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

17th General Report on the CPT's activities

covering the period 1 August 2006 to 31 July 2007

Strasbourg, 14 September 2007

The CPT is required to draw up every year a general report on its activities, which is published. This 17th 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

What had already been rumoured for some years to be the case was finally confirmed on 6 September 2006, at the most senior level possible. The Central Intelligence Agency of the United States has been holding and questioning, in secret locations overseas, a number of persons suspected of involvement in acts of terrorism.

It is disturbing, at the beginning of the 21st century, to be obliged to recall basic principles long enshrined in both national and international law and which one had assumed would be inviolate. Deprivation of liberty must be based upon grounds and procedures established by law, be formally recorded, and be open to review by a judicial authority. Further, all persons deprived of their liberty by a public authority should be held in facilities which are officially recognised for this purpose and placed under the responsibility of a clearly identifiable entity. The practice of secret detention constitutes a complete repudiation of these principles.

Secret detention can certainly be considered to amount in itself to a form of ill-treatment, both for the person detained and for members of his or her family. Further, the removal of fundamental safeguards which secret detention entails - the lack of judicial control or of any other form of oversight by an external authority (such as the ICRC) and the absence of guarantees such as access to a lawyer - inevitably heightens the risk of resort to ill-treatment. And in the light of the information now in the public domain, there can be little doubt that the interrogation techniques applied in the CIA-run facilities concerned have led to violations of the prohibition of torture and inhuman or degrading treatment.

All right-minded persons acknowledge that resolute action is required to counter terrorism, and this may have to include some adaptations of the existing legal framework. However, throwing overboard basic principles that characterise societies committed to human rights and the rule of law can only invite ignominy. It has been claimed - by way of justification for these illegal practices - that information has been obtained that saved lives. Such claims are difficult to verify; and even if they are true, there remains the question whether the same (perhaps even more, and more reliable) information could not have been obtained using legal methods. Moreover, allowing a State's response to degenerate in this way may well have immediate negative effects in terms of both individual and collective security; ultimately, it could weaken the very fabric of our societies.

Naturally, the CPT is particularly concerned by reports that certain of the above-mentioned secret detention facilities were located in Europe, within the Committee's own field of operations. In this context, the CPT has taken careful note of the conclusions reached by the Parliamentary Assembly on 27 June 2007 (Resolution 1562 (2007)), in the light of a detailed report from its Committee on Legal Affairs and Human Rights. The CPT's mandate extends to all forms of deprivation of liberty by a public authority that occur within the jurisdiction of a Party to the ECPT, irrespective of whether the deprivation of liberty is lawful or not and regardless of the identity of the public authority involved. As has been demonstrated in the recent past, the CPT will act promptly upon any concrete and credible information that it receives about possible unlawful detentions; anyone in possession of such information is invited to bring it to the attention of the Committee.

It is axiomatic that any allegations or information indicative of secret or other forms of unlawful detention must be promptly and effectively investigated by the competent authorities and that, when appropriate, proceedings must be brought against those responsible for such acts. In the experience of the CPT, this has not always been the case.

The issue of secret detention is closely linked to that of extra-judicial transfers of persons from one jurisdiction to another, so-called "renditions". The possible involvement of the security and intelligence services of Council of Europe member States in such transfers forms the backdrop of an on-going inquiry by the Secretary General under Article 52 of the European Convention on Human Rights, and the matter is also being pursued by the Parliamentary Assembly. From the standpoint of its mandate, the CPT is particularly concerned by the practice of rendition for the purposes of detention and interrogation outside the normal criminal justice system. Operations of this kind inevitably involve a risk of ill-treatment for the person concerned that no "assurances" can ever fully remove; it follows that the authorities of Parties to the ECPT should never offer assistance in the context of such operations. More generally, the CPT wishes to stress that, as a matter of principle, all transfers of persons from one jurisdiction to another should take place in accordance with established legal procedures.

ACTIVITIES DURING THE PERIOD 1 AUGUST 2006 TO 31 JULY 2007

Visits

1. The CPT organised seventeen visits totalling 157 days during the twelve-month period covered by this General Report. Of those visits, ten (totalling 111 days) formed part of the CPT's annual programme of periodic visits and seven (46 days) were ad hoc visits which the Committee considered were required by the circumstances.

This represents a small decrease in visit days as compared to the previous year, in large part due to staff changes within the CPT's Secretariat during the second half of 2006. The CPT is now back on course for a visit programme totalling in the region of 170 days during the full year 2007.

2. Periodic visits were organised to Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Estonia, France, Georgia, Ireland, Liechtenstein and the Netherlands (including Aruba and the Netherlands Antilles).

As always, the programme of each periodic visit embraced various types of establishment (police stations, prisons, psychiatric hospitals, etc.). The treatment of persons serving very long or even life sentences was an area of focus for a number of visits (such as those to Azerbaijan, Bulgaria, Croatia, and Estonia). Further, particular attention was given during certain visits to social welfare establishments (Bosnia and Herzegovina, Bulgaria, Croatia, Estonia and Liechtenstein) and to special establishments for juveniles (Croatia, France, Georgia and the Netherlands). The issue of legal safeguards surrounding involuntary placement in psychiatric establishments was also examined in detail in some countries (Azerbaijan, Bulgaria and Georgia).

3. *Prison overcrowding* continues to have a very negative effect on the quality of conditions of detention in several of the countries visited. Global strategies to overcome this problem must be devised and implemented as a matter of priority, drawing inspiration from the recommendations adopted by the Committee of Ministers of the Council of Europe on this subject.

The CPT was also very concerned in many of the countries visited by the level of *inter-prisoner violence*, and it has called upon the authorities concerned to draw up comprehensive plans to combat this phenomenon. The Committee wishes to recall that the duty of care which is owed by custodial staff to those in their charge includes the responsibility to protect them from other inmates who might wish to cause them harm.

Moreover, further efforts are required in many countries to improve *activities for prisoners*, in particular those on remand (i.e. awaiting trial). The notion that remand prisoners have to be subject to a regime of "isolation" must be abandoned throughout Europe. In the CPT's view, the starting point for considering regimes for such prisoners must be the presumption of innocence and the principle that they should be subject to no more restrictions than are strictly necessary to secure their safe confinement and the interests of justice.

On a more positive note, the CPT found that vigorous action was being taken to combat *corruption within the prison system* in certain countries visited where this had been a long-standing problem.

4. The seven ad hoc visits carried out by the CPT during the period covered by this General Report were to Greece, Hungary, Kosovo, the Russian Federation (North Caucasus), Spain, and Turkey (two visits).

5. The main objectives of the ad hoc visit to **Greece** in March 2007 were to examine the steps taken to implement recommendations made by the CPT after its periodic visit in 2005, and to hold high-level talks with the Greek authorities with a view to enhancing their cooperation with the Committee.

Particular attention was paid to safeguards against ill-treatment of persons detained by law enforcement officials and to conditions of detention in police stations and holding facilities for aliens. The CPT's delegation also returned to Korydallos Men's Prison, in order to examine conditions in the segregation units and assess developments in relation to the establishment's health-care service.

6. The ad hoc visit to **Hungary** in January/February 2007 focussed on the Special Regime Unit for prisoners serving lengthy sentences (HSR Unit) recently set up at Szegeed Prison. The CPT had previously expressed concern about plans to open a special unit for “actual lifers” (i.e. prisoners sentenced to life imprisonment who cannot be released, except on compassionate grounds by pardon), stressing that it could see no justification for keeping “actual lifers” apart from other prisoners serving lengthy prison terms. During the ad hoc visit, the CPT’s delegation examined the extent to which its concern had been met by the HSR Unit.

In this context, the CPT must also make clear that it has serious reservations about the very concept according to which certain prisoners can be considered at the time of their sentencing to constitute a permanent threat to society and hence be deprived of any hope of ever being released. To take such a once-and-for-all decision is a fundamentally unsound approach. No one can reasonably argue at a given point in time that a particular person will always remain dangerous to society.

7. The CPT organised its first visit to **Kosovo** in March 2007. An agreement had already been signed in August 2004 between the Council of Europe and the United Nations Interim Administration in Kosovo (UNMIK), guaranteeing access for the CPT to places where persons were detained under the authority of UNMIK. However, the commencement of the Committee’s activities in Kosovo was also dependent on the existence of arrangements guaranteeing access to detention facilities operated by the “international security presence in Kosovo” (KFOR); these arrangements were finally concluded in July 2006.

The CPT’s delegation examined the treatment and conditions of detention of persons held in a variety of establishments throughout Kosovo, including police stations, prisons, psychiatric facilities and social welfare institutions. It also visited the detention facilities at the United States military base “Camp Bondsteel”, where persons may be detained under the authority of KFOR.

8. In September 2006, the CPT organised its ninth ad hoc visit to the **North Caucasian region of the Russian Federation**. It was very much a follow-up to the Committee’s eighth visit to that region in April/May of the same year, and focused on the Chechen Republic. The disturbing findings made during these visits combined with an absence of effective remedial action by the Russian authorities led the CPT to issue a *public statement on 13 March 2007* (see Appendix 9), its third to date concerning the Chechen Republic.

Progress has undoubtedly been made in recent years in the Chechen Republic as regards material conditions of detention, and it should be noted that no allegations were received of ill-treatment of prisoners by staff of the penitentiary establishments visited in 2006.

However, the CPT’s delegation found that resort to torture and other forms of ill-treatment by members of the law enforcement agencies and security forces in the Chechen Republic continued, as did the related practice of unlawful detentions. Further, from the information gathered during the September 2006 visit, it was clear that investigations into cases involving allegations of ill-treatment were rarely carried out in an effective manner.

The CPT has been raising these very serious issues related to the Chechen Republic for a number of years. Once it became apparent that the Russian authorities had still not taken decisive measures to address them, the Committee felt that it had no option but to make a public statement.

9. The CPT’s ad hoc visit to **Spain** in January 2007 was triggered by reports received towards the end of 2006 concerning José Ignacio De Juana Chaos, a prisoner on hunger strike. According to those reports, this prisoner was being fed against his will by nasogastric tube. The Spanish authorities subsequently confirmed that the prisoner had been transferred to the Doce de Octubre Hospital in Madrid on 24 November 2006 and was being artificially fed, following an authorisation given by the Central Court of Instruction No. 2 of the Audiencia Nacional.

The CPT’s delegation examined the modalities of care and custody of this prisoner at the Doce de Octubre Hospital. In the course of the visit, the delegation interviewed the prisoner and held consultations with both the medical team responsible for managing the hunger strike and the competent judicial authorities.

Specific reference must be made here to false information published on the website of the radio station "COPE", to the effect that the January 2007 ad hoc visit had been organised by the member of the CPT elected in respect of Spain. Nothing could be further from the truth, a fact which was brought to the attention of those responsible. The CPT deplors the fact that a suitable correction has never been published.

10. The main objective of the ad hoc visit to **Turkey** in December 2006 was to review the *situation of involuntary patients in psychiatric hospitals*, and in particular their living conditions and treatment (including electroconvulsive therapy — ECT). The legal safeguards surrounding involuntary placement and their implementation in practice were also examined. In addition, and for the first time in Turkey, the delegation visited two social welfare institutions.

11. A second ad hoc visit to Turkey was organised in May 2007, the CPT returning to Imralı High-Security Closed Prison in order to examine once again the *treatment of Abdullah Öcalan*, who has now spent more than eight and a half years as that establishment's sole inmate.

The Committee's delegation looked into what action had been taken to implement the recommendations made after earlier visits as regards the conditions of detention in the establishment, and reviewed the situation concerning access to Imralı island for the prisoner's family members and lawyers. The state of the prisoner's health was also examined, having regard inter alia to recent allegations of intoxication by heavy metals.

12. CPT visiting delegations have in the main continued to receive a satisfactory level of cooperation from State authorities, both at national level and in places of deprivation of liberty. As regards more particularly the first visit to Kosovo, the Committee's delegation enjoyed very good cooperation from all the authorities concerned: UNMIK, the Provisional Institutions of Self-Government, KFOR staff, and officials responsible for the day-to-day operation of the facilities visited. The information seminar on the CPT's activities held in Pristina on 14 and 15 December 2006 no doubt contributed to this positive situation.

13. There are still isolated cases of attempts to conceal from CPT visiting delegations the true situation in places visited. One example during the last twelve months involved the rapid emptying of a psychiatric hospital ward (which was in a particularly bad state), followed by the pretence that it had not been in recent use. Acts of this kind will rarely succeed and, inevitably, leave a poor impression when they are discovered.

14. Moreover, as in previous years, there were on occasion clear indications that persons held in places visited had been warned not to make any complaints to the CPT's delegation. The Committee must reiterate that such action is entirely contrary to the principle of cooperation and hence totally unacceptable.

It is equally unacceptable for detained persons who have been interviewed by a CPT delegation to be subsequently questioned about what the delegation had asked and what the persons concerned had replied. This is in flagrant contradiction with the principle of the privacy of the Committee's interviews with persons deprived of their liberty.

The CPT will also not tolerate State officials taking photographs of persons at liberty who are met by the Committee during a visit. The CPT trusts that no visiting delegation will ever again have to intervene to stop such behaviour.

To sum up, it must be made clear once again that any intimidatory or retaliatory action against a person before or after contact with a CPT delegation could result in the Committee exercising its power to issue a public statement.

15. The CPT also regrets to have to record that a considerable number of the countries visited over the last twelve months were found to have failed to implement recommendations on key issues made by the Committee after earlier visits. As the CPT's President recently emphasised before the Parliamentary Assembly, the Committee does not exist to simply carry out visits and maintain cordial relations with States; its purpose is to bring about necessary change with a view to strengthening protection against ill-treatment. Only if the CPT's dialogue with a State leads to the achievement of that purpose can one speak of effective cooperation.

Meetings and working methods

16. The CPT held three one-week plenary sessions during the twelve months covered by this General Report – in November 2006, and March and July 2007. A total of 19 visit reports were adopted by the Committee at these meetings, ten of them 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).

Besides the adoption of visit reports, plenary sessions are the occasion to review the ongoing dialogue with Parties to the Convention, hold thematic discussions on issues related to the CPT's mandate and prepare future visits. Much of this activity takes place in the context of subgroups of the Committee – delegations responsible for visits, the medical group, the working group on the Committee's "jurisprudence", etc.

17. At its July 2007 plenary session, the CPT had an exchange of views with a representative of the Omega Research Foundation (ORF), Mr Neil Corney. ORF conducts research into the *trade in military, security and police equipment and its impact on human rights* worldwide, and has been contracted by the Commission of the European Union to undertake the project "Tracking the supply of torture instruments – developing controls and strengthening civil society monitoring".

The CPT is becoming increasingly concerned by certain types of security-related equipment (e.g. electric shock devices) being issued to law enforcement officials and even prison staff in some European countries. In this connection, the Committee wished to explore the possibilities for interaction between its activities and the work of ORF.

18. The above-mentioned exchange of views is just one example of the CPT's ongoing efforts to promote synergy with other bodies.

The CPT has taken careful note of the recent Memorandum of Understanding between the Council of Europe and the *European Union*, in which the Committee is invited to reinforce its cooperation with relevant institutions of the Union. To date, that cooperation has concerned in the main the exchange of information in relation to EU candidate countries and, when appropriate, contacts between CPT visiting delegations and field missions of the European Union.

As was highlighted in a recent study on the implementation of the EU torture prevention guidelines of April 2001, there is no doubt scope for increased cooperation between the CPT and relevant EU institutions in relation to the actual implementation of the recommendations made by the Committee after country visits. In the context of the subject already raised in paragraph 17, consideration could also be given to the role the CPT might play as regards implementation of Council Regulation (EC) No. 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.

19. In the Preface to the 16th General Report, the CPT made clear its wish to work closely with the newly-established *United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)*. Subsequently, the Committee's 1st Vice-President and Executive Secretary took part in a detailed exchange of views with the SPT at the latter's inaugural meeting in Geneva in February 2007. There was general agreement on the need for the two bodies to cooperate and avoid duplication; achieving this should be facilitated by the fact that three of the SPT's members (including its Chairperson, Ms Silvia Casale) are also members of the CPT.

20. Naturally, the CPT continues to seek the closest possible synergy with other bodies working within the *Council of Europe*. For example, good working relations have been established with the Commissioner for Human Rights, Mr Thomas Hammarberg, and the Committee welcomes his efforts to complement and build upon the outcome of its activities. Moreover, the CPT will fully support efforts currently underway to reinforce relations between the different monitoring bodies operating within the framework of the Directorate General of Human Rights and Legal Affairs.

The CPT welcomes every opportunity to contribute to discussions within the Council of Europe concerning matters related to the Committee's mandate. A CPT member is currently taking part in the work of the Committee of Experts tasked with establishing a mental health reference tool, and the CPT's President participated in the recent ad hoc meeting of chairs of Council of Europe Committees to discuss the Organisation's work against terrorism.

The CPT was also honoured to have been invited to take part in the Parliamentary Assembly's debate on the state of human rights and democracy in Europe, held at the April 2007 part-session. The statement made by the Committee's President on this occasion is set out in Appendix 8.

Publications

21. The well-established trend towards States lifting the veil of confidentiality and publishing CPT *visit reports and government responses* was confirmed once again during the period covered by this General Report. Over the last twelve months, reports on seventeen visits have been published by the Committee, at the request of the governments concerned. At the time of writing, 184 of the 225 visit reports so far drawn up have been placed in the public domain. A State-by-State table showing the current situation is set out in Appendix 4.

Specific reference should be made to the publication of the reports on five visits to Turkey organised between 1990 to 1996, together with the responses of the Turkish Government. Examination of these documents relating to the early years of the CPT's activities in Turkey will facilitate an accurate assessment of the progress that has subsequently been made in this country towards combating torture and other forms of ill-treatment.

22. The CPT also welcomes the decision by the authorities of Bosnia and Herzegovina to authorise publication of the *preliminary observations* made by the Committee's delegation at the end of the March 2007 periodic visit, together with their response. Timely publication of such observations means that the principal findings of a CPT delegation will become widely known at an early stage rather than months after the event.

23. Further updates of the *information pack*, containing various materials describing the CPT's modus operandi and the standards developed by the Committee, have been produced during the last twelve months. The pack is currently available in nineteen languages and is posted in all of those languages on the CPT's website; printed copies can be obtained from the Committee's Secretariat.

A new edition of the CD-ROM containing the whole of the CPT's website was issued in May 2007.

ORGANISATIONAL MATTERS

The Convention establishing the CPT

24. All 47 member States of the Council of Europe are Parties to the ECPT. As the map in Appendix 3 makes clear, the Committee's field of operations covers, with one notable exception, the entire territory of Europe.

It remains open to the Committee of Ministers to invite any non-member State to accede to the Convention. When the time is ripe from a political standpoint, an invitation to Belarus to accede to the Convention would be both a sign of the Council of Europe's wish to forge closer links with that country and a reminder of the obligations which membership of the Organisation entails.

CPT membership

25. At the time of publication of this General Report, the CPT has 45 members. The seats in respect of Bosnia and Herzegovina and Ukraine are vacant.

26. The Committee's membership has remained very stable over the last twelve months; in fact, not a single member left the Committee. This is in large part thanks to the system introduced by Protocol No. 2 to the Convention, whereby one half of the seats on the CPT are renewed every two years.

Nevertheless, three *new CPT members* were elected during the period covered by this General Report: Mr Ivan JANKOVIĆ (in respect of Serbia), Mr Xavier RONSIN (in respect of France) and Ms Olivera VULIĆ (in respect of Montenegro).

27. The *biennial renewal of the CPT's membership* is due to take place at the end of the current year, 21 seats falling vacant on 19 December 2007. However, to date, list of candidates have been received in respect of only seven of the countries concerned (Armenia, Azerbaijan, Belgium, Italy, Lithuania, Poland and Portugal). The CPT trusts that the national delegations in the Parliamentary Assembly of the remaining fourteen countries (Albania, Andorra, Cyprus, the Czech Republic, Finland, Greece, Iceland, Latvia, Malta, Romania, the Russian Federation, San Marino, the Slovak Republic and "the former Yugoslav Republic of Macedonia") will put forward lists of candidates in the near future, so as to enable the election procedure to be completed in good time.

28. On 16 March 2007, the Parliamentary Assembly adopted Resolution 1540 (2007) on *improving selection procedures for CPT members*. The CPT welcomes many of the provisions of this text, in particular the emphasis put by the Assembly on the need for transparent and rigorous national selection procedures (including public calls for candidatures, consultation on candidates with both state and non-governmental bodies, and interviews with short-listed candidates) as well as the encouragement given to the Assembly's Sub-Committee on Human Rights to itself interview candidates if the selection procedures at national level are considered unsatisfactory.

In addition to ensuring that the different requirements spelt out in Article 4, paragraphs 2 and 4, of the Convention are met, care should be taken during the selection process that candidates for CPT membership have a working knowledge of at least one of the two official languages (English and French). This is a prerequisite for making an effective contribution to the Committee's activities.

29. Resolution 1540 stipulates that a list of candidates which does not include at least one man and one woman will be rejected, except when all candidates on the list are of the sex under-represented on the CPT (i.e. less than 40%). The *proportion of women among the CPT's membership* is currently rather low, standing at 13 out of 45. The Committee therefore hopes that future lists of candidates will include more suitably qualified women. However, the paramount objective is a highly qualified membership, in terms of professional expertise and empirical experience; the question of gender should not predominate over that of qualification.

30. The CPT has at present a relatively good *spread of professional experience* within its membership. Nevertheless, there is a predominance of expertise in the field of prisons. The Committee requires more members with first-hand knowledge of the work of law enforcement agencies (police/gendarmerie). The CPT would also benefit from the presence among its members of more doctors with relevant forensic skills (in particular as regards the observing and recording of physical injuries), of more persons with specialised knowledge of immigration issues, and of a specialist in child psychiatry.

31. As regards the *Bureau of the CPT*, Ms Silvia Casale resigned from the office of President of the CPT at the Committee's March 2007 meeting. This followed her election as Chairperson of the UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The CPT elected Mr Mauro Palma, an Italian specialist on prison issues, as its new President. Ms Renate Kicker, an Austrian Professor of Public International Law, was elected as the 1st Vice-President, replacing Mr Palma who formerly held that post. Mr Andres Lehtmets, an Estonian psychiatrist, remains as the Committee's 2nd Vice-President.

The CPT wishes to place on record its appreciation of Ms Casale's outstanding contribution to the Committee's activities during the seven years that she served as its President, and is very pleased that she remains a member of the Committee.

Administrative and budgetary questions

32. The departure of the long-time Deputy Executive Secretary, Ms Geneviève Mayer, on 1 September 2006 led to a number of changes at senior level within the CPT's Secretariat. Other experienced administrators (Mr Edo Korljan) and assistants (Ms Janey Cope, Ms Maia Mamulashvili and Ms Morag Young) have also left the CPT's Secretariat over the last twelve months. The CPT wishes to sincerely thank all of the above-mentioned persons for their contributions to the CPT's work.

The present composition of the CPT's Secretariat is set out in Appendix 6. The CPT is pleased that Division 3 has now been brought up to the same strength as the other two Divisions in terms of A grade staff. The Committee hopes that current vacancies in its Secretariat will soon be filled by suitably qualified staff and that Division 3 will in due course be reinforced by a B4 post (Administrative assistant).

33. The CPT understands that it is proposed to allocate to the Committee budgetary appropriations for 185 visit days in 2008. The Committee welcomes this and hopes that the staff situation will evolve favourably so as to enable it to complete such a programme. As the CPT has emphasised in previous General Reports, the ultimate goal should be an annual programme of 200 visit days.

APPENDICES

APPENDIX 1

The CPT's mandate and modus operandi

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

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

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

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

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

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

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

Two fundamental principles govern relations between the CPT and Parties to the Convention – 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.

APPENDIX 2

**Signatures and ratifications
of the European Convention for the Prevention of Torture
and Inhuman or Degrading Treatment or Punishment (ECPT)***

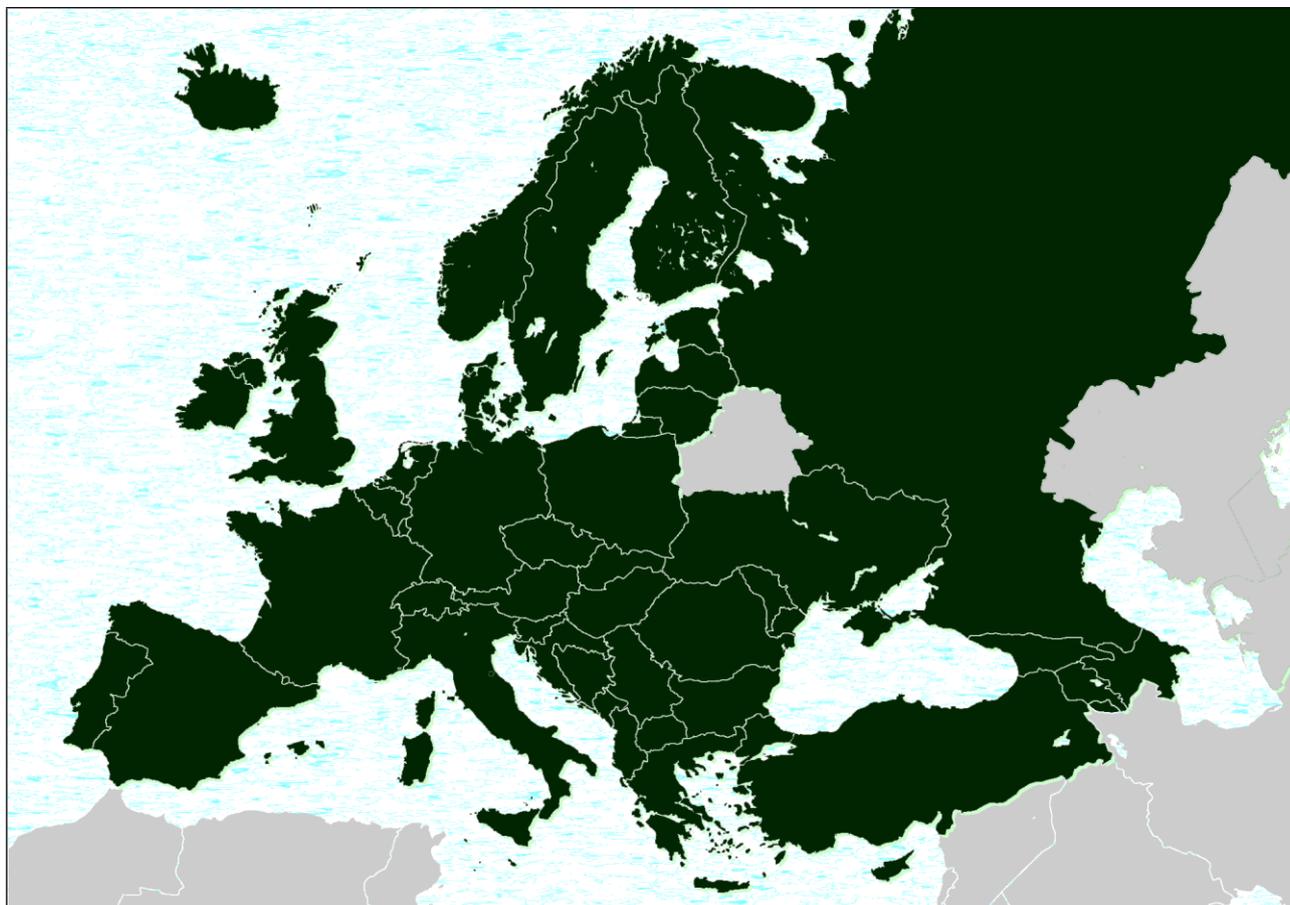
Member States of the Council of Europe	Date of signature	Date of ratification	Date of entry into force
Albania	02/10/1996	02/10/1996	01/02/1997
Andorra	10/09/1996	06/01/1997	01/05/1997
Armenia	11/05/2001	18/06/2002	01/10/2002
Austria	26/11/1987	06/01/1989	01/05/1989
Azerbaijan	21/12/2001	15/04/2002	01/08/2002
Belgium	26/11/1987	23/07/1991	01/11/1991
Bosnia and Herzegovina	12/07/2002	12/07/2002	01/11/2002
Bulgaria	30/09/1993	03/05/1994	01/09/1994
Croatia	06/11/1996	11/10/1997	01/02/1998
Cyprus	26/11/1987	03/04/1989	01/08/1989
Czech Republic	23/12/1992	07/09/1995	01/01/1996
Denmark	26/11/1987	02/05/1989	01/09/1989
Estonia	28/06/1996	06/11/1996	01/03/1997
Finland	16/11/1989	20/12/1990	01/04/1991
France	26/11/1987	09/01/1989	01/05/1989
Georgia	16/02/2000	20/06/2000	01/10/2000
Germany	26/11/1987	21/02/1990	01/06/1990
Greece	26/11/1987	02/08/1991	01/12/1991
Hungary	09/02/1993	04/11/1993	01/03/1994
Iceland	26/11/1987	19/06/1990	01/10/1990
Ireland	14/03/1988	14/03/1988	01/02/1989
Italy	26/11/1987	29/12/1988	01/04/1989
Latvia	11/09/1997	10/02/1998	01/06/1998
Liechtenstein	26/11/1987	12/09/1991	01/01/1992
Lithuania	14/09/1995	26/11/1998	01/03/1999
Luxembourg	26/11/1987	06/09/1988	01/02/1989
Malta	26/11/1987	07/03/1988	01/02/1989
Moldova	02/05/1996	02/10/1997	01/02/1998
Monaco	30/11/2005	30/11/2005	01/03/2006
Montenegro			06/06/2006**
Netherlands	26/11/1987	12/10/1988	01/02/1989
Norway	26/11/1987	21/04/1989	01/08/1989
Poland	11/07/1994	10/10/1994	01/02/1995
Portugal	26/11/1987	29/03/1990	01/07/1990
Romania	04/11/1993	04/10/1994	01/02/1995
Russian Federation	28/02/1996	05/05/1998	01/09/1998
San Marino	16/11/1989	31/01/1990	01/05/1990
Serbia	03/03/2004	03/03/2004	01/07/2004
Slovakia	23/12/1992	11/05/1994	01/09/1994
Slovenia	04/11/1993	02/02/1994	01/06/1994
Spain	26/11/1987	02/05/1989	01/09/1989
Sweden	26/11/1987	21/06/1988	01/02/1989
Switzerland	26/11/1987	07/10/1988	01/02/1989
“the former Yugoslav Republic of Macedonia”	14/06/1996	06/06/1997	01/10/1997
Turkey	11/01/1988	26/02/1988	01/02/1989
Ukraine	02/05/1996	05/05/1997	01/09/1997
United Kingdom	26/11/1987	24/06/1988	01/02/1989

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

** On 14 June 2006, the Committee of Ministers of the Council of Europe agreed that the Republic of Montenegro was a Party to the Convention with effect from 6 June 2006, the date of the Republic’s declaration of succession to the Council of Europe Conventions of which Serbia and Montenegro was a signatory or party.

APPENDIX 3

The CPT's field of operations



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 *
47 States		1 745 607 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 - Latvia - Liechtenstein - Lithuania - Luxembourg - Malta - Moldova - Monaco - Montenegro - Netherlands - Norway - Poland - Portugal - Romania - Russian Federation - San Marino - Serbia - 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 I, Survey 2005); data as at 1 September 2005)</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:</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 etc. 	

APPENDIX 4

**State-by-State table showing the number of visits by the CPT,
visit reports sent and reports published
(as at 14 September 2007)**

States	Number of visits	Number of reports sent	Number of reports published
Albania	7	7	7
Andorra	2	2	2
Armenia	3	3	2
Austria	4	4	4
Azerbaijan	4	4	1
Belgium	4	4	4
Bosnia and Herzegovina	3	3	1
Bulgaria	5	5	4
Croatia	3	2	2
Cyprus	4	4	3
Czech Republic	3	3	3
Denmark	3	3	3
Estonia	4	3	3
Finland	3	3	3
France	9	9	8
Georgia	3	3	2
Germany	5	5	5
Greece	7	7	6
Hungary	5	5	5
Iceland	3	3	3
Ireland	4	4	3
Italy	6	6	6
Latvia	3	3	2
Liechtenstein	3	3	2
Lithuania	2	2	2
Luxembourg	3	3	3
Malta	5	5	5
Moldova	9	8 (a)	4
Monaco	1	1	1
Montenegro	0	0	0
Netherlands	7	6	6
Norway	4	4	4
Poland	3	3	3
Portugal	6	6	6
Romania	7	6 (b)	5 (c)
Russian Federation	15	12 (d)	1
San Marino	3	3	2
Serbia	2 (e)	3 (f)	1
Slovakia	3	3	3
Slovenia	3	3	2
Spain	10	10	9
Sweden	4	4	4
Switzerland	4	4	4
“the former Yugoslav Republic of Macedonia”	6	6	5
Turkey	20	18 (g)	16 (h)
Ukraine	5	5	5
United Kingdom	11	12 (i)	11

(a) Covering the nine visits.

(b) Covering the seven visits.

(c) Covering six visits.

(d) Covering the fifteen visits.

(e) Organised in September 2004 to Serbia and Montenegro, and in March 2007 to Kosovo.

(f) Including two reports on Kosovo (one to UNMIK and one to the Secretary General of NATO).

(g) Covering the twenty visits.

(h) Covering eighteen visits.

(i) Including one report drawn up in pursuance of the Agreement between the United Nations and the Government of the United Kingdom of Great Britain and Northern Ireland on the Enforcement of Sentences of the International Criminal Tribunal for the former Yugoslavia (ICTY).

APPENDIX 5

Members of the CPT

(listed in order of precedence – as at 14 September 2007) *

Name	Elected in respect of	Term of office expires
Mr Mauro PALMA, President	Italy	19/12/2007
Ms Renate KICKER, 1 st Vice-President	Austria	19/12/2009
Mr Andres LEHTMETS, 2 nd Vice-President	Estonia	19/12/2009
Mr Mario BENEDETTINI	San Marino	19/12/2007
Mr Florin STANESCU	Romania	19/12/2007
Mr Zdeněk HÁJEK	Czech Republic	19/12/2007
Mr Pierre SCHMIT	Luxembourg	19/12/2009
Ms Silvia CASALE	United Kingdom	19/12/2009
Mr Aleš BUTALA	Slovenia	19/12/2009
Ms Veronica PIMENOFF	Finland	19/12/2007
Mr Petros MICHAELIDES	Cyprus	19/12/2007
Mr Marc NÈVE	Belgium	19/12/2007
Mr Mario FELICE	Malta	19/12/2007
Mr Pétur HAUKSSON	Iceland	19/12/2007
Mr Fatmir BRAKA	Albania	19/12/2007
Mr Eugenijus GEFENAS	Lithuania	19/12/2007
Mr Jean-Pierre RESTELLINI	Switzerland	19/12/2009
Ms Tatiana RĂDUCANU	Moldova	19/12/2009
Ms Marija DEFINIS GOJANOVIĆ	Croatia	19/12/2009
Ms Isolde KIEBER	Liechtenstein	19/12/2009
Ms Ann-Marie ORLER	Sweden	19/12/2009
Mr Zbigniew HOŁDA	Poland	19/12/2007
Mr Vladimir ORTAKOV	“the former Yugoslav Republic of Macedonia”	19/12/2007
Mr Lätif HÜSEYNOV	Azerbaijan	19/12/2007
Mr Joan-Miquel RASCAGNERES	Andorra	19/12/2007
Ms Asya KHACHATRYAN	Armenia	19/12/2007
Mr Vitolds ZAHARS	Latvia	19/12/2007
Ms Anna GAVRILOVA-ANTCHEVA	Bulgaria	19/12/2009
Mr Celso José DAS NEVES MANATA	Portugal	19/12/2007
Mr Gergely FLIEGAUF	Hungary	19/12/2009
Ms Haritini DIPLA	Greece	19/12/2007
Mr Jørgen Worsaae RASMUSSEN	Denmark	19/12/2009
Mr Antonius Maria VAN KALMTHOUT	Netherlands	19/12/2009
Mr Ladislav GETLÍK	Slovak Republic	19/12/2007
Ms Elena SEREDA	Russian Federation	19/12/2007
Mr George TUGUSHI	Georgia	19/12/2009
Mr Wolfgang HEINZ	Germany	19/12/2009
Ms Birgit LIE	Norway	19/12/2009
Mr Tim DALTON	Ireland	19/12/2011
Mr Emilio GINES SANTIDRIÁN	Spain	19/12/2009
Mr Roland MARQUET	Monaco	19/12/2009
Mr Ömer ATALAR	Turkey	19/12/2009
Mr Xavier RONSIN	France	19/12/2009
Mr Ivan JANKOVIĆ	Serbia	19/12/2009
Ms Olivera VULIĆ	Montenegro	19/12/2011

* At this date, the seats in respect of the following States were vacant: Bosnia and Herzegovina, Ukraine.

APPENDIX 6

Secretariat of the CPT (as at 14 September 2007)

Mr Trevor STEVENS	Executive Secretary
Mr Fabrice KELLENS	Deputy Executive Secretary
Secretariat:	Mr/Ms Ms Antonella NASTASIE

Central section

Mr Patrick MÜLLER	Documentary research, information strategies and media contacts
Ms Mireille MONTI	Archives and publications
Ms Morven TRAIN	Administrative, budgetary and staff questions

Divisions responsible for visits *

Division 1

Mr Michael NEURAUTER, Head of Division	<ul style="list-style-type: none"> • Albania • Austria • Belgium • Estonia • France • Germany • Italy • Latvia • Liechtenstein 	<ul style="list-style-type: none"> • Lithuania • Luxembourg • Malta • Monaco • Norway • Romania • San Marino • Switzerland • Turkey
Ms Muriel ISELI		
Mr Elvin ALIYEV		
Ms Antonella MASCIA LODI		
Ms Yvonne HARTLAND, Administrative Assistant		
Secretariat: Ms Nadine SCHAEFFER		

Division 2

Ms Petya NESTOROVA, Head of Division	<ul style="list-style-type: none"> • Armenia • Azerbaijan • Bulgaria • Croatia • Denmark • Finland • Georgia • Hungary • Iceland 	<ul style="list-style-type: none"> • Moldova • Montenegro • Poland • Russian Federation • Serbia • Slovenia • Sweden • Ukraine
Mr Borys WÓDZ		
Mr Johan FRIESTEDT		
Ms Isabelle SERVOZ-GALLUCCI		
Mr/Ms ..., Administrative Assistant		
Secretariat: Ms Andrée TERSER		

Division 3

Mr Hugh CHETWYND, Head of Division	<ul style="list-style-type: none"> • Andorra • Bosnia and Herzegovina • Cyprus • Czech Republic • Greece • Ireland • Netherlands 	<ul style="list-style-type: none"> • Portugal • Slovakia • Spain • “the former Yugoslav Republic of Macedonia” • United Kingdom
Ms Caterina BOLOGNESE		
Mr Marco LEIDEKKER		
Mr Kristian BARTHOLIN		
Secretariat: Ms Diane PENEAU		

* The Executive and Deputy Executive Secretaries are directly involved in the operational activities of the Divisions concerning certain countries.

APPENDIX 7

Countries and places of detention visited by CPT delegations during the period 1 August 2006 to 31 July 2007

I. Periodic visits

A. Azerbaijan (20/11/2006 - 30/11/2006)

Establishments under the Ministry of Internal Affairs

- Temporary detention centre of the Main Department for Combating Organised Crime, Baku
- Temporary detention centre of Narimanov District Police Department, Baku
- Reception and distribution centre for minors of the Main City Police Department, Baku
- Bilajari unit of the Main Transport Police Department, Baku
- Sabayil District Police Department, Baku
- Police station No. 15, Baku
- Police station No. 30, Baku
- Temporary detention centre of Gakh District Police Department
- Temporary detention centre of Shamakhi District Police Department
- Temporary detention centre of Sumgayit District Police Department
- Temporary detention centre of Zagatala District Police Department

Nakhchivan Autonomous Republic

- Temporary detention centre of the Ministry of Internal Affairs, Boyuk Duz
- Nakhchivan City Police Department
- Babak District Police Division
- Sadarak District Police Division
- Sharur District Police Division

Establishments under the Ministry of Justice

- Gobustan Prison
- Investigative Isolator No. 3, Shuvalan
- Strict-regime penitentiary establishment No. 11, Binagadi District, Baku

In addition, the delegation interviewed prisoners at the Central penitentiary hospital in Baku who had recently been transferred from Gobustan Prison, and examined the construction site of the new mixed-regime penitentiary establishment in the Nakhchivan Autonomous Republic.

Establishments under the Ministry of Health

- City Psychiatric Hospital No. 1, Baku
- Regional Psycho-Neurological Dispensary, Sheki

Establishments under the Ministry of Defence

- "Hauptvacht"(disciplinary unit) of Nakhchivan Garrison

Establishments under the State Border Service

- Temporary detention centre for persons who have violated the border regime, State Border Service military unit, Nakhchivan City.

B. Bosnia and Herzegovina (19/03/2007 - 30/03/2007)

Police establishments

Federation of Bosnia and Herzegovina

- Goražde Police Station, Canton of Bosna Podrinje
- Konjic Police Station, Canton of Herzegovina-Neretva
- Mostar Centar Police Station, Canton of Herzegovina-Neretva
- Novo Sarajevo Police Station, Canton of Sarajevo
- Zenica Police Station, Canton of Zenica-Doboj

Republika Srpska

- Bratunac Police Station
- East Sarajevo Police Station
- Foča Police Station
- Pale Police Station
- Srebrenica Police Station
- Višegrad Police Station

Prison establishments

Federation of Bosnia and Herzegovina

- Remand section of Mostar Prison
- Sarajevo Remand Prison
- Zenica Closed Prison

Republika Srpska

- Remand section of East Sarajevo Prison
- Foča Closed Prison

The delegation also interviewed prisoners and staff at Doboj Prison and certain prisoners at Banja Luka Prison

Psychiatric institutions

Federation of Bosnia and Herzegovina

- Forensic Psychiatric Unit in Zenica Prison

Republika Srpska

- Sokolac Psychiatric Hospital

The delegation also visited the military hospital near Sokolac which it is proposed to convert into a State-level hospital for forensic psychiatric patients.

Social care homes

Federation of Bosnia and Herzegovina

- Fojnica 'Drin' Home for Mentally Disabled Persons

Republika Srpska

- Višegrad Institution for the Protection of Female Children and Youth

C. Bulgaria (10/09/2006 - 21/09/2006)

Establishments under the Ministry of Internal Affairs

National Service Police:

- 2nd District Police Directorate, Pleven
- District Police Directorate, Popovo
- 2nd District Police Directorate, Russe
- District Police Directorate, Slivnitsa
- 1st District Police Directorate, Sofia
- 3rd District Police Directorate, Sofia
- Sobering-up centre, Sofia
- District Police Directorate, Targovishte

National Service Border Police:

- Regional border sector, Dragoman
- Border crossing at Dragoman
- Border police station, Kalotina
- Regional border sector, Russe

Establishments under the Ministry of Justice

- Pleven Prison
- Sliven Prison
- Sofia Prison

Investigation detention facilities at:

- Pazardjik
- Pleven
- Plovdiv
- Popovo
- Russe
- Sliven
- Slivnitsa
- Targovishte

Establishments under the Ministry of Health

- Byala State Psychiatric Hospital
- Karlukovo State Psychiatric Hospital
- Regional Psychiatric Dispensary with inpatient wards, Russe

Establishments under the Ministry of Labour and Social Policy

- Home for women with intellectual retardation in the village of Trustika, Popovo municipality (Targovishte Region).

D. Croatia (04/05/2007 - 14/05/2007)Establishments under the authority of the Ministry of the Interior*Brod-Posavina Police Administration*

- Nova Gradiška Police Station

Istria Police Administration

- Labin Police Station
- Pula Police Station

Osijek-Baranja Police Administration

- Beli Manastir Police Station

Primorje-Gorski Kotar Police Administration

- Pasjak Road Border Crossing Police Station
- Rijeka I Police Station
- Rupa Border Police Station

Varaždin Police Administration

- Varaždin Police Station

Zagreb Police Administration

- Črnomerec Zagreb II Police Station
- Zagreb Airport Police Station
- Detention and Escort Unit ("JZP"), Senjak district, Zagreb
- Ježevo Detention Centre for Foreigners

Establishments under the authority of the Ministry of Justice

- Lepoglava State Prison
- Osijek County Prison
- Rijeka County Prison
- Požega Re-education Institution for girls and young women

In addition, the delegation interviewed recently arrived remand prisoners at Zagreb County Prison.

Establishments under the authority of the Ministry of Health and Social Welfare

- Vrapče Psychiatric Hospital
- "Vila Maria" Social Care Home for adults with psychiatric disorders or intellectual disabilities, Pula

E. Estonia (09/05/2007 - 18/05/2007)Establishments under the Ministry of Internal Affairs

- Kohtla-Järve Arrest House
- Narva Arrest House
- Rakvere Arrest House
- Rapla Arrest House
- Tallinn Arrest House
- Viljandi Arrest House
- Kohtla-Järve Police Station
- Narva Police Department
- Rakvere Police Department
- Repatriation Centre of the Citizenship and Migration Board.

Establishments under the Ministry of Justice

- Murru Prison
- Tallinn Prison
- Viljandi Prison

The delegation also went to Tartu Prison, in order to interview newly arrived remand prisoners.

Establishments under the Ministry of Social Affairs

- Viljandi Hospital Foundation
- Vöisiku Care Home.

F. France (27/09/2006 - 09/10/2006)Law enforcement establishments

- French Counter-Intelligence Service (“DST”), Rue Nélaton, Paris
- Anti-Terrorist Division of the Central Directorate of Judicial Police (“SDAT”), Rue des Saussaies, Paris
- “Dépôt” of the Paris Police Prefecture (including the Administrative Detention Centre for Women), Quai de l’Horloge, Paris
- Moulins Police Station (Allier)
- Bastia Police Headquarters (holding cells, administrative detention premises and judicial police investigation services of Upper Corsica), Bastia
- Toulouse Police Headquarters
- Upper Corsica Gendarmerie Headquarters (holding cells and research brigade)
- St Michel Autonomous Territorial Brigade of the Gendarmerie, Toulouse
- Palaiseau, Vincennes 1 and Vincennes 2 Administrative Detention Centres for Foreigners
- Administrative Detention Centre for Foreigners in Marseille - le Canet
- Blagnac 2 Administrative Detention Centre for Foreigners in Toulouse, Cornebarrieu

At Roissy Charles de Gaulle Airport:

- Police Headquarters (“5720” Building)
- Immigration Waiting Zone (ZAPI III) and Border Police Divisions (at Terminals 1 (Division and Station), 2A, 2E and 2F)
- Mobile Research Brigade (Immigration) of the Border Police
- Local Removal Unit
- Holding facilities used by the Customs Administration, Terminal 2

Establishments under the authority of the Ministry of Justice

- Fresnes Remand Prison (unit for male prisoners, disciplinary and seclusion units, regional medical and psychological service (“SMPR”))
- National Public Health Establishment, Fresnes
- Seysses Remand Prison (including the SMPR)
- Moulins-Yzeure Prison (including the UCSA) (Allier)
- Closed Educational Centre for Minors, Mont de Marsan
- Holding cells of the Bastia Courthouse
- Secure waiting room at the Moulins Courthouse

Establishments under the authority of the Ministry of Health

- Secure rooms at Moulins-Yzeure Hospital
- Georges Marchand Hospital, Toulouse (targeted visit on the procedures and conditions of hospitalisation of prisoners)

G. Georgia (21/03/2007 - 02/04/2007)Establishments under the Ministry of Internal Affairs

- Temporary detention isolator, Khobi
- Temporary detention isolator, Kutaisi
- Temporary detention isolator, Rustavi
- Temporary detention isolator No. 1, Tbilisi
- Temporary detention isolator No. 2, Tbilisi
- Old Tbilisi No. 1 Division of Internal Affairs, Tbilisi
- Old Tbilisi No. 2 Division of Internal Affairs, Tbilisi
- Isani-Samgori District Division of Internal Affairs, Tbilisi
- Vake-Saburtalo District Division of Internal Affairs, Tbilisi
- Temporary detention isolator No. 1, Zugdidi
- Temporary detention isolator No. 2, Zugdidi

Establishments under the Ministry of Justice

- Penitentiary establishment No. 2, Rustavi
- Prison No. 6, Rustavi
- Prison No. 5, Tbilisi
- Prison No. 7, Tbilisi
- Prison No. 4, Zugdidi

Establishments under the Ministry of Labour, Health and Social Affairs

- Psychiatric Hospital, Kutiri
- Asatiani Psychiatric Institute, Tbilisi

Establishments under the Ministry of Defence

- Military detention unit (“Hauptvacht”), Tbilisi

Establishments under the Ministry of Education and Science

- Special school for juvenile delinquents, Samtredia.

H. Ireland (02/10/2006 - 13/10/2006)Establishments under the Ministry of Justice, Equality and Law Reform*An Garda Síochána:*

- Athlone Garda Station
- Castlerea Garda Station
- Mill Street Garda Station, Galway
- Henry Street Garda Station, Limerick
- Kevin Street Garda Station, Dublin
- Mountjoy Garda Station, Dublin
- Mullingar Garda Station
- Roxborough Road Garda Station, Limerick
- Sligo Garda station
- Store Street Garda Station, Dublin

Prison Service:

- Cloverhill Prison
- Limerick Prison
- Mountjoy Prison
- Saint Patrick's Institution for Youth Offenders

Targetted visits were also paid to Castlerea, Cork and Wheatfield Prisons to examine persons held in the segregation areas and those subject to measures of protection.

Establishments under the Ministry of Health and Children

- Central Mental Hospital, Dundrum

I. Liechtenstein (05/02/2007 - 09/02/2007)

- Vaduz Prison, including the police detention facilities
- Vaduz Hospital (psychiatric unit and secure room for detained persons)
- St. Mamertus Nursing Home, Triesen
- Border post, Schaanwald.

J. Netherlands (04/06/2007 – 14/06/2007)*Kingdom in Europe*Law enforcement establishments

- Burgemeester Patijnlaan Police Station, The Hague
- Hoefkade Police Station, The Hague
- Doelwater Police Station, Rotterdam
- Schiedamseweg Police Station, Rotterdam
- Zuidplein Police Station, Rotterdam

Establishments under the authority of the Ministry of Justice

- Terrorist departments at 'De Schie' and 'Vught' Prisons;
- Detention boats 'Stockholm' in Rotterdam and 'Kalmar' in Dordrecht;
- Expulsion Centre at Rotterdam airport;
- 'De Hartelborgt' youth detention centre, in Spijkenisse.

Aruba

- Correctional Institution of Aruba (KIA)
- Police Stations of Noord, Oranjestad, and San Nicolaas
- 'Centro di Deportacion' for immigration detainees

*Netherlands Antilles**(Curaçao)*

- Bon Futuro Prison, including the Police Detention Unit (Block No. 1)
- Barber, Punda and Rio Canario Police Stations
- 'Illegalen Barakken' for immigration detainees

(Bonaire)

- The Remand Prison
- Kralendijk and Rincon Police Stations

II. Ad hoc visits

A. Greece (20/02/2007 - 27/02/2007)

Establishments under the authority of the Ministry of Public Order

Attica prefecture

- Aspropyrgos Police Station
- Akropolis Police Station
- Kolonos Police Station
- Neo Kosmos Police Station
- Omonia Police Station
- Palio Falio Police Station
- Saint Panteilemonos Police Station
- Syntagma Police Station
- Zografas Police Station
- Aspropyrgos Alien detention facility
- Pireaus Alien detention facility
- Petru Rali Street Alien detention facility
- Holding Room at Athens Airport (International Departures)

Evros prefecture

- Alexandroupoli Police Station
- Orestiada Police Station
- Isaakio Border Police Station
- Kiprinos Border Police Station
- Neo Visa Border Guard Station
- Neo Himoni Border Guard Station
- Tycherio Border Guard Station
- Filakio Special holding facility for illegal immigrants
- Vrisika Special holding facility for illegal immigrants

Lesvos Prefecture

- Mytilini Special holding facility for illegal immigrants

Rodopi Prefecture

- Venna Special holding facility for illegal immigrants

Establishments under the authority of the Ministry of Justice

- Komotini Judicial prison
- Korydallos Men's Prison

B. Hungary (30/01/2007 - 01/02/2007)

- Szeged Prison

C. Russian Federation (Chechen Republic) (04/09/2006 - 10/09/2006)

- IVS (temporary detention facility) of the Temporary Operational task force of Agencies and Units (VOGOiP) of the Ministry of Internal Affairs of Russia, located on the premises of ORB-2 in Grozny
- 1st inter-district division of ORB-2, Urus-Martan
- 4th inter-district division of ORB-2, Gudermes
- Argun District Division of Internal Affairs
- Gudermes District Division of Internal Affairs
- Leninskiy District Division of Internal Affairs, Grozny
- Naur District Division of Internal Affairs
- Shali District Division of Internal Affairs
- Urus-Martan District Division of Internal Affairs
- Zavodskiy District Division of Internal Affairs, Grozny

The delegation also visited SIZO No 1 (pre-trial establishment) in Grozny, as well as SIZO No 2 and Correctional Colony No 2 in Chernokozovo, in order to interview certain prisoners and to consult relevant documentation.

In the context of allegations of the unlawful detention of persons, the delegation returned to the village of Tsentoroy (Khosi-Yurt) in the Kurchaloy district. It also visited for the first time a base situated in the outskirts of Gudermes and currently used by the 9th Company of the 2nd Regiment of the Internal Affairs Patrol-Sentry Service.

D. Serbia (Kosovo) (21/03/2007 - 29/03/2007)Police establishments

- Deçan/Dečani Police Station
- Gjiilan/Gnjilane Police Station
- Istog/Istok Police Station
- Mitrovica/Mitrovicë North Police Station
- Mitrovicë/Mitrovica South Police Station
- Pejë/Peć Police Station
- Prishtinë/Priština Police Station No 1
- Prishtinë/Priština Police Station No 2
- Viti/Vitina Police Station

Penitentiary establishments

- Dubrava Prison
- Lipjan/Lipljan Correctional Centre
- Gjiilan/Gnjilane Detention Centre
- Mitrovica/Mitrovicë Detention Centre
- Pejë/Peć Detention Centre
- Prishtinë/Priština Detention Centre

Psychiatric/social welfare institutions

- Unit for Psychiatry and Neurology of Mitrovica/Mitrovicë Regional Hospital
- Psychiatric Clinic of Prishtinë/Priština University Hospital
- Shtime/Štimlje "Special Institute" (Institution for persons with mental disabilities and Integration Centre for Mental Health).

KFOR detention facilities

- US military base Camp Bondsteel, Ferizaj/Uroševac

E. Spain (14/01/2007 - 15/01/2007)

The purpose of the visit was to examine the modalities of care and custody of José Ignacio DE JUANA CHAOS, a prisoner on hunger strike who was being held in the Doce de Octubre Hospital in Madrid.

F. Turkey (22/11/2006 - 04/12/2006)Psychiatric hospitals

- Bakırköy Mental Health Hospital, İstanbul
- Elazığ Mental Health Hospital
- Samsun Mental Health Hospital

Social welfare institutions

- Elazığ Home for Persons in Need
- Gaziantep Care and Rehabilitation Centre.

Police establishments

- Temporary detention facilities for immigration detainees at İstanbul's Zeytinburnu District Police Headquarters

G. Turkey (20/05/2007 - 22/05/2007)

- İmralı Closed Prison

APPENDIX 8

Statement by the President of the CPT at the Parliamentary Assembly debate on the State of Human Rights and Democracy in Europe on 18 April 2007

Mr President,
Members of the Assembly,

I wish first of all to pay tribute to the Parliamentary Assembly for its determined action in the 1980's which culminated in Recommendation 971 on the protection of detainees from torture. This instigated the process that led to the adoption of the European Anti-Torture Convention in 1987. Without your Assembly, there might well never have been a CPT.

Through on-site visits and dialogue with States, the CPT seeks to prevent torture and ill-treatment across the European continent. The Committee has had some success, but the present situation remains far from satisfactory.

Instances of torture and other forms of deliberate severe ill-treatment still occur in the Council of Europe area. And conditions of detention can be wretched in a number of our member States, in particular in pre-trial establishments, holding facilities for foreigners and even psychiatric hospitals. Kept for months if not years in a state of enforced idleness, in overcrowded and unhygienic accommodation, subject to a constant lack of privacy, this is still the fate of tens if not hundreds of thousands of detained persons in Europe. Providing the necessary resources so that detention facilities can offer decent conditions may not be an obvious vote-winner, but it will be a good long-term investment for our societies.

To quote the report of the Committee on Legal Affairs and Human Rights, "the gap between standards on paper and the actual situation in Europe is striking". The measures proposed in the texts presented to you provide a sound basis for removing this discrepancy, and the Assembly can count on the CPT to play fully its part in that process.

At the heart of the CPT's activities lies the principle of cooperation with national authorities; and for the most part the Committee enjoys a real spirit of partnership with States. However, the CPT does face in certain cases a persistent failure to implement recommendations on key issues. Here I must stress that the Committee does not exist simply to carry out visits and maintain cordial relations with States; its purpose is to bring about necessary change with a view to strengthening protection against ill-treatment. Only if the CPT's dialogue with a State leads to the achievement of that purpose can one speak of effective cooperation.

Faced with a failure to cooperate, the CPT is empowered to make a public statement. The Committee is extremely reluctant to take that step; only five public statements in 18 years is proof of that. The fifth of those statements was made just over one month ago, and was the third concerning the Chechen Republic. Contrary to what has been affirmed, that statement was certainly not "politically motivated". It was the result of the continuing absence of a constructive dialogue on issues which go to the core of the principles defended by this Organisation. The CPT has every intention of pursuing its activities in the Chechen Republic, and trusts its public statement will focus everyone's attention on the key questions to be addressed in the area of the Committee's mandate.

The CPT is committed to avoiding a human rights vacuum in any part of Europe. I headed the delegation which made the CPT's first visit to Kosovo last month, and am happy to report that it received excellent cooperation from all the authorities concerned, including at Camp Bondsteel. The CPT also continues to monitor the situation in the Transnistrian region, and went there again last year. And I can inform you that the idea of a first CPT visit to Abkhazia and South Ossetia is presently receiving close attention. When the time is ripe from a political standpoint, the possibilities for extending the CPT's activities to Belarus could also be explored.

Mr President,

We live in times when the possible dilution of the absolute prohibition of torture is considered a legitimate subject of discussion; and when the actions of some risk undermining the effectiveness of that prohibition throughout the world. Faced with such a challenge, it is essential for all those bodies involved in combating torture to work closely together. The CPT will seize every opportunity to promote synergy, at national, European and universal level. The fact that my predecessor, Silvia Casale, has been elected the first Chairperson of the United Nations Subcommittee on Prevention of Torture is very welcome news in this connection.

To conclude, resolute action is undoubtedly necessary to address critical problems such as terrorism. But let there also be no doubt that submitting detained persons to methods such as "waterboarding" is a retrograde step that will not serve anyone's interests well. In the defence of human rights lies ultimately our greatest security.

APPENDIX 9

Public statement concerning the Chechen Republic of the Russian Federation

(made on 13 March 2007)

Since February 2000, the CPT has carried out numerous visits to the Chechen Republic. On the basis of its visit reports, the Committee has sought to maintain a constructive dialogue with the Russian authorities. On two occasions, in July 2001 and July 2003, the CPT felt obliged to have resort to its power to make a public statement*, in view of the failure to improve the situation in the light of the Committee's recommendations. Almost four years later, that stage has regrettably been reached once again.

The most recent CPT visits to the Chechen Republic were organised in April/May and September 2006. The Committee found that in some respects – notably as regards material conditions of detention – there had been definite progress. Moreover, no allegations were received of ill-treatment of prisoners by staff of the penitentiary establishments visited.

However, the CPT remains deeply concerned by the situation in key areas covered by its mandate. Resort to torture and other forms of ill-treatment by members of law enforcement agencies and security forces continues, as does the related practice of unlawful detentions. Further, from the information gathered, it is clear that investigations into cases involving allegations of ill-treatment or unlawful detention are still rarely carried out in an effective manner; this can only contribute to a climate of impunity.

After each of the visits in 2006, the CPT's delegation immediately made detailed written observations. The reactions of the Federal authorities were not commensurate with the gravity of the Committee's findings, and the same is true of the comments which they have recently made in response to the report on the two visits adopted in November 2006. Although displaying an open attitude on subsidiary matters related to conditions of detention, the Russian authorities consistently refuse to engage in a meaningful manner with the CPT on core issues. This can only be qualified as a failure to cooperate.

The public statement procedure set in motion by the CPT in October 2006 covered in particular the issues of **ill-treatment by staff of ORB-2** (Operational/Search Bureau of the Main Department of the Ministry of Internal Affairs of Russia responsible for the Southern Federal Region), **unlawful detentions** and the **effectiveness of investigations into cases involving allegations of ill-treatment**. Detailed recommendations have been made by the CPT on each of these subjects; to date, they have received at most a token response and in many respects have quite simply been ignored. Instead of reformulating in this statement the issues concerned, the CPT has chosen to make public the relevant extracts of its visit report and of the Russian authorities' comments; the Committee believes that this material** speaks for itself.

The CPT remains committed to continuing its dialogue with the competent authorities, at both Federal and Republican level, in relation to the Chechen Republic and is prepared to organise further visits to that part of the Russian Federation. However, for such activities to be worthwhile, all sides must be willing to play their part fully in the light of the values to which the Russian Federation has subscribed.

* According to Article 10, paragraph 2, of the Convention establishing the CPT, "If the Party fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two-thirds of its members to make a public statement on the matter."

** See the Appendix to CPT/Inf (2007) 17, available at www.cpt.coe.int

