



## **Report**

**to the Greek Government  
on the visit to Greece  
carried out by the European Committee  
for the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment (CPT)**

**from 28 March to 9 April 2019**

The Greek Government has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2020) 16.

Strasbourg, 9 April 2020

**CONTENTS**

<b>EXECUTIVE SUMMARY</b> .....	<b>4</b>
<b>I. INTRODUCTION</b> .....	<b>8</b>
<b>A. The visit, the report and follow-up</b> .....	<b>8</b>
<b>B. Consultations held by the delegation and co-operation encountered</b> .....	<b>9</b>
<b>C. Immediate observations under Article 8, paragraph 5, of the Convention</b> .....	<b>10</b>
<b>D. National Preventive Mechanism (NPM)</b> .....	<b>11</b>
<b>II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED</b> .....	<b>12</b>
<b>A. Prison establishments</b> .....	<b>12</b>
1. Preliminary remarks .....	12
2. Ill-treatment.....	16
a. inter-prisoner violence .....	16
b. ill-treatment of inmates by prison staff.....	20
3. Conditions of detention .....	21
a. material conditions.....	21
b. prisoners on protection .....	25
c. regime .....	27
4. Health care services.....	29
5. Korydallos Prison Health Centre .....	35
6. Other issues .....	38
a. prison staff .....	38
b. discipline.....	41
c. reception and induction procedures .....	43
d. contact with the outside world.....	44
e. complaints procedures .....	46

<b>B. Police establishments .....</b>	<b>47</b>
1. Preliminary remarks .....	47
2. Ill-treatment .....	47
3. Investigations into allegations of ill-treatment.....	51
4. Safeguards against ill-treatment .....	56
5. Conditions of detention .....	61
6. Transfer centres for prisoners.....	67
7. Transfer of prisoners .....	71

**APPENDIX I:**

<b>List of the establishments visited by the CPT's delegation.....</b>	<b>74</b>
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**APPENDIX II:**

<b>List of the national authorities, other bodies, and non-governmental and other organisations with which the CPT's delegation held consultations .....</b>	<b>75</b>
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## EXECUTIVE SUMMARY

The purpose of the 2019 visit to Greece was twofold. First, it was an opportunity to review whether there had been any progress in addressing the systemic deficiencies in prisons outlined in the CPT's 2015 visit report. These concerned overcrowding, serious inter-prisoner violence, low staffing levels, a poor regime and inadequate health care provision. Second, the treatment of criminal suspects detained by the police was examined, as were the safeguards afforded to such persons and the effectiveness of investigations into allegations of police ill-treatment. In addition, the situation of persons held at police-run transfer centres and the arrangements for transferring prisoners were assessed.

The practical co-operation received during the visit was very good at all levels. However, the Committee remains concerned about the dire state of the Greek prison system and the insufficient steps taken to tackle the prison crisis. It considers that the recovery of the Greek prison system must be a priority of the Greek Government. Further, it is deeply concerned that the infliction of ill-treatment by the police remains a frequent practice throughout Greece and that the current system of investigations into allegations of ill-treatment cannot be considered effective. The CPT urges the Greek authorities to take concrete action to address the situation in prisons and the issue of ill-treatment by the police, in light of the recommendations made in this visit report.

### Prison establishments

The findings of the 2019 visit demonstrate once again that the two overarching problems of overcrowding and chronic shortage of staff continue to compound the many additional shortcomings in the prisons visited. While acknowledging the measures taken by the Ministry of Justice, Transparency and Human Rights since 2015, much more decisive action from the Greek State as a whole is required. In particular, the CPT recommends that the Greek authorities effectively address the structural reasons driving prison overcrowding, including by reflecting upon the policy of very long sentences in comparison to other European countries, and that they draw up a second, more detailed Strategic Plan for the Penitentiary System for the years 2021 to 2025. The recovery of the prison system must be a priority of the Greek Government, together with the Hellenic Parliament and the judiciary as a whole.

Currently, the Greek authorities are unable to fulfil their minimum obligation to keep both prisoners and staff safe. Prisoners, not staff, control the wings and increasingly high levels of inter-prisoner violence and intimidation are evident in the prisons visited. Once again, cases of hospitalisation of inmates due to severe (and sometimes fatal) injuries inflicted by other inmates are a feature in every establishment visited. The situation at Korydallos Men's Prison remains the most volatile and alarming. The four large wings, each holding between 230 and 431 prisoners, were often staffed by a single prison officer who clearly was not in a position to exert any authority or control over prisoners. A sense of lawlessness pervaded the prison and many prisoners met possessed make-shift knives for self-protection, knowing that staff would not be able to help them. Many violent incidents remain unreported or even unnoticed. An effective national strategy to tackle inter-prisoner violence and intimidation should be devised, which must, *inter alia*, include a risk and needs assessment of every prisoner entering the prison system. Further, an action plan for prison staff to regain control of the wings and for stronger groups of prisoners to be separated from other prisoners must be put in place. Above all, as a prerequisite, staffing levels must be radically increased and all instances of inter-prisoner violence must be rigorously investigated and the perpetrators prosecuted.

At Nigrita Prison, a number of credible allegations were received of physical ill-treatment of foreign national prisoners by prison officers, supported by external perimeter guards. Staff must be told that such behaviour is unacceptable. Further, perimeter guards should be trained in the proportionate use of force and there must be stringent recording of all instances of use of force.

As regards living conditions at the time of the 2019 visit, they were generally adequate in some wings of Chania, Nigrita and Trikala Prisons. In contrast, in other parts of these prisons and in much of Korydallos Men's and Thessaloniki Prisons far too many prisoners (usually those prisoners with no financial resources or relatives to support them) continue to be held in conditions which represent an affront to their human dignity. Most wings at Korydallos Men's Prison were severely overcrowded with poor material conditions; for instance, up to seven persons in a 9.5m<sup>2</sup> cell containing filthy mattresses and blankets, infested with bed bugs and with mould on the walls and ceiling. The conditions in certain sections such as Special Area C at Korydallos Men's Prison (where up to five prisoners were held in cells of only 6m<sup>2</sup>), and the unsupervised disciplinary unit at Nigrita Prison, can easily be considered to amount to inhuman and degrading treatment. Steps must be taken to decrease the occupancy levels to ensure that every prisoner is provided with at least 4m<sup>2</sup> of living space, excluding the sanitary annexe, and all prisoners must have their own bed. Urgent steps should be taken progressively to reduce the overcrowding at Korydallos Men's and Thessaloniki Prisons, both of which were operating at over 140% of their official capacity. Further, a rolling programme of maintenance of the wings should be put in place and prisoners must be provided with appropriate quantities of hygiene products and have regular access to hot water.

As regards regime, in all prisons visited the management attempted to create as many "jobs" as possible but for most prisoners such work was largely notional (e.g. cleaning for an hour or two a day). Further, there was a clear lack of any organised recreational, sports/gym or vocational activities on offer. The promotion of "Second chance schools" is positive; however, there is a need to expand their provision as well as that of other educational and offender management courses. It is also necessary that sentence plans for prisoners be elaborated with a view to their re-integration into society. In sum, much more needs to be done to provide prisoners with a programme of purposeful activities.

The widespread deficiencies regarding the state of health care services in prisons persist. Problematic issues such as access to health care, medical screening upon arrival or medical confidentiality are all compounded by the severe shortage of health care staff and the continued lack of integrated management of health care services. Prisoners and custodial staff should not have access to medical records, be distributing medicines or be present during medical consultations. Also, steps should be taken to ensure that all prisoners are able to obtain an AMKA social security number as this is a prerequisite for the provision of appropriate medication and the reimbursement of prison health care services. Further, the medical assessment of all newly arrived prisoners within 24 hours of admission must include routine screening for transmissible diseases, as well as screening for, recording and reporting of injuries. In addition, a comprehensive strategy for the provision of assistance to prisoners with drug-related problems should be drawn up.

Responsibility for the oversight of Korydallos Prison Health Centre (the former prison hospital) was transferred to the Ministry of Health in 2018. However, it is disappointing that many of the fundamental deficiencies identified by the Committee in 2015 persist, such as the lack of medical and nursing staff, very poor living conditions and the continued warehousing of the old and infirm. In particular, the CPT recommends that urgent steps be taken to increase significantly the number of qualified health care personnel, reduce the occupancy levels and repair the toilet and washing facilities. Further, the system of medicine dispensing and administration should be reviewed. The

CPT highlights its deep concern about the treatment of two patients at the Centre which, in addition to being grossly neglectful, could be considered as inhuman and degrading, as they were being denied the nursing or medical care they required. Urgent action is required to improve the quality of care and to transform the Centre into a professional care-oriented medical facility.

The dire staffing situation in all the prisons visited must be addressed without delay in order to guarantee an effective control and a safe environment for prisoners and staff alike. The announced recruitment and increase of custodial officers represents a start but it remains wholly insufficient. The staffing levels in all Greek prisons must be reviewed and the working conditions of prison staff improved. Further, a comprehensive plan for staff training should be developed. The CPT also makes a number of recommendations to ensure that prisoners are informed about their rights and of the disciplinary procedures. In addition, it recommends the introduction of a proper reception and induction process, improvements in prisoners' contact with the outside world and the development of a formal system of complaints.

### **Police establishments**

The CPT has been highly critical about the treatment of criminal suspects by elements of the Hellenic Police and remains concerned that, despite overwhelming indications to the contrary, the Greek authorities have to date consistently refused to accept that police ill-treatment is a serious problem in Greece.

The findings of the 2019 visit indicate once again that the infliction of ill-treatment by the police, especially against foreign nationals and persons from the Roma community, remains a frequent practice throughout Greece. The CPT's delegation received a high number of credible allegations of excessive use of force and unduly tight handcuffing upon apprehension and of physical and psychological ill-treatment of criminal suspects during or in the context of police interviews. Alleged ill-treatment mainly consisted of slaps, punches and kicks as well as blows with truncheons and metal objects to the body and head. It also received some allegations involving blows with a stick to the soles of the feet (falaka) and the application of a plastic bag over the head during police interviews, reportedly with the aim of obtaining a confession and a signed statement. None of the persons who alleged ill-treatment had been allowed to make a phone call or to contact a lawyer during their initial questioning by the police. Further, a great number of allegations of verbal abuse of detained persons was received, including of racist/xenophobic remarks by police officers.

The Greek authorities must ensure that all police officers understand clearly that any form of ill-treatment of detained persons constitutes a criminal offence and will be prosecuted accordingly. The authorities should also actively promote a culture change within the ranks of the Hellenic Police and provide regular professional training for police operational officers and investigators, including on appropriate interview and investigation techniques.

In the CPT's view, the current system of investigations into allegations of ill-treatment cannot be considered effective. The establishment of a "National Mechanism for the Investigation of Arbitrary Incidents" within the Ombudsman's Office, operational since June 2017, represents a step in the direction of creating a fully independent police complaints body. However, the CPT has a number of concerns as to whether it is able to be fully effective, particularly as it provides no oversight of the criminal investigation into alleged ill-treatment cases. The CPT recommends that the Mechanism be provided with significantly more resources and be granted supplementary powers.

The Committee's own findings confirm that investigations are still not carried out promptly or expeditiously and often lack thoroughness. Further, the criteria for deciding to investigate cases under the torture provision of Article 137 A of the Criminal Code appear unclear. Consequently, most cases of alleged police ill-treatment are not criminally prosecuted and only very few result in criminal sentences or even disciplinary sanctions. This picture is reinforced by the fact that none of the 21 outstanding cases of alleged serious police ill-treatment raised by the Internal Affairs Directorate of the Hellenic Police in April 2014, including two cases examined *in extenso* by the CPT in 2015, has resulted in a successful prosecution. These flaws in turn undermine any message of zero-tolerance and foster a culture of impunity. It is important that all allegations of ill-treatment by law enforcement officials are investigated effectively, and that the Greek criminal justice system adopts a firm attitude with regard to torture and other forms of ill-treatment.

Regrettably, the CPT's standards as regards procedural safeguards against ill-treatment are still not effectively implemented in Greece, as they do not for the most part apply in practice from the very outset of a person's deprivation of liberty (i.e. during the first hours of police custody, and particularly during the initial questioning by security police officers). The authorities should notably clarify the legislative provisions on the rights of notification of custody and access to a lawyer by extending their application to criminal suspects as from the very outset of deprivation of liberty and ensure that these rights become fully effective in practice.

As regards conditions of detention, most police establishments visited were totally unsuitable for holding detained persons for periods of longer than 24 hours. In particular, conditions of detention were appalling in the cell on the third floor of Omonia Police Station and in the basement cells and the ground floor cell of Kypseli Police Station, and, in both of these stations, certain cells should not be used for holding persons overnight. More generally, the current system of food provision for persons deprived of their liberty by the police should be reviewed to ensure that they are all provided with adequate and appropriate food, and the manifest lack of cleaning, hygiene and maintenance in the police detention areas visited must be remedied. Further, the Greek authorities must put an end to holding unaccompanied minors under "protective custody" in police stations, a practice which has been found by the European Court of Human Rights to be degrading and unlawful. Steps must also be taken to ensure that women and unaccompanied minors are never detained together with unrelated adult men.

The CPT found that the material conditions in the Athens transfer centre for prisoners were appalling, while those in the centre in Thessaloniki were poor. The Greek authorities should review the way in which the two transfer centres operate and ensure that they are kept in a decent state of repair through regular maintenance and cleaning. As a matter of principle, women with infants or in later stages of pregnancy should never be detained in an environment such as that in the two transfer centres visited. Further, medication should only be dispensed and administered by qualified health care staff.

As regards the vehicles used for transferring prisoners around the country, they were mostly out-dated and hardly fit-for-purpose, and they presented a heightened security risk. The CPT found that up to four persons were squeezed together in one of the filthy secure 1.2m<sup>2</sup> compartments in the transfer coaches, their knees touching each other for periods of up to eleven hours, without always being provided with food or water and with insufficient toilet stops; some prisoners alleged that they had to urinate in a bottle in the presence of their co-detainees. Transferring women and their children in such conditions, prone to intimidation and verbal abuse by male prisoners, is an abnegation of the State's duty of care towards them. The CPT considers that transfers of prisoners should always be carried out in a humane, secure and safe manner and it recommends that the Greek authorities urgently review the current arrangements in this regard. Further, the number of escort officers should be increased to meet the transfer demands placed upon the escort service.

## I. INTRODUCTION

### A. The visit, the report and follow-up

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT carried out a visit to Greece from 28 March to 9 April 2019. The visit formed part of the CPT’s programme of periodic visits for 2019. It was the Committee’s sixteenth visit to Greece.<sup>1</sup>

2. The visit was carried out by the following members of the CPT:

- Mykola Gnatovskyy, President of the CPT (Head of delegation)
- Djordje Alempijević
- Arta Mandro
- Alan Mitchell
- Olga Noyanova
- Ilvija Pūce.

They were supported by Hugh Chetwynd, Head of Division, and Sebastian Rietz of the Committee’s Secretariat, and assisted by James Hard, General Practitioner working in prisons in Wales, United Kingdom, and Martin Lomas, Deputy Chief Inspector of Prisons in England and Wales, United Kingdom (experts), as well as by Eleonora Cambas, Munasib Khan, Melpomene Konstantinidi, Ira Londo, Ionathan Markel and Alexander Zaphirou (interpreters).

3. The list of prison and police establishments visited by the CPT’s delegation can be found in Appendix I.

4. The report on the visit was adopted by the CPT at its 99<sup>th</sup> meeting, held from 1 to 5 July 2019, and transmitted to the Greek authorities on 19 July 2019. The various recommendations, comments and requests for information made by the CPT are set out in bold type in the present report. The CPT requests the Greek authorities to provide within six months a response containing a full account of the action taken by them to implement the Committee’s recommendations, and replies to the comments and requests for information formulated in this report. However, as regards the recommendations and requests for information contained in paragraphs 38, 39, 58, 69 and 116 of the report, the CPT requests that a response be provided within three months.

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<sup>1</sup> The CPT has previously carried out six periodic visits (between 1993 and 2013) and nine ad hoc visits (between 1996 and 2018) to Greece. The reports on these visits and the responses of the Greek authorities are available on the CPT’s website: <https://www.coe.int/en/web/cpt/greece>.



## **B. Consultations held by the delegation and co-operation encountered**

5. In the course of the visit, consultations were held with Michalis Kalogirou, Minister of Justice, Transparency and Human Rights, Eftychios Fytrakis, General Secretary for Crime Policy, and other senior officials responsible for prison matters from this Ministry and from the Ministry of Health. The delegation also met Police Lieutenant General Zacharoula Tsirigoti, Inspector General for Aliens and Border Protection, and other senior officers of the Hellenic Police. Further, discussions were held with the Prosecutor's Office of the Court of First Instance of Athens and with the Internal Affairs Directorate of the Hellenic Police.

The delegation also met Andreas Pottakis, the Greek Ombudsman, and representatives from his Office in their capacity as the National Preventive Mechanism (NPM) and the recently established National Mechanism for the Investigation of Arbitrary Incidents. In addition, it met with representatives of civil society and other organisations active in the areas of concern to the CPT.

A list of national authorities, other bodies and organisations met by the delegation is set out in Appendix II to this report.

6. On the whole, the CPT's delegation received very good co-operation during the visit by the Greek authorities at all levels. The delegation had rapid access to all places of detention it wished to visit, was able to meet in private with those persons with whom it wanted to speak and was provided with access to the information it required to carry out its task.

The Committee wishes to express its appreciation for the assistance provided to its delegation during the visit by the liaison officers from the Ministries of Foreign Affairs and Justice, Transparency and Human Rights, and from the Hellenic Police.

7. That said, the CPT must recall once again that the principle of co-operation between Parties to the Convention and the Committee is not limited to steps taken to facilitate the task of a visiting delegation. It also requires that decisive action be taken to improve the situation in the light of the CPT's recommendations. In this respect, the CPT remains concerned about the dire state of the Greek prison system and by the persistent and frequent allegations of ill-treatment by the police combined with the lack of tangible action taken by the Greek authorities to address or investigate these allegations.

The situation in prisons has not significantly improved since 2011, when the Committee issued a public statement<sup>2</sup> and, more especially, the systemic deficiencies as regards prisons outlined in the CPT's 2015 visit report<sup>3</sup> remain. The CPT acknowledges the measures taken by the Ministry of Justice, Transparency and Human Rights since 2015 aimed at moderating the prison population, increasing capacity, recruiting more staff as well as seeking to improve the provision of health care and developing a strategic action plan for the future. The Ministry has recognised the seriousness of the problem and, within strict budget restrictions, has initiated measures to address the systemic deficiencies afflicting the Greek prison system. However, much more bold action from the Greek State as a whole is required to regain control of the prisons and to move beyond a warehousing of prisoners. The findings of the March/April 2019 visit demonstrate once again that the two overarching problems of persistent overcrowding and chronic shortage of staff continue to compound the many additional shortcomings in the prisons visited.

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<sup>2</sup> See CPT/Inf (2011) 10.

<sup>3</sup> See CPT/Inf (2016) 4.

Despite the continued economic and financial constraints, the Greek authorities must take more decisive action, including through a massive investment programme and criminal justice law reform, to tackle the prison crisis and to support the Ministry of Justice, Transparency and Human Rights in achieving this goal. The recovery of the Greek prison system must be a priority of the Greek Government, together with the Hellenic Parliament and the judiciary (see paragraph 15) as a whole.

The CPT also remains seriously concerned about the poor treatment of criminal suspects by the police and the lack of effective investigations into allegations of police ill-treatment in Greece. In particular, despite overwhelming indications to the contrary, the Greek authorities continue to refute any evidence that police ill-treatment represents a serious problem and consequently have not taken the necessary action to implement the Committee's long-standing recommendations, including by putting in place a comprehensive strategy to combat the phenomenon of police ill-treatment effectively. The findings of the 2019 visit indicate once again that the infliction of ill-treatment by the police remains a frequent practice throughout Greece and that the current system of investigations into allegations of ill-treatment cannot be considered effective. These fundamental flaws in turn undermine any message of zero-tolerance and foster the current culture of impunity that pervades parts of the Hellenic Police.

8. The CPT urges the Greek authorities to take concrete action in these two areas to address the recommendations made by the Committee in this and previous visit reports. If no progress is made or achieved towards this end, the CPT might well be obliged to consider setting in motion the procedure provided for in Article 10, paragraph 2, of the Convention.<sup>4</sup> It hopes that decisive action by the Greek authorities to implement the CPT's recommendations will render such action unnecessary and that the constructive dialogue and cooperation developed over the years can be enhanced in addressing the Committee's concerns.

### **C. Immediate observations under Article 8, paragraph 5, of the Convention**

9. During the end-of-visit talks with the Greek authorities, on 9 April 2019, the CPT's delegation made five immediate observations under Article 8, paragraph 5, of the Convention. The Greek authorities were requested to:

- take out of service immediately the ten disciplinary segregation cells at Nigrita Prison until they are properly refurbished;
- provide adequate material conditions, access to daily outdoor exercise and daily medical attention, and appropriate supervision for all prisoners placed in disciplinary cells in Greek prisons, as well as to provide prisoners on protection with more activities and out-of-cell time (including the possibility to access a TV);
- ensure that the inmates held for protection reasons in the transit cells at Chania Prison are granted at least one hour of outdoor exercise each day and offered 4m<sup>2</sup> of living space each (excluding the sanitary annexe);
- repair the toilet and washing facilities, replace the broken windows and provide new washable mattresses for all patients at Korydallos Health Centre;
- repair the plumbing and drainage system at Athens Transfer Centre for Prisoners.

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<sup>4</sup> Article 10, paragraph 2, reads as follows: "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."

Further, in the course of the visit, the delegation made two other immediate observations under Article 8, paragraph 5, of the Convention, to which the Greek authorities responded in the course of the visit, as regards the requests to:

- transfer two patients with very serious medical problems from Korydallos Health Centre to appropriate hospital facilities where they can have their care needs met and dignity maintained;
- arrange for the review of a specific prisoner detained at the Athens Transfer Centre for Prisoners by a psychiatrist and effectively make available to him the psychotropic medication prescribed.

These observations were confirmed by letter of 18 April 2019 when transmitting the delegation's preliminary observations to the Greek authorities.

On 24 and 28 June 2019, the Greek authorities informed the CPT on the actions taken in response to these immediate observations and on other matters raised by the delegation at the end-of-visit talks. This response has been taken into account in the relevant sections of the present report.

#### **D. National Preventive Mechanism (NPM)**

10. Greece ratified the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in 2014 and designated the Greek Ombudsman as the National Preventive Mechanism (NPM). The work of the NPM is carried out by a team of 15 investigators from different departments under the Deputy Ombudsman for Human Rights.

The CPT notes positively that two investigators have joined the NPM team since its 2015 visit and that the Ombudsman has carried out visits to almost all places of deprivation of liberty in Greece. However, all 15 investigators also carry out additional duties such as complaints work, thematic work (e.g. equal treatment, social rights, the rights of the child and the rights of vulnerable groups, etc.) or work within the Ombudsman's special mandates as the national equality body, the national monitoring body of third country nationals return procedures or the national mechanism for the investigation of arbitrary incidents. Consequently, there is a need to increase the staffing provision for the NPM within the Ombudsman's Office.

In this connection, reference might be made to paragraph 32 of the Guidelines on national preventive mechanisms adopted by the United Nations Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) in November 2010,<sup>5</sup> which specifies that: "Where the body designated as the NPM performs other functions in addition to those under the Optional Protocol, its NPM functions should be located within a separate unit or department, with its own staff and budget".

**The CPT recommends that the Ombudsman's Office be provided with adequate resources that will enable it to fulfil its NPM mandate properly.**

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<sup>5</sup> See document [CAT/OP/12/5](#) of 9 December 2010.

## II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

### A. Prison establishments

#### 1. Preliminary remarks

11. In the report on the 2015 visit, the CPT highlighted that the two overarching problems of overcrowding and chronic shortage of staff compounded the many additional shortcomings in the prisons visited, including very poor material conditions, lack of hygiene, the absence of an appropriate regime and high levels of inter-prisoner violence and intimidation. The insufficient provision and inadequate medical care in prisons was also particularly worrying.

In the period since the 2015 visit, the Ministry of Justice, Transparency and Human Rights has undertaken a series of initiatives to address the very serious concerns afflicting the Greek prison system. These measures are both important and positive, and represent a first step (see paragraphs 13-16). However, they are unfortunately wholly insufficient for the recovery of the prison system as recommended by the CPT due to the magnitude of the crisis in prisons.

12. The current situation in the prisons threatens to undermine further the whole criminal justice system. Prisoners, not staff, are controlling the wings in many prisons, inter-prisoner violence and intimidation are rife, staff are overwhelmed and under-resourced and prisoners fester on their wings with little in the way of purposeful activities on offer. Further, far too many prisoners continue to be held in conditions which represent an affront to their human dignity. While acknowledging the continued economic and financial problems faced by Greece, the CPT must reiterate that the state has a clear duty to provide a safe and secure environment and decent conditions for all those deprived of their liberty. The Ministry of Justice alone cannot resolve the crisis. Instead, it must be a priority of the Greek Government, together with the Hellenic Parliament and the judiciary (see paragraph 15), as a whole to address these multiple challenges. **The CPT would appreciate receiving the comments of the Greek authorities on the above remarks.**

13. Overcrowding has been a constant feature of the Greek prison system for many years. At the time of the April 2015 visit, the prison occupancy rate stood at 119% of the capacity of 9,866 places whereas four years later, on 1 April 2019, it stood at 107% (i.e. 10,602 prisoners for a capacity of 9,935 places). Although this represents a modest improvement, the trajectory is for prisons to become more, not less, overcrowded.<sup>6</sup> The measures<sup>7</sup> taken in 2015 resulted in a reduction of some 2,000 prisoners, and during 2016 and the first seven months of 2017 the prison population was slightly below the capacity of available places. However, despite the Government extending the emergency measures repeatedly, the prison population has been rising steadily since August 2017.

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<sup>6</sup> Indeed, on 1 June 2019, the prison occupancy rate increased to 108% (i.e. 10764 inmates), according to the Ministry of Justice, Transparency and Human Rights, [Statistical Table of Detainees for 2019](#).

<sup>7</sup> See Law 4322/2015 which provided for emergency measures to relieve overcrowding in Greek Prisons. These measures included the introduction of early release schemes, the adoption of non-custodial alternatives to detention, special or alternative arrangements for certain vulnerable categories of prisoners and the limitation of imprisonment for juveniles. These measures were extended twice by Law 4411/2016 and Law 4489/2017.

Moreover, the distribution of prisoners across the prison estate, and within individual prison establishments, remains uneven. For example, 11 prisons were operating at 135% or more of their official capacity on 16 March 2019, including large prisons such as Korydallos Men's Prison and Thessaloniki Prison, while Komotini Prison accommodated 320 prisoners for a capacity of 166 places (i.e. an occupancy rate of 198%).

Further, the CPT wishes to stress that a prison cannot function effectively if it is operating at 100% of its capacity. There must always be some margin for transferring incompatible prisoners from one wing to another or for receiving additional prisoners or for taking back prisoners on temporary release. The Council of Europe's *White Paper on Prison Overcrowding* states that "if a given prison is filled at more than 90% of its capacity this is an indicator of imminent prison overcrowding. This is a high risk situation and the authorities should feel concerned and should take measures to avoid further congestion."<sup>8</sup>

**The Greek authorities should take this precept into account when calculating the official prison capacity and the number of places available within the prison estate and when looking at projections for the prison population in the future.**

**The CPT would also like to receive confirmation from the Greek authorities that the official prison capacity is based upon the minimum living conditions elaborated by the Committee, notably 6m<sup>2</sup> for single occupancy cells and 4m<sup>2</sup> per person for multiple occupancy cells, excluding the fully partitioned sanitary annexe.<sup>9</sup>**

14. The CPT considers that tackling overcrowding cannot be meaningfully addressed by contingency measures alone. Such measures might provide some breathing space within the system but this time must be used to draw up and adopt more strategic and longer-lasting solutions. This requires analysing the root causes driving prison overcrowding. The recent report prepared by the Council of Europe on *Reducing Prison Overcrowding in Greece* based on discussions with the Ministry of Justice in December 2018 sets out the problematic clearly.<sup>10</sup>

While the overall prison population of 99 per 100,000 inhabitants compares favourably with other European countries, there are several structural aspects of the prison population which require attention. A breakdown of the sentences imposed by Greek courts on persons in prison illustrates that, compared to other European countries, sentences are particularly long while at the same time the rate of releases is below the European median. Moreover, the number of prisoners on remand up until sentencing at first instance is, at 31% (1 January 2019), comparatively high and indicates a likely overuse of pre-trial detention in Greece.<sup>11</sup>

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<sup>8</sup> See Section 20 of the [White Paper on Prison Overcrowding](#) – CM(2016)121-add3, 23 August 2016.

<sup>9</sup> See CPT/Inf (2015) 44, [Living space per prisoner in prison establishments: CPT standards](#).

<sup>10</sup> See Report on *Reducing Prison Overcrowding in Greece* prepared by Action Against Crime Department, Directorate General of Human Rights and Rule of Law, Council of Europe, March 2019.

<sup>11</sup> See Ministry of Justice, Transparency and Human Rights, [General Statistical Table of Detainees – Sentences on 1 January of each year \(2003-2019\)](#). According to the 2018 Council of Europe Annual Penal Statistics (SPACE), on 31 January 2018, the ratio of remand prisoners in Greece was 32.4% compared with a Council of Europe Median of 22.4%; see SPACE I 2018 – Table 8.

*Distribution of sentenced prisoners by length of sentence on 31st January 2018 (percentages)*

Sentence length	Greece	Council of Europe Median	Council of Europe Average
1 to 3 years	2.6	24.0	27.8
3 to 5 years	5.7	16.2	15.8
5 to 10 years	30.3	17.0	19.9
10 to 20 years:	15.6	11.5	12.4
20 years and over	<b>29.9</b>	1.5	3.2
Life sentences <sup>12</sup>	<b>13.9</b>	1.2	2.8

Source: Council of Europe Annual Penal Statistics – SPACE I 2018 – Table 11

It is also interesting to note that total crime rates within Greece have decreased significantly over the past decade and are lower than the European median. The report on *Reducing Prison Overcrowding in Greece* concludes that “the combination of relatively low crime rates and very long prison sentences clearly indicates that Greek prison overcrowding is in the first place the result of a very severe penal policy and legislation”. The subsequent analysis highlights how more punitive legislation and practice was introduced for certain crimes (e.g. drug offences) in recent years, resulting in penal inflation.

The revision of the Criminal Code represented an opportunity *inter alia* to promote the decriminalisation or downgrading of a number of offences, to reduce sentence lengths, and to promote non-custodial measures and sanctions as main sentences. Likewise, the revision of the Criminal Procedure Code was an opportunity to introduce legal provisions limiting the use and duration of remand detention and to provide for alternatives to imprisonment.<sup>13</sup> A number of amendments in this sense have indeed been introduced into the two revised Codes, which were both adopted by the Hellenic Parliament on 6 June 2019. While the CPT takes note of the criminal law reform undertaken by the Greek authorities, the amended provisions still require a thorough analysis and the medium and long-term effects of the reform remain to be seen in practice.

**15. The CPT recommends that the Greek authorities effectively address the structural reasons driving prison overcrowding. This should include placing greater emphasis on non-custodial measures in the period before the imposition of a sentence, increasing the use of alternatives to imprisonment and adopting measures to facilitate the reintegration of prisoners into society. Further, the Committee invites the Greek authorities to reflect upon the policy of very long sentences and the impact it has on overcrowding in prisons.**

Moreover, **the Committee reiterates the importance of ensuring that non-custodial measures in law be accompanied by providing judges and prosecutors with the necessary training and ensuring that the appropriate infrastructure is in place.**

<sup>12</sup> According to the Criminal Code, an inmate with a life sentence may be eligible for parole after 16 years of imprisonment whereas persons with multiple life sentences must serve 20 years before being eligible for parole. Life-sentenced prisoners in Greece are accommodated among the general prison population and are subject to the same regime.

<sup>13</sup> See [White Paper on Prison Overcrowding](#) – CM (2016)121-add3 and Recommendation Rec(2006)13 on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse.

16. The Ministry of Justice must be commended for developing a Strategic Plan for the Penitentiary System (2018-2020) which, following a public consultation, was adopted in January 2018. The strategic plan, for the first time, sets the goals and defines the strategy and basic principles of Greek penitentiary policy. This presents a noteworthy paradigm shift from simply guaranteeing security and building new prisons to providing decent conditions of detention and preparing for reintegration of sentenced prisoners.

The Strategic Plan is a step in the right direction. Nevertheless, there is a need to flesh it out further and to include both specific timelines and human and financial resources required for implementing the various objectives, notably for improving conditions of detention and the modernisation of infrastructure; human resources development (including initial and on-going training programmes<sup>14</sup> and welfare of staff); reducing overcrowding; ensuring the security of staff and inmates; preparing for reintegration of prisoners into the community; and improving health and social care services. For each of these objectives there needs to be specific actions and yearly benchmarks to enable an assessment of the outcomes. Further, it is important to provide financial projections over a medium to long-term period (five- to ten-years) showing how the planned provision will be met within the resource levels available. Extra-budget financing requirements from European institutions and partners should be clearly laid out and promoted.

Moreover, the role and input of other actors within Greece such as judges and prosecutors, the Ministry of Culture, Education and Religious Affairs and the Ministry of Health need to be more clearly elucidated. Further, if prisons are to move beyond warehousing inmates, much more needs to be done to develop offender management programmes and vocational training courses which will assist prisoners in preparing for their return to the community. This also implies developing a properly resourced and functioning probation service which can support prisoners in their transition from prison to the community, notably in respect of accommodation and employment. Above all, there remains a critical need to invest much more resources in recruiting and training prison officers. The costs to society in terms of criminal behaviour and reoffending as well as safeguarding the physical integrity of all prisoners outweigh the additional financial resources required.

**The CPT recommends that the Greek authorities build upon the first Strategic Plan with a view to setting out a more detailed plan for the years 2021 to 2025, taking into account the above remarks.**

17. In the course of the 2019 visit, the CPT's delegation visited Chania, Nigrita and Trikala Prisons for the first time and carried out follow-up visits to Thessaloniki (Diavata) and Korydallos Men's Judicial Prison. It also visited Korydallos Prison Health Centre (former prison hospital). A brief description of these prisons is provided in section 3a below. Further, a targeted visit was paid to Korydallos Women's Remand Prison to interview women about their treatment by the police during apprehension and custody.

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<sup>14</sup> See also the [Guidelines of the European Committee on Crime Problems \(CDPC\) regarding Recruitment, Selection, Education, Training and Professional Development of Prison and Probation Staff](#) of 25 April 2019.

## 2. Ill-treatment

### a. inter-prisoner violence

18. The CPT's delegation found that Greek prisons remain unsafe for prisoners, as well as for staff, with increasingly high levels of inter-prisoner violence and intimidation evident in all the prisons visited. Once again, cases of hospitalisation of inmates due to severe (and sometimes fatal) injuries inflicted by other inmates were a feature in every establishment. However, much of the inter-prisoner violence and intimidation remains unreported as prisoners do not believe that staff can help them. Indeed, stronger prisoners or groups of prisoners run the wings in all the prisons visited laying down the rules and often deciding which prisoners can stay or be admitted to their wing. These groups intimidate, bully and physically abuse other prisoners. A pervasive climate of fear was present on many of the wings visited.

The failure of Greek prisons to provide a safe and secure environment for prisoners is directly linked to the continued shortages of staff, resulting in control being ceded to groups of particular prisoners, often formed along ethnic lines, within the accommodation wings. Although the Greek authorities have recognised that the problem exists and have taken some tentative steps to increase staffing levels, these measures unfortunately remain far too little to date. The state of the prisons should be seen as in a crisis; the number of prison officers must be increased substantially and a dynamic security approach<sup>15</sup> introduced within prisons. Further, all instances of inter-prisoner violence should be rigorously investigated and the perpetrators prosecuted.

19. The situation at Korydallos Men's Prison remains the most volatile and alarming. It beggars belief that four years after the CPT likened the establishment to a boiling cauldron left to simmer away with frequent violent eruptions, the situation remains as combustible and dangerous for both prisoners and staff. At the time of the visit, the four main wings (A-D), each with 117 cells and holding between 228 and 431 prisoners, were staffed by a single prison officer. The situation was no better on Wings E and F which were holding 277 and 69 prisoners respectively, primarily in dormitories of 10 to 12 inmates and a few larger ones of more than 20 inmates. As was the case in 2015, the role of this officer was to act as a "turnkey", spending much of his time locking and unlocking the wing gates<sup>16</sup> for the constant flow of individual prisoners attending or returning from services in other parts of the establishment. Many prisoners were permitted to leave their wings and visit other wings thus contributing to the sense of anarchy within the establishment.

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<sup>15</sup> Dynamic Security is a concept and a working method by which staff prioritise the creation and maintenance of everyday communication and interaction with prisoners based on high professional ethics, and ensure that there is sufficient purposeful and meaningful activity to occupy prisoners, bounded by effective security. It aims at better understanding prisoners and assessing the risks they may pose as well as ensuring safety, security and good order, contributing to rehabilitation and preparation for release.

<sup>16</sup> The only positive development was that the wing gates could now be opened electronically by the single officer sitting in a booth rather than manually with a key each time.



The prison officers recognised that they were not in control of the prisoners and confirmed that they had no idea of what was going on in the wings and that they could not intervene when there was an incident or a fight. The shocking images broadcast of two prisoners repeatedly stabbing an inmate (Albert Bako) to death on Wing E on 14 January 2019 show graphically the impotence of staff. In the course of the delegation's visit, an inmate who was delivering packages to Wing F was stabbed and beaten up just inside the entrance to the wing, and had to be rushed to hospital as Korydallos Health Centre is not equipped to treat such cases (see paragraph 59); the officer on duty in the wing retreated to his office until the incident was over and claimed he saw nothing. It should also be borne in mind that only the most flagrant acts of inter-prisoner violence, such as the incident of 11 April 2019 whereby two prisoners had to be hospitalised after being whipped with cables by other prisoners, are reported whereas other acts are neither reported nor even noticed. The CPT's delegation received multiple allegations of intimidation and violence perpetrated by other inmates, and even of a prisoner being "kidnapped" and held hostage for several days in a cell until ransom was paid by his family. Not surprisingly, many prisoners possessed make-shift knives for self-protection. Social media profiles of prisoners consulted by the delegation show them posing with blades or bullets inside the prison wings. Even where wings appeared calm inmates did not feel safe; many had witnessed beatings or stabbings and their strategy was to maintain a low profile, pay deference to the powerful and seek support among their cell-mates, if possible. Complaining was considered unthinkable as victims not only expected that no action would be taken officially but also feared reprisals from other prisoners.

20. A clear manifestation that staff were no longer in control was the demand by prisoners not to be locked in their cells between 12h30 and 14h00 as decreed in the prison regulations and as applied in all prisons in Greece. At lock-up, there are still only two officers responsible for transferring the hundreds of inmates from the yard and corridors into the 117 cells in each of the four main wings; the sense of vulnerability and the fear of being overwhelmed at any moment placed a great strain on these officers. The CPT's delegation observed once again that the prison only "functioned" due to the fact that the officers were assisted by trusted prisoners who were essentially carrying out prison officer duties, such as receiving all requests for exiting a wing and recording which prisoners left and entered the wing. The fact that rules were no longer applied reinforced the generalised feeling of lawlessness within the prison.

In such conditions, it is difficult to see how one or even two prison officers can be expected to know what is happening within a wing, let alone keep control. The CPT's delegation was informed that an additional 103 prison officers have been recruited and will start to work at Korydallos Men's Prison shortly. This is welcome news. However, as 45 officers from the municipal police who have been working at Korydallos Prison for the last four years will leave by mid-2019, the net increase in staffing still remains inadequate for the prison management to regain control of the wings (see also section 6a below on staffing).

The CPT considers that each landing (floor) of the four main wings (A-D) in Korydallos Men's Prison should be staffed by at least three officers and that at the entrance to the wings there should be at least two officers controlling all entries and exits. Each of the four main wings should have a staffing complement during unlock hours of a minimum of nine officers. Moreover, to regain control of the wings from the groups of stronger prisoners, wing by wing, the staffing levels would have to be even greater in the short run. It is also essential that the overcrowding within Korydallos Men's Prison be reduced to enable prison managers to better manage the diverse population.

The CPT remains seriously concerned that despite the gravity of the situation the policy of simply warehousing various groups of inmates has continued at Korydallos Men's Prison. Little or no action appears to have been taken to investigate the underlying causes of the violence or to put in place a strategy to prevent similar episodes of violence breaking out, notably by way of significantly increasing the staffing levels.

21. While the situation at Korydallos Men's Prison is more extreme because of the total lack of control by staff within the very large wings on which diverse groups have to co-exist, it is by no means unique. In other prisons, a similar situation persists. At the more recently constructed prisons of Chania, Nigrita and Trikala, all of which have a similar physical construction and design, there was a clear hierarchy of stronger groups of prisoners within the wings, and inmates who did not follow the internal order would be intimidated or beaten.

For example, at Chania Prison, on the day of the delegation's arrival several prisoners were refused entry to the wings where the prison management wanted them to be placed and one of these prisoners was actually assaulted and chased off the wing. Later that same day, a number of other prisoners were ejected from their wings by stronger groups of prisoners. The result was that 11 prisoners had to be placed in the unused Wing E for which there was no staff member available to supervise. At Trikala Prison, the delegation observed for itself how one of the "boss" prisoners on a wing gave orders to a prison officer to delay unlock as he was engaged in a conversation. Moreover, while there were several recent incidents of prisoners having been stabbed and beaten which had been recorded, the delegation's findings in all three of these prisons point to many more incidents going unreported.

The primary problem in these prisons is the chronic understaffing. In all three establishments, a single prison officer was responsible for supervising and controlling one wing, composed of two units of two floors each, accommodating around 120 prisoners in 40 cells. On the day of the visit to Chania Prison, there were 10 prison officers on duty for 466 prisoners located on four wings; this meant that six officers were responsible for managing all movements in the prison (school, health care, workers) as well as processing new arrivals, supervising visits and providing support to the single officers supervising each wing. A similar state of affairs was evident in both Nigrita<sup>17</sup> and Trikala Prisons<sup>18</sup>. Consequently, staff spent no time in the accommodation areas and prisoners were left to fend for themselves. Not surprisingly, prisoners had no trust in the management to resolve questions of intimidation and violence.

22. In all prisons visited, the CPT's delegation heard accounts that certain staff members had been threatened by outside gangs linked to inmates in the establishment and it appeared that these groups were consequently afforded more privileges. It was also apparent that there were a lot of drugs and mobile phones inside the establishments visited which were reportedly brought in by some staff. Even at Thessaloniki Prison, the delegation found that the apparent collusion enabled the prison management to keep some control within the wings and to be informed about incidents but it created differences in treatment and generated resentment among other groups of prisoners.

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<sup>17</sup> For 478 prisoners, there was a complement of 67 custodial officers. However, six undertook administrative work, three were permanently absent and 14 were scheduled to leave the prison at the end of April 2019.

<sup>18</sup> For 578 prisoners, there was a complement of 88 custodial officers (14 officers and 2 deputy chief guards were on duty during the day shifts). Seven officers undertook administrative work and nine were on long-term leave.

23. Inter-prisoner violence, to a large extent, continues to be fuelled by a number of factors, notably, chronic understaffing, overcrowding, the existence of stronger groups of prisoners, poor material conditions, a lack of activities and a high prevalence of illicit drug use. At the same time, there is an absence of a proper risks and needs assessment of prisoners upon admission and of any categorisation of prisoners based upon such an assessment. The Committee must reiterate that the duty of care which is owed by the State to those in their charge includes the responsibility to protect them from other inmates who wish to cause them harm. In the current situation in the prisons visited, the Greek authorities are unable to fulfil their minimum obligation to keep both prisoners and staff safe.

By letter of 28 June 2019, the Greek authorities informed the CPT that a circular (No. 3/2019) had been issued by the Secretary General of Crime Policy to all prisons with instructions aimed at preventing and countering inter-prisoner violence. While this is a welcome step, addressing the phenomenon of inter-prisoner violence first and foremost requires that staffing levels be radically increased. Moreover, the existing skills and expertise of prison staff should be expanded by providing further specialised training. Prison staff must be alert to signs of trouble and both resolved and properly trained to intervene. The existence of positive relations between staff and prisoners, based on the notions of dynamic security and care, is a decisive factor in this context; this will depend to a large extent on staff possessing appropriate interpersonal communication skills. It is also obvious that an effective strategy to tackle inter-prisoner violence and intimidation should seek to ensure that prison staff are placed in a position to exercise their authority in an appropriate manner. **The CPT urges the Greek authorities to provide the necessary resources and guidance to prison managers to ensure a more proactive approach towards the safety and security of all prisoners.** In addition, the prison system as a whole needs to develop the capacity to ensure that prisoners are allocated based on a risk and needs assessment.

24. **The CPT reiterates its recommendation that the Greek authorities devise an effective national strategy concerning the prevention of inter-prisoner violence and intimidation, in the light of the above comments. Such a strategy must include a risk and needs assessment of every prisoner entering the prison system, the regaining of control over the wings by prison staff, the separation of stronger groups of prisoners from other prisoners, a reduction in overcrowding, the provision of activities and an improved reporting and complaints system. Above all, as a prerequisite, any strategy will require additional prison officers, over and above those currently being recruited.**

**As a priority, the CPT recommends that, within the framework of the above national strategy, the grave situation in Korydallos Men's Prison be addressed. To this end, the Committee wishes to receive an action plan from the Greek authorities on the steps being taken to enable the prison management to recover control of this establishment.**

Further, **the CPT recommends that measures be put in place to end the collusion between prison staff and certain groups of prisoners, notably as regards the introduction of drugs and mobile phones into the prisons and the granting of privileges.** In addition, **the CPT would like to be provided with a copy of the above-mentioned Circular 3/2019.**

25. The lack of staff and the inability and/or unwillingness of prison directors to challenge stronger groups of prisoners mean that a culture of impunity persists in the prisons. It is regrettable that despite the CPT sounding the alarm on the question of impunity in its report on the 2015 visit, far too few proper investigations are made into cases where prisoners are attacked by other prisoners.

The findings of the delegation show that, in the vast majority of cases of inter-prisoner violence, the behaviour of prisoners was either not being addressed at all or not in an appropriate manner. Instead, transfer to another establishment was the main measure being applied at times by prison directors; this approach needs to change urgently. It is essential that prisons do not remain places of impunity. The announcement on 15 April 2019 that the General Prosecutor of the Supreme Court of Greece had ordered investigations to be opened into the events of that week concerning the killing of an inmate at Trikala Prison and of the beating of two inmates with cables at Korydallos Men's Prison should be considered the standard procedure for such incidents and not as a special measure.

Moreover, the CPT's delegation again found that incidents of inter-prisoner violence were not diligently recorded in the incident register by management or the trauma register by health care staff in any of the prisons visited (see paragraph 49).

**The CPT reiterates its recommendation that any injury indicative of inter-prisoner violence be immediately brought to the attention of the competent prosecutor and properly investigated. The Committee would like to be informed of the outcome of the investigations announced by the General Prosecutor of the Supreme Court mentioned above, as well as in respect of the apparent killing of a prisoner in Patras Prison on 8 June 2019. Further, every incident of inter-prisoner violence should be diligently recorded in the relevant registers.**

b. ill-treatment of inmates by prison staff

26. As was the case during the 2015 visit, most prisoners met by the delegation made no complaints about physical ill-treatment by staff. Indeed, in all the establishments visited, staff were quasi absent from the wings and there was little contact between custodial officers and prisoners.

The one exception was Nigrita Prison, where the CPT's delegation received a number of concordant and credible allegations of physical ill-treatment of foreign national prisoners by some prison officers supported by external perimeter guards. For example, on Wing B2, several inmates of Algerian origin alleged that during the most recent such incident, which occurred on 13 March 2019 following a fight between prisoners, they had been punched, kicked and struck with plastic chairs, tables and a broomstick inside their cell by staff. The inmates also alleged that they had been subjected to verbal abuse and that the Chief Guard was present and had endorsed such behaviour. No official complaint was made as the inmates stated they were afraid of being sanctioned with a transfer to another prison. In a further incident from August 2018, four inmates interviewed separately recounted how they had been taken to the disciplinary unit after an incident on the wings, forced to undress completely and subjected to punches and kicks by three guards belonging to the perimeter staff. They stated that they spent three days naked in the disciplinary cells and that each evening they were subjected to a similar beating. All four were visibly afraid of reprisals by the staff and hence had not attempted to make a complaint about the treatment they had suffered. There was no proper record keeping of actions by perimeter staff intervening in the prison.

In the CPT's view, all staff, including perimeter guards, who are called into the wings or to the disciplinary cells in order to control situations of inter-prisoner violence and disobedience must be trained in the proportionate use of force. Further, there must be a stringent recording of all instances of use of force.

**The CPT recommends that the Greek authorities reiterate to custodial and perimeter staff at Nigrita Prison the clear message that physical ill-treatment, excessive use of force and verbal abuse of inmates are wholly unacceptable and will be dealt with accordingly. The management at Nigrita Prison should demonstrate increased vigilance in this area, by ensuring the regular presence of prison managers (including the director and supervisory prosecutor) in the detention areas, their direct contact with prisoners, the investigation of complaints made by prisoners, and improved prison staff training (including of perimeter staff).**

**Further, perimeter staff should only ever enter the prison under the direct orders and supervision of the Director or Chief Guard or a senior custodial officer mandated by them. It is also imperative that after each intervention by the perimeter staff there is a full report drawn up on their actions both by the supervising officer and by the individual guards, notably if any use of force is applied.**

### **3. Conditions of detention**

#### **a. material conditions**

27. The CPT's delegation found that, at the time of the 2019 visit, the living conditions in some of the wings of Chania, Nigrita and Trikala Prisons could be considered as generally adequate. However, in other parts of these prisons and in much of Korydallos Men's and Thessaloniki Prisons the conditions were very poor. The provisions of the 1999 Greek Penitentiary Code<sup>19</sup> are simply no longer adhered to with regard to standards of accommodation and norms for a safe environment, including health care and hygiene, to be provided to each prisoner. Some of the conditions encountered, notably in Special Area C at Korydallos Men's Prison, parts of Korydallos Health Centre and at the disciplinary unit of Nigrita Prison, can easily be considered as amounting to inhuman and degrading treatment.

28. The prisons of Chania, Nigrita and Trikala all have a similar layout: five accommodation wings, each composed of two units. Each unit has two floors of 10 cells which should accommodate a maximum of 60 prisoners. Each cell measures 13.5m<sup>2</sup>, including the fully partitioned sanitary annexe (toilet, washbasin and shower), and is equipped with one set of bunk beds and a single bed,<sup>20</sup> a table and chairs and a built-in storage area. Access to natural light and ventilation was generally adequate. On each floor there was a common area initially equipped with a hotplate, fridge and several washbasins.<sup>21</sup> On the ground floor of each unit there was a common area, often equipped with a table tennis table and a weights machine as well as a small coffee shop. A large concrete outdoor exercise yard, equipped with several sinks, exercise bars and basketball hoops, was attached to each unit.

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<sup>19</sup> Law 2776/1999 (Government Gazette A 291).

<sup>20</sup> The delegation was informed that originally the cells were designed for two persons only. In terms of living space and maintenance, such an occupancy level would be more desirable than the current official occupancy level of three persons.

<sup>21</sup> Depending on the financial situation of the inmates, some wings were better equipped with small ovens, freezers and additional fridges and hotplates, while other wings appeared derelict, with common equipment being in a deplorable state or unusable.

29. At *Chania Prison*, four of the five wings were operational and they were holding 466 prisoners for an official capacity of 480 places. The number of inmates and the conditions varied from floor to floor and from wing to wing. For example, on Wing BA, there were only 39 prisoners with several cells occupied by only one person whereas on Wing BB there were 66 prisoners, 44 of whom were held in the 10 cells on the lower floor in overcrowded conditions. Several of the ground floor cells were accommodating five prisoners (with two sleeping on mattresses on the floor) and the cells and common area were in a state of disrepair. Prisoners complained about the lack of hygiene products and that their requests for a fridge and a small oven had gone unanswered. The whole ground floor was very dirty.

30. At *Nigrita Prison*, four of the five wings were operational and the prison was accommodating 492 inmates for an official capacity of 480 places. The fifth wing (A) was scheduled to open shortly but, in the CPT's view, this should not happen until the staffing situation improves significantly (see Section 6a below). The living conditions equally varied from wing to wing. For example, Wings D (which accommodated the workers) and E (which accommodated those inmates attending the Second Chance School – see paragraph 42) had generally acceptable conditions, as did Wing C1 which held only 42 prisoners. On the other hand, conditions in Wings B2 and C2 were particularly poor, with a number of cells requiring refurbishment (broken windows, toilet flushes not working, mould on the ceilings, and mattresses worn and infested with bed bugs), notably on the ground floor of Wing B2. The common areas of these wings were dilapidated and generally dirty. Hygiene on these wings was noticeably poor. The conditions on Wing B2 were caused by persistent overcrowding (78 inmates were detained there at the time of the visit with many cells accommodating four or even five persons) accentuated by the fact that these prisoners did not have any financial resources or relatives in the country to support them, and thus had to rely on the insufficient hygiene and cleaning products provided by the prison authorities.

31. At *Trikala Prison*, all five wings were operational and the prison was accommodating 578 prisoners for an official capacity of 600 places. As in the other prisons, the inmates were effectively allocated according to their nationality and conditions varied from one wing to another. For example, the wings accommodating the workers (E2) and those attending the Second Chance School (C2) provided acceptable conditions as did Wing D1 where there were only 48 prisoners accommodated across the 20 cells. By contrast, in Wing D2 there were 80 prisoners (primarily Roma), of whom 46 were accommodated in the 10 ground floor cells. In addition to the serious overcrowding, the common area on the ground floor was dirty and in need of refurbishing (no hotplate, broken wash basins), as was the one on the first floor of Wing B2 (lights broken, sinks not working, two telephones out of order).

32. The contrast in living conditions between the wings was stark in all three prisons; clearly it would be preferable for all floors to be operating below capacity but it is not acceptable for certain groups to be crammed together, four or five prisoners to a cell, while adjacent units are mainly operating at two persons to a cell. Moreover, as in the other prisons visited, it was those prisoners with no financial resources or relatives to support them that were held in the poorest conditions.

In the light of the preceding remarks, **the CPT recommends that no ordinary accommodation cell in Chania, Nigrita and Trikala Prisons accommodate more than three persons (and preferably only two) so as to ensure that each prisoner is provided with at least 4m<sup>2</sup> of living space, excluding the sanitary annexe, and that all prisoners must have their own bed to sleep on. A rolling programme of maintenance of the wings should be put in place and prisoners must be provided with appropriate quantities of hygiene products.** Further, **there can be no justification for deliberately placing certain groups of prisoners, such as certain foreign national or Roma inmates, in overcrowded and sub-standard conditions on the premise that they “like” to be together.**

33. *Korydallos Men’s Prison*, located in the west of Athens, was built in the 1970’s and initially consisted of four separate wings (A, B, C, D), each containing 117 operational cells (9.5m<sup>2</sup>) on three floors. A fifth unit (E) was added in the late 1990’s following the conversion of the former Prison for young offenders and Wing F, with a capacity of 50 places, is used for prisoners in need of protection. In addition, there are three small, separate special areas attached to Wings C, D and E. At the time of the 2019 visit, the establishment was accommodating 1,683 prisoners for a revised official capacity of 1,200 places.<sup>22</sup> The overcrowding was lower than what it had been on previous visits but, at 140% of its capacity, it still undermined any efforts to provide acceptable living conditions for prisoners.

On each of the four large wings the occupancy levels per cell varied from two to four persons. Wing B was the most overcrowded with 431 prisoners (mainly from North Africa, Afghanistan, and Georgia<sup>23</sup>) accommodated in generally very poor conditions: mattresses and blankets were filthy, cells were infested with cockroaches and bed bugs, several cells had mould on the walls and ceilings. There was a general lack of hygiene accentuated by the fact that many of the prisoners had no money and no family to support them, and no cleaning products were issued by the prison. In Wing C, which was holding 319 prisoners, there was a stark contrast between the state of the cells on the first floor and those on the other two floors. The first floor cells, occupied by only one or two prisoners, were clean, in a good state of repair and properly equipped; several had been refurbished by the inmates or were even bordering on the “luxurious”.<sup>24</sup> The cells on the ground and second floors were mostly occupied by Roma and were holding as many as six or even seven persons in some cells and their appalling conditions resembled those described above in respect of Wing B. The conditions in Wing A, which accommodated Greek nationals, were generally acceptable as it was not overcrowded (228 prisoners) and nearly all the prisoners had relatives to assist them. Nevertheless, even on this wing, hygiene was a problem and, as on the other wings, many of the showers did not work and were not screened. Further, in none of the cells was there a call bell to alert staff in case of need and notably during hours of lock-up.

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<sup>22</sup> The calculation is based upon 4m<sup>2</sup> of living space per prisoner within all Greek prisons and notably the cells in the four main wings were now designated for two prisoners rather than the previous single occupancy design.

<sup>23</sup> This group comprised persons from several countries who spoke Russian, Georgian and Greek.

<sup>24</sup> One cell had tiled walls, carpets, a full length mirror, a large fridge, flat screen TV, Play Station 4, hi-fi and other amenities.

Wing E was also severely overcrowded<sup>25</sup> and in a state of dilapidation (mould present on the ceilings, broken windows, exposed wiring). Further, there was no electricity in the basement areas from 12h00 to 20h00 and hot water was usually available for less than one hour a day; only six showers functioned and the artificial lighting in the shower area did not work. Conditions in Wing F were similarly poor and overcrowded (for example, cell 3 held 23 prisoners in 45m<sup>2</sup>, with three persons having to sleep on mattresses on the floor while the accommodation area next to the church held 12 inmates in 26m<sup>2</sup>).

Throughout the prison, the electrical wiring was incredibly dangerous as additional appliances such as fridges, heaters and makeshift showers were attached haphazardly and in an inexpert manner to the grid. Further, the delegation observed that as prisoners invested their own money into the upkeep of their cells so the cells became de facto their property which resulted in the occupants deciding on who should be permitted to share their cell if a space became available.

**The CPT once again calls upon the Greek authorities to take urgent steps to progressively reduce the overcrowding at Korydallos Men's Prison. A phased programme should be devised to reduce the occupancy levels from the current three or more prisoners per 9.5m<sup>2</sup> cell to no more than two per cell and to reduce the occupancy levels in the dormitories to ensure that each prisoner is provided with at least 4m<sup>2</sup> of living space, excluding the sanitary annexe. Further, it is essential that the prison authorities take back control of the maintenance of the wings and ensure that all prisoners are provided with a minimum standard of basic living conditions. In addition, each cell should have a working call bell.**

34. *Thessaloniki Prison*, located on the outskirts of the city, has an official capacity of 359 places and, on the day of the visit, was accommodating 546 inmates, including 533 adult male prisoners (of whom 240 were on remand) and 13 women remand prisoners. The accommodation consisted primarily of dormitories<sup>26</sup> (24m<sup>2</sup>), each holding 8-10 prisoners in cramped conditions; the dormitories were equipped with five sets of bunk-beds, a small table, some chairs, a television and a fridge. Access to natural light and ventilation was adequate and each dormitory had a fully partitioned sanitary annex with a floor-level toilet, a basin and a shower. Hygiene was a problem and in a number of the sanitary annexes the taps were broken or leaking and mould was evident. Complaints were received about the lack of heating in winter and that clothes and hygiene products were not distributed in sufficient quantities to indigent prisoners. In that respect, the CPT considers that it is the responsibility of the State to ensure that all prisoners are provided with adequate quantities of clothes and essential personal hygiene products. If this basic requirement cannot be met in practice for whatever reason, the rules on receiving parcels should be relaxed to allow inmates to be provided with these essential items by relatives or friends.

The women's unit consisted of three dormitories,<sup>27</sup> all of which provided cramped living conditions due to the amount of beds placed in each room. Attached to the dormitories was a small exercise yard and a classroom. The main complaints of the women concerned not being allowed to cook for themselves and the limited access to hot water every day.

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<sup>25</sup> For example, Cell 7 in the basement measured 48m<sup>2</sup> and was accommodating 19 persons while Cell 9 measured 35m<sup>2</sup> and was accommodating 13 inmates (i.e. both cells offered less than 3m<sup>2</sup> of living space per prisoner). Cells on the first floor of Wing E provided similar cramped accommodation.

<sup>26</sup> There were 16 dormitories on the ground floor and 18 on both the first and second floors.

<sup>27</sup> The dormitories measured 15m<sup>2</sup>, 15m<sup>2</sup> and 29m<sup>2</sup>, contained, respectively, 4, 4 and 10 sets of bunk-beds and were accommodating 5, 6 and 2 residents.



**The CPT calls upon the Greek authorities to take urgent steps to reduce the occupancy levels in the dormitories at Thessaloniki Prison to ensure that each prisoner is provided with at least 4m<sup>2</sup> of living space. It is also incumbent on the authorities to ensure that there is a rolling programme of maintenance and that prisoners are supplied with adequate quantities of hygiene products and clothes, if they are in need. Further, excess beds should be removed from dormitories when not being used to free up more living space for the occupants.**

35. Lack of hot water again seemed to be a widespread problem in the Greek prison system; for example, at Korydallos Men's Prison it was available for just one hour a day in the evenings, which is absolutely insufficient for the number of prisoners there. The delegation was informed that the short period of time during which hot water is available is a constant source for tensions between prisoners, adding more strain in this already severely overcrowded environment. The availability of hot water is directly linked to maintaining decent standards of hygiene and a good state of general health amongst prisoners. It is also important that the communal showers are properly maintained: in Korydallos Men's Prison, the delegation found that many of the showers were broken at the time of the visit (for example, only 4 of 13 showers worked on Wing A and 2 of 12 worked on wing D).

**The CPT recommends that the Greek authorities ensure that inmates in all prisons have regular access to hot water, both for reasons of personal hygiene as well as for washing clothes and dishes. Further, all showers should be repaired.**

b. prisoners on protection

36. The CPT recognises that it may, at times, be necessary to remove prisoners from the general prison population and place them in separate accommodation for their own protection. As a rule, such separation should be for as short a period as possible; all appropriate measures should be taken to facilitate the reintegration of the inmate into the general prison population, either in the same establishment or in another one. If a prisoner has to be separated for his/her own protection, that decision must be properly reasoned, documented and reviewed at regular intervals. In the course of the visit, the CPT found that most of the decisions taken to place prisoners in separate accommodation for their own protection were taken on an informal basis, without proper procedures and safeguards in place. **The CPT recommends that the Greek authorities ensure that all decisions to separate prisoners for their own protection be properly reasoned, documented and reviewed at regular intervals.**

37. At *Chania Prison*, due to the number of prisoners requiring protection, the management resorted to the use of the 10 cells in the disciplinary unit and the two transit cells for ordinary accommodation purposes. Further, in the course of the visit, E Wing was opened up to accommodate 11 prisoners who had either been ejected from their wings or refused access by stronger groups of prisoners. However, there were no additional staff to supervise these supplementary accommodation areas. Prisoners should never be placed in units which are not supervised by staff.

The two transit cells (measuring 10m<sup>2</sup> excluding the full partitioned sanitary annexe) were each accommodating four prisoners. In one of the cells (K2), the cramped conditions were made worse by the fact that the prisoners were not offered any outdoor exercise or recreational activities and only got out for a few minutes each day to make a telephone call. One prisoner had been held in these conditions for six months. In the other cell, the situation was slightly better as two of the prisoners worked.

The 10 disciplinary cells were located at the far end of the prison in a distinct unit, which was only supervised remotely via CCTV of the corridor outside the cells. The unit was bleak, sombre and in a general state of disrepair. The cells measured about 7m<sup>2</sup> excluding the fully partitioned sanitary annexe (containing a shower, washbasin and toilet), and were equipped with a bed and a chair. The cells were cold and dilapidated. There was no heating and no access to television. Each cell had a small yard (8m<sup>2</sup>) attached to it which could be accessed from the back of the cell and to which inmates were offered access for a few hours a day. The inmates were also given up to an hour, one at a time, to be out of their cells in the corridor where the telephone was located. Otherwise, they were confined to their cells and were not offered any activities (only one of the eight inmates worked for a few hours a day as a cleaner in the administration building).

38. At the end of the visit, the CPT's delegation made an immediate observation under Article 8, paragraph 5, of the Convention and requested that urgent action be taken to:

- provide adequate material conditions, access to daily outdoor exercise and daily medical attention, and appropriate supervision for all prisoners placed in cells in the segregation unit. Prisoners on protection should be provided with more activities and out-of-cell time (including the possibility to access a TV). If these conditions cannot be fulfilled, disciplinary segregation cells should no longer be used to accommodate prisoners;
- ensure that the inmates held in the transit cells at Chania Prison for protection reasons are granted at least one hour of access to outdoor exercise each day and offered 4m<sup>2</sup> of living space each (excluding the sanitary annexe).

By letter of 28 June 2019, the Greek authorities replied that clear instructions have been issued to the Director of Chania Prison to fully comply with the CPT's request. **The CPT would appreciate being provided with information on the regime and material conditions for those persons held in the segregation unit and in the transit cells at Chania Prison.**

39. The worst conditions in *Korydallos Men's Prison* were observed in Special Area C which consisted of nine cells, each measuring 6m<sup>2</sup>, including an unpartitioned toilet. At the time of the visit, the five cells along the back corridor were accommodating 22 prisoners (12 of whom were reportedly accused of sex offences); i.e. four to five prisoners per cell, with one prisoner sleeping on a bed and the other three to four inmates sleeping on mattresses on the floor (one of them with his head next to the toilet). The mattresses were dirty and worn, there was no in-cell artificial lighting, mould was present in several cells and hygiene was poor. One cell had a hole in the ceiling through which rain water was dripping down. The prisoners were confined to their cells and the narrow corridor all day, with access to the single shower and telephone for one hour a day. Access to the small outside concrete yard was not provided every day and the whole area was littered with rubbish. While the prisoners were generally in transit for a few weeks or months awaiting transfer to another prison establishment, one prisoner had been living there for six months. Conditions would have been even worse had one prisoner not provided the other prisoners with payment to clean the sub-wing and basic hygiene products.

In the four cells that could be accessed from the front corridor, the conditions for the 14 occupants were similarly poor and might be considered as amounting to inhuman and degrading treatment. One cell with five prisoners included a person going through drug withdrawal and another inmate who had had a stroke and could hardly function autonomously. These prisoners were offered no activities and had not been provided with outdoor exercise for two weeks.

Moreover, the persons accused of sex offences met by the delegation claimed that they were constantly threatened and abused by certain prisoners from the front section of Special Area C. The delegation also received allegations from persons accused of sex offences met in other prisons that they had been repeatedly beaten up by other inmates with the knowledge of staff, when they had been held in Special Area C in the past.

The situation in Special Area D, which was accommodating 30 prisoners who had been ejected from the main wings and were on protection, was little better, with overcrowding and poor hygienic conditions. Prisoners were offered no activities and access to outdoor exercise was infrequent.

**The CPT urges the Greek authorities to take immediate steps to ensure that no more than one prisoner is accommodated in each of the nine 6m<sup>2</sup> cells in Special Area C at Korydallos Men's Prison. Further, cells with leaking water from the ceilings should be taken out of service until they have been repaired and prisoners in the Special wings must be offered at least one hour of outdoor exercise every day and access to purposeful activities. Prison managers must ensure that any vulnerable groups of prisoners placed in special accommodation are effectively not subjected to harm and that custodial staff are fully aware of their duty of care towards all prisoners (see also paragraph 23 above). It goes without saying that prisoners should not be placed in a position where they have to work for other prisoners in order to obtain basic services. The CPT would like to be informed of the steps taken to implement this recommendation.**

c. regime

40. The legal basis governing the general daily routine in Greek prisons was described in the report on the CPT's 2005 visit<sup>28</sup> and has remained largely unchanged. In spite of legal provisions regulating the entitlement of all prisoners to educational activities and vocational training, work, organised physical exercise, cultural and recreational activities,<sup>29</sup> the activities offered remain wholly insufficient for the number of prisoners.

The hours during which mainstream accommodation cells are unlocked and prisoners can move around freely in the wings (and in the exercise yards) are essentially the same across all Greek prisons, with minor local variations. These times are usually between 8 a.m. and 12.30 p.m. and again between 3 p.m. and 8.30 p.m. (9 p.m. in summer), with access to the yards until half an hour before sunset. As the Committee has stated in the past, the amount of out-of-cell time is good.

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<sup>28</sup> See CPT/Inf (2006) 41, paragraph 93.

<sup>29</sup> See Articles 34 to 50 of the Penitentiary Code.

41. The approach to work was described in the report on the 2009 visit.<sup>30</sup> It remains in essence a remission scheme (for example, a cleaner would obtain 23 days remission for every month worked) rather than a means by which to engage prisoners in a purposeful activity or to form part of a personal development plan or preparation for release. It is also a primary incentive for good behaviour.

In all the prisons visited, the management attempted to create as many “jobs” as possible. Thus, at Chania Prison, there were 300 workers (for a population of 466) including 145 cleaners, 30 kitchen staff, 47 canteen and supermarket workers, 10 barbers, 10 messengers and some 30 prisoners working on maintaining the establishment. A similar situation was observed in the other prisons visited although the proportion of prisoners offered jobs was far lower.<sup>31</sup> Apart from specialist jobs (e.g. electrician, plumber), work was allocated on a ‘first come first serve’ basis without any assessment of a prisoner’s needs. Prisoners would usually be granted work for three months at a time after which they would have to wait approximately six months or more before they were offered another job. Only a few jobs (kitchen, skilled prison maintenance work) could be carried out for longer periods. It should also be stated that most of the jobs entailed only a few hours of work per day.

42. The promotion of “Second chance schools” in the prisons visited represents a positive development for offering prisoners, notably foreign nationals, with a primary school education. At Trikala Prison, there were 27 students in the first year and 19 in the second year. All inmates enrolled in the school had to be accommodated on Wing C1 as it is was located along the same corridor that led to the school area; however, the delegation met a number of inmates who stated that they would have liked to attend the school but that they were afraid to transfer to Wing C1 as they did not want to leave the safe confines of their current location. A similar scenario was in evidence at Nigrita Prison where 69 inmates were enrolled in the school. On the contrary, at Chania Prison, where a makeshift school was in operation pending the construction of a school building,<sup>32</sup> the 54 students (34 in first year and 20 in second year) came from all the wings. Other educational courses were also on offer such as Greek language lessons for foreigners or Open University courses. It should also be noted that every day of attendance at school counts as two days served of the prison sentence.

43. In all the prisons visited, there was a clear lack of any organised recreational, sports/gym or vocational activities on offer. Sentenced prisoners were not provided with a sentence plan to map out their time in prison into which they could also input with a view to preparing for their future release back into the community. For life sentenced prisoners, in particular, there was little to structure their time. Further, there were no accredited offender management programmes available.

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<sup>30</sup> See CPT/Inf (2010) 33, paragraph 105 and 106.

<sup>31</sup> At Nigrita Prison, there were 182 workers for a population of 478 prisoners; at Thessaloniki Prison, there were 199 workers for a population of 546; at Trikala Prison, there were 301 workers for a population of 573; and at Korydallos Men’s Prison, there were 449 workers for a population of 1,670 inmates.

<sup>32</sup> No school or workshop spaces had been included in the design when the prison was built.

At Trikala Prison, some local initiatives were being taken to provide courses on anger and anxiety management<sup>33</sup> and on conflict management and mediation as well as a vocational training on dry construction with wooden planks.<sup>34</sup> While welcoming these initiatives, the CPT considers that there is a need to develop a structured programme of activities in all the prisons based upon an assessment of the individual needs of the inmate. Such a programme should form the basis of a sentence plan which should be developed with input from the prisoner.

44. Given that most of the work offered was largely notional (e.g. cleaning for an hour or two a day), for the vast majority of inmates in all the prisons visited, there was nothing with which to occupy their days other than watching television and walking in the yards, and trying to stay safe – a situation that contributed to increasing tensions among prisoners in the wings (see paragraphs 19-21 and 23).

The authorities must take proactive measures if they want to avert the prison system from becoming an even greater breeding ground for criminality. As prisoners approach release into the community they need to be prepared for that step, to possess a degree of self-worth and to feel capable of leading a life away from crime. A regime which provides for varied activities is a vital component in the preparation for release, as well as being beneficial for the running of the prison.

**The CPT calls upon the Greek authorities to improve substantially the programmes of purposeful activities on offer to inmates (both remand and sentenced), including educational, vocational, sports and recreational opportunities, in all prisons. The CPT also recommends that the elaboration of sentence plans for prisoners with their input be introduced, for instance starting with life-sentenced prisoners.**

#### **4. Health care services**

45. It is regrettable that the situation found in 2019 clearly demonstrated that the widespread deficiencies identified by the CPT during its previous visits regarding the state of health care services in prisons have not been adequately tackled. Problematic issues such as access to health care, medical screening upon arrival, medical confidentiality and health care policy regarding substance misuse are all compounded by the severe shortage of health care staff and the continued lack of integrated management of health care services.

46. As regards health care staffing, at Chania Prison, there were two permanent doctors (a general practitioner and an internal medicine specialist) both of whom had been absent from the prison during the six months prior to the visit.<sup>35</sup> In their absence a local doctor had been contracted but on many days did not turn up. The doctors were contracted to work from 8h00 to 14h00 on weekdays. They were supported by a single nurse who had been engaged on an eight month contract and by a nursing assistant who organised the health care centre and the dispensing of medication. Due to lack of nursing staff, the medication was dispensed by a custodial officer. Such staffing levels are clearly insufficient for a prison of 480 inmates let alone 600, when the fifth wing is opened.

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<sup>33</sup> 19 inmates participated in these courses, attending three sessions per month for three months.

<sup>34</sup> 13 inmates signed up for one year course which takes place from 9h00 to 12h00 three days a week.

<sup>35</sup> The general practitioner had returned to work only on the first day of the CPT's visit while the internal medicine specialist was still on maternity leave.

At Nigrita Prison, a doctor from the community health care centre visited the prison on a rota basis every weekday from 8h00 to 12h30. The doctor was supported by two nurses, present weekdays from 7h30 to 15h00, and four prisoners working as orderlies who had access to all premises and documentation. Psychiatric consultations took place twice a week in Serres and a dentist visited every two weeks. Clearly, such staffing levels are totally inadequate for a prison population of 480 inmates which is intended to rise shortly to 600.

At Trikala Prison, two temporary doctors provided medical cover for a few hours on four days a week and a doctor from the local health centre attended one morning a week to authorise prescriptions. They were supported by four nurses, two assistant nurses and a custodial officer working as a nursing assistant. Such staffing levels are insufficient for a prison of 600 inmates. There is usually only one nurse on duty at a time, with the preparation and administration of drugs taking up a large proportion of the work

The situation at Korydallos Men's Prison remained insufficient but had slightly improved since the 2015 visit. There was one specialist in internal medicine employed on a full-time basis and three part-time general practitioners who each visited the establishment five times in the months from 14h00 to 22h00. In addition, there was a pharmacist and two part-time forensic doctors working on a rota basis on weekdays from 9h45 to 12h30, and 12 medical doctors<sup>36</sup> contracted to provide specialist services twice a week. However, there were only three full-time nurses (two working on weekday mornings and one on weekday afternoons/evenings) and six prison officers assigned to the medical unit, with reportedly some first aid training. For an establishment of 1,683 inmates this is totally insufficient. Dental (five hours a week) and psychiatric consultations (equivalent to half a day a week) were also insufficient. In addition, prisoners were working as medical orderlies, due to the lack of health care staff.

At Thessaloniki Judicial Prison, the health care resources had not improved since 2015 and remained totally inadequate for an establishment holding consistently more than 500 inmates. Three general practitioners visit the prison on a rota basis every weekday for eight hours, equivalent to one full-time post. Five specialists visit the prison once a week for six hours and a dentist twice a week. There are only four full-time nurses and at night there was no-one present with a health care qualification; in addition, two prisoners were acting as orderlies, dispensing medication under the supervision of a nurse and having access to medical records. Two custodial officers also worked in the health care centre with access to medical records.

The present practice of preparing and dispensing medication is fundamentally unsafe in all the prisons visited. For example, at Trikala Prison, the nurse on night duty prepared the psychiatric medication by grinding it down into a powder which was placed in an envelope for the prisoner concerned. Further, at Korydallos Men's Prison, the delegation also observed prisoners dispensing medication, including psychiatric drugs, in the wings without any presence or supervision of custodial or health care staff.

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<sup>36</sup> Including an urologist, a haematologist, a surgeon, a pulmonologist, a neurologist, an orthopaedic, two psychiatrists, a dermatologist, an otorhinolaryngologist, an ophthalmologist and a cardiologist.

47. In light of the serious staff shortcomings identified above, **the CPT recommends once again, as an initial measure, that the Greek authorities urgently reinforce health care staffing levels as follows:**

- **at Chania, Nigrita and Trikala Prisons the nursing complement should be reinforced significantly to ensure a presence of qualified nursing staff 24 hours a day;**
- **at Nigrita and Trikala Prison, the presence of a doctor should be increased to at least 1.5 Full Time Equivalent (FTE) general practitioners;**
- **at Korydallos Men's Prison, three FTE general practitioners, and six additional FTE nurses, at least one of whom should have experience in the field of mental health work, should be recruited;**
- **at Thessaloniki Prison, a half-time equivalent general practitioner and at least five additional qualified FTE nurses should be recruited.**

Further, **the number of dental and psychiatric consultations should be increased, notably at Korydallos Men's and Nigrita Prisons.**

**The CPT also reiterates its recommendation that prisoners should not be involved in the performance of health care tasks which require specialised training, and under no circumstances should they perform the distribution of medicines and/or have access to medical records. Further, the system of medicine dispensing and administration should be reviewed in order to ensure it is both safe and accountable.**

In addition, **prison officers who do not possess the relevant qualifications should not carry out nursing functions. Further, any qualified prison officers working in the health care service of a prison should be under the authority of the senior doctor/nurse manager responsible for the service.**

48. A medical screening upon admission should generally be carried out within 24 hours, initially by a nurse and thereafter by a doctor, if required. However, this was not the case in any of the prisons visited. At Chania and Korydallos Men's Prisons, all newly arrived prisoners are tested for Hepatitis B and C and for HIV and offered a chest x-ray and, at Chania Prison, a full range of other blood tests including for anaemia and kidney function are also performed. In contrast, in the other prisons visited, medical screening simply consisted of asking questions on the basic medical history and taking blood pressure. However, quite a few prisoners had not been seen for more than a week after admission and some had no entries in their medical file. Indeed, the medical files were frequently poorly annotated and the delegation noted that doctors might record nothing in the medical files despite having seen a number of prisoners during a session. Further, screening for infectious diseases is not always routinely carried out and a physical examination only takes place if the prisoner raises a medical issue.

**The CPT reiterates its recommendation that the Greek authorities ensure that every newly-arrived prisoner be comprehensively interviewed and physically examined by a doctor or a fully-qualified nurse reporting to a doctor within 24 hours of admission, and that the results be diligently noted in the prisoner's personal medical record. Further, all newly admitted prisoners should be routinely screened for transmissible diseases such as Hepatitis B and C and for HIV and TB.**

49. As regards the screening for and recording of injuries, the CPT has repeatedly stressed the important role that health care staff can play in the prevention of ill-treatment through the diligent and accurate recording of injuries. To this end, the CPT has described in detail what the record drawn up after the medical examination of a prisoner – whether newly arrived or following a violent incident in the prison – should contain.<sup>37</sup> At the time of the 2019 visit, there was still no standard practice for the recording of injuries and the delegation observed that the entries in the trauma registers and in the personal medical files were generally scant. Moreover, there were no clearly defined standard procedures in place for doctors to report any allegations of ill-treatment by police officers to the competent prosecutor.

For example, at Korydallos Men's Prison, on 15 March 2019, it was noted upon a prisoner's admission that there was bruising around his left eye and after photographing his face, his case was brought to the attention of the chief guard and thereafter to the Supervisory Prosecutor. On 19 March the inmate was examined by a forensic doctor. However, the recording made by the forensic doctor (mentioning a blue/green/yellow bruise of 4cm x 3cm, 6 to 7 days old, and noting that the inmate stated he was beaten upon arrest) was insufficient. There was no account of how the injury occurred (circumstances and means) nor any assessment as to whether the allegation could be considered as consistent with the medical findings. Further, the individual in question had several additional injuries which were not noted at all by the forensic doctor such as a laceration on the back of his head and marks on the left leg allegedly inflicted by the police at the time of arrest (see paragraph 79 i.).

In the CPT's view, the accurate and timely documenting and reporting of forensic medical evidence will often be crucial for the effectiveness of investigations into allegations of ill-treatment, which in turn will act as a strong deterrent against the commission of ill-treatment in future. From the information gathered during the visit, it is clear that forensic medical examinations of persons who alleged ill-treatment were only performed in very rare cases; in those rare cases where such examinations were done, they were performed without sufficient promptness and were of consistently poor quality. Moreover, for prison medical services to fully play their role in preventing ill-treatment, it is incumbent on every prison doctor to comprehensively screen, record and report all injuries noted on prisoners as set out below.

**50. The CPT reiterates its recommendation that steps be taken in all establishments to ensure that the record drawn up after the medical examination of a prisoner – whether newly arrived or following a violent incident in the prison – contains:**

- i) an account of statements made by the person concerned which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment);**
- ii) a full account of objective medical findings based on a thorough examination;**
- iii) the doctor's observations in the light of i) and ii) indicating the consistency between any allegations made and the objective medical findings.**

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<sup>37</sup> See CPT/Inf (2014) 26, paragraph 127. See also the section on documenting and reporting medical evidence of ill-treatment in the 23rd General Report of the CPT's activities: CPT/Inf (2013) 29, paragraphs 71 to 84.



**Recording of the medical examination in cases of injuries should be made on a special form provided for this purpose, with “body charts” for marking injuries that will be kept in the medical file of the prisoner. If any photographs are made, they should be filed in the medical record of the person concerned. In addition, documents should be compiled systematically in the existing special trauma register.**

**The results of every examination, including the above-mentioned statements and the doctor’s opinions/observations, should be made available to the prisoner and, upon request, to his/her lawyer.**

Further, the existing procedures should be reviewed in order to ensure that whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a prisoner (or which, even in the absence of allegations, are indicative of ill-treatment), the report is immediately and systematically brought to the attention of the relevant prosecutor, regardless of the wishes of the person concerned. Health-care staff must advise detained persons of the existence of the reporting obligation and that the forwarding of the report to the competent prosecutor is not a substitute for the lodging of a complaint in a proper form. Health care professionals (and the inmates concerned) should not be exposed to any form of undue pressure or reprisals from management staff when they fulfil that duty.

**The CPT also recommends that the Greek authorities put in place standard procedures for the screening for and recording of injuries, in accordance with the Committee’s standards. Forensic medical examinations should be both requested and carried out promptly. Further, the quality of such examinations should be guaranteed, including through appropriate training of forensic medical doctors.**

51. In all the prisons visited, the health care services budgets for drugs were unable to meet the demand primarily because drugs dispensed to patients without an AMKA social security number were not reimbursed. At Trikala Prison, the yearly drugs budget of 14,000 euros had been spent within the first few months of 2019. It appeared that many foreign national prisoners were unable to fulfil the criteria to get an AMKA number. As a consequence, nursing staff had to rely on medicines provided by donations of the social pharmacy or local hospital. Further, some hospitals were refusing to conduct examinations or see patients without the AMKA number.

In the CPT’s view, the provision of health care in prisons must be the State’s responsibility. Prisoners should have access to necessary health care services (examinations, treatments and medication) free of charge without discrimination on the grounds of their legal status. **The CPT recommends that steps be taken to ensure that all prisoners can obtain an AMKA number as a prerequisite for prisoners to be provided with the appropriate medication when required and that prison health care services be reimbursed in line with practices in the community.**

52. The CPT’s delegation observed that medical confidentiality was generally observed at Chania and Trikala Prisons. By contrast, at Korydallos Men’s, Nigrita and Thessaloniki Prisons, medical confidentiality remains a serious concern. At Korydallos Men’s Prison, an inmate in each wing collected requests from the prisoners to see a doctor or a nurse, and he often helped the prisoners to write the application. In the health-care unit, the prisoners are seen in open spaces, with custodial staff, other patients and inmate personnel present. There is no privacy when the prisoners talk to the health-care workers. Furthermore, the inmates working in the health-care unit have access to all medical files. Indeed, at Korydallos Men’s Prison the job of the inmates working in the health-care unit was specifically to administer the medical files.

**The CPT reiterates its long-standing recommendation that the Greek authorities take the necessary steps to guarantee medical confidentiality at Korydallos Men's, Nigrita and Thessaloniki Prisons both of consultations and of medical data. Inmates and custodial staff must not have access to medical records nor be present during medical consultations.**

53. In the course of the visit, the CPT's delegation found that drugs appeared to be accessible in all the prisons visited and many prisoners admitted openly to using them. Indeed, many of the power structures at Korydallos Prison in particular were underpinned by drug dealing. The delegation had an opportunity to examine the programmes on offer to prisoners with drug-related problems. As was the case in the past,<sup>38</sup> there are two country-wide organisations working in a number of prisons.

The Centre for the Treatment of Drug-dependent persons (KETHEA), provides psychosocial counselling and motivational support for prisoners, but without any opioid substitution treatment. However, in Korydallos Men's and Thessaloniki Prisons, prisoners who complete the initial counselling course may enter a separate detox accommodation unit and follow a specialised programme until they are eligible to be released (after one-sixth of their sentence). At Thessaloniki Prison, in particular, the conditions of detention in the detox unit were notably good (no overcrowding, good hygiene, pleasant common areas and a well-equipped kitchen where inmates cooked their own meals). Prisoners were also offered a varied regime of education, handicraft workshops, and sports activities, as well as individual and group therapy sessions. Such a unit represents an example of good practice which should be replicated in other Greek prisons. It was regrettable that only 25 of the 42 places available were filled given the need observed in the prisons visited. Further, in all the prisons visited the number of counsellors had been reduced dramatically; for example, from four to one at Trikala Prison and from eight to four at Korydallos Men's Prison.

The Organisation Against Drugs (OKANA), the second organisation, provides an opioid 12-day detoxification programme to those prisoners who have already started a substitution therapy in the community before entering prison. OKANA cannot provide any opioid substitution within prison which is a serious deficiency given the need among prisoners. More generally, a major concern expressed by the psychiatrists met in prison who work with prisoners with drug addiction problems was the lack of interpretation services to ensure clear and accurate communication to patients.

54. The CPT considers that prison provides an opportunity to address drug misuse concerns prior to inmates returning to the community. The assistance offered to prisoners with drug-related problems should be varied; detoxification programmes with substitution programmes for drug-dependent patients should be combined with genuine psycho-social and educational programmes. The setting up of a drug-free wing in prisons for certain categories of prisoners, *inter alia* those having completed treatment programmes prior to or during imprisonment, can be positive.

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<sup>38</sup> See also CPT/Inf (2014) 26, paragraph 129; and CPT/Inf (2010) 33, paragraphs 138 and 139.

Further, all health care staff and, more generally, prison officers should be given specific training on drug-related issues. Further, effective throughcare in partnership with community-based agencies and organisations addressing drug-related issues should be put in place. Currently, there are elements of this assistance through KETHEA and OKANA present in the prisons visited. However, there is a need to expand their work and to develop a comprehensive approach towards substance misuse in prison whereby it is part of a national drugs strategy. The goals should be *inter alia*: eliminating the supply of drugs into prisons; dealing with drug abuse through identifying and engaging drug misusers, providing them with treatment options and ensuring there is appropriate throughcare; developing standards, monitoring and research on drug issues; and the provision of staff training and development.

**In the light of the above remarks, the CPT calls upon the Greek authorities to draw up a comprehensive strategy for the provision of assistance to prisoners with drug-related problems, as one aspect of a national drugs strategy. Within this national approach, the Committee recommends that OKANA should be able to operate opioid substitution therapy in prisons and that sufficient interpretation services be made available to support the work of the psychiatrists and psychologists. Further, the number of counsellors working for KETHEA should be increased and more efforts made to fill the available places in the detox units at Korydallos Men's and Thessaloniki Prisons, and to expand the programme to other prisons.**

**In addition, the authorities should start compiling statistics on substance misuse among prisoners in order to gauge more accurately the extent of the problem and thereby better identify the measures required to tackle it.**

## **5. Korydallos Prison Health Centre**

55. At the outset of the 2019 visit, the CPT's delegation was informed that Korydallos Prison Hospital had been reclassified as a Health Centre and responsibility for the oversight of the facility had been transferred to the Ministry of Health by Presidential Decree No. 100/2018 of 28 November 2018. This is to be welcomed. However, it is disappointing that many of the fundamental deficiencies identified by the Committee in 2015 remain problematic such as the lack of medical and nursing staff, the very poor living conditions and the continued warehousing of the old and infirm. Urgent action is required to improve the quality of care and to transform the Centre into a professional care-oriented medical facility.

56. The Centre was officially accommodating 191 persons, including responsibility for 85 patients with HIV+, 49 of whom who were held on a wing within the Korydallos Women's Prison across the road. With 142 residents in the main three-storey building, including 30 working prisoners with no health care problems, the Centre remained seriously overcrowded given its design capacity for 80 patients. For example, five of the rooms were accommodating 9 or 10 patients in some 44m<sup>2</sup> with the beds crammed together. The rooms were generally clean and reasonably well maintained, except for the mattresses which were decrepit with black mould and holes evident, and infested with bed bugs. These should be replaced with washable/wipe-able mattresses.

Moreover, the washing and toilet area on the first floor (on which 71 persons in 10 rooms were held) was in an appalling state of repair. There was no glass in some of the windows in the bathroom and, at the time of the visit, the wind and outside temperature combined to make the facility incredibly cold. Some of the three toilet fixtures were broken and the two functioning showers only had loose hoses and no shower heads. Further, hot water was limited to a short period every evening. The absence of concern by staff over the poor conditions was illustrated by a wheelchair bound patient who said that his tyres had been flat for the past six months. There was no regime in place other than access to the outdoor exercise yard for a few hours each day.

57. The placement of HIV+ prisoners in the Health Centre is not, in the CPT's view, necessary although the lack of information and education about HIV+ within prisons has in the past led to such prisoners being ostracised and having to be isolated for their protection. However, in a number of prisons visited in 2019 (Chania and Nigrita), there was no policy of separating HIV+ prisoners from other inmates which is positive. Further, given the Health Centre's limited capacity and that the HIV+ prisoners are not in need of in-patient care and have no purposeful activities with which to occupy themselves, there is a strong case for them to be reintegrated into ordinary prison accommodation. The CPT considers that there remains a need for an educational programme for both staff and prisoners on transmissible disease and notably on HIV+ to counter the continuing prejudice which is based on unfounded fears.

58. At the end of the visit, the CPT's delegation invoked Article 8, paragraph 5, of the Convention and requested that immediate action be taken to repair the toilet and washing facilities at the health centre, replace the broken windows and provide new washable mattresses for all patients.

The CPT takes note of the information provided by the Greek authorities by letter of 28 June 2019 that a technical assessment to refurbish the toilet and washing facilities has been carried out and funding has been requested.

**The CPT recommends that the occupancy levels within the Health Centre be reduced, for example by accommodating the majority of workers elsewhere and locating HIV+ prisoners in ordinary prisoner accommodation. Further, new washable mattresses for all patients should be provided. The Committee wishes to be updated on the planned refurbishment of the Health Centre.**

59. Moreover, the continued drastic understaffing makes it very difficult to provide all patients with the proper care they require. There were seven resident doctors (up from four in 2015) who worked on weekdays from 7h00 to 13h45, and a separate duty resident doctor covered the hours of 15h00 to 7h00 and weekends. In addition, a number of specialists visited the hospital (psychiatrists, dermatologists, an ophthalmologist, a cardiologist and an ear, nose and throat surgeon). However, as was the case in 2015, there was a lack of formal process in exchanging information on patients between the specialists and the treating doctors, and much depended on the individual relationships between doctors.

Further, the nursing complement of nine permanent staff plus three recruited on a one year contract was clearly insufficient. Typically this resulted in three nurses being on duty in the morning, two in the afternoon and, at weekends, one in the mornings and two in the afternoons. At night, there is still only ever one nurse on duty who, in addition to the Health Centre, has to provide cover for the Korydallos Men's and Women's Prisons as well as the psychiatric hospital. Nurses spend the vast majority of their time dispensing and administering medication instead of delivering appropriate nursing care. Consequently, a number of bed-bound or physically disabled patients are dependent on assistance from other prisoners to ensure that their most basic care needs including washing, toileting and feeding can be met. Urgent steps must be taken to ensure that all nursing care work is undertaken by qualified health care personnel.

**The CPT recommends that urgent steps be taken to increase significantly the number of qualified health care personnel employed at the Health Centre. Further, systems should be put in place to ensure a better coordination and exchange of information between medical staff.**

60. As was the case previously, there was still no single comprehensive multi-disciplinary medical record opened and maintained for each prisoner. Doctors tended to write in their own individual daily journals while nursing staff wrote in a separate daily journal. Patients still do not have an individual care plan, and it was not possible to fully understand the chronology of a person's care given that the information was recorded in a variety of different places. Further the individual entries of the doctors tended to be very brief and did not describe the patients' care needs. It is high time that an adequate medical records system be introduced. **The CPT recommends that a single computerised electronic health record be established for each patient.**

61. The CPT's delegation found that the system of medicine dispensing and administration at the Health Centre was fundamentally unsafe. The nurses essentially took medicines from their original packages (some of which were unlabelled) and put them in a small envelope which contained only the patient's name. Nursing staff asserted that they knew which medicines were which on account of their colour. All psychotropic medicines were ground up together to form a fine dust which was then swallowed by the patient in front of the nurse. Each patient had a written record of their medication in the form of an administration sheet, which the nurse transcribed from the doctor's prescriptions. Review of the administration sheet set out that often there was no start or end date included with the medicines.

**The CPT recommends that the system of medicine dispensing and administration be reviewed in order to ensure it is both safe and accountable.**

62. In the course of the visit, the CPT's delegation met several patients who were not receiving adequate care, from a patient with tuberculosis on the ground floor to a 91-year-old patient with dementia who was bed-bound and incontinent. Two patients, in particular, were not getting the nursing or medical care required and their treatment, in addition to being grossly neglectful, could be considered as inhuman and degrading.

This concerned:

- an 84-year old man (A.G.) suffering from an ulcerating cancer of the lower lip which was so aggressive in nature it had eroded his lower jaw. He was in considerable pain, and was struggling to eat and drink. He was receiving no nursing care at all. He had not been provided with the necessary painkillers nor with the gastrostomy tube recommended by a specialist; also had he not received any radiotherapy as recommended in the discharge letter of 10 December 2018 from the oncology clinic. In sum, he was being left to die a slow, painful and lonely death;
- a 63-year old man (E.T.) who has mobility problems and was bed-bound due to fractures of both hips, was incontinent and had a weeping bed sore on his upper left leg as a result of not being turned regularly. Without appropriate nursing care and physiotherapy (which had been prescribed but not provided) he was at risk of developing further complications such as pressure sores, deep vein thrombosis and hypostatic pneumonia on account of lying flat in bed.

In the course of the visit, the CPT's delegation requested that the Greek authorities transfer both patients to appropriate hospital facilities where they could have their care needs met and dignity maintained. By letter of 28 June 2019, the Greek authorities informed the CPT that A.G. was transferred to Metaxa Hospital on 8 May (where he died on 29 May) and E.T. to Tzaneio Hospital on 30 May 2019.

The CPT is deeply concerned by the failure to transfer either patient to hospital promptly and particularly A.G. given his level of suffering and the lack of care being provided to him.<sup>39</sup> In light of the inadequate and grossly neglectful care that these patients were receiving at Korydallos Health Centre, the CPT would like to be informed of the reasons for the delays in transferring them to an appropriate hospital facility. Further, it would like to be informed of the care provided to A.G. during the four weeks prior to his transfer to Metaxa Hospital.

## 6. Other issues

### a. prison staff

63. The dire staffing situation in all the prisons visited has been highlighted above. The CPT has already emphasised on numerous occasions that an inadequate number of custodial staff renders prisons insecure for both prisoners and staff; in particular, it impedes any efforts to maintain effective control, which often leads to stronger groups of prisoners being able to exercise their powers unchecked over other inmates. The delegation observed in the prisons visited how the inmate population was separated along ethnic/cultural lines and that within each of these specific groups there was a defined hierarchical structure, which all inmates adhering to that group were obliged to follow. It was also evident that prison staff in many instances relied upon the leaders of these groups to maintain order in an establishment.

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<sup>39</sup> As a matter of principle, terminally ill patients should, while awaiting transfer to an outside hospital, receive optimum nursing care within the prison health centre, and the possibility of a pardon for medical reasons or early release should be examined. See Rule 51 of Recommendation R (98) 7 of the Council of Europe Committee of Ministers concerning the Ethical and Organisational Aspects of Health Care in Prison, adopted on 8 April 1998.

Furthermore, low staffing levels make it nearly impossible to provide an acceptable regime for prisoners.

64. At Chania Prison, a normal day shift had only eight custodial officers and the Chief Guard for 466 prisoners accommodated on 16 landings (floors). This is clearly insufficient for the prison to operate efficiently taking into account that officers had to be placed in the control booths of the four operational wings and at least one in the central control office. Officers were needed for escorts to the school, health care, work places and for managing new admissions and departures. Not surprisingly, officers were requested to work double shifts to ensure a minimum staffing level of 10. Many custodial officers with whom the delegation spoke appeared near to a state of burn-out, an observation echoed by the prison psychiatrist.

At Nigrita Prison, a similar state of affairs existed with the Chief Guard and many custodial officers regularly working 16 hours a day with hardly any days off in the month; indeed, many custodial officers were provided accommodation within the prison compound. Moreover, the lack of staff meant that in all the newly-built prisons visited, a single custodial officer sat alone in a sombre booth between the two units of a wing, supervising 120 prisoners by looking at several computer screens for hours on end. Consequently, the officer had minimal interaction with the prisoners. This is hardly an approach which can lead to the development of supportive relationships with prisoners and represents the opposite of a dynamic security approach.

The Chief Guards at Chania, Nigrita and Trikala Prisons spent their time negotiating with stronger groups of prisoners to ensure that a degree of order was maintained. A similar situation prevailed at Thessaloniki Prison, although it appeared that the degree of order kept was higher than in the other prisons. Chief guards' main power to deal with challenging prisoners was to recommend a transfer to another prison. It is an unenviable task that they have and several recounted how they had been threatened by prisoners or by their associates on the outside of prison.

65. At Korydallos Men's Prison, the situation is even more dramatic and yet, despite the CPT reiterating the necessity to act urgently, nothing has been done to improve the numbers of custodial staff within the prison. An optimal day shift will have 19 custodial officers (including three assistant chief guards) supervising the wings, yards and corridors and another 16 officers working at the kitchen, visiting areas, infirmary, stores, school and security. On the Saturday that the delegation visited, there were only ten custodial officers and three assistant chief guards on duty for the whole prison. For a population of 1,683 prisoners, such staffing numbers are dangerously and irresponsibly low. To allow one custodial officer to be responsible for supervising a wing of 228 to 431 prisoners represents a dereliction of the duty of care invested in the State when it deprives a person of their liberty as well as placing the staff member in a situation where he cannot exert any authority and must consider his own safety.

66. The CPT welcomes the announced increases of custodial officers by the Ministry of Justice with 633 already recruited and provision for a further 588 to be recruited. Moreover, by letter of 28 June 2019, the Greek authorities informed the Committee that a further 45 posts will be created and that provision for the creation of 639 additional posts has been made. In this context, it understands that 103 new officers will be assigned shortly to Korydallos Men's Prison which will result in a net increase of 58 as the 45 municipal police officers working at the prison for the last four years will leave. This represents a start but it remains wholly insufficient. Likewise, at Nigrita Prison, where 31 new officers are scheduled to join the net increase will only be 14, taking into account departures and those on permanent leave, and the prison will still have 20 officers fewer than the number foreseen in the establishment table. In such circumstances, the fifth wing of this prison should not be opened as planned until such time as the full complement of officers is in place. At Chania Prison, the scheduled appointment of an additional 47 custodial officers will more than double the existing complement of officers but if a fifth wing is to be opened and control of the wings to be recovered from prisoners, there will be a necessity to appoint additional officers.

**The CPT recommends that the Greek authorities review the staffing levels in all Greek prisons to identify the numbers required to guarantee an effective control and a safe environment for prisoners and staff alike. To this end, the Committee wishes to be informed of the staffing complement of custodial officers that the Greek authorities deem to be necessary to recover control of the wings in the newer prisons of Chania, Nigrita and Trikala as well as at Korydallos Men's Prison. In the light of the outcome of the review, it also wishes to be informed whether additional resources to recruit the necessary custodial officers have been reflected in the budgets for 2020 and 2021, as well as for their proper training.**

**Further, the CPT would like to be informed of the timing of the deployment of the additional custodial officers mentioned above and to which prison establishments, and of the initial training course that these officers underwent before being deployed.**

**Moreover, the working conditions of prison staff in Greece should be improved, notably by phasing out the widespread recourse to double shifts and unpaid overtime.**

67. It is not only the low staffing levels and the consequent lack of control of prisoners which is of concern but the fact that custodial officers were regularly working double shifts. Many of them complained to the CPT's delegation about the high number of leave days owed to them, and overtime and extra shifts not paid (for example, a prison guard at Korydallos Men's Prison stated he was owed 200 shifts). Such a state of affairs not only increases considerably the likelihood of burnout, but also undermines motivation and exposes staff even more to the temptation of corruption and collusion with prisoners. It is a credit to many of the staff members that they remain dedicated to their jobs in spite of their working conditions and the lack of support from the state.

Staff need to be provided with support, including through training courses and recognition of the challenging duties they have to perform, all of which are currently absent. The Ministry of Justice must invest not only in increasing the numbers of prison officers in the establishment but in their training and professional development. Staff should be offered a minimum number of days of in-service training every year, both as a means to refresh their skills and to develop team building. With over half of the prison population made up of foreign nationals such training must include promoting learning in the areas of diversity and inter-personal skills. Professional training should also be provided for senior prison managers and possibilities for career development should be promoted.



Further, the CPT considers that the staffing within prisons should mirror society and to this end mixed-sex staffing can have a positive impact. The presence of male and female staff in all prisons can have a beneficial effect in terms of both the custodial ethos and in fostering a degree of normality in a place of detention. In addition, greater efforts should be made to recruit staff members from some of the larger minority groups that make up the prison population such as Albanian, Arabic, Pashtu and Urdu speakers.

**The CPT reiterates its recommendation that the Greek authorities develop a comprehensive plan for staff training, including on intercultural communication, in order to strengthen the motivation and performance of prison officers. As part of the plan, the CPT would like to be informed about the in-service training envisaged for all prison officers, and the prospects of promoting mixed-sex staffing within prisons and of recruiting staff with diverse language skills. Professional training for senior prison managers should be provided with a view to introducing a professional management career path within the Greek prison system. Increased resources should also be put towards supporting staff such as mentoring and the provision of individual psychological counselling when required.**

b. discipline

68. The provisions of the 1999 Penitentiary Code dealing with disciplinary sanctions and procedures have been described in previous reports and do not call for any particular comment.<sup>40</sup> As regards more particularly the sanction of disciplinary confinement, it may not exceed 10 days (five days for remand prisoners and juveniles).

The CPT's delegation examined the disciplinary procedures and the sanctions imposed in each of the prisons visited. In most prisons visited, limited resort was had to disciplinary sanctions and, in particular, solitary confinement as a disciplinary punishment was applied sparingly. For example, at Trikala Prison there were 108 disciplinary cases in 2018, of which 13 resulted in a sanction of solitary confinement and 21 in an acquittal and, in the first three months of 2019, there were 24 disciplinary cases of which two had resulted in a punishment of solitary confinement. The procedures were followed according to the law. However, on a number of occasions solitary confinement as a disciplinary punishment was imposed in excess of the maximum period of 10 days as laid down in Article 61 of the Penitentiary Code. In a case adjudicated on 15 February 2019, an inmate was given 18 days of confinement in a special cell (i.e. solitary confinement) and, in 2018, there were three cases of inmates having, respectively, 12 days, 12 days and 35 days of solitary confinement imposed as a disciplinary punishment.

A similar situation was found at Thessaloniki Prison where following a fight between inmates on 17 March 2019, two days later the Prison Council imposed punishments of solitary confinement of 15 to 20 days on five inmates and of 25 and 30 days on two other inmates, as well as interdiction to work for up to two years and transfer to another prison. The delegation met three of these persons in the disciplinary unit at Nigrita Prison and one at Thessaloniki Prison. The prisoners complained that all the documents had been in Greek, that they had not understood the proceedings or the content or nature of the documents that they had had to sign, nor had they been informed of their right to appeal. Further, interpretation had been provided by another prisoner. In addition, those disciplinary decisions provided to inmates that were seen by the delegation did not provide clear information on the outcome of the disciplinary process.

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<sup>40</sup> See Articles 21.3 and 65 to 71 of the Penitentiary Code.

By letter of 28 June 2019, the Greek authorities acknowledged that this practice was unlawful and informed the CPT that the Secretary General for Crime Policy issued strict instructions through Circular 4/2019 to all prisons to ensure that placement in solitary confinement as a disciplinary sanction does not exceed the time-limits set by the 1999 Penitentiary Code and that the law is correctly applied in all establishments. This is a welcome development.

**The CPT recommends that the Greek authorities ensure that the disciplinary proceedings be explained to all prisoners in a language they can understand and that prisoners are not required to sign documents that they do not understand. The right to appeal any disciplinary decision by the Prison Council must be clearly explained to all prisoners.**

69. At Nigrita Prison, the conditions observed in the cells in the disciplinary unit were unfit for human habitation (cells were grimy with dirt and had almost no access to natural light and no artificial lighting making them extremely sombre; mattresses and bedding were filthy; the toilets were malodorous and unhygienic, and the toilet in one cell was leaking effluent; all installations in the cells had been removed apart from a metal bed, including the lights, the washbasin and door to the sanitary annexe). Further, the five prisoners held in these cells at the time of the visit had not been granted access to the outdoor exercise yards nor received any medical attention during the four to seven days that they had been held in these cells. The unit was unsupervised and even the CCTV cameras in the corridor of the unit were not working. When the delegation went to visit these cells, thick smoke billowed out of the corridor and the accompanying prison officer took several minutes to evacuate the prisoners held there, a task he accomplished without wearing any protective clothing or breathing apparatus. The consequences of leaving a wing unsupervised could have been far graver.

In the light of these grave findings the delegation invoked Article 8, paragraph 5 of the Convention and requests that the 10 disciplinary segregation cells be taken out of service immediately until such time as they are properly refurbished. In addition, the unit should always be supervised by staff when occupied and all prisoners must be offered at least one hour of outdoor exercise a day. It is also incumbent upon the Greek authorities to ensure that all prisons are equipped with appropriate fire-fighting equipment, including protective clothing and breathing apparatus for staff, and that staff are trained in their use. Further, there was no register on the placement of prisoners in the disciplinary unit nor any daily log to record all movements of prisoners in and out of their cells, including as regards access to outdoor exercise

By letter of 28 June 2019, the Greek authorities informed the Committee that instructions have been issued to the Director of Nigrita Prison to fully comply with the request. Further, steps have been taken to renovate the cells in question. **The CPT would like to receive information on the regime and material conditions in the segregation unit and to receive confirmation that the unit is always supervised by staff when occupied and that all placements in the unit are properly recorded.**

In addition, **the CPT wishes to receive confirmation that all prisons are equipped with appropriate fire-fighting equipment.**

c. reception and induction procedures

70. In its previous visit reports to Greece, the CPT stressed the importance of a proper reception and first night procedure, especially in those establishments that serve as the point of entry for many prisoners into the Greek prison system. However, in none of the prisons visited did the delegation come across any specific arrangements for the first night that prisoners spend in the establishments. There were no specific reception units, also due to a complete lack of space. New arrivals underwent a rapid induction process after being searched and booked in which consisted of seeing the Chief Guard and a nurse at Trikala Prison, the Director also tried to meet all new arrivals at the establishment). The procedure was completed within 15-20 minutes and the new arrivals were placed wherever space could be found or made, usually not distinguishing between remand and convicted prisoners, who were often mixed. The main criterion applied was that of nationality or linguistic background. In the following days meetings with a doctor or nurse, a social worker and, in some prisons, possibly with a criminologist and a psychologist would be organised. However, the process was neither integrated nor organised to build up a better understanding of the needs of the prisoner or to assist the staff in deciding how best to manage and support the prisoner in question.

While the prison management's allocation policy was premised on the path of least resistance from prisoners already located on the wings and based on the assumption that all ethnic groups wanted to be with their own kind, it was essentially a discriminatory and racist policy. On the one hand it perpetuated myths that certain groups were "happy" to live in dirty conditions as long as they were all crowded together or that all prisoners speaking a particular language would naturally be better off among those who spoke their language. On the other hand, it reinforced the authority of the leaders of a particular ethnic group as they were effectively charged with "managing" their groups (i.e. keeping order) and negotiating with other groups and the prison management. As a temporary *modus vivendi* given the extreme staff shortages the CPT understands the reason for such an approach despite it clearly being a failure of the state to guarantee the safety of all prisoners as well as staff. However, once staff numbers increase, the prison management must ensure that it becomes the sole authority deciding on allocation of prisoners within an establishment based upon an individual needs and risk assessment.

**The CPT calls upon the Greek authorities to introduce proper reception and first night procedures as well as an induction process for all prisoners being admitted to a prison, with a priority placed on those establishments which are points of entry to the prison system. The current allocation policy must be phased out.**

71. The arrival and reception areas in the prisons visited tended to be filthy and dilapidated. At Thessaloniki Prison, the cell used for accommodating new arrivals was dilapidated, grim and unwelcoming, while the two admission cells at Nigrita Prison were filthy, cold, unfurnished, without artificial lighting and with broken toilets. Such cells were totally unsuitable for holding prisoners whom staff had identified as at risk of committing suicide who were in need of a supportive environment. Further, there was no register on the use of these cells, with no information on the persons held in the cells (names, dates of entry and exit) or regarding their supervision.

In addition, prisoners interviewed by the CPT's delegation all stated that they were not provided with any brochures informing them about the regime or other details of the institution, and that they usually learned about the rules, rights and obligations from other prisoners. This is surprising given that the Greek Ministry of Justice has published a "Prisoner's A-Z on rights and obligations" which it assured the delegation was being distributed to prisoners. Indeed the delegation saw the brochures stacked up in the administrative building of certain prisons but did not come across a copy in any of the cells visited. It was also unfortunate that in none of the waiting rooms where prisoners were placed when they first entered a prison was there any information on the establishment and its routines, let alone in different languages, to welcome the new arrival.

**The CPT recommends all newly admitted prisoners be provided with the introductory brochure about prison life. Further, foreign-national prisoners should be provided with information in a language they understand. In this respect, interpretation services should be made available in all prisons to facilitate staff communication with foreign national prisoners. Moreover, admission cells in a prison must conform to the basic minimum conditions for accommodating a prisoner (living space, state of repair, lighting, temperature, a bed, mattress and clean bedding, etc.), especially if they are to be used to accommodate vulnerable prisoners, and all placements in such cells should be recorded.**

d. contact with the outside world

72. The CPT attaches considerable importance to the maintenance of good contact with the outside world for all persons deprived of their liberty. The guiding principle should be to promote contact with the outside world as often as possible; any restrictions on such contacts should be based exclusively on security concerns of an appreciable nature.<sup>41</sup> The importance of maintaining good contact with the outside world is recognised in Articles 51 of the 1999 Penitentiary Code. However, the situation regarding contact with the outside world has still not evolved since previous visits with regard to two important aspects associated with visits.

First, the CPT considers that the current entitlement of sentenced prisoners to one visit of 30 minutes per week should be reviewed with a view to increasing the amount of visiting time to at least one hour every week. Further, as regards prisoners whose families live far away from the establishment in which they are held, a degree of flexibility in the application of the rules on visits should be permitted and such prisoners should be allowed to accumulate visiting time.

Second, it remains the case that almost all visits continue to take place with the prisoner and visitor(s) physically separated from each other by a screen. The CPT considers that the rule should be to offer open visits to all prisoners with closed visits being the exception, based on security considerations.

In addition, many prisoners complained that they were not allowed to receive visits from friends or even partners (with whom they might have a common child) as the rules stipulated only relatives with the same surname could visit. Consideration should be given to amending this rule especially given the number of foreign nationals who do not have any relatives living in Greece as well as regarding the changing social norms whereby marriage is no longer viewed as a prerequisite for having children.

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<sup>41</sup> See also European Prison Rule 24.2.

**The CPT reiterates its recommendations that the Greek authorities take steps to increase the visiting time for sentenced prisoners to one hour per week and that prisoners whose families live far away be allowed to accumulate visiting time. Further, visits with a physical separation between the prisoner and the visitor(s) should be the exception rather than the rule. In addition, the rules concerning who is entitled to visit a prisoner should be reviewed in the light of the above remarks.**

73. On a positive note, the CPT's delegation observed the benefits of offering a more relaxed and informal exchange between prisoners and their families and children at Korydallos Men's Prison. This initiative to hold the visits in the open garden area inside the prison where parents could kick a ball around with their children and play other games should be further developed. At Nigrita Prison, prisoners could meet their wives and children in a nicely decorated and pleasant space equipped with toys and games, and at Trikala Prison, a similar room was being prepared.

The CPT considers that every prison should have a designated children's space (a changing table, toys, books, drawing materials, games, etc.) where children can feel safe, welcomed and respected. Every effort should be made to ensure that prison visits by children take place in an environment conducive to play and interaction with the parent, and that visits are part of a policy to promote, maintain and develop child-parent relationships in prison.<sup>42</sup>

Further, the CPT's delegation was informed about the proposal to offer prisoners at Nigrita Prison the possibility of benefiting from an intimate visit if they fulfilled certain conditions, similar to the scheme in place at Grevena Prison.

**The CPT encourages the Greek authorities to expand the possibility for prisoners to have open visits with their children and family members. It would like to be informed about the steps being taken to ensure that prisons have appropriate child-friendly visiting spaces. It would also like to be informed about the policy and criteria concerning intimate visits and whether all prisons will offer such a possibility to prisoners.**

74. The CPT also welcomes the tentative steps being taken to initiate Voice over Internet Protocol (VOIP) communications between inmates and their families. At Trikala Prison, around 20 inmates had signed up for VOIP sessions with their families and 51 audio/video calls had been made in the few months since the programme had been operating. Prisoners were permitted to make a call once a month. However, many prisoners were unaware of the existence of such a possibility or of what the criteria for participation were.

**The CPT recommends that the use of VOIP communications be expanded to all prisoners who either receive no visits or very infrequent visits. The Committee would be interested to learn whether VOIP communications are being used in other prisons and whether there are any general criteria regulating access to VOIP.**

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<sup>42</sup> See, *inter alia*, paragraph 20 of Recommendation CM/Rec(2018)5 of the Committee of Ministers to Council of Europe member States concerning children with imprisoned parents adopted on 4 April 2018.

e. complaints procedures

75. There is still no proper system of internal complaints available within the prison system.<sup>43</sup> In the prisons visited, inmates could make requests for various services by filling out a paper and placing it in a locked box on the wings or just outside and they could also submit complaints via this process. At Nigrita Prison and other prisons, the director dealt with these complaints personally and inmates could also see the prosecutor. However, there was no clear policy regulating the complaints system, with timelines for responses and possibilities to appeal to a higher body if the complaint was rejected, or even who should be responsible for investigating a complaint, especially if it concerned the Director or Chief Guard. Nor were the complaints recorded or any attempt made to compile statistics on the various types of complaints which might inform management and prison policy.

The CPT repeats that a proper internal complaints system needs to be put in place; for example, prisoners ought to be able to make written complaints at any moment and place them in a locked complaints box on a prison landing (forms should be freely available); all written complaints should be registered centrally within the prison before being allocated to a particular service for investigation or follow up. In all cases, the investigation should be carried out expeditiously (with any delays justified) and prisoners should be informed within clearly defined time periods of the action taken to address their concern or of the reasons for considering the complaint not justified. In addition, statistics on the types of complaints made should be kept as an indicator to management of areas of discontent within the prison. Of course, prison officers should be encouraged and empowered as far as possible to resolve complaints themselves and only where this is not possible should recourse to a written procedure be promoted.<sup>44</sup>

**The CPT reiterates its recommendation that the Greek authorities introduce a formal system of complaints in all Greek prisons, taking into account the above remarks.**

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<sup>43</sup> See, *inter alia*, CPT/Inf (2016) 4, paragraph 95.

<sup>44</sup> See also the 27<sup>th</sup> General Report of the CPT: CPT/Inf (2018) 4, paragraphs 68 ff.

## **B. Police establishments**

### **1. Preliminary remarks**

76. The CPT has been highly critical about the treatment of criminal suspects by elements of the Hellenic Police and remains concerned that, despite overwhelming indications to the contrary, the Greek authorities have to date consistently refused to consider that police ill-treatment is a serious problem in Greece. Little or no action appears to have been taken to implement the Committee's long-standing recommendations or to put in place a comprehensive strategy to combat police ill-treatment effectively.<sup>45</sup>

In the course of the 2019 visit, the CPT's delegation reviewed the treatment of criminal suspects deprived of their liberty by the police. To this end it visited a number of regional police headquarters and police stations and also interviewed recently admitted prisoners on remand in relation to their treatment by the police. The delegation also examined the situation of persons being held at the Athens and Thessaloniki transfer centres which fall under the authority of the Ministry of Citizen Protection. Certain of these establishments were visited for the first time.<sup>46</sup>

Further, the delegation examined various aspects related to the effectiveness of investigations into allegations of ill-treatment by law-enforcement officials, the implementation of safeguards to prevent ill-treatment and the arrangements for transferring prisoners.

77. The legal framework governing police custody in Greece has remained unchanged since the CPT last examined policing matters in 2015 and 2016.<sup>47</sup> It is recalled that criminal suspects may be detained by the police, on their own authority, for up to 24 hours, at which point in time the person shall be brought before the competent examining magistrate (either a prosecutor or an investigating judge, depending on the criminal offence). The examining magistrate must, within the next three days, either release the detainee or decide on the person's continued detention. Upon application by the detainee, or in exceptional circumstances, this time-limit can be extended by two more days.<sup>48</sup> Thus, a criminal suspect may remain in police custody for up to six days.

### **2. Ill-treatment**

78. In the course of the 2019 visit, the CPT's delegation once again received a high number of credible allegations of physical ill-treatment of criminal suspects who were – or had recently been – deprived of their liberty by the Hellenic Police.

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<sup>45</sup> See CPT/Inf (2017) 25, paragraphs 64-67; CPT/Inf (2016) 4, paragraphs 15-44; and CPT/Inf (2014) 26, paragraphs 14-25.

<sup>46</sup> Namely Langadas, Nigrita and Trikala Police Stations and Athens Transfer Centre for Prisoners.

<sup>47</sup> See CPT/Inf (2016) 4, paragraph 14; and CPT/Inf (2017) 25, paragraph 63.

<sup>48</sup> See Article 6 (2) of the Greek Constitution and Section 279 (1) of the 1951 Code of Criminal Procedure.

In particular, the delegation interviewed many foreign national detainees as well as some persons from the Roma community, who complained that they had been subjected to excessive use of force upon apprehension, primarily by officers from the motor cycle police units, security police or special crime prevention and repression groups (*Ομάδες Πρόληψης και Καταστολής Εγκληματικότητας (Ο.Π.Κ.Ε.)*) in the Athens and Thessaloniki areas. All these persons consistently claimed that they were handcuffed behind their back and roughly pushed to the ground face down by the police when apprehended. A large number of these persons alleged that they were slapped or even punched, kicked and stamped upon whilst they displayed no resistance or had already been brought under control. Some persons also alleged that they received blows with truncheons or metal objects such as a torch or a metal bar to the body and head. Further, some persons complained about unduly tight and painful handcuffing after their apprehension and they still displayed visible red abrasions on their wrists when met by the delegation.

A number of foreign nationals alleged that they had been subjected to physical and psychological ill-treatment during or in the context of police interviews. The alleged ill-treatment mainly consisted of slaps, punches and kicks as well as truncheon blows to the body and head. The delegation also received some allegations of ill-treatment of a particularly severe nature involving blows with a stick to the soles of the feet (*falaka*) and the application of a plastic bag over the head in the context of police interviews. All of these persons stated that they were pressured and threatened by (plainclothes or uniformed) police officers to make a confession and sign a statement that most of them did not understand either because they were illiterate or because they could not understand Greek and were not provided with interpretation services (see paragraph 100). Several suspects also claimed that the alleged ill-treatment was intended to get them to confess to similar crimes to the one they admitted having committed. Moreover, none of these persons was reportedly allowed to make a phone call or to contact a lawyer during their initial questioning (see paragraph 94).

Moreover, the delegation received a great number of allegations of verbal abuse, including racist/xenophobic remarks, of detained persons by police officers at the time of apprehension, during questioning, as well as during transfers to and from police stations or prisons.

79. In a few cases, the delegation gathered medical evidence and other documentation which were consistent with the allegations of ill-treatment made by detained persons. The cases below are for the purposes of illustration. For example:

- i. An Albanian national met at Korydallos Men's Prison alleged that, when he was apprehended at home on 12 March 2019, two police officers delivered repeated kicks to various parts of his body and that he was struck on the back of the head with a metal bar, although he reportedly did not offer any resistance. After having spent two nights at two different police stations in Athens, he was transferred in the evening of 14 March to Agios Panteleimonas Police Station and placed in the holding cell on the third floor. Subsequently, he alleged that five hooded officers entered the cell who forced him to bend over while standing, cuffed his wrists to his ankles and subjected him to repeated slaps, punches and kicks to the body and head. He also claimed that he was twice doused with water after apparently fainting, that an empty bucket was placed over his head and that he was struck several times with a baton. He said that the police officers threatened him that it would not be in his interests to complain and later his lawyer also advised him that it was not worth making a complaint. The CPT notes that his injuries were only partially documented upon his arrival at Korydallos Men's Prison on 15 March and during the subsequent examination by a forensic doctor four days later (see paragraph 49) but were nevertheless consistent with the alleged ill-treatment.



- ii. The delegation also interviewed three Roma men who stated that, in the early morning of 28 March 2019, following an attempted robbery, they were pursued by several police cars and stopped in Kalamaria near Thessaloniki. They were allegedly pushed onto the ground face down and handcuffed behind their backs, at which point many police officers started punching and kicking them. They also claimed that some police officers pressed their heads into the ground with their boots and one of them alleged that a police officer had struck his head with a torch. Further, they said that they were subjected to verbal abuse, including racist remarks. They were transferred to Monasteriou General Police Headquarters in Thessaloniki, where each of them was brought to one of the three interview rooms located on the second floor of the building for individual questioning by up to five security police officers.<sup>49</sup> They all claimed that they were made to stand handcuffed during the several hours of questioning, and two of them alleged that, after one or two hours of questioning, they were punched in the head, the stomach and the ribcage, and subjected to kicks to various parts of the body and head by two or three of the interviewing officers. They also complained that they were subjected to verbal abuse, including racist remarks, threats and put under pressure to sign a statement with additional charges, without being able to understand the content (all three were illiterate). Despite their requests, they were not provided with the assistance of a lawyer or a doctor and they were not allowed to make a phone call before the end of the day.

When examined by the delegation's forensic medical doctor two days later, one of the three men notably displayed a fractured nose with swelling and bruising and slight deformation to the left, a semi-circular healing lesion of 1.5cm in diameter at the left parietal part of the scalp, consistent with having been struck with the handle of a torch at the head, and a swelling and bluish/reddish hematoma below the left eye. He also displayed several bluish/purplish bruises of different size on the back and on the left leg. Another of the men displayed multiple signs of trauma, including abrasions, a bruise and a hematoma.<sup>50</sup> In the CPT's view, these injuries are highly consistent with the alleged ill-treatment.

80. The information gathered by the delegation through interviews with detained persons in different police and prison establishments once again indicates that the infliction of ill-treatment by the police particularly against foreign nationals and persons from the Roma community, including for the purpose of obtaining a confession, remains a frequent practice throughout Greece. It does not concern isolated incidents only, as repeatedly stated by the Hellenic Police.

By letter of 24 June 2019, the Greek authorities indicated that a formal Sworn Administrative Inquiry as regards the conduct of police officers in the Thessaloniki area has been initiated. **The CPT would like to be informed about the outcome of the investigation.**

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<sup>49</sup> The three short-term holding rooms were under the respective authority of the 'Crimes against Human Life', Narcotics and 'Safeguarding of Property Rights' Divisions.

<sup>50</sup> In particular, he displayed an abrasion on the right side of the face (measuring 1 x 0.3 cm), a yellowish pale bruise behind the left earlobe (measuring 2.2 x 1.5 cm), several yellowish hematoma in the right pectoral region and on the right lateral side of the chest (measuring from 2 x 2 cm to 3 x 3.5 cm) and an abrasion on the anterior aspect of the right lower leg (measuring 3.5 x 1.1 cm).

81. In its 2015 visit report on Greece, the CPT highlighted the need to promote a change in police culture, where it is regarded as unprofessional to resort to ill-treatment.<sup>51</sup> The Committee cannot but reiterate its call that the Greek authorities must intensify their efforts aimed at promoting professional policing and eradicating all forms of ill-treatment by the police. A change of mindset starts with competitive and more rigorous recruitment procedures and improved professional training for police officers.

The CPT wishes to recall that, for the prevention of physical and psychological ill-treatment of criminal suspects, it is essential that police interviews are always carried out in a professional and non-coercive manner. The Committee has repeatedly recommended that the Greek authorities promote a fundamentally different approach towards methods of police investigation and develop clear rules or guidelines on how interviews with suspects should be carried out. The aim of such interviews must be to obtain accurate and reliable information in order to seek the truth about matters under investigation and not to obtain a confession from a person already presumed, in the eyes of the interviewing officers, to be guilty.

In its 28<sup>th</sup> General Report, the Committee has outlined the added value of the methodology of investigative interviewing, which requires entirely changing the procedures applied when interviewing suspects and which can, in the longer term, contribute to a paradigm shift in the mindset of individual police officers and the police service at large.<sup>52</sup> This in turn also has a positive impact on how the general public perceives the police service.

A system of ongoing monitoring and systematic review of police interviewing standards, procedures and practices should also be established in order to facilitate the investigation of any allegations of ill-treatment. The CPT has repeatedly stressed the importance of accurate recording of all police interviews, which requires the introduction of electronic (i.e. audio and/or preferably video) recording equipment as an effective means of preventing ill-treatment. Further, greater police accountability, clear reporting procedures and “whistle-blower” protective measures should be put in place.

82. Many of these issues were brought up during a January 2019 Round Table organised by the Council of Europe and the Prosecutor General of the Supreme Court of Greece which focused on professional policing and brought together police officers, judges and prosecutors as well as legal practitioners, academics and representatives from the CPT.<sup>53</sup> The Round Table recognised that ill-treatment was a concern in Greece and required a multifaceted approach to address it, including legislative amendments and targeted measures to strengthen accountability and oversight, supported by efforts to instil an institutional culture within law enforcement which views torture and ill-treatment as inherently wrong, unprofessional, and antithetical to upholding the law.

These measures must be underpinned by appropriate technical training in investigative interviewing, and the adequate resourcing of law enforcement services and the justice system more broadly.<sup>54</sup> It is now important that the right conclusions are drawn and effectively implemented in practice.

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<sup>51</sup> See CPT/Inf (2016) 4, paragraph 23.

<sup>52</sup> See the 28<sup>th</sup> General Report of the CPT: CPT/Inf (2019) 9, paragraphs 73 ff.; and Council of Europe, [A brief introduction to investigative interviewing – A practitioner’s guide](#), October 2018.

<sup>53</sup> See Council of Europe, [Tackling ill-treatment by police in Greece](#), 9 January 2019, and [Report on professional policing in Greece](#), 10 July 2019.

<sup>54</sup> See Council of Europe, [Report on professional policing in Greece](#), 10 July 2019. See also a concept note on [“Professional Policing: Roles and Responsibilities of National Actors in Relation to the \(Ill-\)Treatment of Apprehended Persons in Greece”](#) (Greek translation).

83. The CPT calls upon the Greek authorities to ensure that all police officers throughout Greece understand clearly that any form of ill-treatment of detained persons constitutes a criminal offence and will be prosecuted accordingly. Police officers should also be firmly reminded, in particular through on-going training, that no more force than is strictly necessary should be used when effecting an apprehension and that there can be no justification for striking apprehended persons once they have been brought under control. Where it is deemed essential to handcuff a person at the time of apprehension or at a later stage, the handcuffs should under no circumstances be excessively tight<sup>55</sup> and should be applied only for as long as is strictly necessary.

The CPT also reiterates its recommendation that the Greek authorities actively promote a culture change within the ranks of the Hellenic Police. Further, regular professional training for police operational officers and investigators should be provided, which covers appropriate interview and investigation techniques, as well as the prevention of ill-treatment. Inspiration should be drawn from the methodology of investigative interviewing. In addition, steps should be taken to monitor police interviewing standards and procedures, introduce electronic (i.e. audio and/or video) recording of police interviews and adopt “whistle-blower” protective measures.

Moreover, in order to back up any message of zero-tolerance and to reinforce the training, effective investigations into all allegations of ill-treatment must be undertaken to demonstrate that criminal acts by the police will be punished, with sanctions commensurate with the offences committed, and to counter the current culture of impunity that pervades parts of the police force (see section 3 below).

### 3. Investigations into allegations of ill-treatment

84. In its report on the 2015 visit,<sup>56</sup> the CPT set out in detail the system of investigations into allegations of ill-treatment that exists in Greece as well as the criteria established by the European Court of Human Rights in its case law<sup>57</sup> and the standards promoted by the CPT<sup>58</sup> to ensure that such investigations can be considered as effective. The 2015 report concluded that the Greek system is characterised by systemic failings by the police and judicial authorities to conduct prompt, thorough, independent and impartial investigations, aimed at bringing the perpetrators of ill-treatment to justice.

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<sup>55</sup> It should be noted that excessively tight handcuffing can have serious health-related consequences (for example, sometimes causing a severe and permanent impairment of the hand(s)).

<sup>56</sup> See CPT/Inf (2016) 4, paragraphs 24 to 44.

<sup>57</sup> Most recently, see European Court of Human Rights, judgments in the cases of [Sidiropoulos and Papakostas v. Greece](#), App no 33349/10, 25 January 2018; [Andersen v. Greece](#), App no 42660/11, 26 April 2018; [Konstantinopoulos and others v. Greece](#), App nos 29543/15 and 30984/15, 22 November 2018.

<sup>58</sup> See the section on combating impunity in CPT/Inf (2004) 28, paragraphs 31-36.

In the response to the 2015 visit report, the Greek authorities refer to a number of measures taken by the prosecution and police services to demonstrate that the country takes the investigation and prosecution of all cases of alleged ill-treatment seriously.<sup>59</sup> However, the response did not address the fundamental flaws raised by the CPT with regard to such investigations, such as the lack of promptness and expeditiousness in carrying out investigations and the passive role of the prosecutorial or judicial authorities as regards starting an investigation. Further, concerns about the inadequate nature of sanctions imposed for ill-treatment and the fact that the definition of the torture provision of Criminal Code (Article 137 A)<sup>60</sup> is not in line with international standards were not addressed. The CPT also notes that none of the specific cases raised in the report as indications of lack of effectiveness and for which it requested a review received a response.

The 2019 periodic visit represented an opportunity to review the question of the effectiveness of investigations into allegations of ill-treatment by law enforcement officials in Greece. To this end, the CPT's delegation met with the National Mechanism for the Investigation of Arbitrary Incidents within the Ombudsman's Office, prosecutors at the Athens Court of First Instance and the Internal Affairs Directorate of the Hellenic Police. It was also able to examine a number of case files.

85. The most notable development since the 2015 visit has been the establishment of a "National Mechanism for the Investigation of Arbitrary Incidents by Law Enforcement and Prison Officers" within the Ombudsman's Office,<sup>61</sup> which began functioning in June 2017.

The mandate of the new Mechanism<sup>62</sup> comprises collecting, recording, assessing and further transmitting to the competent bodies complaints about the actions of law enforcement officers regarding a) torture and other violations to human dignity within the meaning of Article 137 A of the Criminal Code; b) intentional and unlawful violations against life, physical integrity, health, personal or sexual freedom; c) unlawful use of a firearm; or d) racial or hate-motivated crimes. More specifically, the Ombudsman, acting as the Mechanism, evaluates all submitted complaints which fall within his specific competence and decides either to investigate them himself or to refer the investigation to the competent disciplinary body under the supervision of the Mechanism.

If the Ombudsman decides to investigate the complaint himself, the competent disciplinary body is not prevented from continuing its investigation but is obliged to suspend its decision on the case pending receipt of the Ombudsman's findings. If the Ombudsman decides to refer the case to the competent disciplinary body, the latter is obliged to investigate it as a priority, and inform the Ombudsman of the outcome. The Ombudsman evaluates the findings of the disciplinary proceedings and may send the case back to the disciplinary body for further investigation if specific shortcomings are identified. The Ombudsman's findings are not legally binding, but the disciplinary body concerned is obliged to provide specific and detailed reasoning in case of any divergence from them. The Ombudsman can also forward his findings to state prosecutors when he determines that there is evidence of criminal activity.

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<sup>59</sup> See CPT/Inf (2016) 5, pages 26 to 35.

<sup>60</sup> According to Article 137 A (2) of the 1951 Criminal Code, "[t]orture constitutes [...] any methodically/planned [*μεθοδικευμένη*] infliction of severe physical pain or physical exhaustion which presents a danger to health or psychological pain capable of causing serious psychological harm as well as any unlawful use of chemical, narcotic or other natural or technical means aimed at bending the will of the victim."

<sup>61</sup> See Law No. 4443/2016 (Articles 56-58). See also the Rules of Operation prepared by virtue of a decision of the Greek Ombudsman (Φ10/24727/2017, Gov. Gazette, Series II, 2065).

<sup>62</sup> The Mechanism is also responsible for following up on the implementation of judgments by the European Court of Human Rights concerning Greece, including ordering the re-opening of investigations.

86. The establishment of the Mechanism represents a step in the direction of creating a fully independent police complaints body. In the period between June 2017 and December 2018, it examined a total of some 300 cases, the vast majority concerning police officers. On a number of occasions, the Mechanism requested more thorough investigations of complaints by the competent disciplinary authorities and pointed to shortcomings notably in investigating racist motives in cases of police ill-treatment.<sup>63</sup>

Nevertheless, the CPT has a number of concerns as to whether the Mechanism is able to be fully effective. First, the CPT notes that the Mechanism only provides an oversight of disciplinary cases whereas cases of alleged ill-treatment should primarily fall under criminal law. In practice, this means that a disciplinary case may be opened by the police and the Mechanism informed but if it is considered to be of a criminal nature the disciplinary investigation is suspended until the end of the criminal investigation which in Greece appears to mean around three years or more. Additionally, the Mechanism provides no oversight of the criminal investigation. Second, the Mechanism has no powers to compel action by law enforcement agencies but can only make recommendations. The most important phase of any investigation is the initial stages when a forensic medical examination should be performed, witnesses interviewed and other evidence gathered. Yet, the Mechanism cannot directly influence these processes (for example, by ensuring from the outset that the police investigator is independent from the police officers accused of the alleged ill-treatment) but only makes recommendations once it receives information on a particular investigation, usually after the investigation is terminated. Third, for the Mechanism to be able to provide proper oversight of investigations carried out by the competent disciplinary bodies (which in the past have been found repeatedly to be ineffective) and, moreover, to be in a position to carry out its own investigations it must be provided with the necessary resources. To date, it has not been provided with the 10 additional posts envisaged in the law establishing the Mechanism but relies on staff members who also carry out other functions within the Ombudsman's Office.

**The CPT recommends that the resources provided to the Mechanism be significantly increased. Further, in order to carry out effective investigations itself and to enhance its oversight role, the Mechanism should be granted supplementary powers such as the power to compel officials to take action and to be given the mandate to order forensic medical examinations.**

87. As mentioned above, the role of the Mechanism within the Ombudsman's Office is not to supplant the law enforcement or prosecution services but to provide oversight into their functioning and make recommendations to improve their effectiveness. Therefore, it is incumbent upon the Greek authorities to ensure that the Hellenic Police and judiciary (prosecutors and magistrates) carry out effective investigations into cases of alleged ill-treatment. The findings of the 2019 visit confirm those from the 2015 visit that investigations are still not carried out promptly or expeditiously, and it also has concerns that there is a lack of thoroughness in the investigation of many cases. Further, the criteria for deciding which cases get investigated by the Internal Affairs Directorate (IAD) of the Hellenic Police and which by the local police departments appear unclear and differ from one prosecutor to another.

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<sup>63</sup> See Greek Ombudsman, 2017 Annual Report, pages 217-224 and 2018 Annual Report, pages 63-78. Further, the Mechanism also challenged the lack of independence and impartiality and the lack of thoroughness of a number of disciplinary proceedings carried out by the competent disciplinary bodies, including because they did not refer to or incorrectly evaluated/assessed evidence, or due to not requesting a forensic medical examination or seeking witness testimonies.

For example, a case (IAD ref: 3021/8/2153) that concerned a complaint of December 2017 by four Albanian prisoners from Patras Prison who said that they had been left alone for a few hours after being woken up early and treated impolitely on the day of their transfer was investigated under Article 137 A. The IAD investigated the case between January and July 2018 and informed the prosecutor who, four months later, requested more information on the case.

On the other hand, a case (IAD ref: 3021/8/2147) of evident alleged ill-treatment was not considered appropriate for investigation by the IAD. On 27 November 2017, four young persons from Pakistan held at the Amygdaleza Minor's Centre, suspected of having started a fire in a container, were taken outside in a clearing and allegedly subjected to slaps, punches and kicks to various parts of their body and threatened with deportation by a group of 8-10 police officers. The young persons were subsequently taken to hospital. The case was transferred to the IAD on 18 March 2018 but two days later the supervisory prosecutor decided the case did not fall under Article 137 A but was only aggravated bodily harm and so it was returned to the local Security Department for investigation.

The latter case is a serious allegation of ill-treatment against children and yet the investigation into the case was not taken seriously, whereas important resources were invested into the former case which appears rather incongruous. **The CPT wishes to be informed about what steps were taken during the three months prior to the IAD being notified to investigate the case concerning the young foreign nationals and by whom.** Further, **it would like to understand why this case was not considered to fall under Article 137 A whereas other less serious cases do.** In addition, **it wishes to be informed of the steps that have been taken since 20 March 2018 to investigate this case and by whom.**

The CPT's delegation was also informed that the investigation into the circumstances of the death of Zak Kostopoulos on 21 September 2018 after being beaten by several civilians and police officers was not under the IAD but the homicide department. The CPT understands that the investigation is ongoing. Nevertheless, **it wishes to be informed of the status of the case both from the criminal and disciplinary aspects.**

88. The CPT noted that many of the cases it looked at involved considerable delays between the date of the alleged events and the date that the IAD was actually informed. Further, it found that cases often took more than three years to be investigated and brought to court and that such a time period was considered reasonable by prosecutors as the priority was to deal with pre-trial detention cases. At the same time, it noted that if the IAD is informed promptly and evidence is gathered rapidly, action is taken to suspend police officers and bring them to trial within a reasonable period. For example, the case (3021/8/1872) of a Roma man who was beaten by police officers in the Aspropyrgos region of Athens on 2 March 2017 resulted in seven police officers being suspended from duties and brought to court. However, this case appears to be more the exception than the rule as most alleged cases of ill-treatment are not criminally prosecuted. According to information provided by the Greek authorities, between 2015 and 2018, the Hellenic Police initiated 257 disciplinary proceedings for cases of alleged abuse/ill-treatment which resulted in only seven cases where a disciplinary sanction was imposed and in only one case was a police officer dismissed. Further, in only two cases involving seven police officers was there a criminal trial, with the court handing down a guilty verdict for violations of Article 137 A of the Criminal Code resulting in four police officers being given suspended sentences.

89. By letter of 1 July 2019 from the Deputy Prosecutor General of the Court of Cassation (*Areios Pagos*), the CPT was informed of the action taken regarding the outstanding 21 cases<sup>64</sup> of alleged serious ill-treatment by police officers that the Internal Affairs Directorate of the Hellenic Police (IAD) re-submitted to the Public Prosecutor in a 10-page letter (dated 16 April 2014, reference number 3021/8/1234-n), two of which the CPT's delegation examined *in extenso* in the course of the 2015 visit (ABM nos. D2013/1995 and A2012/2116). With the exception of one pending case, 12 of these cases have been dismissed as being either manifestly unfounded or as having insufficient evidence (Articles 43 and 47 of the 1951 Code of Criminal Procedure) and eight cases resulted in an acquittal by the Court. The CPT is concerned that none of the 21 cases of alleged serious ill-treatment by police officers submitted by the IAD has resulted in a successful prosecution. This is particularly so regarding the two above-mentioned cases examined by the CPT's delegation, where there appeared to be *prima facie* evidence of ill-treatment by police officers (see paragraphs 34 to 38 of the report on the CPT's April 2015 visit – CPT/Inf (2016) 4). **The CPT would like to be informed of the reasons why case D2013/1995 was not reopened despite the Committee's recommendation in this sense. It would also like to receive a copy of the acquittal decision (Ref. 108.922/2016) of the Court of First Instance in case A2012/2116.**

In addition, **the Committee would like to be provided with an update on the status of the 41 cases of alleged ill-treatment investigated by the Internal Affairs Directorate of the Hellenic Police and submitted to the competent prosecutor since 2015, as provided to the CPT by communication of 21 March 2019.**

90. Further, as regards the two cases raised under paragraph 16 i and ii of the report on the 2015 visit, the CPT is concerned that the Sworn Administrative Inquiry (EDE) carried out by the police into the allegations of ill-treatment was not thorough. In both of these cases, the CPT documented numerous injuries on the bodies of the complainants (see Annex III of the report on the 2015 visit) which were consistent with the allegations of ill-treatment. In such situations, the burden of proof is on the police to demonstrate how these injuries were sustained. **The CPT wishes to receive a copy of the EDE decisions in relation to the cases raised in paragraphs 16 i and ii of the report on the April 2015 visit (ref. CPT/Inf (2016) 4), including a reasoned account of how the documented injuries were sustained.**

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<sup>64</sup> See ABM nos.: C13/6, B2010/39, IG2013/15383, B2013/3212, Z2013/436, AF2013/893, AF2012/2921, D2012/1172, D2012/4807, B2013/111, M12/1199, B2013/121, D2012/4011, Ω2012/105, F2012/4142, B2012/2075, D2013/2311, A2012/2378A, and A2012/6367.

91. The CPT has commented in the past that the definition of the torture provision in the Criminal Code was not in line with international standards<sup>65</sup> and that Article 137 A should be amended accordingly. Further, it highlighted the need to review other existing provisions of the Criminal Code to ensure that acts of torture and other forms of ill-treatment are appropriately punished as there appeared to be a systematic conversion of all prison sentences for such acts into non-custodial sentences.<sup>66</sup> The CPT regrets that the revised Criminal Code, adopted on 6 June 2019, has not fully addressed these deficiencies. The amended torture provision still contains the element of “systematic” (*συστηματικού*) (paragraph 2 a)) and the term “methodical” or “planned (*μεθοδευμένη*)” (paragraph 5), providing for a narrow definition of torture. Therefore, it is still not in line with international standards. Moreover, the limitation period for acts of torture and other forms of ill-treatment remains in place (paragraph 7) and there is still the possibility to apply mitigating circumstances (Article 84) that permit the conversion of prison sentences imposed for such crimes into non-custodial sentences, including fines.

It is now up to the Court of Cassation (*Areios Pagos*) to clarify the law by way of an authoritative interpretation, i.e. an appeal or quashing ‘in favour of the law’ (*αναίρεση υπέρ του νόμου*),<sup>67</sup> in order to send a clear message and re-frame legal doctrine in a way that allows for an application of the relevant provisions of the Criminal Code in line with the European Court of Human Rights’ case law.

**The CPT would like to receive the comments of the Greek authorities on the above issues, and particularly on the rationale for the amended torture provision and related sanctions contained in the revised Criminal Code.**

92. In the light of the foregoing, **the CPT recommends that the Greek authorities take the necessary steps to ensure that all allegations of ill-treatment by law enforcement officials are investigated effectively, promptly and expeditiously.** Further, it is important to ensure that the parameters set by law and its interpretation make it clear that the Greek criminal justice system adopts a firm attitude with regard to torture and other forms of ill-treatment, in line with the European Court of Human Rights’ case-law.

#### **4. Safeguards against ill-treatment**

93. As part of its preventive mandate, the CPT has consistently highlighted the importance of three procedural safeguards against ill-treatment, namely the rights of notification of custody, access to a lawyer and access to a doctor, and their application in practice. As of its very first visit to Greece in 1993, the Committee has held that these safeguards should apply from the very outset of deprivation of liberty by the police – that is, when the person concerned is obliged to remain with the police. This presupposes that persons deprived of their liberty are duly informed of these rights, both orally upon apprehension and, as soon as possible, in writing in a language they understand.

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<sup>65</sup> In particular, the definition in the Greek Criminal Code differs from the definition provided in Article 1 of the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

<sup>66</sup> See, for example, European Court of Human Rights, *Sidiropoulos and Papakostas v. Greece*, App no 33349/10, 25 January 2018.

<sup>67</sup> See Article 557 of the Code of Civil Procedure.



Regrettably, as highlighted time and again in its visit reports, the CPT's standards are still not effectively applied in Greece.<sup>68</sup> Formal safeguards against ill-treatment do not for the most part apply in practice from the very outset of a person's deprivation of liberty (i.e. during the first hours of police custody, and particularly during the initial questioning by security police officers) and often remain ineffective. The Committee has to conclude that the Greek authorities have not taken sufficient measures since its 2015 and 2016 visits to implement the CPT's recommendation aimed at strengthening formal safeguards against ill-treatment in practice.

94. With the transposition of the European Union (EU) Directive on the right of access to a lawyer in criminal proceedings and on the right to have a third party informed upon deprivation of liberty<sup>69</sup> into Greek law in June 2017, the right of notification of custody is now legally protected. According to the new provision, a detained person has the right to communicate, "without undue delay", "with at least one third person". This right may be restricted or delayed only "in exceptional cases and to prevent an immediate danger", but the possibility to contact another person must be considered first.<sup>70</sup> Further, it is recalled that the right of access to a lawyer is clearly established in the Greek legal order.<sup>71</sup>

Despite these legal guarantees, the CPT's delegation again received many complaints from persons who were – or had recently been – in police custody, according to which they had not been entitled to notify promptly a close relative or a third party of their custody and to access a lawyer during the initial period of their deprivation of liberty – and particularly prior to or during questioning by security police officers – when the risk of intimidation and physical ill-treatment is greatest. These rights were generally granted only once the detained persons had made and signed a first statement (*apologia*), i.e. at the moment they were formally accused by the police with an offence. For instance, in Athens and Thessaloniki, criminal suspects interviewed by the delegation were generally allowed to place a phone call only once they had been transferred into custody at the relevant police headquarters, and thus after their initial questioning by the Security Police or by other police departments. Consequently, in most cases, some considerable time elapsed before a detained person had an effective right of notification and access to a lawyer.

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<sup>68</sup> Most recently during the CPT's 2015 and 2016 visits, see CPT/Inf (2016) 4, paragraph 45-54; and CPT/Inf (2017) 25, paragraph 63.

<sup>69</sup> Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty.

<sup>70</sup> Section 99C (1) of the 1951 Code of Criminal Procedure (CCP), as introduced by Law 4478/2017. See also paragraph 3 (d) of Circular 4803/22/44 of 4 July 2003 issued by the Chief of the Hellenic Police, according to which police officers must facilitate the telephone contact between the detainee and their families in order to inform them of their place and reasons of their detention.

<sup>71</sup> Section 100 (1) of the 1951 CCP, as amended by Law 2408/1996. Paragraph 3 (e) of Police Circular 4803/22/44 recalls this right and the duty of the police to facilitate it.

95. This situation can mainly be explained by the argument regularly put forward by police officers and by the central authorities in Greece that Greek law – based on its literal interpretation – only allows for these safeguards to be applied from the moment a person has been formally “accused” with a criminal offence rather than from the very outset of police custody as advocated by the CPT.<sup>72</sup> The Ministry of Citizen Protection, once again, reaffirmed this position during the April 2019 end-of-visit talks. The revised Criminal Procedure Code, adopted on 6 June 2019, does not change that situation.

96. In the CPT’s view, this argument is not convincing. Firstly, in their previous responses to the Committee, the Greek authorities acknowledged that the right of access to a lawyer was “inviolable” for every detained person and was “established at all stages of the criminal and administrative proceedings”. In particular, they admitted that it applied as from the outset of deprivation of liberty (i.e. as soon as a person has been brought into police custody) and included the right to communicate with the lawyer and the right to have the lawyer present during questioning.<sup>73</sup> Secondly, this position – based on a purposive interpretation of the law – is further supported by the fact that the above-mentioned EU Directive, which is binding on Greece (including though its “direct effect”) and which also protects the rights of notification of custody and access to a lawyer of *suspects*,<sup>74</sup> has been transposed into Greek law. This in turn would suggest that the Greek authorities have either inadequately transposed the provisions of the Directive into domestic law, by limiting the scope of these two rights to the “accused” only, or that these two fundamental safeguards become indeed effective as from the very outset of deprivation of liberty, notwithstanding of whether the person is a suspect or an accused person.

97. In the light of the foregoing, **the CPT recommends that the Greek authorities take the necessary steps to clarify the legislative provisions on the rights of notification of custody and access to a lawyer by extending their application to criminal suspects as from the very outset of deprivation of liberty. Further, clear instructions should be issued to police officers with a view to ensuring that the rights of notification of custody and access to a lawyer become fully effective in practice as from the moment when a person is obliged to remain with the police.**

98. Moreover, the right of access to a lawyer generally remained theoretical and illusory for those who do not have the financial means to pay for the services of a lawyer. This is mainly due to the fact that legal aid is not available at the stage of police investigation or when criminal suspects are questioned by the police, and that there are no duty solicitor schemes. Many detained persons alleged that their lawyer did not come to the police station and that they only met him/her during the hearing before the examining magistrate, when bail or remand in custody was determined.

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<sup>72</sup> See notably Sections 99C and 100 of the 1951 CCP, which contain specific provisions on the right of the “accused”. It is also noteworthy that one police officer met by the CPT’s delegation still referred to the highly controversial and abolished practice of examining suspects as witnesses, aimed at obtaining a confession and hindering them from exercising basic rights, notably the right to access to a lawyer.

<sup>73</sup> See CPT/Inf (94) 21, page 17; CPT/Inf (2001) 19 Part 2, page 34 (cf. response to the recommendation made in paragraph 85 of the CPT’s 1999 visit report); CPT/Inf (2002) 32, page 21; and CPT/Inf (2017) 26, page 32 (cf. response to the recommendation made in paragraph 70 of the CPT’s 2016 visit report). See also Dimitrios Giannopoulos, “[Falling on Deaf Ears](#)”: [Looking for the Salduz Jurisprudence in Greece](#), in John D. Jackson and Sarah J. Summers (eds.), *Obstacles in Fairness in Criminal Proceedings: Individual Rights and Institutional Forms*, 2018.

<sup>74</sup> Articles 3 (1) and (2), 5 (1) and 6 (1) of Directive 2013/48/EU. See also Article 3 of Presidential Decree 254/2004, ‘Code of Police Ethics’.

Further, the delegation received again complaints that *ex officio* lawyers explicitly advised their clients not to complain officially about any alleged ill-treatment. Consequently, it is not surprising that alleged ill-treatment by the police generally remained unreported and that very few official complaints have been lodged.

**The CPT reiterates its recommendation that the Greek authorities take steps to extend the existing legal aid system to the police investigation stage or when the suspect is questioned by the police, irrespective of whether the person concerned has formally been declared “accused”, and that duty solicitor schemes be put in place. Further, *ex officio* lawyers should be reminded, through the Bar Associations, of the importance of their role in preventing and, if necessary, reporting ill-treatment by the police.**

99. The right of access to a doctor is regulated by Greek law.<sup>75</sup> However, once again, this right remains ineffective in practice for most persons detained by the police with whom the CPT’s delegation met. Indeed, only in the case of a medical emergency was a detained person transferred to the nearest health centre or hospital, subject to the availability of transportation arrangements. The delegation noted that the lack of available means of transport for medical assessment or consultations represented a problem in many police stations throughout Greece (see also paragraph 114). Further, several detained persons who alleged ill-treatment by the police claimed that they had not been provided with the necessary medical treatment while in police custody, as their request to access a doctor was refused.

Moreover, the Committee has, once again, to reiterate its concerns as regards the non-respect of medical confidentiality for persons detained by the police. In addition to being charged with distributing medication, police officers continue to be present during all external examinations in public hospitals and to be provided with medical information on detained persons.

**The CPT calls upon the Greek authorities to ensure that all detained persons who require so are provided with swift and effective access to a doctor in practice and that the principle of medical confidentiality is strictly respected.**

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<sup>75</sup> Section 99A (3) (h) of the 1951 CCP mentions the right to emergency medical treatment. Article 60 (3) of Presidential Decree 141/1991 provides for medical care and the right to ask to be examined by a doctor of the detainee’s choice. See also paragraph 3 (g) of Police Circular 4803/22/44, which states that the protection of detained persons’ health is a basic duty of the police authorities.

100. There are also clear legal obligations for police officers to inform detained persons of their rights.<sup>76</sup> While a two-page information leaflet (Δ-33 form) detailing the rights of detained persons was generally available and pinned to the wall in various languages in most police stations visited, none of the persons interviewed by the CPT's delegation had obtained a copy of it. The CPT's delegation also received numerous complaints by foreign national detainees who stated that they had not been informed of their rights in a language they could understand and that they had signed documents in the Greek language without knowing their content and without having been provided with the assistance of an interpreter.

**The CPT once again reiterates its recommendation that detained foreign nationals who do not understand the Greek language are promptly provided with the services of an interpreter and are not requested to sign any statements or other documents without such assistance. Further, all detainees should be adequately informed about their rights, both orally and in writing, and a copy of the information leaflet should be effectively made available.**

101. Once again, custody records consulted by the CPT's delegation in some police stations visited in the course of the 2019 visit were often poorly kept and contained a number of errors or omissions (e.g. missing entries for arrival times or times of transfer or release, etc.). At both Alexandra Street Police Headquarters (11<sup>th</sup> and 12<sup>th</sup> floor) in Athens and Aristotelous Police Stations (second floor) in Thessaloniki, there were either no custody records at all on persons placed in the short-term detention cells or they were not systematically kept. Consequently, the use of these cells was unaccountable. Nevertheless, the CPT's delegation was pleased to learn that, by the end of 2019, the handwritten custody records should be replaced by electronic custody registers which ought to ensure a systematic and comprehensive record for every person detained by the police.

**The CPT reiterates its recommendation that the Greek authorities take effective steps to ensure that custody registers are properly maintained, accurately record the times of actual apprehension, admission, placement in a cell, release or transfer, and reflect all other aspects of custody. Further, every placement in a detention cell, even if it a short-term holding cell, must be diligently recorded.**

**The Committee would also like to receive information about the timing of the introduction of electronic custody registers in all police stations.**

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<sup>76</sup> Section 99A of the 1951 CCP, as introduced by Law 4236/2014, provides for the rights of representation by a lawyer, to conditional free legal advice, to information about the offence, to interpretation and translation, to silence and to information in criminal proceedings. The information shall be provided "in clear and understandable language, orally or in writing". The detained persons shall be provided with a document detailing his/her rights and a copy may be kept by the detainee. Further, Section 103 of the 1951 CCP indicates that the investigator shall explain all rights to the detained person and this fact shall be approved and signed by him/her. See also Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings, and Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings, as well as paragraph 3 (b) of Police Circular 4803/22/44.

## 5. Conditions of detention

102. The CPT has been critical of the conditions of detention observed in many police stations in Greece in its previous visit reports, highlighting that the detention facilities in most police establishments visited were totally unsuitable for holding detained persons for periods of longer than 24 hours.<sup>77</sup> Regrettably, the situation had not improved at the time of the 2019 visit.

103. Conditions of detention in the police headquarters and stations visited varied to a great extent. Whereas they were adequate for short periods of detention in some police establishments, the delegation observed poor or even appalling conditions in other detention facilities, mainly due to a manifest lack of cleaning, hygiene and maintenance. Some of the facilities were regularly overcrowded and poorly lit and ventilated, with filthy and dilapidated cells, dirty mattresses and worn blankets. Detained persons were generally not provided with hygiene products or cleaning products. Moreover, with the notable exception of Chania Regional Police Headquarters, none of these police establishments provided access to an outdoor exercise yard, despite the fact that persons could be held there for several weeks or, in some cases, even months.

104. The detention facility in the basement of *Chania Regional Police Headquarters* on Crete provided acceptable conditions of detention and was reasonably clean. At the time of the visit, eleven persons, including two women, were being held in the seven cells for a total capacity of 34 places. Cell doors were open during the day and partly at night (see paragraph 113) and it is positive that, in contrast to all other police establishments visited, detained persons could benefit from access to the outdoor exercise yard. That said, the cells were poorly lit and ventilated. Some foreign nationals who were to be deported had been detained at the facility for up to three months; another person who had requested asylum had even been held there for six months.

The main detention area on the 7<sup>th</sup> floor of *Alexandra Street Police Headquarters* in Athens has been described previously<sup>78</sup> and remained adequate for short periods of detention. At the time of the visit, 27 men were held in eight of the 16 available cells<sup>79</sup> for a capacity of 64 places (i.e. four persons per cell). This meant that two of the four persons were required to sleep on mattresses on the floor. The Committee must stress again that the official capacity should be reduced to ensure that no more than three persons are detained overnight in each of the 12m<sup>2</sup>-cells. Overall, the detention area was reasonably clean. Cell doors were kept open during most of the day. However, detained persons still had no access to outdoor exercise and yet they continued to be held for periods of up to a week.

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<sup>77</sup> See notably CPT/Inf (2016) 4, paragraph 60; and CPT/Inf (2017) 25, paragraph 76.

<sup>78</sup> See CPT/Inf (2016) 4, paragraph 57; and CPT/Inf (2017) 25, paragraph 77.

<sup>79</sup> Two of the 18 cells were used as a storeroom.

The Committee also notes positively that the detention facility for juveniles on the third floor had been refurbished: the six plinths, floors and some walls in the three cells, corridors and sanitary annexes had been tiled and the remaining walls painted. New ventilation and heating systems had also been installed. Material conditions were good for short periods of stay.<sup>80</sup> The area was well lit and ventilated and was generally clean. However, access to toilet appeared difficult at night<sup>81</sup> when the cell doors were closed as police officers monitored the detention area only via CCTV cameras. Further, juveniles remain confined day and night for up to eight days and do not have access to outdoor exercise.

Moreover, conditions of detention were adequate for short periods of detention (i.e. for up to 24 hours) at *Agia Barbara* (three basement cells for up to seven persons),<sup>82</sup> *Langadas* (three basement cells for up to ten persons), *Serres* (three cells for up to 18 persons) and *Trikala* (four cells for up to seven persons) *Police Stations*, as long as these police stations were not operating above their capacity. However, maintaining them in a decent state was problematic as there was no cleaning budget.

105. By contrast, material conditions at *Nigrita Police Station* (two cells for up to five persons) were poor. The cells were dirty and only equipped with floor-level plinths, old foam mattresses and worn blankets.

The situation in the other police establishments visited had not improved since the CPT's previous visits. In particular, conditions of detention in the facility on the third floor of *Monasteriou General Police Headquarters* in Thessaloniki were extremely poor.<sup>83</sup> On the day of the visit, 36 detained persons, including four women,<sup>84</sup> were held for a total capacity of 72 places, although four cells were not in use. The detention area remained dark and gloomy and detained persons complained about the presence of bed bugs and the lack of hygiene products. Cells were filthy and not equipped with call bells, and rubbish was piling up in the corridors. Mattresses were dusty and blankets worn and dirty. Further, the sanitary annexes were in a poor state of hygiene and repair: the delegation observed open drains, broken showers, blocked toilets, standing water in the large sinks, filthy floors and human waste and rubbish. Although the situation had been brought to the attention of the local and central authorities, no action had been taken yet. The continued absence of any outdoor exercise yard means that the place is not suitable for stays of longer than 24 hours.

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<sup>80</sup> According to the register, juveniles had been detained, on average, for periods between two and three days, except one juvenile who had been held there for eight days.

<sup>81</sup> The delegation found a bottle with urine.

<sup>82</sup> This police station held exclusively women detainees from the Attica region.

<sup>83</sup> The outline of the facility has been described in previous reports. See, for example, CPT/Inf (2014) 26, paragraph 41.

<sup>84</sup> On average, between 30 and 50 persons were held in the facility overnight.

The detention cells on the first and second floor of *Omonia Police Station* were undergoing fumigation and could not be visited by the delegation. The cell of the Security Police on the third floor provided appalling conditions of detention. At the time of the delegation's first visit on 31 March, nine persons were being held while during a follow-up visit on 7 April, there were 15 persons, including four unaccompanied minors, (see paragraph 114)<sup>85</sup> crammed into the cell, which measured only 25m<sup>2</sup>. Persons had been held for periods between one and 14 days in this cell. As observed during the 2018 visit,<sup>86</sup> the gloomy smoke-filled cell was filthy, humid and stifling, and the adjacent sanitary annex was in a poor state of hygiene. Only three dusty torn foam mattresses were available and most persons had to sleep on dirty bug-infested blankets. At the end of the visit, the delegation requested that the cell be cleaned and fumigated.<sup>87</sup>

**The CPT recommends that detained persons no longer be held overnight in the detention cell on the third floor at Omonia Police Station. Further, the cell should be disinfected and maintained in a decent state of cleanliness and repair**

106. Moreover, the conditions of detention in three available cells in the basement at *Kypseli Police Station* were appalling.<sup>88</sup> At the time of the visit, 14 men were detained in the facility for a capacity of 16 places. As observed in 2013,<sup>89</sup> the dungeon-like cells were dark, murky and dirty. Detained persons lived in cramped conditions and were contending with filth and piles of rubbish, which was only collected on a weekly basis. The sanitary annexes were filthy with standing water and human waste evident and detained persons complained about difficulties in accessing the toilet as cell doors remained closed. Detained persons had been held under these conditions for up to a month. In the CPT's view, holding persons in such conditions for lengthy periods can be considered as inhuman and degrading.

The delegation also met a man who was being held in a single cell on the ground floor adjacent to the main entrance under dreadful conditions. The malodorous cell in which he was left to fester measured 18m<sup>2</sup> and had two plinths. It was covered with graffiti, rubbish and filth. He complained about having problems in accessing the toilet with the result that that he had relieved himself in his cell.

Moreover, despite the fact that the CPT had reiterated in its 2015 visit report that the holding room and the adjacent room on the third floor of *Kypseli Police Station* were not suitable for detaining people for more than a few hours, the delegation again found that the two rooms continued to be used for holding criminal suspects overnight. One foreign national had spent the night in the filthy and unfurnished 7m<sup>2</sup>-room, while a woman had been held in the ante-room on a chair (see paragraph 113). Both complained that they did not have ready access to water or to a toilet.

**The CPT calls upon the Greek authorities to ensure that the two holding rooms on the third floor at Kypseli Police Station are no longer used for detaining persons overnight.**

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<sup>85</sup> One unaccompanied minor was in the process of being released.

<sup>86</sup> See CPT/Inf (2019) 4, paragraph 92.

<sup>87</sup> During a follow-up visit to the establishment, one person who presented symptoms of scabies had spent four nights in the cell.

<sup>88</sup> A fourth cell was not operational at the time of the visit.

<sup>89</sup> See CPT/Inf (2014) 26, paragraph 37.

107. In the light of the preceding paragraphs, **the CPT calls upon the Greek authorities to ensure that, in all police stations:**

- every detained person held overnight in a multi-occupancy cell has a minimum of 4m<sup>2</sup> of living space excluding the sanitary annex;
- all detained persons have ready access to a proper toilet facility at all times, including at night;
- each detained person is provided with a clean mattress, clean blanket, clean bedding and a means of rest, such as a plinth or a bed;
- all detained persons staying longer than 24 hours are provided with a basic sanitary kit (including adequate rations of soap, washing powder, toilet paper, shampoo, shaving utensils and toothpaste, and a toothbrush), free of charge;
- detention areas (including sanitary facilities) are maintained in an adequate state of repair and cleanliness;
- all detention cell have adequate lighting (natural and artificial) and ventilation;
- all persons detained longer than 24 hours are offered access to an outdoor exercise yard.

**The CPT would like to receive a detailed account of the measures taken by the Greek authorities in each of the above-mentioned police stations.**

Further, **the CPT invites the Greek authorities to intensify their efforts in refurbishing police detention facilities throughout the country to provide decent conditions of detention to all persons deprived of their liberty by the police.**

108. The Security Police Directorates at *Aristotelous Police Station* (second floor) and *Demokratias Police Station* (fourth floor) in Thessaloniki both had a cell or room for holding persons who had been apprehended for a period of up to several hours. The two short-term holding facilities were dirty, had no access to natural light, and were not or hardly furnished (the one at Demokratias Police Station was equipped with three benches, two mattresses and two blankets). The delegation was informed by the duty officers that, on rare occasions, persons could be detained there overnight. The Committee considers that these short-term holding facilities are neither equipped nor appropriate to hold persons for more than a few hours. **The CPT recommends that the short-term holding facilities at Aristotelous (second floor) and Demokratias (fourth floor) Police Stations in Thessaloniki no longer be used for detaining persons overnight.**

109. The delegation also met a man at Monasteriou Police Headquarters who complained that, when being held at Aristoteleous Police Station and in order to prevent him from self-harming, police officers had placed a motor-bike helmet on his head and cuffed him to the cell bars, a practice which he considered as degrading. When visiting the police station, the delegation indeed observed three such helmets that had been placed in the ante-room of the holding cell on the second floor and scratching on the bars of the cell that were consistent with the allegation. **The CPT recommends that such a measure should never be authorised and that persons at risk of self-harming should be placed under direct supervision by police officers and should promptly be seen by a doctor. A protocol for managing critical events such as attempted suicide or self-harm should be in place at all police stations.**



110. Moreover, despite the CPT's previous recommendation to take out of service the cells on the 11<sup>th</sup> and 12<sup>th</sup> floors at Alexandra Street Police Headquarters in Athens,<sup>90</sup> and notwithstanding the affirmations of the duty officers to the contrary, the delegation received credible allegations that criminal suspects continued to be held in these cells for up to several hours in the context of questioning by the police, including at night. At the time of the visit, three of the ten cells (each 3.5m<sup>2</sup>) on the 12<sup>th</sup> floor could be used, two being empty and one containing four chairs.<sup>91</sup> No register on the use of these cells could be provided to the delegation (see paragraph 101). **The CPT reiterates its recommendation that the cells on the 11<sup>th</sup> and 12<sup>th</sup> floors of Alexandra Street Police Headquarters in Athens be permanently taken out of service.**

111. The lack of cleaning appeared to be a generalised problem in almost all police establishments visited in Greece. The delegation was informed that the previous cleaning contracts had expired at the end of 2018. Consequently, many police detention facilities had not been cleaned for several months. According to the police authorities, funding had been secured and new contracts were being signed at the time of the visit. In the Committee's view, all persons deprived of their liberty by the Hellenic Police must be held in reasonably clean conditions to ensure that basic requirements in terms of hygiene and public health are met. This will also be beneficial for staff working in these conditions. **The CPT recommends that solutions be found to ensure that cleaning services are provided on a permanent basis in all police establishments.**

112. As regards the provision with food, detained persons were either provided with food from the police canteen twice a day or they received a daily allowance of 5.87 euros with which to order food from a catering service. The CPT has already emphasised that the latter system is inadequate for persons held longer than 24 hours (see also paragraphs 117 and 119). At Omonia Police Station, the nine persons detained in the cell on the third floor on 31 March all alleged that they had not been provided with food free-of-charge by the police for more than 48 hours. This had again been highlighted as a problem during the CPT's previous visit to Omonia Police Station in April 2018.<sup>92</sup> As was the case during that visit, police officers initially refuted this allegation and highlighted that food was brought twice a day from the police canteen, before admitting that food delivery depended on the availability of means of transportation.<sup>93</sup> Such an approach represents an abnegation of the duty of care of the State and a hazard to the health of persons deprived of their liberty, notably for those persons who are indigent and do not have family who can bring them food to the station.

**The CPT calls on the Greek authorities to review the current system of food provision for persons deprived of their liberty by the police to ensure that they are all provided with adequate and appropriate food, which includes at least one hot meal a day. Where food is provided from the police canteen, the availability of means of transportation must be guaranteed for the regular and timely delivery of food.**

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<sup>90</sup> See CPT/Inf (2016) 4, paragraph 57.

<sup>91</sup> The seven other cells on the 12<sup>th</sup> floor and the five cells on the 11<sup>th</sup> floor contained stored evidence and old files.

<sup>92</sup> See CPT/Inf (2019) 4, paragraph 93.

<sup>93</sup> I.e. on the day of the visit, no food had been delivered because the police officers charged with this task had apparently been occupied with transferring a detained person to hospital.

113. Moreover, at Chania Regional Police Headquarters, the delegation found that women were being placed together with unrelated adult men in the detention area, with cell doors left open during the day thus allowing men to mix up with women without any risk assessment or adequate supervision by police officers. At night time, women were locked in their cell (which had in-cell sanitation), whilst the doors of the cells in which the men were placed remained unlocked to allow them access to the sanitary annexes. One of the two women complained that these arrangements made her feel unsafe. Further, the practice encountered for instance at Kypseli and Omonia Police Stations whereby women suspects were required to remain seated in chairs overnight,<sup>94</sup> including a woman who had been detained together with her 10-month-old baby for two nights (see also paragraph 121) is unacceptable and should be stopped forthwith.

As a matter of principle, all women deprived of their liberty by the police should be held in suitable accommodation which is physically separate from that occupied by any men being held at the same establishment. **The CPT recommends that these precepts be guaranteed in practice.**

114. During a follow-up visit to the third floor detention area at Omonia Police Station, the delegation also met with three unaccompanied minors, including a 14-year-old boy, who were being held under “protective custody”. The minors had been placed in the cell together with unrelated adult men for periods between one and five days, reportedly for their own “protection”.<sup>95</sup> It was explained by the police officer on duty that there had been a delay in transferring the boys for medical screening due to the temporary shortage in means of transportation and that, at the time of the visit, no more unaccompanied minors were being accepted by the relevant authorities at Amygdaleza pre-removal centre as the section for unaccompanied minors was operating at full capacity. After the intervention by the CPT’s delegation, all three unaccompanied minors were transferred to another police station in Attica where they could at least be held in a separate cell pending their transfer to Amygdaleza.

Once again,<sup>96</sup> the CPT has to repeat that placing unaccompanied children for several days or longer in police custody for “protection” purposes without any assistance or psycho-social support instead of providing them with accommodation in an appropriate shelter is, in itself, unacceptable; the children’s welfare, by definition, should exclude accommodating them in police stations. However, placing children together with unrelated adult men for several days in an overcrowded custody cell under appalling conditions is an affront to their safety, health and dignity and in the CPT’s view, may amount to inhuman and degrading treatment.

**The CPT reiterates its recommendation that the Greek authorities, once and for all, put an end to holding unaccompanied minors under “protective custody” in police stations, a practice which has been found by the European Court of Human Rights to be degrading and unlawful.<sup>97</sup> Further, they should never be detained together with unrelated adult men.**

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<sup>94</sup> This was reportedly done to ensure the physical separation from other male detainees.

<sup>95</sup> The police officers on duty claimed that the juveniles had never shared the cell with unrelated adults but rather that they had been placed on chairs outside the toilet area overnight for the duration of their stay and had sat on chairs in the office during the day. Such treatment, if true, would be equally unacceptable.

<sup>96</sup> See CPT/Inf (2019) 4, paragraph 121-128; and CPT/Inf (2016) 4, paragraph 105.

<sup>97</sup> See European Court of Human Rights, *H.A. and Others v. Greece*, App no 19951/16, 28 February 2019; and *Sh.D and Others v. Greece, Austria, Croatia, Hungary, North Macedonia, Serbia and Slovenia*, App no 14165/16, 13 June 2019, in which the Court found, *inter alia*, a violation of Articles 3 and 5 (1) of the European Convention on Human Rights.

## 6. Transfer centres for prisoners

115. *Athens Transfer Centre for Prisoners* is the main transfer hub in Attica for prisoners undergoing a prison transfer or awaiting a court appearance or a medical appointment.<sup>98</sup> The centre consists of 29 cells split among four wings; most of the cells measured 20m<sup>2</sup> and contained five concrete plinths. The official capacity was 125 places but there was only space for up to 110 prisoners in the three main wings as one wing was reserved for accommodating women and/or segregating prisoners (mainly for health-related reasons). Further, a windowless short-term holding cell (8m<sup>2</sup>, with a plinth) is used for segregating violent prisoners or persons at risk of committing suicide.

At the beginning of the visit, 79 male prisoners were detained which rose to over 100 persons by the end of the day. Most persons spent only a few days at the centre. However, several were held there for one or even two weeks and, exceptionally, a high-profile prisoner had been segregated in the fourth smaller wing for over six weeks upon an order by the competent prosecutor. Further, one person met by the delegation had been held for two nights in the short-term holding cell but no separate register on the use of these cells existed (containing names, reason for placement, dates and times of entry and exit, etc.). Indeed, the delegation could not be provided with any central register recording who was being held in the centre or the location of each prisoner. **The CPT recommends that all persons held at Athens Transfer Centre for Prisoners as well as all placements in segregation and in the short-term holding cell be fully recorded.**

116. Material conditions at the centre were appalling. The whole detention area was filthy, with waste and rubbish piled up everywhere in the cells and along the narrow corridors outside the cells. The delegation also observed pre-made meals placed on the floor next to piles of rubbish in a chaotic room supposedly reserved for food preparation, which poses a serious health hazard. Despite the apparent under-crowding at the time of the visit, a number of cells were holding more prisoners than available plinths with mattresses being placed on the floor. Some prisoners stated that they had previously spent up to three days without even a mattress, when the facility had held between 100 and 120 inmates – a situation that reportedly occurred regularly. The cells were gloomy with no direct access to natural or artificial lighting. Foam mattresses were infested with bed bugs, blankets were dirty and cockroaches scuttled about everywhere. The delegation also received numerous complaints about the poor quality of food, the lack of hygiene products and the lack of access to outdoor exercise.

The state of repair and maintenance was equally poor, with several window panes missing in the corridors, phones broken and heating devices dismantled. In particular, the sanitary annexes in the three main wings were filthy and unfit for use: some showers and most washbasins were not functioning; plumbing, tiling and some basins were broken; urinals were not functioning or had been ripped off the wall; doors were missing; and several toilets were out of order or blocked with rubbish and waste. Further, the drainage system did not function; effluent flooded out of the open drains and the floors of the sanitary annexes were constantly awash with wastewater. Such conditions are a hazard to the health and well-being of both prisoners and staff.

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<sup>98</sup> The pre-removal detention centre is located in the other part of the building of the Attica Directorate for Aliens at Petrou Ralli Street.

At the end of the visit, the CPT's delegation made an immediate observation under Article 8, paragraph 5, of the Convention and requested to repair the plumbing and drainage system. By communication of 25 June 2019, the Greek authorities informed the Committee that this request has been met. **The CPT recommends that, at Athens Transfer Centre for Prisoners, all toilets, showers and wash basins be repaired. Further, regular hygiene and sanitary inspections should be carried out by the competent health authorities to monitor the conditions of hygiene and food distribution to prisoners.**

117. A follow-up visit was paid to *Thessaloniki Transfer Centre for Prisoners*, which is located on the ground floor of a warehouse-type structure on the outskirts of the city.<sup>99</sup> Prisoners were held in six cells, all measuring some 50m<sup>2</sup> and equipped with two partitioned toilets and a shower and raised concrete plinths running along the walls which provided space for nine persons to sleep.<sup>100</sup> A seventh larger cell, which by its design was intended to serve as a recreational cell and was not included in the official capacity, was located at the end of the corridor and accommodated foreign national prisoners, mainly from African, Arabic-speaking or South Asian countries; it measured 157m<sup>2</sup> and had no plinths.

There were also three empty individual cells (3.5m<sup>2</sup>, 3.75m<sup>2</sup> and 6.5m<sup>2</sup>, with one plinth each), which on occasion were used for segregating prisoners with health problems. In addition, there was a bare and windowless short-term holding cell (9m<sup>2</sup>) for placing new arrivals for up to several hours while the security searches of detainees and their belongings were carried out.<sup>101</sup> However, according to the police, these four cells were also exceptionally used for segregating violent prisoners or persons at risk of committing suicide.<sup>102</sup> No separate register existed on the use of these cells. **The CPT recommends that the cells of 3.5m<sup>2</sup> and 3.75m<sup>2</sup> are not used for holding prisoners overnight, and that all placements in the above-mentioned four cells are fully recorded (i.e. names, reason for placements, dates and times of entry and exit, etc.).**

The centre had an official capacity of 54 places. At the time of the visit, 36 prisoners (both remand and sentenced) were present at the centre, 22 were attending a court hearing and were to be returned to the centre, and another 31 persons arrived later the same day, which brought the total number to 89 prisoners, including eight women – one being detained together with her six-month-old child (see paragraph 121). While the centre was only intended for short-term stays (most prisoners stayed only for three or four days), several persons had remained there for one or even two weeks and one person had been detained there for almost one month waiting for his trial. Under these circumstances, the daily allowance provided to prisoners must permit them to purchase both food and personal hygiene and cleaning products. If the current approach will be maintained, this necessitates that the allowance of 5.87 euros be increased.

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<sup>99</sup> The centre had been visited by the CPT in 2013, and was referred to as *Metagagon (Transfer) Centre*, see CPT/Inf (2014) 26, paragraph 41. The pre-removal detention centre is located on the first floor.

<sup>100</sup> In four of the six cells, prisoners were allocated according to their ethnicity, while one was reserved for women (or vulnerable persons) and one for persons convicted of sex offences (adjacent to the women's cell).

<sup>101</sup> The delegation noted that 25 newly arrived prisoners were held there for between several minutes and half an hour.

<sup>102</sup> According to the police, persons were never held overnight in the short-term holding cell.

118. Although police officers had used their own resources to render the detention area clean and suitably equipped,<sup>103</sup> material and hygiene conditions were poor. The centre was regularly overcrowded,<sup>104</sup> holding over 70 or 80 prisoners and occasionally over 90 or even 100 persons.<sup>105</sup> Due to overcrowding and the design of the cells, not all detainees could benefit from sleeping on a plinth. The largest cell provided the worst accommodation, with the foreign national prisoners having to sleep on dirty and worn mattresses on the floor and to use sanitary facilities that were squalid and unhygienic. Further, prisoners complained that several phones were out of order, that they were not provided with hygiene products and that they had no access to outdoor exercise.

119. While the situation at Athens Transfer Centre in terms of material conditions, procedures and accountability was clearly worse than the Thessaloniki Transfer Centre, the CPT considers that neither centre is suitable for holding prisoners for periods of more than 24 hours and that urgent steps are required to improve the conditions. **The CPT recommends that the Greek authorities act to ensure that all prisoners held in transfer centres:**

- are offered a bed or plinth, mattress, blanket and bedding, all clean;
- are provided with adequate lighting (including access to daylight) and ventilation;
- are provided with food of adequate quality and sufficient personal hygiene and cleaning products which necessitates that, at Thessaloniki Transfer Centre, the daily allowance of 5.87 euros is increased;
- are offered at least one hour of outdoor exercise a day.

Further, **the Athens and Thessaloniki transfer centres should be kept in a decent state of repair with regular maintenance and cleaning, and the telephones should be repaired.**

120. It also appeared that incidents of inter-prisoner violence or intimidation regularly occurred at both centres. Allocation of newly arrived prisoners was mainly based on ethnicity and there was no individual needs and risk assessment, notably to identify vulnerable prisoners. For instance, at the centre in Athens, a foreign national prisoner complained that he had been evicted from his previous cell by other prisoners and that they continued to intimidate him. The delegation also met a distressed foreign national woman who was being bullied by the other women in her cell. Staff either refrained from intervening or was unaware of these incidents, notably at Athens Transfer Centre where staff was not present on the wings. **The CPT recommends that the Greek authorities introduce a proper risk and needs assessment of new arrivals at the Athens and Thessaloniki Transfer Centres for Prisoners, to identify vulnerabilities and improve the allocation of prisoners. Further, staff should take a more proactive role in preventing inter-prisoner violence and intimidation and intervene promptly when such acts occur.**

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<sup>103</sup> Police officers had themselves paid for the services of a cleaner. They also pointed to the fact that they had painted the cells and installed fridges and TV sets in the corridor at their own initiative.

<sup>104</sup> In their response of 24 June 2019, the Hellenic Police indicated that this was mainly due to the fact that the management at Thessaloniki Prison accepted only a limited number of prisoners every day.

<sup>105</sup> According to the registers, the facility operated over its 54-person capacity on 11 days in January, 16 days in February and 21 days in March. Police officers indicated that occasionally, they run out of mattresses when more than 100 persons are being detained at the centre.

121. At Thessaloniki Transfer Centre for Prisoners, the delegation met a woman who was detained together with her six-month-old baby, and another woman who was in an advanced state of pregnancy. They were held together with six other women in a cell. No special food or basic hygiene items, such as baby milk or diapers, were provided for either the baby or the pregnant woman. The CPT has already stressed in the past that it is not appropriate for a mother and her baby to be placed in such poor conditions and among the general female detainee population. Rather, they ought to have suitable and non-carceral accommodation facilities in an appropriate environment. **The CPT recommends that, as a matter of principle, women with infants or while in an advanced state of pregnancy should never be detained in such an environment.**

122. At Athens Transfer Centre for Prisoners, the delegation noted that the medication administered twice a day by police officers to one particular prisoner was not in keeping with the medication that had been prescribed by the psychiatrist. Substitute psychotropic drugs that were not of equivalent form or dose were given to him, as the centre did not have a sufficient supply of some of the medication prescribed, and police officers also administered to him psychotropic medication that had not been prescribed by a psychiatrist.

By letter of 24 June 2019, in response to the delegation's immediate observation, the Greek authorities indicated that they had arranged for a psychiatric review of the prisoner concerned and made available to him the psychotropic medication prescribed to him.

However, at both Athens and Thessaloniki Transfer Centres for Prisoners, the delegation observed that police officers were responsible for dispensing and administering medication, including psychotropic drugs. Such a practice is not only dangerous and presents a real health risk for the prisoner concerned but also puts police staff in an invidious position. Arrangements should be put in place to end medication being dispensed by police officers. **The CPT recommends that, as a matter of principle, medication should only be dispensed and administered by qualified health care staff.**

123. From the findings of the visit, it became clear that the two transfer centres visited operated – to a certain degree – in a 'limbo' situation within the chain of command between the Ministries of Citizen Protection and that of Justice, Transparency and Human Rights, especially in terms of responsibility for conditions of detention, maintenance and accountability (see also paragraph 119). Moreover, they also regularly accommodated prisoners for short periods until they could be admitted to prison, which was notably the case in Thessaloniki where the prison was severely overcrowded and only admitted a few prisoners a day. A similar situation was observed at Serres Police Station, which – in addition to its normal function – was effectively operating as holding centre over weekends for Nigrita Prison.

**The CPT recommends that the Greek authorities review the way in which the two transfer centres operate to ensure that clear operating standards and lines of communication are in place, that prisoners are held in appropriate conditions and that the centres are not used for lengthy periods of stay or as an overflow for prison establishments.**

## 7. Transfer of prisoners

124. In the course of the 2019 visit, the CPT's delegation had an opportunity to review the arrangements in place for the transfer of prisoners around the country. With a few exceptions,<sup>106</sup> most prisoners' transfers are organised under the authority of the Transfers Directorate of the Hellenic Police. This includes transferring remand and sentenced prisoners from one prison to another prison as well as to and from Athens and Thessaloniki Transfer Centres,<sup>107</sup> including for court appearance and hospital appointments.

Prisoners are transferred in either cars, vans or on coaches. The secure vans have an open space detention compound comprising three rows of one- and two-seat metal benches for a total of 9 prisoners. The secure coaches contain six individual secure compartments measuring 1.2m<sup>2</sup> (140cm x 85cm), each equipped with two metal benches and small perforated holes for ventilation, and two smaller cubicles measuring 0.6m<sup>2</sup> (70cm x 85cm) with a single metal bench. The larger compartments were intended to hold four prisoners each and the smaller ones two, for a total of 28 prisoners.

The delegation could observe for itself that most of these vehicles were out-dated and hardly fit-for-purpose, presenting a heightened security risk for both detainees and police staff. For instance, one of the coaches had bald front tyres, and none of the larger transfer vehicles was equipped with safety belts for prisoners. Further, the secure compartments, which were located in the back of the coach, were separated by a door and some prisoners indicated that despite their best efforts they failed to attract the attention of escorting staff seated in the front when they had an issue. Several vehicles were temporarily out-of-order for repair.<sup>108</sup>

125. Many prisoners met by the delegation complained about the conditions in the coaches: squeezed together with three other persons at a time in a filthy secure compartment, their knees touching each other for periods of up to eleven hours without being provided with food or water<sup>109</sup> and without sufficient toilet stops,<sup>110</sup> while being exposed to passive smoking with insufficient ventilation and lighting.<sup>111</sup> On the coaches, they were not allowed to use the toilet during transfers due to the escape risk.<sup>112</sup> Some of the prisoners alleged that they had had to urinate in a bottle in the presence of their co-detainees, which they considered degrading.

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<sup>106</sup> For instance, some prison to prison transfers (e.g. from Larissa Prison to Trikala Prison) are carried out by external perimeter guards. Further, some police stations effectively operate as transfer centres (e.g. police officers from Serres Police Station regularly transfer prisoners from and to Nigrita Prison).

<sup>107</sup> Most of these were regular transfers, which are scheduled once or twice a week and usually last for between a few hours and half-a day. When required and depending on the weather conditions, transfers to and from the islands take place in a separate area of regular passenger ships and can last for up to two days.

<sup>108</sup> Police authorities were struggling to get vehicles fixed and repair might be delayed for lengthy periods due to numerous bureaucratic obstacles.

<sup>109</sup> Some prisoners however explained that they received coffee and cigarettes, while others stressed that they would not drink water during the travel due to the insufficient number of toilet stops.

<sup>110</sup> Although several stop-overs were usually foreseen on the long-distance travel between Athens and Thessaloniki to pick-up or drop prisoners, transferees were only provided with a single toilet stop at Larissa prison, reportedly under deplorable conditions of hygiene.

<sup>111</sup> Some prisoners indicated that the secure compartments were not heated in winter and that the temperature inside the transfer coaches was excessively hot in summer.

<sup>112</sup> Only some recent coaches were equipped with chemical toilets, whereas the older coaches had none.

126. Both the pregnant woman and the mother with her six-month-old child referred to above (see paragraph 121) stated that they had each been placed together with other women in a locked cubicle on a coach and had spent six or seven hours when travelling from Thiva or Athens to Thessaloniki. The pregnant woman informed the delegation that she had been required to sign a waiver, saying she was responsible for her unborn child. Moreover, women were transferred together with men in the same vehicle (but in different cubicles). Consequently, they were prone to intimidation and verbal abuse by male prisoners. Transferring women and their children in such conditions is an abnegation of the State's duty of care towards them.

127. Police authorities also indicated that they had significant difficulties in dealing with the high number of transfers because of the shortage of escort staff.<sup>113</sup> One of the consequences of the strained staffing situation was that a number of prisoners were not able to attend scheduled medical appointments, including specialist treatment and surgeries, which might be repeatedly postponed, sometimes with serious consequences (e.g. in the case of chemotherapy). The delegation was informed that this was a generalised problem in all Greek prisons. Further, there was no systematic procedure for recording all incidents during transfers. Consequently, accountability was dissipated and information fragmented.

128. The CPT considers that transfers of prisoners should always be carried out in a humane, secure and safe manner. When vehicles are equipped with secure compartments, individual cubicles measuring less than 0.6m<sup>2</sup> should not be used for transporting a person, no matter how short the duration. Individual cubicles measuring some 0.6m<sup>2</sup> can be considered as acceptable for short journeys/distances only; however, cubicles used for longer journey/distances should be much larger. Compartments or cubicles intended to transport more than one detainee should offer at least 0.6m<sup>2</sup> of personal space. Further, all transport vehicles should be clean, sufficiently lit and ventilated, and heated or air-conditioned appropriately.<sup>114</sup>

In addition, necessary arrangements should be made to provide prisoners with drinking water as required and, for long journeys/distances, with food at appropriate intervals. In the context of long journeys, arrangements should be made to allow prisoners to have access to sanitary facilities or to satisfy the needs of nature in conditions offering sufficient privacy, hygiene and dignity. When travelling by road, this implies the organisation of regular stops.

Prisoners should be transported in vehicles suitably designed and fit for that purpose, taking due account of all relevant safety requirements in order to protect prisoners. In particular, all vehicles which are used for the transfer of prisoners should be regularly maintained and equipped with appropriate safety devices such as safety belts. Further, transfer vehicles should be equipped with means to enable prisoners to communicate with escort staff.

The Greek authorities should also take steps to prevent intimidation and verbal abuse being perpetrated by prisoners against their fellow passengers. In particular, women should not be placed together with men in the same transfer vehicles. Under no circumstance should infants or babies with their mother or pregnant women who are in an advanced state of their pregnancy be transferred together with other prisoners in secure vehicles. If the transfer is considered necessary, appropriate transfer arrangements should be put in place, which guarantee their health and well-being.

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<sup>113</sup> In addition to their escorting duties, police officers were also required to keep control in courtrooms and to guard prisoners during medical appointments.

<sup>114</sup> See also the CPT factsheet on [transport of detainees](#) of June 2018: CPT/Inf (2018) 24.



129. In the light of the previous remarks, **the CPT recommends that the Greek authorities urgently review the current arrangements for transferring prisoners in Greece. In particular, they need to ensure that:**

- **the capacity of the secure coaches is reduced as no more than two persons should be held in the 1.2m<sup>2</sup>-compartments and no more than one person in the 0.6m<sup>2</sup>-cubicles. In the longer term, the existing vehicles should be adapted or replaced, taking into consideration the above-mentioned standards of personal space;**
- **all secure transport vehicles are clean, sufficiently lit and ventilated, and heated or air-conditioned appropriately;**
- **prisoners are provided with drinking water as required and, for long journeys/distances, with food at appropriate intervals;**
- **prisoners are offered access to sanitary facilities at regular intervals, in conditions offering sufficient privacy, hygiene and dignity;**
- **all transfer vehicles are regularly maintained and equipped with safety belts, so as to guarantee the safety of prisoners during transfers. They should also be fitted with means to enable prisoners to communicate with escort staff. If this cannot be achieved with the existing vehicles, these should be replaced swiftly;**
- **appropriate measures are taken to prevent prisoners being subjected to intimidation and verbal abuse by fellow prisoners. In particular, female prisoners should not be transferred together with male prisoners in the same secure vehicle;**
- **infants or babies together with their mothers and pregnant women who are in an advanced state of their pregnancy are never transferred in secure vehicles together with other prisoners;**
- **the number of escort officers are increased;**
- **all prisoners who require transportation to attend scheduled medical consultations with a specialist in hospital are transferred in time;**
- **the current arrangements of recording of incidents during transfers are reviewed so as to establish clear lines of accountability and information sharing.**

130. Moreover, none of the prisoners interviewed by the delegation had been notified of his or her transfer in advance. Prisoners were usually picked up in their cells by escort police officers and only had time to collect some belongings and items of first necessity before leaving the prison. Except in a few clearly justified cases, the CPT sees no reason for not informing prisoners of their scheduled transfer at an earlier stage. A timely notification of the transfer gives the person concerned time to prepare and organise their journey, and retrieve their personal belongings. **The CPT recommends that the Greek authorities ensure that prisoners are informed of their scheduled transfer sufficiently (i.e. at least one day) in advance.**

## **APPENDIX I**

### **List of the establishments visited by the CPT's delegation**

#### **Prison establishments**

- Chania Prison, Crete
- Korydallos Men's Prison
- Korydallos Female Remand Prison (targeted interviews)
- Korydallos Prison Health Centre (former prison hospital)
- Nigrita Prison
- Thessaloniki (Diavata) Prison
- Trikala Prison

#### **Police establishments**

- Agia Barbara Police Station, Athens
- Alexandra Street Police Headquarters, Athens
- Aristotelous Police Station, Thessaloniki
- Chania Regional Police Headquarters, Crete
- Demokratias Police Station, Thessaloniki
- Kypseli Police Station, Athens
- Langadas Police Station
- Monasteriou General Police Headquarters, Thessaloniki
- Nigrita Police Station
- Omonia Police Station, Athens
- Serres Police Station
- Trikala Police Station
  
- Athens Transfer Centre for Prisoners
- Thessaloniki Transfer Centre for Prisoners

**APPENDIX II**

**List of the national authorities, other bodies, and non-governmental and other organisations with which the CPT's delegation held consultations**

**A. National authorities**

**Ministry of Justice, Transparency and Human Rights**

Michalis KALOGIROU	Minister of Justice, Transparency and Human Rights
Eftychios FYTRAKIS	General Secretary for Crime Policy
Prokopis PROKOPIOU	Director General for Crime and Correctional Policy
Ioannis LAMBRAKIS	Director of the Prisons' Directorate
Giorgos THRAPSANIOTIS	Head of Department of Organisation and Functioning of Detention Establishments
Nectarios MERTINOS	Department of Organisation and Functioning of Detention Establishments
Maria ANAGNOSTAKI	Advisor to the General Secretary for Crime Policy

**Ministry of Citizen Protection**

Zacharoula TSIRIGOTI	Police Lieutenant General, Police Inspector General for Aliens and Border Protection of the Hellenic Police
Dimitrios ATHANASOPOULOS	Police Major General, Head of the Order Branch of the Hellenic Police
Georgios KASTANIS	Police Major General, Head of the Security Branch of the Hellenic Police
Michael LADOMENOS	Police Brigadier General, Head of the Administrative Support and Human Resources Branch of the Hellenic Police
Georgios KARAIKOS	Police Colonel, Director of the Migration Management Division of the Hellenic Police
Panagiota PAPADOPOULOU	Police Lieutenant Colonel, Deputy Director of the Organisation and Legal Affairs Division of the Hellenic Police

Nikolaos DIMITROPOULOS      Police Lieutenant, International Police Cooperation  
Division of the Hellenic Police, CPT Liaison Officer

Anna-Anniela EFTHYMIOU      Police Lieutenant, International Police Cooperation  
Division of the Hellenic Police, CPT Liaison Officer

Elias KOSSYVAKIS      Director, Internal Affairs Directorate, Hellenic Police  
and several investigators from the Internal Affairs  
Directorate, Hellenic Police

**Ministry of Foreign Affairs**

Efthymios TZIOKAS      Head of the Council of Europe Department, Directorate for  
OSCE and Council of Europe, CPT Liaison Officer

**Ministry of Health**

Panos PAPADOPOULOS      Head of Cabinet of the Minister of Health

**Prosecutor's Office of the Athens Court of First Instance**

Konstantinos SIMITZOGLU      Prosecutor

Charalampos MASTRANTONAKIS      Deputy Prosecutor

**B. Other bodies**

**Central Scientific Prison Council**

Nikolaos KOULOURIS      President of the Central Scientific Prison Council

**Greek Ombudsman's Office**

Andreas POTTAKIS      Greek Ombudsman, Head of the National Mechanism for  
the Investigation of Arbitrary Incidents

Giorgos NIKOLOPOULOS      Deputy Ombudsman for Human Rights, Head of the  
National Preventive Mechanism (NPM)

Chrysi HATZI      Senior Investigator  
and several investigators from the NPM team

**C. Non-governmental and other organisations**

Greek Federation of Prison Staff (Trade Union)

Greek Helsinki Monitor

Hellenic Action for Human Rights

Hellenic League for Human Rights