As a result of recent ratifications by Armenia, Azerbaijan and Bosnia and Herzegovina, 44 States are today bound by the Convention. In other words, the CPT's field of operations once again encompasses all member States of the Council of Europe (cf also Appendix 1B.)

Further, following the deposit on 7 November 2001 (by Ukraine) of the last remaining ratification needed for the entry into force of Protocol No 1, the Committee of Ministers of the Council of Europe has been empowered since 1 March 2002 to invite any non-member State to accede to the Convention. By letter of 24 April 2002, the Federal Republic of Yugoslavia became the first country to invoke the use of that power, requesting that it be invited to accede to the Convention. This request met with a favourable response; after consulting the CPT, the Committee of Ministers decided on 20 June 2002 to issue such an invitation.

Consequently, the CPT's on-site activities now cover the whole of the Caucasus and should soon extend throughout the Balkan region. These developments inevitably have resource implications, which will be addressed in the section "Administrative and budgetary questions".

21. It will be for the Committee of Ministers to decide on the use which should be made of the power it now holds to invite non-member States to accede to the Convention. However, the CPT wishes to take this opportunity to comment upon the view expressed in certain quarters that the entry into force of Protocol No 1 renders superfluous the new visiting mechanism envisaged in the proposed Optional Protocol to the United Nations Convention against Torture. In the CPT's opinion, such a view is entirely erroneous.

Nothing in the preparatory work of Protocol No 1 suggests there was a wish on the part of member States of the Council of Europe that the European Convention for the prevention of torture should acquire a universal role, and the CPT has no reason to believe that such a wish exists today. The primary purpose of preparing the Protocol was undoubtedly to enable Central and Eastern European countries to benefit from the Convention's monitoring mechanism, without waiting for their expected future membership of the Council of Europe to materialise. The precise form which the Optional Protocol has now taken, with its two-pillar system, serves to underline the need for universal, regional and national approaches to preventing torture and the complementarity of the European Convention and the Optional Protocol.

The CPT hopes that the Optional Protocol will soon be adopted and looks forward to cooperating with the Sub-Committee on Prevention of Torture to be established under the Optional Protocol.

22. In the same way as the first Protocol, Protocol No 2 to the Convention also entered into force on 1 March 2002, following its ratification by Ukraine on 7 November 2001.

Protocol No 2 introduces technical amendments related to the CPT's membership. Firstly, CPT members may now be reelected twice instead of just once, as had been the case previously. The aim of this change is to ensure a certain continuity of experience within the Committee, which was felt necessary given the very particular nature of its activities. Secondly, a system for renewing half the Committee's membership every two years has been introduced. As a result, the current profusion of term of office expiry dates will be replaced by an orderly renewal of the members of the CPT.

As regards this second aspect, the Committee of Ministers decided on 21 February 2002 to divide, for election purposes, members of the then existing 41 Parties to the Convention into two groups ("A" and "B"), based on term of office expiry dates of 19 December 2005 and 19 December 2007. These two groups, which are reproduced in Appendix 3B, will be progressively established as existing terms of office expire. As regards members elected in respect of new Parties to the Convention, they will be allocated to one or other of the two groups, having regard to the objective of renewing half the Committee's membership every two years.

CPT membership

23. The European Committee for the prevention of torture learned with sadness of the death on 3 June 2002 of Claude NICOLAY, Deputy State Prosecutor of Luxembourg. He was one of the CPT's very first members and its President from 1993 until the end of his second term of office as a Committee member in 1997.

Claude Nicolay was deeply committed to human rights and worked with determination for their protection. The CPT pays tribute to this outstanding man who did so much to promote the implementation of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment.

24. Three new CPT members took up office in 2001: Mr Laszlo CSETNEKY (in respect of Hungary), Mr Jean-Pierre RESTELLINI (Switzerland) and Mr Eric SVANIDZE (Georgia). Further, the following members were re-elected: Ms Silvia CASALE (United Kingdom), Mrs Emilia DRUMÉVA (Bulgaria), Mrs Renate KICKER (Austria), Mr Ole Vedel RASMUSSEN (Denmark), Mr Pierre SCHMIT (Luxembourg) and Mr Pieter Reinhard STOFFELEN (Netherlands).

Moreover, since the beginning of 2002, Mr Roger BEAUVOIS (France), Mr Thomas HAMMARBERG (Sweden) and Ms Günsel KOPTAGEL-İLAL (Turkey) have been elected to seats on the Committee and Mr Andres LEHTMETS (Estonia), Mrs Ingrid LYCKE ELLINGSEN (Norway) and Mr Volodymyr YEVINTOV (Ukraine) have been re-elected.

At the time of publication of this report, the CPT has 37 members.¹

25. During its March 2002 meeting, the CPT elected a new Bureau for a period of two years. Ms Silvia CASALE, a British criminologist, was re-elected for a second term of office as President of the Committee. Mr Andres LEHTMETS, an Estonian psychiatrist, was elected as First Vice-President and Mr Zdeněk HÁJEK, a Czech lawyer, as Second Vice-President.

26. In the course of 2001 and to date in 2002, the following members of the CPT have left the Committee on the expiry of their terms of office: Ms Gisela PERREN-KINGLER (elected in respect of Switzerland), Mr Safa REISOĞLU (Turkey), Mr Davor STRINOVIĆ (Croatia) and Mr Ivan ZAKINE (France). The CPT wishes to place on record its gratitude for their contributions to the Committee's work.

27. The effectiveness of the CPT will ultimately depend on the quality of its membership. Consequently, the Committee welcomes the additional steps taken by the Parliamentary Assembly in 2001, with a view to ensuring that the lists of candidates for membership which are forwarded to the Committee of Ministers are in conformity with the needs of the CPT.

Although there has been a slight increase over the last year, it remains the case that the number of members with a medical background is not on a par with that of lawyers in the Committee. The CPT hopes that it will be possible to remedy this situation and, in particular, to increase the number of medical members with relevant forensic experience. In this connection, the CPT wishes to stress that, in view of the Committee's mandate, it requires *doctors* with forensic experience, not forensic *scientists*. It would also be desirable to have more members with practical experience of police and prison work.

The proportion of women among the CPT's membership (10 out of 37) remains low. The Committee therefore hopes that future lists of candidates for membership will include more suitably-qualified women. The paramount concern is a highly qualified membership, in terms of professional expertise and empirical experience. Consequently, the question of gender should not predominate over qualification. In the present context, it is reasonable to give preference to female candidates only in the event of equal qualifications.

¹ See Appendix 3A for the list of CPT members. Abridged curricula vitae of the members can be obtained from the CPT Secretariat and are posted on its website (www.cpt.coe.int).

Administrative and budgetary questions

28. It is axiomatic that in order to maintain the CPT's effectiveness, the continuing expansion of its field of operations must be matched by a corresponding increase in its human and financial resources. The Committee was therefore pleased to note that in its reply of 6 February 2002 to Parliamentary Recommendation 1517 (2001), the Committee of Ministers stated that it is "aware that the ... growing number of States Parties to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment ... obliges the CPT to increase the number of visit days and that it therefore requires more staff" and declared that it "is determined to continue its efforts in the future to enable the CPT to carry out effectively the task entrusted to it".

29. Prior to adopting its reply to Recommendation 1517, the Committee of Ministers sought the opinion of the CPT, and that opinion (of 13 November 2001) was appended to the reply. The following extract of the CPT's opinion might usefully be cited here:

"In the 12 years of its existence, the CPT has seen the number of Parties to the European Convention for the prevention of torture and inhuman or degrading treatment or punishment grow from 15 to 41, and this process is still not completed. The number of Parties can certainly be expected to reach 45 in the near future, as a result of ratifications or accessions by Armenia, Azerbaijan, Bosnia and Herzegovina and the Federal Republic of Yugoslavia.

As long ago as 1996, the CPT defined the resources which would be required for the Committee to cope effectively with the workload generated by up to 45 Parties to the Convention. A gradual increase in the number of visits days to 200 days per year was foreseen, as well as the restructuring and progressive reinforcement of the Committee's Secretariat. The CPT has on several occasions in recent years, in particular in its General Reports, expressed concern that its effectiveness was being undermined by a failure to match the vast expansion of its field of operations by a corresponding increase in the Committee's resources. However, as was emphasised in the CPT's last (11th) General Report, considerable progress has been made of late towards strengthening the Committee's resources. The number of visit days and the Secretariat resources are now getting quite close to the necessary levels identified some five years ago by the Committee. The CPT is very grateful to both the Secretary General and the Ministers' Deputies for having made this possible.

The CPT understands that appropriations will be provided to enable the Committee to increase the number of visit days to 180 in 2002 (as compared to 165 in 2001), and the Committee hopes that the target of 200 visits days per year can be reached in 2003. This volume of visit days should make it possible to guarantee that, with a group of 45 Parties, each State receives a periodic visit on average every four years, and at the same time give sufficient scope for the different types of ad hoc visits (urgent; follow-up; upon a State's invitation, etc.) required in the circumstances.

As regards Secretariat resources, an additional three staff members are needed to complete the teams of the operational units, namely 1 A2/A3 official for Unit 3 and 1 B4 official for each of Units 2 and 3 (...). Priority should be given to bringing Unit 3 up to full strength as regards A grade staff; the CPT hopes that this will be possible in the course of 2002.

The CPT is confident that with the reinforcement of its resources indicated above, the Committee will be in a position to carry out effectively the task entrusted to it by the Convention vis-à-vis the previously-mentioned group of 45 States."

30. Unfortunately, it will finally not be possible for the CPT to carry out 180 visit days in 2002, despite having received the necessary appropriations. The President of the CPT made it clear on 4 October 2001, in her statement to the Committee of Ministers at the annual exchange of views on the CPT's activities, that without some further reinforcement of the Committee's Secretariat, the target of 180 days may well not be attainable. No additional staff has been made available to the CPT during the last twelve months and, as a result, the Committee has been obliged to limit the number of visit days in 2002 to 170.

The CPT wishes to stress that the provision of appropriations for additional visit days must be accompanied by a corresponding strengthening of the Secretariat called upon to support the envisaged visit programme. With the existing staff resources², 170 visit days per year is the maximum possible.

The CPT very much hopes that it will shortly be possible to implement the modest reinforcement of its Secretariat requested by the Committee.

31. On a more positive note, the CPT was fortunate to have had for one year (from July 2001 to July 2002) the assistance of a senior British police officer, Detective Chief Inspector Michael KELLETT, of the Lancashire Constabulary. He provided invaluable advice to the CPT on all aspects of its work in relation to the police, and in particular as regards the techniques used by the Committee when visiting police establishments and the substantive standards developed by the Committee as regards police custody.

The CPT is grateful to the United Kingdom authorities for having financed entirely Mr Kellett's secondment.

² An organigramme of the Secretariat is set out in Appendix 4.

SOME DEVELOPMENTS CONCERNING CPT STANDARDS IN RESPECT OF POLICE CUSTODY

32. More than a decade has elapsed since the CPT described, in its 2nd General Report³, some of the main issues pursued by the Committee in relation to police custody. In the meantime, the Committee has carried out more than a hundred further visits and the number of Parties to the Convention has practically doubled. Naturally, the CPT's standards in respect of police custody have gradually evolved, in the light of new situations encountered and experience gathered. Following the approach taken in its 11th General Report in respect of imprisonment⁴, the CPT would like to highlight in its 12th General Report a miscellany of issues related to police custody which illustrate the development of the CPT's standards.

33. It is essential to the good functioning of society that the police have the powers to apprehend, temporarily detain and question criminal suspects and other categories of persons. However, these powers inherently bring with them a risk of intimidation and physical ill-treatment. The essence of the CPT's work is to seek ways of reducing that risk to the absolute minimum without unduly impeding the police in the proper exercise of their duties. Encouraging developments in the field of police custody have been noted in a number of countries; however, the CPT's findings also highlight all too often the need for continuing vigilance.

34. The **questioning of criminal suspects** is a specialist task which calls for specific training if it is to be performed in a satisfactory manner. First and foremost, *the precise aim of such questioning* must be made crystal clear: that aim should be to obtain accurate and reliable information in order to discover the truth about matters under investigation, not to obtain a confession from someone already presumed, in the eyes of the interviewing officers, to be guilty. In addition to the provision of appropriate training, ensuring adherence of law enforcement officials to the above-mentioned aim will be greatly facilitated by the drawing up of a code of conduct for the questioning of criminal suspects.

35. Over the years, CPT delegations have spoken to a considerable number of detained persons in various countries, who have made credible claims of having been physically ill-treated, or otherwise intimidated or threatened, by police officers trying to obtain confessions in the course of interrogations. It is self-evident that a criminal justice system which places a premium on *confession evidence* creates incentives for officials involved in the investigation of crime - and often under pressure to obtain results - to use physical or psychological coercion. In the context of the prevention of torture and other forms of ill-treatment, it is of fundamental importance to develop methods of crime investigation capable of reducing reliance on confessions, and other evidence and information obtained via interrogations, for the purpose of securing convictions.

36. The **electronic (i.e. audio and/or video) recording of police interviews** represents an important additional safeguard against the ill-treatment of detainees. The CPT is pleased to note that the introduction of such systems is under consideration in an increasing number of countries. Such a facility can provide a complete and authentic record of the interview process, thereby greatly facilitating the investigation of any allegations of ill-treatment. This is in the interest both of persons who have been ill-treated by the police and of police officers confronted with unfounded allegations that they have engaged in physical ill-treatment or psychological pressure. Electronic recording of police interviews also reduces the opportunity for defendants to later falsely deny that they have made certain admissions.

37. The CPT has on more than one occasion, in more than one country, discovered **interrogation rooms** of a highly intimidating nature: for example, rooms entirely decorated in black and equipped with spotlights directed at the seat used by the person undergoing interrogation. Facilities of this kind have no place in a police service.

In addition to being adequately lit, heated and ventilated, interview rooms should allow for all participants in the interview process to be seated on chairs of a similar style and standard of comfort. The interviewing officer should not be placed in a dominating (e.g. elevated) or remote position vis-à-vis the suspect. Further, colour schemes should be neutral.

³ 2nd General Report covering the period 1 January to 31 December 1991 (CPT/Inf (92) 3), paragraphs 36-43.

⁴ Cf. CPT/Inf (2001) 16, paragraphs 25-33.

38. In certain countries, the CPT has encountered the practice of **blindfolding** persons in police custody, in particular during periods of questioning. CPT delegations have received various - and often contradictory - explanations from police officers as regards the purpose of this practice. From the information gathered over the years, it is clear to the CPT that in many if not most cases, persons are blindfolded in order to prevent them from being able to identify law enforcement officials who inflict ill-treatment upon them. Even in cases when no physical ill-treatment occurs, to blindfold a person in custody - and in particular someone undergoing questioning - is a form of oppressive conduct, the effect of which on the person concerned will frequently amount to psychological ill-treatment. The CPT recommends that the blindfolding of persons who are in police custody be expressly prohibited.

39. It is not unusual for the CPT to find **suspicious objects** on police premises, such as wooden sticks, broom handles, baseball bats, metal rods, pieces of thick electric cable, imitation firearms or knives. The presence of such objects has on more than one occasion lent credence to allegations received by CPT delegations that the persons held in the establishments concerned have been threatened and/or struck with objects of this kind.

A common explanation received from police officers concerning such objects is that they have been confiscated from suspects and will be used as evidence. The fact that the objects concerned are invariably unlabelled, and frequently are found scattered around the premises (on occasion placed behind curtains or cupboards), can only invite scepticism as regards that explanation. In order to dispel speculation about improper conduct on the part of police officers and to remove potential sources of danger to staff and detained persons alike, items seized for the purpose of being used as evidence should always be properly labelled, recorded and kept in a dedicated property store. All other objects of the kind mentioned above should be removed from police premises.

40. As from the outset of its activities, the CPT has advocated a trinity of rights for persons detained by the police: **the rights of access to a lawyer and to a doctor and the right to have the fact of one's detention notified to a relative or another third party of one's choice**. In many States, steps have been taken to introduce or reinforce these rights, in the light of the CPT's recommendations. More specifically, the right of access to a lawyer during police custody is now widely recognised in countries visited by the CPT; in those few countries where the right does not yet exist, plans are afoot to introduce it.

41. However, in a number of countries, there is considerable reluctance to comply with the CPT's recommendation that the right of **access to a lawyer** be guaranteed from the very outset of custody. In some countries, persons detained by the police enjoy this right only after a specified period of time spent in custody; in others, the right only becomes effective when the person detained is formally declared a "suspect".

The CPT has repeatedly stressed that, in its experience, the period immediately following deprivation of liberty is when the risk of intimidation and physical ill-treatment is greatest. Consequently, the possibility for persons taken into police custody to have access to a lawyer during that period is a fundamental safeguard against ill-treatment. The existence of that possibility will have a dissuasive effect upon those minded to ill treat detained persons; further, a lawyer is well placed to take appropriate action if ill-treatment actually occurs. The CPT recognises that in order to protect the legitimate interests of the police investigation, it may exceptionally be necessary to delay for a certain period a detained person's access to a lawyer of his choice. However, this should not result in the right of access to a lawyer being totally denied during the period in question. In such cases, access to another independent lawyer should be arranged.

The right of access to a lawyer must include the right to talk to him in private. The person concerned should also, in principle, be entitled to have a lawyer present during any interrogation conducted by the police. Naturally, this should not prevent the police from questioning a detained person on urgent matters, even in the absence of a lawyer (who may not be immediately available), nor rule out the replacement of a lawyer who impedes the proper conduct of an interrogation.

The CPT has also emphasised that the right of access to a lawyer should be enjoyed not only by criminal suspects but also by anyone who is under a legal obligation to attend - and stay at - a police establishment, e.g. as a "witness".

Further, for the right of access to a lawyer to be fully effective in practice, appropriate provision should be made for persons who are not in a position to pay for a lawyer.

42. Persons in police custody should have a formally recognised right of **access to a doctor**. In other words, a doctor should always be called without delay if a person requests a medical examination; police officers should not seek to filter such requests. Further, the right of access to a doctor should include the right of a person in custody to be examined, if the person concerned so wishes, by a doctor of his/her own choice (in addition to any medical examination carried out by a doctor called by the police).

All medical examinations of persons in police custody must be conducted out of the hearing of law enforcement officials and, unless the doctor concerned requests otherwise in a particular case, out of the sight of such officials.

It is also important that persons who are released from police custody without being brought before a judge have the right to directly request a medical examination/certificate from a recognised forensic doctor.

43. A detained person's **right to have the fact of his/her detention notified to a third party** should in principle be guaranteed from the very outset of police custody. Of course, the CPT recognises that the exercise of this right might have to be made subject to certain exceptions, in order to protect the legitimate interests of the police investigation. However, such exceptions should be clearly defined and strictly limited in time, and resort to them should be accompanied by appropriate safeguards (e.g. any delay in notification of custody to be recorded in writing with the reasons therefor, and to require the approval of a senior police officer unconnected with the case or a prosecutor).

44. Rights for persons deprived of their liberty will be of little value if the persons concerned are unaware of their existence. Consequently, it is imperative that persons taken into police custody are **expressly informed of their rights** without delay and in a language which they understand. In order to ensure that this is done, a form setting out those rights in a straightforward manner should be systematically given to persons detained by the police at the very outset of their custody. Further, the persons concerned should be asked to sign a statement attesting that they have been informed of their rights.

45. The CPT has stressed on several occasions **the role of judicial and prosecuting authorities** as regards combatting ill-treatment by the police.

For example, all persons detained by the police whom it is proposed to remand to prison should be physically brought before the judge who must decide that issue ; there are still certain countries visited by the CPT where this does not occur. Bringing the person before the judge will provide a timely opportunity for a criminal suspect who has been ill-treated to lodge a complaint. Further, even in the absence of an express complaint, the judge will be able to take action in good time if there are other indications of ill-treatment (e.g. visible injuries; a person's general appearance or demeanour).

Naturally, the judge must take appropriate steps when there are indications that ill-treatment by the police may have occurred. In this regard, whenever criminal suspects brought before a judge at the end of police custody allege ill-treatment, the judge should record the allegations in writing, order immediately a forensic medical examination and take the necessary steps to ensure that the allegations are properly investigated. Such an approach should be followed whether or not the person concerned bears visible external injuries. Further, even in the absence of an express allegation of ill-treatment, the judge should request a forensic medical examination whenever there are other grounds to believe that a person brought before him could have been the victim of ill-treatment.

The diligent examination by judicial and other relevant authorities of all complaints of ill-treatment by law enforcement officials and, where appropriate, the imposition of a suitable penalty will have a strong deterrent effect. Conversely, if those authorities do not take effective action upon complaints referred to them, law enforcement officials minded to ill-treat persons in their custody will quickly come to believe that they can do so with impunity.

46. **Additional questioning by the police of persons remanded to prison** may on occasion be necessary. The CPT is of the opinion that from the standpoint of the prevention of ill-treatment, it would be far preferable for such questioning to take place within the prison establishment concerned rather than on police premises. The return of remand prisoners to police custody for further questioning should only be sought and authorised when it is absolutely unavoidable. It is also axiomatic that in those exceptional circumstances where a remand prisoner is returned to the custody of the police, he/she should enjoy the three rights referred to in paragraphs 40 to 43.

47. Police custody is (or at least should be) of relatively short duration. Nevertheless, **conditions of detention in police cells** must meet certain *basic requirements*.

All police cells should be clean and of a reasonable size⁵ for the number of persons they are used to accommodate, and have adequate lighting (i.e. sufficient to read by, sleeping periods excluded) ; preferably cells should enjoy natural light. Further, cells should be equipped with a means of rest (e.g. a fixed chair or bench), and persons obliged to stay overnight in custody should be provided with a clean mattress and clean blankets. Persons in police custody should have access to a proper toilet facility under decent conditions, and be offered adequate means to wash themselves. They should have ready access to drinking water and be given food at appropriate times , including at least one full meal (i.e. something more substantial than a sandwich) every day. Persons held in police custody for 24 hours or more should, as far as possible , be offered outdoor exercise every day.

Many police detention facilities visited by CPT delegations do not comply with these minimal standards. This is particularly detrimental for persons who subsequently appear before a judicial authority ; all too frequently persons are brought before a judge after spending one or more days in substandard and filthy cells, without having been offered appropriate rest and food and an opportunity to wash.

48. The duty of care which is owed by the police to persons in their custody includes the responsibility to ensure their *safety and physical integrity*. It follows that the proper monitoring of custody areas is an integral component of the duty of care assumed by the police. Appropriate steps must be taken to ensure that persons in police custody are always in a position to readily enter into contact with custodial staff.

On a number of occasions CPT delegations have found that police cells were far removed from the offices or desks where police officers are normally present, and were also devoid of any means (e.g. a call system) enabling detained persons to attract the attention of a police officer. Under such conditions, there is considerable risk that incidents of various kinds (violence among detainees; suicide attempts; fires etc.) will not be responded to in good time.

49. The CPT has also expressed misgivings as regards the practice observed in certain countries of each operational department (narcotics, organised crime, anti-terrorism) in a police establishment having its own detention facility staffed by officers from that department. The Committee considers that such an approach should be discarded in favour of a *central detention facility*, staffed by a distinct corps of officers specifically trained for such a custodial function. This would almost certainly prove beneficial from the standpoint of the prevention of ill-treatment. Further, relieving individual operational departments of custodial duties might well prove advantageous from the management and logistical perspectives.

50. Finally, the **inspection of police establishments by an independent authority** can make an important contribution towards the prevention of ill-treatment of persons held by the police and, more generally, help to ensure satisfactory conditions of detention. To be fully effective, visits by such an authority should be both regular and unannounced, and the authority concerned should be empowered to interview detained persons in private. Further, it should examine all issues related to the treatment of persons in custody: the recording of detention; information provided to detained persons on their rights and the actual exercise of those rights (in particular the three rights referred to in paragraphs 40 to 43); compliance with rules governing the questioning of criminal suspects; and material conditions of detention.

The findings of the above-mentioned authority should be forwarded not only to the police but also to another authority which is independent of the police.

⁵ As regards the size of police cells, see also paragraph 43 of the 2nd General Report (CPT/Inf (92) 3).

APPENDIX 1

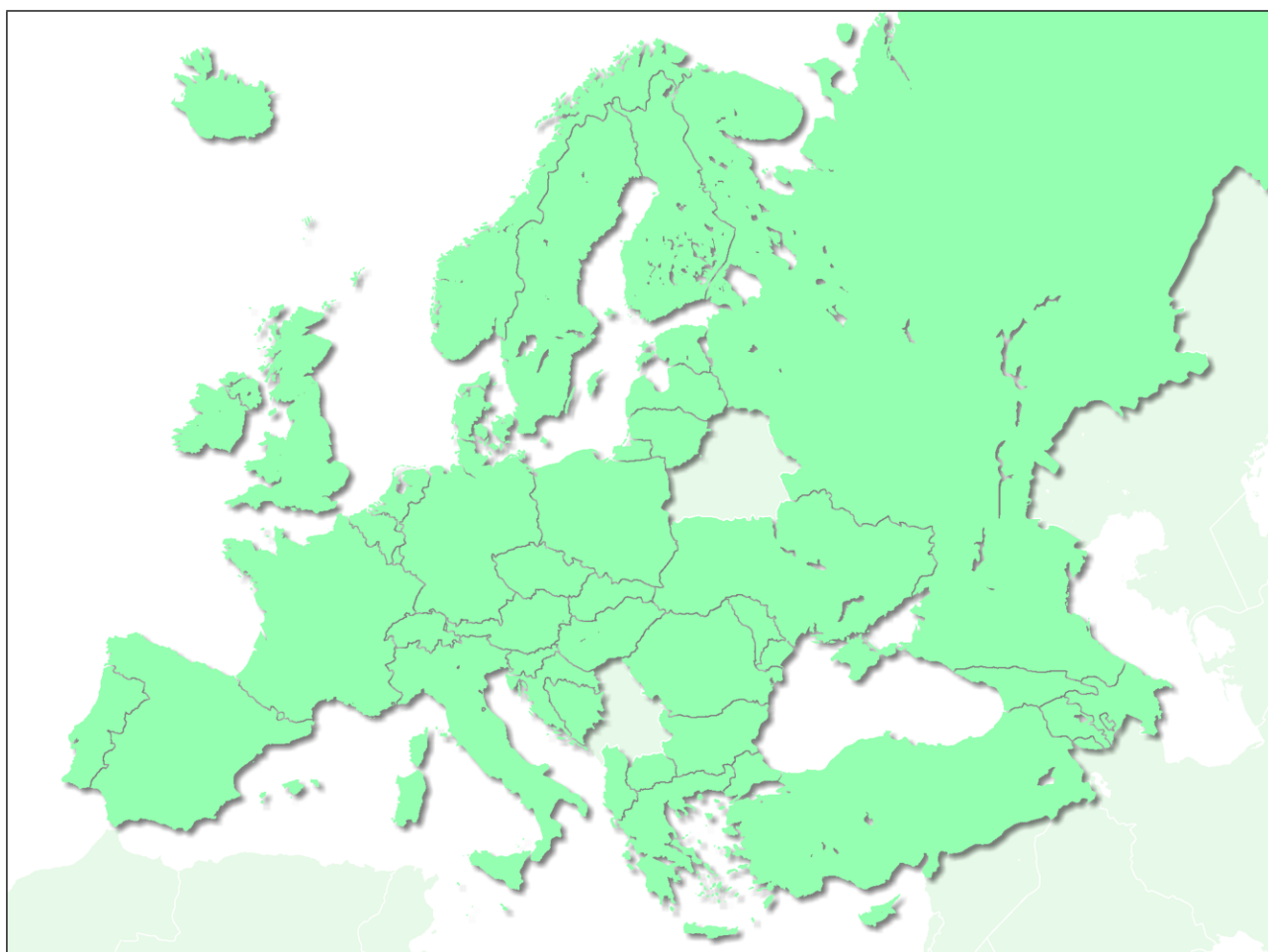
A. Signatures and ratifications of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (as at 1 September 2002) *

Member States of the Council of Europe	Date of signature	Date of ratification	Date of entry into force
Albania	02.10.96	02.10.96	01.02.97
Andorra	10.09.96	06.01.97	01.05.97
Armenia	11.05.01	18.06.02	01.10.02
Austria	26.11.87	06.01.89	01.05.89
Azerbaijan	21.12.01	15.04.02	01.08.02
Belgium	26.11.87	23.07.91	01.11.91
Bosnia and Herzegovina	12.07.02	12.07.02	01.11.02
Bulgaria	30.09.93	03.05.94	01.09.94
Croatia	06.11.96	11.10.97	01.02.98
Cyprus	26.11.87	03.04.89	01.08.89
Czech Republic	23.12.92	07.09.95	01.01.96
Denmark	26.11.87	02.05.89	01.09.89
Estonia	28.06.96	06.11.96	01.03.97
Finland	16.11.89	20.12.90	01.04.91
France	26.11.87	09.01.89	01.05.89
Georgia	16.02.00	20.06.00	01.10.00
Germany	26.11.87	21.02.90	01.06.90
Greece	26.11.87	02.08.91	01.12.91
Hungary	09.02.93	04.11.93	01.03.94
Iceland	26.11.87	19.06.90	01.10.90
Ireland	14.03.88	14.03.88	01.02.89
Italy	26.11.87	29.12.88	01.04.89
Latvia	11.09.97	10.02.98	01.06.98
Liechtenstein	26.11.87	12.09.91	01.01.92
Lithuania	14.09.95	26.11.98	01.03.99
Luxembourg	26.11.87	06.09.88	01.02.89
Malta	26.11.87	07.03.88	01.02.89
Moldova	02.05.96	02.10.97	01.02.98
Netherlands	26.11.87	12.10.88	01.02.89
Norway	26.11.87	21.04.89	01.08.89
Poland	11.07.94	10.10.94	01.02.95
Portugal	26.11.87	29.03.90	01.07.90
Romania	04.11.93	04.10.94	01.02.95
Russian Federation	28.02.96	05.05.98	01.09.98
San Marino	16.11.89	31.01.90	01.05.90
Slovakia	23.12.92	11.05.94	01.09.94
Slovenia	04.11.93	02.02.94	01.06.94
Spain	26.11.87	02.05.89	01.09.89
Sweden	26.11.87	21.06.88	01.02.89
Switzerland	26.11.87	07.10.88	01.02.89
“the former Yugoslav Republic of Macedonia”	14.06.96	06.06.97	01.10.97
Turkey	11.01.88	26.02.88	01.02.89
Ukraine	02.05.96	05.05.97	01.09.97
United Kingdom	26.11.87	24.06.88	01.02.89
Non-member States invited to accede to the Convention		Date of accession	Date of entry into force
Yugoslavia **			

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

** On 20 June 2002, the Committee of Ministers decided to invite the Federal Republic of Yugoslavia to accede to the Convention.

B. The CPT's field of operations (Situation as at 1 September 2002)



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

States bound by the Convention		Prison population *
44 States		1 870 073 prisoners
<ul style="list-style-type: none"> - Albania - Andorra - Armenia - Austria - Azerbaijan - Belgium - Bosnia and Herzegovina - Bulgaria - Croatia - Cyprus - Czech Republic - Denmark - Estonia - Finland - France - Georgia - Germany - Greece - Hungary - Iceland - Ireland - Italy 	<ul style="list-style-type: none"> - Latvia - Liechtenstein - Lithuania - Luxembourg - Malta - Moldova - Netherlands - Norway - Poland - Portugal - Romania - Russian Federation - San Marino - Slovakia - Slovenia - Spain - Sweden - Switzerland - "the former Yugoslav Republic of Macedonia" - Turkey - Ukraine - United Kingdom 	<p>(Main source: Council of Europe Annual Penal Statistics (SPACE 2001.11); data for most States as at 1 September 2001.)</p> <p>* It should be noted that the CPT's mandate covers also all other categories of places where persons are deprived of their liberty by a public authority:</p> <ul style="list-style-type: none"> - police establishments, - detention centres for juveniles, - military detention facilities, - holding centres for aliens, - psychiatric hospitals - homes for the elderly <p>etc.</p>

**C. Signatures and ratifications of Protocols Nos. 1 and 2
to the European Convention for the Prevention of Torture
and Inhuman or Degrading Treatment or Punishment
(as at 1 September 2002)**

States	Protocol No. 1			Protocol No. 2		
	Date of signature	Date of ratification	Date of entry into force	Date of signature	Date of ratification	Date of entry into force
Albania	02.10.96	02.10.96	01.03.02	02.10.96	02.10.96	01.03.02
Andorra	04.11.99	13.07.00	01.03.02	04.11.99	13.07.00	01.03.02
Armenia	29.01.02	18.06.02 **		29.01.02	18.06.02 **	
Austria	04.11.93	30.04.96	01.03.02	04.11.93	30.04.96	01.03.02
Azerbaijan	21.12.01	15.04.02 **		21.12.01	15.04.02 **	
Belgium	04.11.93	12.09.96	01.03.02	04.11.93	12.09.96	01.03.02
Bosnia and Herzegovina		12.07.02 **			12.07.02 **	
Bulgaria	04.03.97	27.10.97	01.03.02	04.03.97	27.10.97	01.03.02
Croatia	10.05.00	04.11.00	01.03.02	10.05.00	04.11.00	01.03.02
Cyprus	02.02.94	10.09.97	01.03.02	02.02.94	10.09.97	01.03.02
Czech Republic	28.04.95	07.09.95	01.03.02	28.04.95	07.09.95	01.03.02
Denmark	04.11.93	26.04.94	01.03.02	04.11.93	26.04.94	01.03.02
Estonia	28.06.96	06.11.96	01.03.02	28.06.96	06.11.96	01.03.02
Finland	04.11.93 *	04.11.93 *	01.03.02	04.11.93 *	04.11.93 *	01.03.02
France	04.11.93	19.08.98	01.03.02	04.11.93	14.08.96	01.03.02
Georgia	16.02.00	20.06.00	01.03.02	16.02.00	20.06.00	01.03.02
Germany	04.11.93	13.12.96	01.03.02	04.11.93	13.12.96	01.03.02
Greece	04.11.93	29.06.94	01.03.02	04.11.93	29.06.94	01.03.02
Hungary	04.11.93 *	04.11.93 *	01.03.02	04.11.93 *	04.11.93 *	01.03.02
Iceland	08.09.94	29.06.95	01.03.02	08.09.94	29.06.95	01.03.02
Ireland	10.04.96 *	10.04.96 *	01.03.02	10.04.96 *	10.04.96 *	01.03.02
Italy	30.10.96	08.03.99	01.03.02	30.10.96	08.03.99	01.03.02
Latvia	11.09.97	10.02.98	01.03.02	11.09.97	10.02.98	01.03.02
Liechtenstein	04.11.93	05.05.95	01.03.02	04.11.93	05.05.95	01.03.02
Lithuania	14.09.95	26.11.98	01.03.02	14.09.95	26.11.98	01.03.02
Luxembourg	04.11.93	20.07.95	01.03.02	04.11.93	20.07.95	01.03.02
Malta	04.11.93 *	04.11.93 *	01.03.02	04.11.93 *	04.11.93 *	01.03.02
Moldova	02.10.97	02.10.97	01.03.02	02.10.97	02.10.97	01.03.02
Netherlands	05.05.94	23.02.95	01.03.02	05.05.94	23.02.95	01.03.02
Norway	04.11.93 *	04.11.93 *	01.03.02	04.11.93 *	04.11.93 *	01.03.02
Poland	11.01.95	24.03.95	01.03.02	11.01.95	24.03.95	01.03.02
Portugal	03.06.94	20.03.98	01.03.02	03.06.94	03.02.00	01.03.02
Romania	04.11.93	04.10.94	01.03.02	04.11.93	04.10.94	01.03.02
Russian Federation	28.02.96	05.05.98	01.03.02	28.02.96	05.05.98	01.03.02
San Marino	04.11.93	05.12.96	01.03.02	04.11.93	05.12.96	01.03.02
Slovakia	07.03.94	11.05.94	01.03.02	07.03.94	11.05.94	01.03.02
Slovenia	31.03.94	16.02.95	01.03.02	31.03.94	16.02.95	01.03.02
Spain	21.02.95	08.06.95	01.03.02	21.02.95	08.06.95	01.03.02
Sweden	07.03.94 *	07.03.94 *	01.03.02	07.03.94 *	07.03.94 *	01.03.02
Switzerland	09.03.94 *	09.03.94 *	01.03.02	09.03.94 *	09.03.94 *	01.03.02
“the former Yugoslav Republic of Macedonia”	14.06.96	06.06.97	01.03.02	14.06.96	06.06.97	01.03.02
Turkey	10.05.95	17.09.97	01.03.02	10.05.95	17.09.97	01.03.02
Ukraine	26.01.98	07.11.01	01.03.02	26.01.98	07.11.01	01.03.02
United Kingdom	09.12.93	11.04.96	01.03.02	09.12.93	11.04.96	01.03.02

* Signature without reservation as to ratification.

** Dates of ratification of the Convention as amended by this Protocol.

APPENDIX 2

**State-by-State table showing the number of visits by the CPT,
visit reports sent to Governments and reports published
(as at 1 September 2002)**

States	Number of visits	Number of reports submitted	Number of reports published
Albania	4	4	0
Andorra	1	1	1
Austria	3	3	3
Belgium	3	3	2
Bulgaria	3	2	2
Croatia	1	1	1
Cyprus	3	3	2
Czech Republic	2	1	1
Denmark	3	3	2
Estonia	2	2	0
Finland	2	2	2
France	6	5	5
Georgia	1	1	1
Germany	4	4	3
Greece	5	5	4
Hungary	2	2	2
Iceland	2	2	2
Ireland	3	2	2
Italy	4	4	2 (a)
Latvia	1	1	1
Liechtenstein	2	2	1
Lithuania	1	1	1
Luxembourg	2	2	2
Malta	3	3	3
Moldova	3	3	2
Netherlands	6	6	5
Norway	3	3	3
Poland	2	2	2
Portugal	4	4	4
Romania	3	3	1
Russian Federation	9	7 (b)	0
San Marino	2	2	1
Slovakia	2	2	2
Slovenia	2	2	1
Spain	7	7	6
Sweden	3	3	3
Switzerland	3	3	3
“the former Yugoslav Republic of Macedonia”	3	2	1
Turkey	13	11 (c)	6 (d)
Ukraine	3	3	0 (e)
United Kingdom	7	7	6

- (a) The Italian authorities have authorised the publication of the report relating to the visit in 2000. This report will be published shortly.
- (b) Covering the nine visits.
- (c) Covering twelve visits.
- (d) The Turkish authorities have authorised the publication of all the remaining 5 reports, which relate to visits from 1990 to 1996. These reports will be published as soon as possible.
- (e) The Ukrainian authorities have authorised the publication of the three reports, which concern visits in 1998, 1999 and 2000. These reports will be published shortly.

APPENDIX 3

A. Members of the CPT (listed in order of precedence - as at 1 September 2002) *

Name		Term of office expires
Ms Silvia CASALE, President	British	18.12.2005
Mr Andres LEHTMETS, 1st Vice-President	Estonian	29.01.2006
Mr Zdeněk HÁJEK, 2nd Vice-President	Czech	12.09.2004
Mrs Ingrid LYCKE-ELLINGSEN	Norwegian	19.12.2005
Mr John OLDEN	Irish	21.03.2003
Mr Florin STĂNESCU	Romanian	21.03.2003
Mr Mario BENEDETTINI	San Marinese	21.03.2003
Mrs Jagoda POLONCOVÁ	Slovakian	21.06.2003
Mr Adam ŁAPTAŚ	Polish	30.11.2003
Mrs Emilia DRUMEVA	Bulgarian	07.06.2005
Mr Pieter Reinhard STOFFELEN	Dutch	19.09.2005
Mr Pierre SCHMIT	Luxemburger	19.09.2005
Mr Ole Vedel RASMUSSEN	Danish	03.10.2005
Mrs Renate KICKER	Austrian	03.10.2005
Mr Rudolf SCHMUCK	German	08.09.2002
Mr Volodymyr YEVINTOV	Ukrainian	19.12.2005
Mr Aleš BUTALA	Slovenian	09.11.2002
Mr Yuri KUDRYAVTSEV	Russian	12.01.2003
Mrs Veronica PIMENOFF	Finnish	28.07.2003
Ms Maria Teresa BELEZA	Portuguese	28.07.2003
Mr Fatmir BRAKA	Albanian	28.07.2003
Mr Nikola MATOVSKI	citizen of "the former Yugoslav Republic of Macedonia"	16.11.2003
Mr Petros MICHAELIDES	Cypriot	30.11.2003
Mr Marc NÈVE	Belgian	08.01.2004
Mr Eugenijus GEFENAS	Lithuanian	16.02.2004
Mr Antoni ALEIX CAMP	Andorran	30.03.2004
Mr Mario FELICE	Maltese	25.04.2004
Mr Pétur HAUKSSON	Icelander	18.07.2004
Mrs Ioanna BABASSIKA	Greek	12.09.2004
Mr Mauro PALMA	Italian	19.12.2004
Mrs Anhelita KAMENSKA	Latvian	19.12.2004
Mr Eric SVANIDZE	Georgian	17.07.2005
Mr Jean-Pierre RESTELLINI	Swiss	19.09.2005
Mr Laszlo CSETNEKY	Hungarian	30.10.2005
Ms Günsel KOPTAGEL-İLAL	Turkish	29.01.2006
Mr Roger BEAUVOIS	French	19.12.2005
Mr Thomas HAMMARBERG	Swedish	19.12.2005

* At this date, the seats in respect of Azerbaijan, Croatia, Liechtenstein, Moldova and Spain were vacant. As from 1 October 2002, a seat in respect of Armenia will become open and, as from 1 November 2002, a seat in respect of Bosnia and Herzegovina.

**B. Composition of the two groups of CPT members
for election purposes
(cf. paragraph 22 of the report)**

GROUP A Based on 19 December 2005 and subsequent four year periods	GROUP B Based on 19 December 2007 and subsequent four year periods
Members elected in respect of:	Members elected in respect of:
<ul style="list-style-type: none"> - Austria - Bulgaria - Croatia - Denmark - Estonia - France - Georgia - Germany - Hungary - Liechtenstein - Luxembourg - Moldova - Netherlands - Norway - Slovenia - Spain - Sweden - Switzerland - Turkey - Ukraine - United Kingdom 	<ul style="list-style-type: none"> - Albania - Andorra - Belgium - Cyprus - Czech Republic - Finland - Greece - Iceland - Ireland - Italy - Latvia - Lithuania - Malta - Poland - Portugal - Romania - Russian Federation - San Marino - Slovak Republic - "the former Yugoslav Republic of Macedonia"

APPENDIX 4

Secretariat of the CPT (as at 1 September 2002)

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

Central section

Ms Florence CALLOT	Administrative, budgetary and staff questions
Mr Patrick MÜLLER	Head of the documentation and information centre
Ms Mireille MONTI	Archives and publications

Units responsible for visits

Unit 1

Ms Geneviève MAYER, Head of Unit
Mr Jan MALINOWSKI, Coordinator of Operational Activities
Ms Hanne JUNCHER
Mr Cyrille ORIZET
Ms Linda McQUE-MICHAEL
Secretariat: Ms Antonella NASTASIE

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

Unit 2

Mr Fabrice KELLENS, Head of Unit
Mr Edo KORLJAN
Ms Bojana URUMOVA
Mr Michael NEURAUTER
Secretariat: Ms Nadine SCHAEFFER

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

Unit 3

Mr Wolfgang RAU, Head of Unit
Ms Petya NESTOROVA
Mr Borys WÓDZ
Secretariat: Ms Maia MAMULASHVILI

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

APPENDIX 5

Places of detention visited by CPT delegations in 2001

I. Periodic visits

A. Belgium (25 November to 7 December)

Law enforcement establishments

- Central Police station, Brussels
- Saint-Gilles Police Station, Brussels
- Central Police Station, Liège
- Central Police Station, Namur
- Post of the Provincial Unit of the Traffic Police, Federal Police, Antwerp
- Security Detachment of the Federal Police at Brussels National Airport
- Holding Cells at the Brussels Court of Justice (Central Court, Annexe, Juvenile's Court, Cour d' Assises)
- Holding Cells at Liège Court of Justice

Prisons

- Andenne Prison
- Antwerp Prison
- Lantin Prison (Psychiatric Annex and Disciplinary Units)

Psychiatric establishments

- Jean Titeca Hospital, Brussels

Other establishments

- Public Establishment for Youth Protection, Braine-le-Chateau

B. Georgia (6 to 18 May)

Police establishments

Tbilisi

- Temporary detention isolator of the Ministry of Internal Affairs
- Temporary detention isolator of the Main City Department of Internal Affairs
- Didube-Chughureti District Division of Internal Affairs
- Isani-Samgori District Division of Internal Affairs
- Vake-Saburtalo District Division of Internal Affairs
- 1st Police Department of Mtatsminda-Krtsanisi District Division of Internal Affairs
- 3rd Police Department of Mtatsminda-Krtsanisi District Division of Internal Affairs
- 3rd Police Department of Vake-Saburtalo District Division of Internal Affairs
- Transport Police Department, 24 Tamar Mepe Avenue

Kutaisi

- City Department of Internal Affairs
- Temporary detention isolator of the Imereti Regional Department of Internal Affairs
- 1st, 2nd, 3rd, 4th and 5th District Divisions of Internal Affairs
- Temporary detention isolator of the Department of Internal Affairs, Gori
- Temporary detention isolator of the Department of Internal Affairs, Poti
- Temporary detention isolator of the Division of Internal Affairs, Tskaltubo

State Security detention facilities

- Temporary detention isolator of the Ministry of State Security, Tbilisi

Penitentiary establishments

- Prison No 1, Tbilisi
- Prison No 5, Tbilisi
- Central prison hospital, Tbilisi

Psychiatric hospitals

- Strict regime Psychiatric Hospital, Poti

Military detention facilities

- Disciplinary unit ("Gauptvachta") of Kutaisi Garrison

C. Greece (23 September to 5 October)Establishments under the authority of the Ministry of Public Order*Attica Region*

- Attica and Athens Police Headquarters
- Kypseli Police Station, Athens
- Piraeus Police Headquarters
- Drapetzone Police Station, Piraeus
- Nikea Police Station, Piraeus
- Amigdaleza Holding Centre for Aliens
- Hellenikon Holding Centre for Aliens
- Piraeus Holding Centre for Aliens
- Athens Transfer Centre
- Piraeus Transfer Centre
- Athens Airport Police Station

Crete

- Iraklion Regional Police Headquarters
- Iraklion Security Subdirectorates
- Agia Varvara Police Station
- Agios Myronas Police Station
- Chersonissos Police Station
- Myres Police Station
- Iraklion Airport Police Station
- Khania Police Headquarters

North-West Greece

- Igoumenitsa Police Headquarters
- Kastoria Police Headquarters
- Kozani Police Headquarters
- Kristalopigi Police Station and Border Guard Post
- Mesopotamia Border Guard Post

Establishments under the authority of the Ministry of Merchant Marine

- Iraklion Port Police Station
- Piraeus Port Police Station

Establishments under the authority of the Ministry of Finance

- Kristalopigi Customs Detention Facilities

Prisons

- Alicarnassos Prison, Iraklion
- Khania Prison
- Korydallos Prison Complex (Prison for men, and General and Psychiatric Hospitals)
- Malandrino Prison

Military Establishments

- Disciplinary detention facilities at the Infantry Cadet Officer Academy, Iraklion
- Disciplinary detention facilities at the 15th Brigade of the Army, Kastoria

D. Malta (13 to 18 May)Police establishments

- Fort Mosta Police Station
- St. Julian's Police Station
- Sliema Police Station
- Valetta Police Station
- Victoria Police Station (Gozo)
- Xaghra Police Station (Gozo)
- Cells at Luqa International Airport
- Ta'Kandja Police Complex, Siggiewi
- Lock-up at the Courts of Justice, Valetta

Prisons

- Corradino Correctional Facility
- Substance Abuse Therapeutic Unit, Mtahleb

Psychiatric institutions

- Mount Carmel Hospital (forensic ward), Attard

E. Moldova (10 to 22 June)Police establishments*Anenii-Noi*

- EDP of Anenii-Noi Police Station

Bălți

- EDP of Bălți Police Station

Bender

- EDP of Bender Police Station

Cahul

- EDP of Cahul Police Station

Chișinău

- EDP of Chișinău Police Inspectorate
- EDP of the Department for the fight against organised crime and corruption
- EDPs of Buiucani, Ciocana and Râșcani District Police Stations

Comrat

- EDP of Comrat Police Station

Hânțești

- EDP of Hânțești Police Station

Ialoveni

- EDP of Ialoveni Police Station

Sângerei

- EDP of Sângerei Police Station

Information and Security Service of the Republic of Moldova

- EDP of the Information and Security Service, Chișinău

Border Guard establishments

- Holding facilities of the Department of Border Guards at Chișinău International Airport

Prisons

- Prison No. 2 and Colony No. 8, Bender
- Prison No. 5, Cahul
- Prison No. 3, Chișinău
- Pruncul Prison Hospital
- Unit for prisoners sentenced to life imprisonment at Prison No. 17 in Rezina

Moreover, the delegation went to Prison No. 1 in Bălți and to Pruncul Colony No. 9 in order to interview certain prisoners.

Military detention facilities

- Garrison of the Chișinău Military Command

F. Russian Federation (2 to 17 December)Militia establishments*Moscow City*

- Aeroport temporary holding facility (IVS), South Administrative District
- Filevskiy Park temporary holding facility (IVS), Western Administrative District
- Khamovniki temporary holding facility (IVS), Central Administrative District
- Lefortovo Division of Internal Affairs, South-East Administrative District
- Sokolniki Division of Internal Affairs, East Administrative District
- Reception and distribution centre No 1 of the Main Directorate of Internal Affairs ("Severnii")
- Reception and distribution centre No 2 of the Main Directorate of Internal Affairs, Novoslobodskaya St.

Khabarovsk Territory

- Temporary holding facility (IVS) at the Khabarovsk Directorate of Internal Affairs
- Main Directorate of the Ministry of Internal Affairs for the Far East Federal District, Khabarovsk
- Industrialnyi District Command of Internal Affairs, Khabarovsk
- Tsentralnyi District Command of Internal Affairs, Khabarovsk
- Zheleznodorozhnyi District Command of Internal Affairs, Khabarovsk
- 1st Militia Division of the Tsentralnyi District Command of Internal Affairs, Khabarovsk
- 4th Militia Division of the Zheleznodorozhnyi District Command of Internal Affairs, Khabarovsk
- Temporary holding facility (IVS) at the Komsomolsk-na-Amure Directorate of Internal Affairs
- 3rd Militia Division, Zavodskaya Street, Komsomolsk-na-Amure
- 5th Militia Division, Oktyabrskaya Street, Komsomolsk-na-Amure

Primorskyi Territory

- Temporary holding facility (IVS) at the Vladivostok Directorate of Internal Affairs
- Frunzenskiy District Command of Internal Affairs, Vladivostok
- Leninskiy District Command of Internal Affairs, Vladivostok
- Pervomayskiy District Command of Internal Affairs, Vladivostok
- Sovetskiy District Command of Internal Affairs, Vladivostok
- 1st Militia Division of the Leninskiy District Command of Internal Affairs, Vladivostok

Penitentiary establishments*Khabarovsk Territory*

- Colony No 8 in the village of Start (Komsomolsk-na-Amure Region)
- Colony No 12 for women in the village of Zaozernyi (Khabarovsk Region)

Primorskyi Territory

- SIZO No 1 in Vladivostok
- Medical-correctional establishment LIU No 23 for drug addicts in Ussuryisk

Psychiatric establishments*Primorskyi Territory*

- Vladivostok City Psychiatric Hospital

Military detention facilities*Khabarovsk Territory*

- Garrison "Gauptvachta", Khabarovsk
- Garrison "Gauptvachta", Komsomolsk-na-Amure

Federal Border Service establishments*Primorskyi Territory*

- Federal Border Service Headquarters in the village of Pogranichnyi

G. Slovenia (16 to 27 September)Police establishments

- Celje Police Station
- Police Detention Facility, Ljubljanska Street, Celje
- Gornja Radgona Police Station
- Ilirska Bistrica Police Station
- Ljubljana-Bežigrad Police Station
- Ljubljana-Center Police Station
- Ljubljana-Polje Police Station
- Ljubljana-Vič Police Station
- Police Detention Facility, Povšetova Street, Ljubljana
- Maribor I Police Station
- Murska Sobota Police Station
- Novo Mesto Police Station
- Ptuj Police Station
- Rogaška Slatina Border Police Station
- Šentilj Border Police Station
- Detention Centre for Foreigners (COT), Ljubljana
- Detention Centre for Foreigners (COT), Postojna

Prisons

- Dob Prison
- Ljubljana Prison
- Maribor Prison

Psychiatric establishments

- Hrastovec-Trate Institute for the Treatment of Mental and Nervous Disorders
- Psychiatric Department of Maribor General Hospital

H. Switzerland (5 to 15 February)Canton of Basel-City

- Detention facilities of the Border Guards Corps at the Basel/Weil am Rhein border post

Canton of Bern

- Municipal Police Headquarters, Bern
- Municipal Police Station at Bern Railway Station
- Wagon for the transportation of detained persons (“Train-Street”) at Bern Railway Station
- “Transport Station” at Bern Regional Prison
- Home for juveniles, Prêles

Canton of Fribourg

- Cantonal Police Headquarters, Fribourg
- Schönberg Gendarmerie Post, Fribourg
- Fribourg Central Prison
- La Poya Military Barracks, Fribourg

Canton of Saint Gall

- Municipal Police Headquarters, Saint Gall
- Saint Gall District Prison

Canton of Thurgovia

- Psychiatric Clinic, Littenheid

Canton of Zürich

- Transit zone at Zürich-Kloten International Airport (including the Accommodation Facilities for Asylum Seekers and the Centre for Inadmissible Passengers – INADS)
- Police facilities, Zürich-Kloten International Airport
- Prison No. 2, Zürich-Kloten International Airport
- Cantonal Police Headquarters, Zurich
- Municipal Police Station at Aussersihl, Zurich

I. Turkey (2 to 14 September)Law enforcement agencies

- Ağrı Police Headquarters
- Ankara Police Headquarters
- Edirne Police Headquarters
- Elâziğ Police Headquarters
- Erzurum Police Headquarters
- Istanbul Police Headquarters
- Şanlıurfa Police Headquarters
- Tekirdağ Police Headquarters
- Van Police Headquarters
- Provincial Gendarmerie Headquarters, Elâziğ
- Provincial Gendarmerie Headquarters, Van
- Various district and local police and gendarmerie establishments in Elâziğ, Çervas, Istanbul, Patnos, Şanlıurfa, Sivrice and Suruç.
- Detention facilities at the Kapikule border post
- Detention facilities at Istanbul International Airport

Prisons

- Imralı Prison
- Şanlıurfa Prison
- Sincan F-type Prison
- Tekirdağ F-type Prison N° I

Reformatories

- Ankara Reformatory for Juveniles
- Elâziğ Reformatory for Juveniles

The delegation also went to the following establishments, in order to interview certain categories of prisoners (in particular new arrivals, juveniles and women):

- Elâziğ Prison
- Elmadağ Prison for Juveniles
- Istanbul Prison and Detention House (Bayrampaşa)
- Metris Prison (Istanbul)
- Sivrice District Prison
- Üsküdur Paşakapısı Prison and Detention House (Istanbul)
- Van Prison

J. United Kingdom (4 to 16 February)Police establishments

- Colchester Police Station
- Cardiff Central Police Station

Court cells

- Thames Magistrates Court, London
- Highbury Corner Magistrates Court, London
- Central Criminal Court, Old Bailey, London

Prisons

- Parc Prison, Bridgend (Wales)
- Pentonville Prison, London
- Woodhill Prison, Milton Keynes
- Young Offender Institution and Remand Centre, Feltham

Detention facilities for children

- Medway Secure Training Centre, Rochester
- Hillside Secure Centre, Neath (Wales)

Military detention facilities

- Military Corrective Training Centre, Colchester

II. Ad hoc visits

A. Albania (22 to 26 October)

- Police Stations N° 1, 3 and 4, Tirana
- Vlora Police Station
- Vlora Psychiatric Hospital

The delegation also went to the medical service and remand section of Prison N° 313, as well as to the Prison Hospital, in Tirana, in order to gather further information relating to deprivation of liberty by the police.

B. Romania (22 to 26 October)

Constanta Region

- Placement Centre for Handicapped Children, Negru Voda

Vaslui Region

- Giurcani Placement Centre
- Husi Placement Centre

C. Spain (22 to 26 July)

- Madrid III (Valdemoro) Prison
- Madrid V (Soto del Real) Prison
- Avila Prison

D. Russian Federation (Chechen Republic) (19 to 23 March)

- Temporary Department of Internal Affairs, Argun
- Temporary Department of Internal Affairs, Gudermes
- Temporary Department of Internal Affairs, Ocktyabrskiy District, Grozny
- Temporary Department of Internal Affairs, Kurčaloj
- Temporary Department of Internal Affairs, Šatoj
- Temporary Department of Internal Affairs, Urus-Martan
- Convoy Unit of the Ministry of Justice, Khankala Base of the Allied Group of Armed Forces
- SIZO No. 2, Chernokozovo

E. The former Yugoslav Republic of Macedonia (21 to 26 October)

- Kočani Police Station
- Kumanovo Police Station
- Bit Pazar Police Station, Skopje
- Čair Police Station, Skopje
- Centar Police Station, Skopje
- Gazi Baba Police Station, Skopje
- Karpoš Police Station, Skopje
- Kisela Voda Police Station, Skopje
- Štip Police Station
- Tetovo Police Station

The delegation also went to the remand sections of Skopje and Štip Prisons in order to gather further information relating to deprivation of liberty by the police.

F. Turkey (10 to 15 January)

(continuation of the visit from 10 to 15 December 2000)

- Edirne F-type Prison
- Kocaeli (Kandıra) F-type Prison
- Sincan F-type Prison

The delegation also visited Bakırköy Prison for Women and Juveniles (Istanbul), Numune Hospital (Ankara), Cerrahpaşa Hospital and Sağlıkçılar Hospital (both Istanbul) in order to interview certain prisoners.

G. Turkey (18 to 21 April and 22 to 24 May)

- Edirne F-type Prison
- Tekirdağ F-type Prison No 1

(The April part of the visit was devoted almost exclusively to consultations with Government authorities and non-governmental organisations.)

APPENDIX 6

A. Public statement concerning the Chechen Republic of the Russian Federation

(issued on 10 July 2001)

Since the beginning of the current conflict in the Chechen Republic, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has visited the North Caucasian region on three occasions. For the last eighteen months, the Committee has striven to maintain a constructive and sustained dialogue with the Russian authorities on various issues related to the treatment of persons deprived of their liberty in that part of the Russian Federation. Following an exchange of detailed correspondence in May and June 2001, it has become clear that this dialogue has reached an impasse on at least two issues of great concern to the CPT*. Those issues relate to:

- I. events in the early stages of the conflict in a detention facility located at Chernokozovo, a village in the north-west of the Chechen Republic;
- II. action taken to uncover and prosecute cases of ill-treatment of persons deprived of their liberty in the Chechen Republic in the course of the conflict.

I. The information gathered by the CPT during its visits to the North Caucasian region in late February/early March and in April 2000 strongly indicated that many persons were physically ill-treated in a detention facility at Chernokozovo during the period December 1999 to early February 2000. Ever since the beginning of March 2000, **the CPT has been urging the Russian authorities to carry out a thorough and independent inquiry into events at this detention facility during that period.** To date, an inquiry of the kind requested by the CPT has not been carried out and the Russian authorities have now made it clear that they have no intention of organising such an inquiry. A particularly disturbing aspect of the Russian authorities' current position is their contention that no facilities intended for accommodating detainees were established by public authorities in the area of Chernokozovo during the period referred to by the CPT.

It is an indisputable fact that a detention facility operated at Chernokozovo during the period December 1999 to early February 2000, prior to the formal setting up in that village of a pre-trial establishment (SIZO N° 2) by a Ministry of Justice Order dated 8 February 2000. The CPT's delegation interviewed many persons who stated that they had been held in a detention facility at Chernokozovo during that period. Numerous Russian officials (prosecutors, investigators, custodial staff) met by the delegation confirmed that the establishment designated as from 8 February 2000 as SIZO N° 2 had prior to that date been used as a detention facility. The CPT is in possession of a copy of the medical journal of the establishment covering the period 8 November 1999 to 12 February 2000, in which the day by day arrival of detainees (and any injuries they bore) was recorded; the staff who completed that journal referred to the establishment first as an "IVS" (temporary detention facility) and at a later stage as a "temporary reception and distribution centre". The Russian authorities have themselves, in earlier correspondence, provided to the CPT written statements signed by officers attesting to the fact that they worked in the detention facility during the period December 1999 to early February 2000 as well as written statements signed by persons who certified that they were held at Chernokozovo during that period.

The Russian authorities' contention that no detention facilities were established by public authorities at Chernokozovo during the period in question (and that, as a result, an inquiry of the kind requested can serve no purpose) is clearly untenable and constitutes **a failure to cooperate with the CPT.**

* The CPT reserves the right to publish that exchange of correspondence if this were to become appropriate.

II. Quite apart from the specific question of the detention facility at Chernokozovo, the information gathered by the CPT's delegation in the course of its February/March and April 2000 visits indicated that a considerable number of persons deprived of their liberty in the Chechen Republic since the outset of the conflict had been physically ill-treated by members of the Russian armed forces or law enforcement agencies. In the report on those two visits, **the CPT recommended that the Russian authorities redouble their efforts to uncover and prosecute all cases of ill-treatment of persons deprived of their liberty in the Chechen Republic in the course of the conflict.** The Committee made a number of remarks of a practical nature intended to clarify the precise form those efforts might take. More generally, the CPT stressed that it was essential for the Russian authorities to adopt a proactive approach in this area.

The response of the Russian authorities to this key recommendation was very unsatisfactory. No concrete information was provided as regards the action taken by the Russian authorities - and in particular by the prosecutorial services - to step up inquiries into the treatment of persons deprived of their liberty by members of the Russian armed forces or law enforcement agencies and to bring to justice those responsible for ill-treatment.

As was stressed in a letter sent to the Russian authorities on 10 May 2001, the CPT's concerns in this regard are all the greater given that in the course of the Committee's most recent visit to the Chechen Republic, in March 2001, numerous credible and consistent allegations were once again received of severe ill-treatment by Federal forces; in a number of cases, those allegations were supported by medical evidence. The CPT's delegation found a palpable climate of fear; many people who had been ill-treated and others who knew about such offences were reluctant to file complaints to the authorities. There was the fear of reprisals at local level and a general sentiment that, in any event, justice would not be done. It was emphasised to the Russian authorities that they must spare no effort to overcome this deeply disturbing state of affairs.

In its letter of 10 May 2001, the CPT called upon the Russian authorities to provide a full account of action taken to implement the above-mentioned recommendation. In that connection, it requested details of measures apparently envisaged to reinforce the different prosecutorial services involved in investigating allegations of ill-treatment, to improve cooperation between those services, and to ensure a better follow-up of complaints of unlawful actions by military forces and law enforcement agencies. The CPT also made proposals designed to reinforce the support provided to the criminal justice system by the forensic medical services in the Chechen Republic. Further, the CPT requested up-to-date information from both the Chechen Republic Prosecutor's Office and the Military Prosecutor's Office concerning cases which involve allegations of ill-treatment of persons deprived of their liberty in the Chechen Republic. More specifically, the CPT asked for a detailed account of progress made concerning the criminal investigation into the deaths of those persons (apparently 53 in number) whose bodies were found on a datcha estate not far from Khankala in February 2001. According to the information gathered during the March 2001 visit, there were clear indications on some of the bodies that the deaths were the result of summary executions; further, certain of the bodies had been identified by relatives as those of persons who had disappeared following their detention by Russian forces. The CPT underlined that this case could be seen as a test of the credibility of the criminal justice system vis-à-vis events in the Chechen Republic.

In their reply forwarded on 28 June 2001, the Russian authorities indicate that they are not willing to provide the information requested or to engage in a discussion with the CPT on the matters indicated above; they assert that such matters do not fall within the Committee's purview under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Such an approach is inconsistent with the object and purpose of the international treaty establishing the CPT and can only be qualified as **a failure to cooperate with the Committee.**

It is axiomatic that one of the most effective means of preventing ill-treatment of persons deprived of their liberty lies in the diligent examination by the relevant authorities of all complaints of such treatment brought before them and, where appropriate, the imposition of a suitable penalty. This will have a very strong deterrent effect. Conversely, if the relevant authorities do not take effective action upon complaints referred to them, those minded to ill-treat persons deprived of their liberty will quickly come to believe that they can act with impunity. It is therefore not only legitimate but even essential that the CPT, a body set up with a view to strengthening the protection of persons deprived of their liberty from torture and other forms of ill-treatment, take a direct interest in the activities of the authorities empowered to conduct official investigations and bring criminal charges in cases involving allegations of ill-treatment.

In the light of the Russian authorities' reply, it is also necessary to recall what is meant in Article 2 of the Convention by the expression "any place within [a State's] jurisdiction where persons are deprived of their liberty by a public authority". Such a place may be a formally established and recognised detention facility; it may also be a railway carriage, a van, a shed, a garage, a warehouse, or any other improvised facility used by members of a public authority for the purpose of depriving someone of their liberty. The CPT's mandate and its powers under the Convention cover the treatment of persons while they are deprived of their liberty in any such place.

* * *

The CPT is fully aware of the extremely difficult and perilous circumstances confronting the Russian authorities as a result of the conflict in the Chechen Republic and has kept those circumstances constantly in mind. The CPT is also aware that grave crimes and abuses have been committed by combatants opposing the Russian forces; those acts should be strongly condemned. However, State authorities must never allow their response to such a situation to degenerate into acts of torture or other forms of ill-treatment; to refrain from resorting to such acts - and to take active steps to stamp them out when they emerge - is one of the hallmarks of a democratic State.

In ratifying the major human rights instruments of the Council of Europe, the Russian Federation has demonstrated that it subscribes to the above-mentioned principle. Bearing that in mind, the CPT calls upon the Russian authorities to work in a constructive manner with the Committee in the context of its activities in the Chechen Republic. The Russian authorities have always shown good co-operation as regards security and transport arrangements during the CPT's visits to the Chechen Republic; the same level of co-operation should apply as regards the action taken upon the Committee's findings and recommendations.

The CPT regrets that it was found necessary to make this public statement. The Committee hopes that it will stimulate the efforts of both parties - acting in co-operation - to strengthen the protection of persons deprived of their liberty in the Chechen Republic from torture and inhuman or degrading treatment or punishment. The CPT remains fully committed to continuing its dialogue with the Russian authorities.

B. Statement by the Committee of Ministers' Chairperson following the CPT's public statement on Chechnya

Strasbourg, 18.07.2001 - Liechtenstein Foreign Minister, Ernst Walch, Chairman of the Committee of Ministers of the Council of Europe, today expressed serious concern about the issues contained in a public statement published by the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on 10 July 2001 - concerning the treatment of persons deprived of their liberty in the Chechen Republic.

Minister Walch urged the Russian authorities to co-operate fully with the CPT, as regards both the issues referred to in the public statement and all other aspects of the Committee's activities concerning the Chechen Republic.

He recalled that the Committee of Ministers had recently underlined the importance of the ongoing statewide co-operation between the CPT and the Russian Federation which is an important means of promoting the reform of the criminal justice and the penitentiary system in the country. In this context, he applauded the activities so far undertaken by the CPT in relation to the Chechen Republic and encouraged the Committee to pursue those activities.

The Chairman explained that the CPT's mandate covered all matters having a bearing on the protection of persons deprived of their liberty from torture and other forms of ill-treatment. This includes the activities of authorities empowered to conduct official investigations and bring criminal charges in cases involving allegations of ill-treatment. He also underlined that the CPT's mandate and powers extend to treatment received in all possible kinds of places where persons are deprived of their liberty by public authority, no matter how makeshift those places may be and regardless of the length of deprivation of liberty.

The Minister recalled that no circumstances could justify the resort by a public authority to torture or to inhuman or degrading treatment or punishment. Authorities were under an obligation to take effective counter-measures - including thorough investigations, whenever evidence of such acts by public officials comes to light.