



Response

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

from 28 March to 9 April 2019

The Greek Government has requested the publication of this response. The CPT's report on the March/April 2019 visit to Greece is set out in document CPT/Inf (2020) 15.

Strasbourg, 9 April 2020

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HELLENIC REPUBLIC
MINISTRY OF FOREIGN AFFAIRS

**RESPONSE TO THE REPORT OF THE EUROPEAN
COMMITTEE FOR THE PREVENTION OF TORTURE AND
INHUMAN AND DEGRATING TREATMENT OR PUNISHMENT
(CPT)
FOLLOWING ITS VISIT TO GREECE
28.03.2019 - 09.04.2019.**

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MINISTRY OF CITIZEN'S PROTECTION - GENERAL
SECRETARIAT OF COUNTER-CRIME POLICY

By virtue of presidential decree 81/2019 (A 119), the General Secretariat of Counter-Crime Policy was transferred to the Ministry of Citizen Protection. The strategic planning of the new political leadership comprises security matters, with respect to human rights and the upgrading of the penitentiary system. The Special Permanent Committee on the Penitentiary System and other forms of confinement of detainees of the Greek Parliament has already been updated about the planned initiatives and actions implemented in this respect. Specifically, a briefing on the penitentiary system was held on 1.10.2019 by the Deputy Minister of Citizen Protection and the General Secretariat of Counter-Crime Policy. Subsequently, another briefing was held on 2.12.2019 on the situation in detention facilities by the presidents of the penitentiary officers' and external guards' trade unions and by the detention facilities wardens. Finally, a briefing and discussion was held on 6.12.2019 on the training of detainees at the detention facilities, with the participation of social workers from three detention facilities.

A) UPDATE ON INFORMATION PROVIDED IN RESPONSE TO THE PRELIMINARY OBSERVATIONS

At the Detention Facility of Chania, pursuant to information received by the management on 30.1.2020, ten (10) persons are detained in the ten (10) disciplinary cells (each measuring 11.47 m², of which 2.2 m² is the toilet), following their request for protection, while cells K1 and K2, which are intended for detainees returning from leaves of absence, are not occupied. Renovation and maintenance have taken place in the disciplinary cells and wards (painting, floor tile replacement etc.); the insulation of the rooftop and some additional plumping works remain to be done.

At the Detention Facility of Nigrita, cleaning is done every day and there is regular concern for compliance with health provisions. In implementation of Detention Facilities' Bylaws, the facility management and the Supervising Prosecutor are competent to inspect such matters and cooperate with the competent healthcare services to supervise the facilities. Specifically, disinfestation is carried out every quarter or earlier, if necessary. Bed mattresses are replaced at regular intervals; for instance, 90 mattresses were replaced in September 2019. Concerning maintenance, we would like to inform you that plumping and electrical installations were repaired, as did other wear and tear observed in disciplinary cells. According to information received by the facility management, no detainee was held in disciplinary cells from the date of the visit of CPT until 30.1.2020. As regards the fire safety of the facility, according to applicable laws, the facility has a Fire Safety Certificate issued by the relevant Fire Department, which is valid until February 2022.

The Special Detainees' Health Centre of Korydallos (EKYKK) is waiting for the completion of the study by the technical agency of the 2nd Healthcare Region of the Ministry of Health for the complete renovation of the facilities. For the time being, the facility management has carried out renovation works (painting of the second floor), which will gradually continue to all facilities. As regards questions on patients E.TH. and A.G., according to the relevant attending doctors' medical notes, they were regularly monitored by frequent medical checks. E.TH. was transferred to a state hospital on 10.5.2019 and returned to the EKYKK because he did not require hospitalization according to the state hospital's doctors. He was then transferred as an emergency, due to reduced conscience levels, on 30.5.2019 and we have already replied in our previous document on this matter. A.G. had an appointment on 6.5.2019 at the Metaxa Cancer Hospital and he returned to EKYKK with medical instructions. EKYKK administered painkillers to the patient, because specialized chemotherapy drugs and radiation are administered only in hospitals that have the necessary equipment and special medical staff. For this reason, we contacted the management of Metaxa Cancer Hospital, where the detainee was transferred two days later (8.5.2019) as an emergency. He remained in the hospital until 29.5.2019, when he died. It is noted that detainees-patients are transferred to state hospitals according to the medical diagnosis and with prior contact with such hospitals concerning bed availability and with the Transfers Agency.

As regards the progress of pending requests for more staff at detention facilities, we would like to inform you that decision no.ΔΥΠΑΑΔ/Φ.ΕΓΚΡ./17/401/31.1.2019 concerning the hiring of 258 persons for the Detention Facility of Drama, was transmitted by the agency to the Supreme Personnel Selection Council (ASEP) and the issuance of the relevant call is pending.

Finally, please find attached the requested photocopy of circular 3/2019 of the General Secretariat of Counter-Crime Policy.

B) INFORMATION ON QUESTIONS, OBSERVATIONS AND RECOMMENDATIONS OF THE CPT REPORT

➤ Ill-treatment

1. Violence among detainees

The following measures and initiatives were taken to address phenomena of violence among detainees:

- To dissolve powerful detainee groups and disperse the members of such groups to detention facilities around the country, a series of detainee transfers took place by order of the Central Transfers Committee, with an aim to maintain order and safety in detention facilities and prevent unlawful actions, most of which concern the Detention Facility of Korydallos I.

- As was said before, the General Secretariat of Counter-Crime Policy's priorities are matters of safety and smooth functioning of the detention facilities, with respect to human rights. In this light, the General

Directorate of Detention Facilities and Crisis Management was established under Law 4625/2019 (A 139). The fact that safety and crisis management in detention facilities is the separate duty of a Directorate of the General Secretariat proves the intention to effectively prevent and address phenomena of violence and crises in detention facilities. It is underlined that, in the context of these guidelines, the agency has direct communication and cooperation with the Departments of External Guards, specifically with Unlawful Actions Handling Teams in the detention facilities and other competent agencies.

- In the past three years, the General Secretariat of Counter-Crime Policy has been supporting the "Prison of Peace" programme, organised by the Institute of Communication and Conflict Management, which is already being implemented in nine (9) detention facilities. A series of contacts was recently held with such Institute in order to expand the implementation of the programme to other detention facilities of the country. The programme is intended both to detainees and detention facility staff. The total length of the basic training is forty (40) hours. Those who successfully complete the basic training may be trained further to be certified as mentors and trainers in conflict resolution and intermediation, in the context of achieving multiplier effects and viability of the programme outcomes. This programme aims to addressing violence among detainees, because it pursues training in the role of "peace-maker" by acquiring skills and techniques such as: a) developing emotional intelligence, b) active hearing, c) intense feelings management, d) de-escalation and resolution of conflicts using negotiation techniques.

- In the context of developing a "Dynamic Safety" approach by detention facility staff, collaborations are made with an aim to develop specialized skills in communication, crisis management and professional ethics. Specifically, in collaboration with the Austrian Technical Assistance, we support the implementation of a series of training programmes entitled "Training of Instructors of Prison Staff", according to which, inter alia, professional first-line staff is trained in matters relating to their professional duties. In this respect, the training of seventy five (75) detention facility officers was completed in the past two months. It is noted that such training were actions in the context of the "Technical Assistance on the Reform of the Greek Judicial System – Phase III (SRSS/S2018/049)" programme, funded by the Structural Reform Support Service (SRSS) of the European Commission.

Moreover, we continue the collaboration with the Training Institute (INEP) of the National Centre for Public Administration and Local Government, which designs and implements staff training activities on special penitentiary system themes. For example, four (4) training seminars have been scheduled to train one hundred (100) detention facilities officers in "mental health and crisis management" and "the role of prison staff in the treatment and reintegration of detainees" (February-June 2020).

Moreover, the agency continues to take part in training provided by the Police Centre for Security Studies (KEMEA), where a total of twenty three (23) detention facilities officers will attend on 25.2.2020 a practice drill

organised by KEMEA on "Reinforcing law enforcement agencies to recognise and combat radicalization and extremism".

Finally, in the context of the "Technical Assistance on the Reform of the Greek Judicial System – Phase III (SRSS/S2018/049)" programme, research and studies are implemented to create a scientific tool for preventing and addressing radicalization, in collaboration with specialized scientists and with the support of the General Secretariat of Counter-Crime Policy.

- As regards prosecuting investigations into the reported incidents of death and violence among detainees, our agency has not received the relevant findings yet. After the completion of the investigation by the prosecuting authorities, we will take the necessary action according to our powers.

2. Violence to detainees by prison staff

- When incidents of violence are reported by staff and when a detainee is injured or dies in a detention facility, we immediately activate all prescribed procedures to investigate any disciplinary liability of the prison staff. Specifically, by virtue of the provisions of par.15 of article 10 of Law 2298/1995, as currently in force, the General Secretariat of Counter-Crime Policy asks the Head of the competent Prosecution Service at the First Instance Court to conduct a disciplinary preliminary inquiry and, if liability is established, disciplinary proceedings are initiated.

- The applicable laws provide for the assistance of external guards in handling phenomena of violence in detention facilities. Specifically, in implementation of article 8 of the Safety Regulation and the provisions of circular no.29482/ 25.04.2018, the members of the Unlawful Actions Handling Teams operate according to plans and are trained every year by specialized instructors of the Hellenic Police in self-defence, immobilization and disarming techniques. In any incident of violence and transgression of the said legislative framework, the prescribed disciplinary proceedings are initiated immediately.

- In addition, the Greek Parliament passed on 4.2.2020 a draft law of the Ministry of Citizen Protection that reinforces the role of the Ombudsman as National Mechanism for the Investigation of Arbitrary Incidents and provides that it will have increased powers to investigate the arbitrary behaviour of prison staff to eliminate incidents of violence.

➤ Conditions of Detention

1. Overcrowding

- To resolve the problem of overcrowding, we took specific measures, such as the operation of two (2) new detention areas with a total capacity of 120 persons at the detention facility of Nigrita and the review by priority by the Central Transfers Committee of detainees' requests for transfer to Rural Detention Facilities and the Central Prison Material Warehouse to fill vacancies and decongest the other detention facilities.
- The new detention facility at Drama, with a capacity of six hundred (600) persons distributed in five (5) wards, will be in operation in 2020. As regards this project, on the basis of the update given by the company "Building Infrastructures SA", most of the facilities have

been completed and the following are pending: a) to auction the supply of necessary operating equipment, and b) to construct the special "Training and Vocational Integration" building, whose construction is under way by the contractor and is expected to be completed in the course of the year (by June 2020).

- Moreover, "Building Infrastructures SA" has been assigned with the construction of a new Detention Facility (Crete II) in the area of Kourounes in the Prefecture of Lasithi, with a capacity of six hundred (600) persons. On the basis of the update given by "Building Infrastructures SA", the construction has been suspended for technical reasons and procedural matters with the contractor.
- In the context of the governmental policy on the country's penitentiary system, a Committee was established on 25.7.2019 by decision of the Minister of Citizen Protection with an aim to recommend the relocation of the Detention Facilities Complex of Korydallos (ΑΔΑ: ΨΝ7Σ46ΜΚ6Π-ΙΙΤ). Then, Law 4646 was issued on 12.12.2019 (Government Gazette A 201), whose article 83 (par.1, 3 and 4) explicitly stipulates that the ownership of public property ABM 391 (with a surface area of 168,000 m²) at Aspropyrgos is conceded gratis to the Ministry of Citizen Protection, which was selected for the relocation of the Detention Facilities of Korydallos. Since the phase of recommendation, selection of premises and concession has been completed, the Ministry of Citizen Protection signed a collaboration contract with the Ministry of National Defence in order for the Studies and Construction Unit (ΜΟΜΚΑ) of the General National Defence Staff to undertake the project as "Technical Advisor", being an agency specializing in preparing and approving the Special Public Property Spatial Development Plan and implementing the relevant studies (preliminary, pre-study and final study). It is underlined that the construction of the new Complex will comply with European standards on detention facilities and meet the requirements set in the recommendations of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).
- Finally, it is worth mentioning that, the prescribed actions included in the project "Strengthening prison healthcare in Greece" of the Council of Europe comprise dealing with overcrowding (action 1.3.1), in which existing conditions, requirements and prospects will be studied in conjunction with the reinforcement of the community work framework.

2. Facilities and equipment

- Maintaining building facilities and procuring equipment for the country's detention facilities requires financial and administrative procedures in order to proceed in absolute priority with pending requests relating to meeting existing needs. Such requests are processed in phases, given the restricted fiscal situation of the country, in conjunction with the recent (1.1.2020) transfer of financial services from the Ministry of Justice to a newly-established financial agency of General Directorate level at the General

Secretariat of Counter-Crime Policy of the Ministry of Citizen Protection. It is noted that the agency pursues to develop collaboration with the competent local governments in order to proceed with small projects with the assistance of the technical services of the country's Regions. It also implements, to the extent possible, maintenance, repair and renovation works in detention facilities. For instance, at the special juvenile facility of Avlonas, works have recently begun for the renovation of the building, which will extend to all detention premises.

- Requests for the supply of equipment and personal hygiene items are approved by priority, according to the existing financial capacity. Moreover, collaborations have been developed to this end with various charity organisations that assist with donations of necessities.
- As regards the matter of fire protection in detention facilities, we would like to inform you that, by circular 50670/05.07.2019, all detention facilities were asked to take the necessary action for the issuance or renewal of Fire Safety Certificates for the buildings. Moreover, instructions are given to inspect the operation of fire-fighting systems, train the staff in using them, implement evacuation plans etc. with the assistance of the Fire Department.

3. Protected detainees

Detainees are placed in protected cells in implementation of applicable laws (article 10 par.6 and 9 of the Detention Facilities Bylaws) in order to protect the life, honour and dignity of detainees from potential risk. It is underlined that the decision to place detainees in individual cells for protection is a temporary measure, applicable only until the examination of the claimed risks. If such risks are not confirmed or are no longer valid, such decision is cancelled. When it is considered necessary for safety reasons or at the request of the detainee, a relevant request is made for transfer to another detention facility, where the detainee will not need to be protected.

4. Education of detainees

A key priority of penitentiary policy is ensuring the implementation of the detainees' right to education and upgrading the educational services provided, with an aim to strengthen the detainees' personal and social skills and prepare them for reintegration in society after their release.

In this context, the upgrading of education provided in detention facilities is linked to both the operation of educational units and the development of educational, employment and vocational training programmes in collaboration with other competent Ministries and agencies.

I. As regards the existing educational units, the access of detainees to educational programmes and the number of detainees attending all educational levels, we would like to provide the following information:

On commencement of school year 2019-2020, there are educational units in operation at the Educational Establishment for Male Minors (IAAA) of Volos and in nineteen (19) of the thirty four (34) detention facilities of the country. In more detail:

(1) Formal education (primary or secondary) is provided in eight (8) detention facilities. More specifically:

- The four (4) juvenile detention facilities;
- The special juvenile facility (EKKN) of Avlonas (primary, junior high and high school);
- The EKKN of Volos (primary school, junior high school annex);
- The EAKKN of Kassaveteia (primary school, junior high school annex, which is not operating this year);
- The Detention Facility of Corinth (primary school, junior high school annex, high school annex);
- The Educational Establishment for Male Minors of Volos (special primary school, junior high school annex);
- The Detention Facilities of Grevena, Nafplio and Eleonas-Thebes for Women (primary school).

Given also the remarkable increase in prison population in the course of the year, according to information provided by detention facilities in December 2019, the number of detainees attending the said educational units came to 239 for primary school, 130 for junior high school and 13 for high school.

(2) Second-Chance Schools (SDE) for adults wishing to complete the mandatory education are in operation in 13 detention facilities: the Detention Facility of Korydallos I, the Special Detainees Health Centre of Korydallos (Annex of SDE of the Detention Facility of Korydallos I), and the detention facilities of Malandrino, Domokos, Eleonas-Thebes for Women, Larissa, Trikala, Patras, Thessaloniki, Nigrita, Grevena, Corfu and Chania. The number of detainees attending SDE in December 2019 came to 745.

(3) State Vocational Training Institutes (DIEK), aiming to provide detainees with vocational training and skills for their reintegration in society, are in operation in three (3) Detention Facilities: the Rural Detention Facility of Kassandra, the Detention Facility of Korydallos I and the EKKN of Avlonas. The number of attending detainees in December 2019 came to 67 (in addition to 11 trainees at the DIEK of the EKKN of Avlonas).

(4) "Individually taught" detainees in Detention Facilities without educational units (such as junior high/high school) came to 198 (December 2019).

(5) Detainees attending university establishments in December 2019 totaled 71, of whom 35 attended the Hellenic Open University (HOU).

Finally, it is noted that the Ministry, in collaboration with the Ministry of Education and Religious Affairs, takes actions to implement the provisions of article 31 of Law 4521/2018 (Upgrading and extension of the operation of prison schools) with an aim to both continue the operation of existing educational units and create new units, provide for the necessary upgrading of the educational level of detainees, in conjunction with ensuring the smooth operation of each Detention Facility.

II. As regards the programmes running in the country's Detention Facilities and the IAAA of Volos, important activities have taken place in 2019 in collaboration with other competent Ministries, state or non-state agencies, volunteer teachers in the field of culture (art, theatre, music, dance etc. programmes), creative pastime (visual arts, painting, pottery

etc.), sports, further education (summer schools for learning Greek and English, developing skills etc.) and training (in various specialities such as plasterwork, ceramics/pottery, woodcarving, aluminum, face and body care for female detainees).

➤ **Health services**

- In the context of the broader effort of the General Secretariat of Counter-Crime Policy to reinforce healthcare and health services in the country's detention facilities, we attempt to create a framework of constant collaboration and communication with the Ministry of Health.

- Of particular importance is the launch of the project "Strengthening prison healthcare in Greece" of the Council of Europe (Criminal Law Cooperation Unit, part of Action against Crime Department), financed by the Human Rights Trust Fund of the Council of Europe, which is implemented with the participation of the competent Ministries of Health and Justice. In the context of implementation of the project, educational tools and instructions will be elaborated to improve the health services provided, to deal with mental patients and define a medical tests protocol for new detainees. The medical, nursing, scientific, administrative and guard staff of the detention facilities will then be trained and this will make a decisive contribution to the more effective management of health in detention facilities. It is underlined that the knowledge gained by the implementation of this project and its deliverable tools will be utilized in other training programmes to be implemented by the Prison Staff School. Moreover, the General Secretariat of Counter-Crime Policy is expanding its collaboration with health agencies and organisations operating in the country. Specifically:

a) A collaboration agreement was made with the Hellenic Association for the Study of the Liver to implement the project "Diagnosis and treatment of viral hepatitis in Greek prisons". This project is a substantial initiative and continuous collaboration for all detention facilities of the country, including treatment facilities. The project aims to provide steady screening of detainees for viral hepatitis and specialized medical counselling for transmitted diseases. Patients in treatment will be actively connected in order to limit the transmission of infections inside and outside the detention facilities and reduce the related morbidity and mortality. It is underlined that the protocol for the implementation of such medical interventions and screening aims to eradicate viral hepatitis in the country's detention facilities.

b) A three-year Memorandum of Cooperation was signed with the Greek Red Cross on 6.1.2020 with an aim to provide training, information and certification in first aid. Specifically, the collaboration comprises regular training in first aid techniques and cardiopulmonary resuscitation to detainees and prison staff around Greece. Moreover, the Greek Red Cross will provide psycho-social support to detainees, guards and prison staff.

- The Agency collaborates with the Ministry of Health for the establishment of special legislative frameworks so that healthcare can be provided to detainees without a social security number (AMKA) and the necessary documentation. Until then, efforts are made to provide this

category of detainees with the necessary medical-pharmaceutical care, the cost of which is incurred by state agencies.

- The lack of sufficient information in the detainees' medical records is due both to the shortage of medical and nursing staff in detention facilities and to the lack of a uniform medical tests protocol. To this end, we pursue collaboration with the Ministry of Health for promptly filling medical vacancies in the Special Regional Practices which, in conjunction with the project implemented in collaboration with the Council of Europe for the establishment of medical protocols, is expected to eliminate or restrict this phenomenon.

- The prison staff who, by the daily order of the management, is assigned with auxiliary tasks in the operation of the medical practice is fully committed to observe confidentiality pursuant to applicable laws. It is underlined that efforts are being made to fill the medical and nursing vacancies in the Special Regional Practices. Specifically, a legislative arrangement is under way to increase financial incentives for visiting doctors and expand this scheme to visiting nursing staff.

- The involvement of detainees in the operation of the medical practice, by assigning them with auxiliary tasks, is not an established practice. The lack of medical and nursing staff is the reason why such tasks are assigned to detainees, who are constantly monitored by the medical and guarding staff to prevent access to medical records or medications.

- Concerning the matter of drug addiction of detainees in detention facilities, we would like to inform you that a programme for the administration of substitute drugs (methadone) is implemented in two (2) detention facilities, twenty seven (27) counselling stations for drug rehabilitation operate in twenty three (23) detention facilities and rehabilitation treatment groups (pre-community phase) operate in four (4) detention facilities. Moreover, the EPILOGI-Drug Rehabilitation Centre for Detainees is a treatment detention facility intended solely for drug addict detainees who state their intention to be rehabilitated through a dry rehabilitation programme supervised by a special treatment team. In the context of reinforcing treatment and counselling rehabilitation programmes in detention facilities, the General Secretariat of Counter-Crime Policy has made a series of contacts and associations with KETHEA (Therapy Centre for Dependent Individuals) with an aim to more efficiently address the matter and procure the active participation of prison staff in supporting the rehabilitation framework. Specifically, it was decided to prepare and publish a guide to address detainees' rehabilitation, which will be made available to prison staff in daily contact with the detainees, aiming at ensuring prevention and providing information to detainees about the possibilities of rehabilitation in detention facilities.

- It is noted that a doctor on rural duty was placed at the Detention Facility of Trikala on 17.9.2019 by the competent Healthcare Region to the Special Regional Practice of the facility.

➤ **Special Detainees' Health Centre of Korydallos**

- The improvement of health services provided by the Special Detainees' Health Centre of Korydallos, in the context of implementation of

presidential decree 100/2018, relates to actions taken both by our agency and the Ministry of Health.

- The financials services of the General Secretariat of Counter-Crime Policy will give priority to the upgrading of the buildings of the Special Detainees' Health Centre of Korydallos and the procurement of the necessary equipment, including special washable mattresses.

- It is noted that all HIV detainees have been transferred to detention facilities in whose Regions there are state hospitals with suitable healthcare infrastructure and special medical staff.

- The agency acknowledges the lack of a uniform practice in registering medical information and diagnosis in the computerized and hard-copy medical files of the detainees. The shortage of medical and nursing staff contributes to the deficient entry and keeping of such records. To this end, the agency is waiting for the outcomes of the Council of Europe project "Strengthening prison healthcare in Greece", especially the task force of action 1.2.2 relating to the development of tools/methodology for the medical screening of new detainees and the definition of rules, procedures and protocols for medical tests and the improvement/development of special records/registers on injuries and ill-treatment. The agency intends to transmit circulars (with detailed instructions) immediately after the receipt of the said task force deliverables, in order to systematize the uniform recording and keeping of medical information in the Special Regional Practices of the country's Detention Facilities.

➤ **Prison staff**

- Concerning the fiscal provision for funds to hire staff, approved by the decisions of the Committee of the Cabinet of Ministers Act (PYS 33/2006), we would like to inform you that the General State Accounting Office has already approved to cover the necessary costs, the funds are committed and will be made available on completion of the selection procedure.

- The continuous training of prison staff is a priority of the General Secretariat of Counter-Crime Policy, which has already taken action to establish a permanent training unit for prison staff. Specifically, the premises of the Prison Staff School has been selected within the Women's Detention Facility of Eleonas-Thebes. The relevant tender was announced on 3.2.2019 by the Regional Section of Viotia in order for the latter to finance the configuration of the premises. In addition to basic training, the School will offer specialized training depending on the needs and the professional field of the trainees. To this end, the Central Scientific Prison Board (KESF) was asked to provide an opinion on the thematic areas to be included in the introductory training and the seminars implemented by the School. As regards the operating costs of the School, we are considering to cover such costs in collaboration with other agencies.

- It is underlined that, in the context of the annual schedule for hiring public sector permanent and seasonal staff for 2020 (circular no. ΔΙΠΑΑΔ/Φ.2.9/67/οικ. 39231/14.11.2019 of the Ministry of Interior), in substitution of the procedure of issuance of the decision of the PYS

Committee 33/2006, our agency transmitted on 22.11.2019 a table comprising the number of vacancies per category and field which it intends to fill in 2020. It is noted that such posts concern almost all vacancies in the detention facilities and the IAAA of Volos, except for some posts in specific fields that may be used for potential transfers of staff to a field or a higher category and field. These vacancies that we requested to be filled do not comprise posts for which Decisions of the PYS Committee 33/2006 have already been issued. It is underlined that the filling of such vacancies in the country's detention facilities will ensure their operational adequacy.

- As regards the payment of compensation for overtime work, we would like to inform you that the 2020 Budget comprises an increase of the amount, in order to cover such pending matters. With the pursued hiring of staff in the detention facilities, the employees will no longer accumulate overtime work and days off.

➤ **Disciplinary measures against detainees**

- The General Secretariat of Counter-Crime Policy has transmitted to the country's detention facilities a circular (no. 43335/3.6.2019) concerning the explicit and strict implementation of the provisions of the Penitentiary Code and the Detention Facilities' Bylaws as regards disciplinary penalties and the placement of detainees in disciplinary cells. It has also assigned the Detention Facilities Inspection and Control Agency to carry out relevant inspections in detention facilities.

- Persons with one hundred and four (4) different nationalities are detained in the country's detention facilities. The overall communication with detainees is facilitated by: a) courses to learn Greek, b) the assistance of other detainees of the same nationality who speak Greek and act as interpreters, and c) sometimes the support of translators, mostly from the relevant consular authorities. In any event, the Supervising Prosecutor of the Detention Facility, being the chairman of the Disciplinary Board, notifies detainees in writing about the offence and the particulars of the case for which they were reported and invite them to defend themselves. If the detainee does not speak Greek, an interpreter is retained pursuant to article 71 par.2 of the Penitentiary Code.

➤ **New detainees in detention facilities**

- New detainees are admitted to detention facilities according to article 22 of the Penitentiary Code and article 10 of the Detention Facilities' Bylaws. The initial-stay premises sometimes need renovation and the agency makes every possible effort to support such works to the extent permitted by available resources. New detainees are placed according to the provisions of the Detention Facilities' Bylaws and the Penitentiary Code, depending on the buildings of each detention facility, the flow of new detainees and the capacity of detention facilities.

- It is underlined that, when new detainees are admitted in detention facilities, the management, the chief warden and the social service provide extensive information about their rights and obligations and the operating methods of the detention facility. The information received orally comprise

particulars given in the booklet "Prisoner's A-Z", issued in Greek, English and Albanian, which is available in the libraries of all detention facilities.

➤ **Visits to detainees**

- According to article 52 of the Penitentiary Code, all detainees may have visits by relatives up to the fourth degree and by people outside their family or by associations, approved by the Prison Board at the request or with the consent of detainees. There are no restrictions to visits by family only, unless the friends or relatives whose visit is requested by a detainee, according to the recommendation of the Social Service, are considered to have a potentially adverse effect on such detainee. It is noted that negative recommendations are very rare in detention facilities.

- The length of the visits is determined by the Prison Board, pursuant to article 21 par.1 of the Detention Facilities' Bylaws, which states that the length should be at least half an hour. The Board may also prolong the length of visits, especially when the positive recommendation of the Social Service cites, inter alia, the distance between the relatives' residence and the prison and the limited frequency of visits. It is underlined that visits to detainees, in addition to all positive effects they exert on detainees at family, social and individual level, make a decisive contribution to their mental calm. The good psychology of detainees is an essential element for their smooth co-habitation, their cooperation with the prison staff and the maintenance of order and smooth operation of the detention facility. The agency's intention to expand family visits gradually to all detention facilities moves to the same direction, with the creation or configuration of special premises. For instance, at the new Detention Facility of Drama, works are under way for the technical configuration and construction of the following three visiting areas: 1. Family visits without visual control, 2. Children's visits, 3. Internet visits (via Skype). It is finally noted that the General Secretariat of Counter-Crime Policy, in collaboration with relevant state agencies, civic society entities and detention facilities' psychologists, has implemented three working meetings on the creation of a "prisoner-parents' academy" and the reinforcement of family visits on the basis of supporting family ties. In this context, actions are being designed to brief the scientific staff of detention facilities and prisoner-parents, with the assistance of collaborating agencies.

As regards internet visits, our agency is processing the assessment of its pilot implementation with an aim to expand it to all detention facilities.

MINISTRY OF CITIZEN'S PROTECTION - HELLENIC

POLICE HEADQUARTERS

a. Complaints for cases of excessive use of police force during and after the arrest (in Police and Security Departments in Athens and Thessaloniki) such as slapping, kicking, as well as knocks with police rods and metal objects, for some of which medical opinions are available.

i. At the Police Station of the White Tower of Thessaloniki, a helmet was placed on a detainee's head and handcuffs as well, which left in his hands signs of torture and abuse, during his detention. A Preliminary Administrative Inquiry (PAI) was carried out for this case, which through the complainant's and other foreign detainee's sworn depositions, did not confirm the complaints. The present case is pending before the Independent Administrative Authority "Ombudsman" for completeness check.

ii. Reported incidents for mistreatment of detainees in detention facilities of Services under the jurisdiction of the General Police Directorate of Thessaloniki, as well as for excessive use of police force, during and after the arrest of individuals. For these specific cases, a Sworn Administrative Inquiry (S.A.I.) was conducted. These complaints were not confirmed, due to insufficient evidence on the place, time and any persons possibly involved. Furthermore, as far as the female detainee (transferred from the Women's Detention Facility of Elaionas) with initials P.G. is concerned, no censurable action of the policemen was confirmed. These cases are pending before the Independent Administrative Authority "Ombudsman" for completeness check.

b. Detention conditions in police holding cells of the Division of Transfers of the Courts of Attica and the Sub-Division of Transfers of the Courts of Thessaloniki (basic sanitary deficiencies, inmates' overcrowding, poor hygiene, inadequate natural lighting, etc.).

➤ **Division of Transfers of the Courts of Attica**

The building facilities of the Police Services do not have suitable areas for courtyards. The detention facilities are built on the basis of the legal framework in force for short-term stays of individuals.

The following maintenance - upgrading - repair works have been carried out in the current year.

- ✓ Repair of central heating - change of radiators
 - ✓ Repair of electrical installations - lighting of holding cells
 - ✓ Repair of plumbing installations of the holding cells bathrooms
 - ✓ Repair - replacement of sanitary fixtures of the holding cells bathrooms
 - ✓ Repair of fire-protection systems
 - ✓ Painting of the detention areas
 - ✓ repair of CCTV circuit
 - ✓ Repair of the electronic system for opening the detention areas
 - ✓ Change of furniture of the detention areas kitchen
 - ✓ Change of the ventilation system
 - ✓ Placement and operation of a washing machine for cleaning the linen
 - ✓ Debugging - disinfection of the detention areas.
- **Sub-division of Transfers of the Courts of Thessaloniki**

The building facilities for housing the Police Services do not have suitable areas for courtyards. The detention facilities are built on the basis of the legal framework in force for short-term stays of individuals. There are three (3) categories of persons detained in these areas intended either for Detention Facilities inside or outside the area of Thessaloniki, or for their transfer before the Judicial Authorities, while it should be noted herein, that their number changes on a daily basis.

The overcrowding of these holding cells, is mainly attributed to the daily rotation of the large number of detainees, as these Services are areas of quasi transit, short stay and transfer - re-transfer.

c. Detention of women together with adult men, at the Division of Transfers of the Courts of Chania.

In the aforementioned Police Service, there are separate detention facilities for women and men, and each cell has its own door. At the time the team of the Committee arrived, during its visit to the above-mentioned Service, the doors of all cells were opened to detainees in order for the detainees (men and women) to exit so as to facilitate the work of its members. A Preliminary Administrative Inquiry (P.A.I.) was carried out on this matter and the relevant correspondence was sent to the Independent Administrative Authority "Ombudsman", where it is still pending.

d. Health care of the prisoner (with initials I.M.) in the centre of Athens - Confirmation of his examination by a psychiatrist, and also that the prescribed psychotropic medication has indeed been made available to him- The police officers have no obligation to administer the psychiatric medication of persons deprived of their liberty.

The inmate with initials I.M. was transferred to the Psychiatric Hospital of Attica "DROMOKAITEIO", was given medical prescription and medication and then (09/05/2019) he was transferred to the Detention Facility of Grevena, where he remains until today.

It should be noted herein that in every case of a prisoner's request for rendering medical assistance, there is a provision for his immediate transfer to the on-call hospital.

e. Complaints about overcrowding in the holding cells of the Police Stations.

In the areas of police holding cells (short-term detention areas), convicts or persons in custody destined for a correctional facility is not permitted to be detained. The police holding cells do not meet the requirements for Detention Facilities, and their numbers change on a daily basis. Therefore, it is necessary for detainees to live together (irregular migrants - criminal detainees), until the transfer of the former ones to a Pre-departure Detention Center (IIPO.KE.KA.)

f. i. Detention of women, together with unaccompanied minors (Police Stations of Kypseli and Omonoia).

Unaccompanied minors are under completely temporary guardianship until their transfer to Hellenic Police structures, following relevant public prosecutor's orders, always in specially designed premises and not together with other adults. Subsequently, in accordance to the legislation in force, they are transferred, in collaboration with the National Center for Social Solidarity (EKKA) and Non-Governmental Organizations (NGOs), to appropriate open accommodation facilities, by taking solely the child's best interest into account. In this context, efforts are being made to accommodate all

unaccompanied minor aliens being under the guardianship of the Police in appropriately formed areas in Amygdaleza of Attica and the Aliens Directorate of Thessaloniki (*No. 52 Pontou Str.*, and at the *Division of Immigration Management of Agios Athanasios*) until they are transferred to the appropriate accommodation facilities by care of the National Center for Social Solidarity (EKKA).

ii. Existence of unhealthy conditions (Police Station of Kypseli and Security Department of Omonoia).

The Police Department of Kypseli has not taken the required actions to relocate the detention facilities. However, it is planned to transfer the police holding cells from the basement of the Police Department in question to the mezzanine. Already, the holding centers at the Police Station of Kypseli are no longer operational.

The Security Department of Omonoia has planned works for painting the holding cells and restoring the repair of plumbing breakdowns to achieve better hygiene and detention conditions, starting on 20-11-2019 and completion within 10 days.

g. The Greek authorities should intensify their efforts to renovate Police Detention Centers throughout the country.

Orders and instructions to the Regional Services are issued at regular intervals for:

✓ Daily and meticulous cleanliness and beautification of detention areas

✓ Regular disinfection of premises

✓ Individual hygiene and cleanliness of prisoners

✓ Provision of healthcare to prisoners

✓ Regular and adequate ventilation of the holding cells

✓ Adequate feeding

✓ Recurrent health check

✓ Daily supervision and inspection of detention facilities to detect possible defects-

wears

Overall, for the repair - maintenance - upgrading of detention facilities, including the Pre-departure Detention Center (ΠΠΟ.ΚΕ.ΚΑ.), credits amounting to € 1,981,345.78 have been made available in the current year. Furthermore, repair and renovation works of the Pre-departure Detention Center (ΠΠΟ.ΚΕ.ΚΑ.) in Tavros and Amygdaleza are being implemented in the current year, amounting in total to € 120,700 some of which have already been completed. Finally, it is worth noting that procedures are already in process for the renovation - reconstruction of the Pre-departure Detention Centers (ΠΠΟ.ΚΕ.ΚΑ.) of Korinthos, Drama, Xanthi, Orestiada, Lesvos and Kos, with the aim of improving the living and hygiene conditions of alien detainees and the working conditions of the police personnel.

In order to ensure the fullest assurance of impartiality and objectivity of investigating cases of abuse - mistreatment of prisoners, a draft Presidential Decree has already been drawn up, which will be published immediately. It provides:

a. A Preliminary Administrative Inquiry (P.A.I.) will be conducted for cases of abuse or torture, which will be assigned to a Police Officer who has no administrative dependence with the Service or the police officers involved.

b. The shortening of the time period for conducting a Preliminary Administrative Inquiry (P.A.I.), for the fast administration of disciplinary justice.

Moreover, in the context of the training and retraining of police personnel, courses are taught and seminars, lectures and workshops are held, with object among other things,

the human rights protection, in order to sensitize the personnel on the management and handling of respective incidents and to embrace the values of humanism, while all the aforementioned issues constitute a subject of announcement - update at the regular meetings of police personnel.

MINISTRY OF JUSTICE
DIRECTORATE GENERAL OF JUSTICE ADMINISTRATION,
INTERNATIONAL LEGAL RELATIONS AND HUMAN RIGHTS

1. Prison Overcrowding

With law 4619/2019 the Greek Penal Code was amended in a way that the particularly high penalties were dealt. Those high penalties were the result of a policy for stricter criminal rules in order to solve social problems and so the criminal law was used not as an ultimatum refugium, but rather as a legislative for the prevention of behaviors which damage or place at risk legal rights. This kind of legislation was the reason for putting extra burden on the procedure of providing criminal justice and a cause for prisons overcrowding.

Another reason for prisons overcrowding was that the legislator of the previous Penal Code did not opt for the use of law penalties which do not include imprisonment (e.g. community service).

The provisions of articles 50, 51, 52, 53, 54, 55 and 57 (Main Penalties) provide as follows:

- Incarceration is temporary (5-15 years) with the exception of life sentence (art. 52 PC. In this article, the highest threshold of the penalty was reduced from 20 to 15 years).
- Imprisonment ranges from 10 days up to 5 years (art. 53 PC).
- Restriction in a special minor's detention facility, ranges from 6 months up to 5 years, if for the act committed the law would normally provide for a sentence up to 10 years. If the act committed is normally punished by life sentence or temporary incarceration, then the restriction in a special youth detention facility ranges from 2 up to 8 years (art. 54 PC).
- Community service varies from 100 up to 720 hours (art. 55 PC).
- Pecuniary penalty. A new provision is being incorporated in article 57 PC, specifying the height and calculation mode of the pecuniary penalty. There is no explicit reference to money penalties, since the amount of the pecuniary penalty is based on the Swiss model where the pecuniary penalties are calculated in per days. Each daily unit cannot be less than 1 Euro or higher than 100 Euros. Last but not least, misdemeanors that were punished only with fines, are no longer of a criminal interest, therefore, they are not being prosecuted.

2. Article 137A of the Penal Code (Torture)

Concerning the definition of torture, article 137A of the Penal Code as amended by recent L. 4637/2019 provides for:

"1. An official or military officer in charge of prosecuting, interrogating or examining criminal offenses or disciplinary offenses or serving sentences or guarding or custody of detainees, shall be punished by imprisonment of up to ten years if he subjects to torture a person found under his authority in the course of fulfilling his duties, for such purposes as (a) obtaining from him / her or a third person a confession, testimony, information or statement, mainly concerning the denial or acceptance of a political or other ideology; (b) punishing him / her or (c) intimidating him / her or any other third persons.

The same penalty shall be imposed to any official or a military officer who, following the instructions of his superiors, or by his own will, assumes such duties and commits the acts referred to in the preceding paragraph.

2. The same penalty shall be imposed for torture committed by the persons and under the circumstances provided by the previous paragraph even without the purposes mentioned above, if the choice of the victim is due to characteristics of race, color, national or ethnic origin, descent, religion, disability, gender, sexual orientation, gender identity or characteristics. In this case, the article 82A PC shall not be applied.

3. At least ten years' imprisonment shall be imposed if the acts referred to in the preceding paragraph: (a) are committed with means or ways of systematic torture, in particular foot whipping (falanga or bastinado) of the victim, electric shock, mock execution or hallucinogenic substances; or (b) result to severe bodily injury of the victim. This penalty is also imposed when the perpetrator, acting as superior, gave the order of committing these acts.

4. Bodily injury, harm to health, the exercise of unlawful physical or psychological violence and any other serious violation of human dignity committed by the persons, under the circumstances and for the purposes set out in paragraphs 1 and 2, unless it is covered by the concept of torture, shall be punished by imprisonment of at least three years and a pecuniary penalty, if not punished more severely by another provision. Up to ten years' imprisonment shall be imposed if the case (b) of the previous paragraph is applicable. As violations of human dignity are mainly considered: a) the use of lie detector, b) prolonged isolation, c) serious prejudice to sexual dignity.

5. If the actions of the preceding paragraphs have resulted in the death of the victim, the perpetrator shall be sentenced to life imprisonment or imprisonment of at least ten years.

6. Pursuant to this article, any methodical inflicting of intense physical pain or physical exhaustion, which is dangerous to health, or infliction of mental pain capable of causing serious mental harm, as well as any unlawful use of chemical, narcotic or other natural or artificial means intended to bend the will of the victim constitute torture. Acts or consequences inherent in the lawful execution of a sentence or other legal restriction of freedom or another lawful measure of procedural coercion do not fall within the concept of torture.

7. A conviction for the acts referred to in paragraphs 1 to 5 shall result in the automatic deprivation of office and position, as soon as the conviction becomes irrevocable.

8. In case that the acts mentioned in paragraphs 1 to 5 are committed under the status of usurping the popular sovereignty, the limitation period shall begin once the legitimate authority has been restored.

9. Concurrence of the terms of Articles 20 to 25 shall never eliminate the wrongfulness of the acts of this Article.

10. The victim of the acts of this article is entitled to require from the irrevocably convicted person and from the state, who are both liable in full, indemnification for the damages suffered and pecuniary compensation for mental suffering or property damage”.

SUPREME COURT (AREIOS PAGOS)

PROSECUTION'S OFFICE

Regarding to the suggestions the Committee make:

- 1) The conclusion that prosecutorial and judicial authorities adhere passive role as regards starting an investigation in these matters, is a respectively arbitrary conclusion, non-responding to the reality. Constitutionally, Greek Judges and Prosecutors research thoroughly and independently all the cases and collect the evidentiary during the investigation and the hearing. According to the art. 177 of the Greek Code of Penal Procedure the judges apply the principle of bearing in mind all the evidence they collect, obeying in their consciousness. Bearing in mind this principle there cannot be adopted a "protocol" of investigations (meaning the same way to investigate). The Greek judgments and the Prosecutors' provisions and reports have a full- thorough reasoning in the same time that other countries have adopted summarized or non-reasoning judgments. Moreover victims maintain the right for appeal.
- 2) According to the very recent law n. 4637/2019 the term "methodical torture" or "planned torture" has already been replaced by the term "deliberate torture". This change enables the prosecution in a larger number of criminal behaviors, although the term "systematic torture" has remained.
- 3) The National Mechanism for the Investigation of Arbitrary Incidents by Law Enforcement and Prison Officers cannot survey the investigations or control them, by reason of independency, as only the judicial authorities have this jurisdiction.
- 4) The disciplinary offenses are not always criminal, as the disciplinary law is more extended than the criminal one.
- 5) Concerning the two particular cases of the Court of First Instance in Athens, the first n. ABM Δ2013/1995 had not reopened because the victim didn't make an appeal as he had the right, and in the second case n. ABM A2012/2116, it doesn't concern a case of violation of art. 137A but a case of bad check.
- 6) Finally, all the registers include the rights of the suspect and the accused and the prisoner preserves the right to visit a doctor and to have an interpreter, if needed. The provision of a lawyer for the very first moment of the arrestment needs a legislative regulation.



HELLENIC REPUBLIC

MINISTRY OF CITIZEN PROTECTION

GENERAL DIRECTORATE OF ANTI CRIME POLICY

DIRECTORATE FOR ORGANISATION AND FUNCTION OF PRISON

ESTABLISHMENTS

DEPARTMENT OF GENERAL AND AGRICULTURAL PRISON

ESTABLISHMENTS

Subject: Response to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visit to Greece on 28.03.2019-09.04.2019 and the relevant recommendations, comments and clarifications resulting from the report, in particular paragraphs 38, 39, 58 and 69.

Paragraph 38 – Chania detention establishment

1. In the said detention establishment, there are no specific cells for transit detainees. In contrast, there are two cells that are used for a transitional period for the hosting of detainees in leave of absence, in order to prevent the transfer of narcotic drugs into the interior of the prison. Therefore, prisoners are subject to increased security rules during their stay.

2. There are 10 disciplinary cells of 11.47 m², of which 2.2 m² are toilet area. In these cells, 6 persons are held for protection and 1 person for smooth operation. In each cell one person is kept in detention. They have daily access to the courtyard, between 8: 00-11: 30 in the morning and from 15: 00 p.m. till half an

hour before sunset. Access to a telephone is also available, but the use of television is not allowed.

3. Finally, the detention establishment is visited by a doctor twice a week, in addition to the exceptional occurrences for which s/he is immediately informed and when necessary, patients are transferred to the Hospital of Chania.

Paragraph 39 – Korydallos Men’s Prison:

• Special Area C

1. Currently, in Special Area C, in 9 existing cells, there are in total 24 people held, whereas between 2 and 4 people are held in each cell. Seven (7) detainees have been convicted of crimes of sexual nature and, for safety reasons, there is a rail barrier which separates the three cells where they are kept from the rest.

2. In this section, there is a limited bed number. This is why efforts are being made to ensure that the number of prisoners does not exceed the number of beds. In all cases, repairs have been carried out on the site and the leak detected has been repaired. In order to comply with the Commission’s observations, our department has sent to the detention facility the document ref. 75969/23.10.2019, stating both the need to decongest the area cells in order to keep one prisoner by cell, and take measures to avoid any phenomena of vulnerable groups of detainees being exploited by other detainees in order to access essential services provided by the Facility.

3. Courtyard time for these detainees takes place on a daily basis, while the courtyard is in good condition and has a cement floor. The courtyard time does not differ with regard to its duration from that of the other detainees and in any case, it is laid down in the internal rules governing the operation of detention facilities.

4. Finally, as regards the time of their stay, it cannot be determined with absolute clarity, as this depends on their procedural situation, with the

exception of those accused of a sexual offence, who are detained for procedural reasons and are returned to the Facilities to which they belong after the end of their court hearings.

- Special Area D

1. At this point in time a total of 25 persons are detained in Special Area D.
2. These facilities do show problems due to their age, however the maintenance teams of the detention facility carry out the necessary maintenance work within their capacity.
3. Finally, prisoners in Special Area D may have access to the various activities foreseen for prisoners if they so wish and at their request.

Paragraph 58 – Korydallos Health Centre

1. With regard to the repairs mentioned in the CPT report, the Administration of the Facility has held working meetings with the 2nd Health Region, which is part of the Ministry of Health and has, in accordance with the new institutional framework, the scientific responsibility for the operation of the Korydallos Health Centre, so as to take the necessary steps to upgrade its infrastructure. It is expected to take on small repairs, with a view to improving and maintaining infrastructure, until the transport of the Korydallos complex to a new location, is carried out, which is still ongoing. It is worth mentioning, however, that due to the nature of the detention facility, the deterioration is repetitive. In addition to the above, for the repair of the sanitation facilities, the Detention Establishment has submitted requests both to the Finance Department of the Ministry of Justice and to the Technical Works Directorate of the Regional Compartment of Piraeus.

2. There has been a complete replacement of old mattresses by new ones.

3. The patient population has decreased. For example, on 28.03.2019 there were 196 detainees, while in the current period there are 140 and this numbers remains stable.

4. The seropositive detainees of Korydallos have already been transferred to other detention facilities, provided that they are located in the vicinity of an infection response unit.

5. The working detainees of the Facility, twenty (20) in number, are kept separate from the in-patients, in 6 cells, 2 people each and the remaining 8 in two large wards, with the result that the situation has clearly improved.

Paragraph 69 – Nigrita Detention establishment

1. In respect of the disciplinary cells of this detention facility, they have been set and remain out of use until now, in order to carry out the necessary repairs at their premises (electrical, hydraulic, etc.).To this end, we have submitted the ref.11125/17.07.2019 and 13684/11.09.2019 requests for approval of credits of € 1.526,38 and 5.135,91 respectively, for the supply of the necessary materials.

2. Transfers of detainees to the disciplinary cells are made subsequently to a decision of the prison council, following a meeting where minutes are recorded with the relevant data (days of the prison sentence – stay in the disciplinary cells).Supervision and control of these cells is made through the control room, electronically, as well as by periodic visits of the existing guards of the other wings.

Finally, with regard to fire safety, the ref. 50670oik/04.07.2019 document

from the Secretariat-General of Anti-Crime Policy provided instruction to speed up and complete the procedures for issuing/renewing fire safety certificates as a matter of utmost priority in any detention facilities that did not hold such certificates, immediately informing our department of the procedure. By way of example, we would like to point out that this document was also notified to the Head of the Fire Brigade, in order to ensure that its services assisted in those procedures.

The relevant fire protection/fire safety issues are promoted and examined as a matter of priority by the Technical and Economic Services of the Ministry in order to ensure that the security procedures and measures are observed in detention facilities.

Sofia Nikolaou, Secretary-General of Anti-Crime Police