

**Report to the Government of Greece  
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 23 September to 5 October 2001**

The Government of Greece has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2002) 32.

Strasbourg, 20 November 2002

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**Copy of the letter transmitting the CPT's report**

Strasbourg, 17 April 2002

Dear Sirs,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I enclose herewith the report to the Government of Greece drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visit to Greece from 23 September to 5 October 2001. The report was adopted by the CPT at its 47th meeting, held from 5 to 8 March 2002.

I would draw your attention in particular to paragraph 137 of the report, in which the CPT requests the Greek authorities to provide **within six months** a response setting out the action taken upon its visit report. The CPT would ask, in the event of the response being forwarded in Greek, that it be accompanied by an English or French translation. It would also be most helpful if the Greek authorities could provide a copy of the response in a computer-readable form.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Yours faithfully,

Silvia CASALE  
President of the European Committee for  
the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment

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## I. INTRODUCTION

### A. Dates of the visit and composition of the delegation

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 23 September to 5 October 2001.

The visit formed part of the CPT's programme of periodic visits for 2001. It was the Committee's third periodic visit to Greece (the first two having taken place in March 1993 and in May-June 1997)<sup>1</sup>.

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

- John OLDEN, Head of the delegation
- Fatmir BRAKA
- Andres LEHTMETS
- Ole Vedel RASMUSSEN
- Rudolf SCHMUCK
- Pieter Reinhard STOFFELEN.

They were assisted by:

- James McMANUS, Senior Lecturer at the Department of Law, University of Dundee, Scotland (expert)
- Françoise BRON-HADZINICOLAOU (interpreter)
- Maria LOUCA (interpreter)
- Myrto ROUSSOU-ATZITIRIS (interpreter)
- Danai Niki TZAMTZIS (interpreter)
- Alexander ZAPHIRIOU (interpreter)

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<sup>1</sup> The CPT has also carried out two ad hoc visits to Greece, in November 1996 and in October-November 1999.

and were accompanied by the following members of the CPT's Secretariat:

- Jan MALINOWSKI
- Hanne JUNCHER
- Cyrille ORIZET.

**B. Establishments visited**

3. The delegation visited the following places:

**Law enforcement agency establishments**

Police establishments

*Attica Region*

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

*Crete*

- Heraklion Regional Police Headquarters
- Heraklion Security Subdirectorate
- Agia Varvara Police Station
- Agios Myronas Police Station
- Chersonissos Police Station
- Myres Police Station
- Heraklion Airport Police Station
- Khania Police Headquarters

*North-West Greece*

- Igoumenitsa Police Headquarters (including the Drepanos Camping site)
- Kastoria Police Headquarters
- Kozani Police Headquarters
  
- Kristalopigi Police Station and Border Guard Post
- Mesopotamia Border Guard Post

Coast Guard establishments

- Heraklion Port Police Station
- Piraeus Port Police Station

Customs authority establishments

- Kristalopigi Customs Detention Facilities

**Prisons**

- Alicarnassos Prison, Heraklion
- Khandia Prison
- Korydallos Prison Complex (Prison for men, Prison Hospital and psychiatric unit)
- Malandrino Prison

**Military establishments**

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

**C. Consultations held by the delegation**

4. The delegation held consultations with the national authorities and with representatives of non-governmental organisations active in areas of concern to the CPT. In addition, the delegation discussed certain matters with officials from the mission of the United Nations High Commissioner for Refugees in Greece.

A list of the national authorities and organisations with which the delegation held talks is set out in Appendix II to this report.



**D. Cooperation between the CPT and the Greek authorities**

5. The CPT's delegation held fruitful discussions with Michalis STATHOPOULOS, Minister for Justice, as well as with Prodromos ASSIMIADIS, General Secretary of the Ministry of Justice, Dimitrios EFSTATHIADIS, General Secretary of the Ministry of Public Order, Kiriaki BARDANI, Director General of Penitentiary Policy, and other senior officials.

The delegation also had an interesting discussion with Georgios KAMINIS, Deputy Ombudsman responsible for human rights, and meetings were held with relevant judicial authorities.

6. The cooperation received during the visit was on the whole very good. In particular, the delegation had rapid access to the establishments visited and, despite the reluctance occasionally displayed by law enforcement officials, obtained all of the information it required to carry out its task. It would appear that, in general, the management of all of the places of detention visited had been informed of the possibility of a visit by the Committee and were reasonably knowledgeable about its mandate.

The CPT wishes to express its appreciation for the assistance provided to its delegation during the visit by Sevasti PAPAMITROPOULOU, Ministry of Justice, Panayiotis YIANNOULAS, Ministry of Public Order, and Ioannis PANOPOULOS, Ministry of Merchant Marine.

7. The CPT received detailed information on places of detention used on a permanent basis by the police (under the authority of the Ministry of Public Order). However, it received no information on places being used on an ad hoc basis by the police for detention purposes; the delegation visited one such place, the Drepanos Camping site, which was holding immigration detainees under the authority of the Igoumenitsa Police Headquarters. Further, no information was provided on detention facilities used by the Coast Guard, under the authority of the Ministry of Merchant Marine, or by the Customs authority, under the Ministry of Finance; the delegation nevertheless visited detention facilities of both those agencies.

In this connection, **the CPT wishes to recall that, under Article 8, paragraph 2 (b), of the Convention, State Parties are required to provide to the Committee "full information on the places where persons deprived of their liberty are being held".**

**E. Immediate observation under Article 8, paragraph 5, of the Convention**

8. At the end of the visit, the CPT's delegation invoked Article 8, paragraph 5, of the Convention as regards the situation found in two establishments under the authority of the Ministry of Public Order, namely Kozani and Heraklion Police Headquarters. Conditions of detention in those establishments were wholly unacceptable and the delegation called upon the Greek authorities to take steps immediately to remedy the shortcomings observed.

By letters of 31 October 2001 and 12 February 2002, the Greek authorities provided information on measures taken in the light of the delegation's immediate observation and on other issues raised by the delegation at the end of the visit. These responses have been taken into account in the relevant sections of the present report.

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

### A. Law enforcement agencies

#### 1. Preliminary remarks

9. The CPT's delegation visited a number of police establishments under the authority of the Ministry of Public Order (police headquarters and stations, transfer centres, detention facilities for aliens), certain of them for the first time. It also visited two establishments of the Coast Guard's Port Police, under the authority of the Ministry of Merchant Marine, and one Customs detention facility, under the authority of the Ministry of Finance.

10. The rules concerning detention of criminal suspects by the police have been summarised in the reports on previous CPT visits<sup>2</sup>; those rules apply equally to other agencies, such as the Coast Guard and Customs authority, to the extent that they exercise law enforcement powers involving the possibility of depriving persons of their liberty.

Other categories of persons who may be held in police detention facilities include foreigners awaiting removal, persons committed to prison who have been transferred to attend court proceedings or are in transit to other establishments, persons serving sentences involving up to 30 days of detention and persons under protective custody (cf. responses of the Greek authorities to previous visit reports, in particular CPT/Inf (2001) 19, page 27).

The new aliens law<sup>3</sup> has brought about certain specific changes as regards detention under immigration rules. The most salient development concerns the new three-month limit on detention by administrative decision of foreigners awaiting removal. The law also stipulates that detention orders can be the subject of judicial review and that appeals against removal orders entail their suspension.<sup>4</sup>

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<sup>2</sup> The detention of a criminal suspect on the sole authority of law enforcement officials may last for a maximum of 24 hours. During this initial period, a public prosecutor may confirm the detention and refer the case to the competent judge; in general, detained persons are brought before the prosecutor prior to such a decision being taken. Within three days thereafter, the suspect must be brought before the competent judge who must, within a further two days, release the person or remand him in prison. In consequence, a criminal suspect may remain in the custody of a law enforcement agency for a maximum of six days following arrest (cf. CPT/Inf (94) 20, paragraph 14 and CPT/Inf (2001) 18, Part I, paragraph 12).

<sup>3</sup> Law 2910, of 26 April 2001, on the entry and residence of aliens in Greek territory.

<sup>4</sup> Cf. in particular Articles 44, 48 and 50 of Law 2910, of 26 April 2001.

## 2. Ill-treatment

11. A considerable number of persons interviewed by the delegation in the course of the visit alleged that they had been ill-treated by law enforcement officials. The allegations concerned in the main the police; however, certain of them related to Coast Guard officials.

The ill-treatment alleged consisted mostly of kicks and blows with hands, fists, batons or various other objects, often inflicted during questioning. Certain allegations also involved the use of excessive force at the time of arrest, or ill-treatment of prisoners during transfers.

12. Many of the allegations related to periods some time before the CPT's visit; consequently, any marks which might have been caused by the types of ill-treatment alleged would almost certainly have healed in the meantime. However, in a few cases, the delegation's doctors found that the persons concerned bore marks which were consistent with their allegations of ill-treatment. The CPT would like to make particular reference to the following cases.

At **Khania Police Headquarters**, one person claimed that, four days earlier, several police officers had beaten him (blows with hands, fists and batons to various parts of the body) at the time of arrest and during questioning on police premises. A medical member of the delegation observed that he displayed a deep bluish-red 10 x 15 cm haematoma on the right buttock; a 3 x 5 cm haematoma on the right thigh and posterior of the right knee; a 2 x 2 cm excoriation on the right elbow; a purple 3 x 6 cm haematoma on the upper right side of the abdomen; and a sub orbital haematoma of the left eye, as well as blood injection on the sclera of that eye.

At **Igoumenitsa Police Headquarters**, the delegation interviewed two persons in custody. One of them claimed that the police officers who had arrested him the previous day had slapped him on the face. Further, he alleged that, during subsequent questioning in an office at the police headquarters, several officers had struck him on the back and on the legs with batons/truncheons. An examination by a medical member of the delegation revealed several 1.5 cm x 14.5 cm haematomas on the back, around the left shoulder region; he also displayed two dark blue 2 x 7 cm parallel haematomas on the upper left leg, separated by a 2.5 cm reddish-blue area; and a 1.8 x 3.2 cm haematoma on the external side of the upper right leg. The other detainee stated that, also during questioning, police officers had struck him on the legs using batons and threatened him with beatings on the soles of the feet (falaka). Upon medical examination by one of the delegation's doctors, he was found to display a 2 x 6 cm haematoma, dark blue along the sides with a reddish central area, on the external side of the upper left leg.

At the **Piraeus Port Police Station**, the delegation interviewed one person who alleged that, at the time of his arrest three days earlier, a Coast Guard officer had kicked him in the back and thrown him to the ground; he also claimed that, subsequently, while being interrogated at the police station, Coast Guard officers had struck him on the face and kicked him below the ribs. Further, he complained that access to a doctor in order to be treated for withdrawal symptoms had been deliberately delayed, while pressure was brought to bear on him to provide information to the police. Upon examination by a medical member of the delegation, he was found to display a blue 1 x 2 cm haematoma in the left sub-orbital region; a bluish 3 x 4 cm excoriation on the left side of the back, below the ribs; pain upon palpation and numbness in the right side of the chest and below the ribs in the right side of the back.

13. In certain cases, the credibility of the allegations of ill-treatment was supported by the detained persons' demeanour: they were clearly fearful that they would be ill-treated, in retaliation, if the law enforcement officials concerned learned that they had complained to the CPT's delegation.

14. The CPT wishes to add that the head of the Coast Guard Police at Piraeus Port and certain officers under his command volunteered that, on occasion, "some force" was used during interrogations to obtain information from detainees, particularly those arrested in connection with drug-related offences. When questioned further on this point, he made clear that he would not tolerate severe ill-treatment, but consented to slaps. This was said to permit progress in the investigation and, possibly, to arrest additional suspects, and would ultimately be to the detained person's own benefit, given that the judicial authorities would view positively their "cooperation" with the police.

Further, during conversations held with law enforcement officials in several of the establishments visited, the delegation could not fail to note the disrespectful attitude displayed by some officers when referring to detainees, particularly those of Albanian origin.

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15. In response to previous CPT visit reports, the Greek authorities have argued that cases of police ill-treatment are few and far between, and that police misconduct meets with appropriate judicial and disciplinary responses (cf. for example, CPT/Inf (2001) 19, page 63). In the light of the information available to the CPT, it would appear that the Greek authorities are seriously underestimating the scale of the problem of ill-treatment of persons deprived of their liberty by law enforcement officials.

16. The CPT has noted the steps taken to implement the Committee's recommendation that police officers receive the clear message that the ill-treatment of detained persons is not acceptable and that such conduct will be severely sanctioned (cf. for example, CPT/Inf (2001) 19, pages 41 and 59). There is a need to ensure that this message reaches all law enforcement officials throughout the hierarchy and that they become aware, through concrete action, that the Greek government is resolved to stamp out ill-treatment of persons deprived of their liberty. **The CPT therefore recommends that the above-mentioned message be vigorously recalled in an appropriate manner at regular intervals, including to Coast Guard officers. In this context, the attention of law enforcement officials should be drawn to the provisions of Articles 137A, 137B and 137C of the Criminal Code, dealing with torture and ill-treatment by state agents.**

As regards the allegations of use of excessive force at the time of arrest, Article 278, paragraph 2, of the Code of Criminal Procedure bans the use of unnecessary violence or restraints. The CPT would also stress that, once arrested persons have been brought under control, there can be no justification for striking them. **Law enforcement officials should be unequivocally reminded of these precepts** (cf. also CPT/Inf (2001) 18, Part I, paragraph 17).

17. The best possible guarantee against ill-treatment is for its use to be rejected by law enforcement officials. This implies strict selection criteria at the time of recruitment of such officials and the provision of adequate professional training (cf. CPT/Inf (94) 20, paragraphs 27 and 28); such training should be pursued at all levels of the law enforcement agencies' hierarchy, and should be ongoing. **The CPT recommends that the Greek authorities seek to integrate human rights concepts into practical professional training for high-risk situations, such as the arrest and questioning of suspects.** This will prove more effective than separate courses on human rights.

18. Another effective means of preventing ill-treatment of persons deprived of their liberty lies in the diligent examination by the relevant authorities of all complaints of such treatment brought before them and, where appropriate, the imposition of a suitable penalty. This will have a very strong deterrent effect. Conversely, if the relevant authorities do not take effective action upon complaints referred to them, those minded to ill-treat persons deprived of their liberty will quickly come to believe that they can act with impunity.

As had been the case during previous visits (cf. CPT/Inf (2001) 18, Part I, paragraph 18), several of the persons interviewed by the delegation stated that they had tried to complain about the manner in which they had been treated by the police to the prosecutor or judge before whom they had been brought during or at the end of their custody, but that those authorities had displayed little interest in their complaints. Others indicated that they had been discouraged from complaining, including by their own lawyers, on the grounds that it would not be in their best interests.

19. As the CPT has stressed in previous reports, it is axiomatic that prosecutors and judges must take appropriate action when there are indications that ill-treatment by the police may have occurred. In this regard, **the CPT recommends that whenever criminal suspects brought before a prosecutor or judge allege ill-treatment by law enforcement officials, the prosecutor/judge record the allegations in writing, order immediately a forensic medical examination and take the necessary steps to ensure that the allegations are properly investigated. Such an approach should be followed whether or not the person concerned bears visible external injuries. Further, even in the absence of an express allegation of ill-treatment, the prosecutor/judge should request a forensic medical examination whenever there are other grounds to believe that a person brought before him could have been the victim of ill-treatment.**

**Appropriate steps must also be taken to ensure that persons who may have been victims of ill-treatment by law enforcement officials are not dissuaded from lodging a formal complaint.**

20. Further, persons taken into police custody who are subsequently released without being brought before a public prosecutor or judge should be able themselves to solicit a medical examination/certificate from a forensic institute; **the CPT's recommendation in this respect** (cf. CPT/Inf (2001) 18, Part I, paragraph 19) **has yet to be implemented and hence must be reiterated.**

21. The CPT has taken note of the explanations given by the Greek authorities concerning the administrative procedures applied in cases concerning allegations of ill-treatment by law enforcement officials (cf. CPT/Inf (94) 21, pages 57 et seq.). However, the information available to the Committee suggests that those procedures do not always operate in a satisfactory manner.

By way of example, according to information provided to the delegation by non-governmental organisations, in a case concerning two young persons of Roma ethnicity who had sustained various injuries while detained at Messolongi Police Station in May 1998, an internal police inquiry concluded that the police had behaved with exceptional brutality towards them, but no sanctions were imposed because it was said to be impossible to attribute guilt. In another case, involving the alleged beating by Coast Guard officers of a number of foreigners detained in Crete in May 2001, the disciplinary proceedings initiated to investigate the case apparently examined only whether the officers in question had performed their duties in an inappropriate manner, without considering the question of ill-treatment.

**The CPT would like to receive the Greek authorities' comments on the above.**

22. Systems for the inspection of law enforcement agency detention facilities by an independent authority can also make a significant contribution towards the prevention of ill-treatment of persons in custody and, more generally, towards ensuring satisfactory conditions of detention. To be fully effective, visits by such an authority should be both regular and unannounced, and the authority concerned must be empowered to talk in private with detained persons.

In previous visit reports, the CPT examined the potential role of the judicial and prosecuting authorities in the supervision of the situation of persons detained by the police (cf. CPT/Inf (2001) 18, Part I, paragraph 18, and the response of the Greek authorities, CPT/Inf (2001) 19, pages 78 and 79). However, during the 2001 visit, the CPT's delegation found no evidence to suggest that such authorities are regularly exercising on-the-spot supervision of places of detention. Consequently, **the CPT recommends that the Greek authorities establish a system of regular visits to law enforcement agency establishments by an independent authority, having regard to the preceding remarks.**

### 3. Conditions of detention

#### a. introduction

23. In the course of its previous visits, the CPT found that, in general, conditions of detention in police establishments were not satisfactory<sup>5</sup>. In certain cases, the CPT characterised the situation observed as amounting to inhuman and/or degrading treatment; this was particularly - but not only - the case as regards immigration detainees, who were often subjected for prolonged periods to a combination of negative factors (overcrowding, very poor material conditions and levels of hygiene, lack of outdoor exercise, absence of any activities) (cf. for example, CPT/Inf (2001) 18, Part II, paragraphs 11, 16 and 33).<sup>6</sup>

The CPT has made a large number of recommendations aimed at improving conditions of detention in police establishments, both generally and in respect of the specific establishments visited.<sup>7</sup> The 2001 visit provided an opportunity to assess developments in this connection.

#### b. situation in the establishments visited

##### i. *police headquarters and stations*

24. The detention facilities in these establishments are designed to hold criminal suspects for short periods. It should be noted, however, that such facilities are in practice frequently used for holding persons for prolonged periods, in particular immigration detainees.

Conditions were, on the whole, good for short periods of detention at **Athens Airport** and **Heraklion Airport Police Stations**, as well as at the **Customs authority detention facility at Kristalopigi**; they were also quite satisfactory at **Kastoria Police Headquarters** and at **Agia Varvara, Agios Myronas, Myres and Nikea Police Stations**. In those establishments, cells had adequate artificial lighting and ventilation and, in certain cases, had some access to natural light; they were clean and in a reasonable state of repair. Sleeping arrangements consisted of plinths or beds and, in most cases, the delegation observed that clean mattress and blankets were available to detainees.

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<sup>5</sup> The general criteria employed by the CPT when assessing material conditions of detention in law enforcement agency establishments were spelt out in CPT/Inf (94) 20, paragraph 52 and CPT/Inf (2001) 18, Part I, paragraph 20, and the specific requirements for immigration detention centres in CPT/Inf (2001) 18, Part I, paragraph 73 and CPT/Inf (2001) 18, Part II, paragraph 35 (cf. also, paragraphs 36 to 39 of this report).

<sup>6</sup> Cf. also in this connection, the judgement of the European Court of Human Rights in the case of *Dougoz v. Greece*.

<sup>7</sup> Cf. inter alia CPT/Inf (94) 20, paragraph 88, CPT/Inf (2001) 18, Part I, paragraphs 44 and 46, and CPT/Inf (2001) 18, Part I, paragraph 45 and Part II, paragraph 40.



The situation was also acceptable in certain parts of **Athens** (e.g. 3rd and 11th floors), **Kozani** (Security Department) and **Piraeus Police Headquarters**. The Traffic Police cell at the **Kozani Headquarters** would also have offered good conditions of detention, had it not been for the fact that it was devoid of all lighting.

However, in several of the above-mentioned establishments, certain cells measured a mere 3.5 m<sup>2</sup>. As indicated in previous visit reports (cf. CPT/Inf (2001) 18, Part I, paragraph 26), cells of such a size are only suitable for temporary holding purposes (i.e. for a maximum of a few hours); they should not be used to accommodate detained persons overnight.

25. Detained persons did not fare as well in other parts of **Athens Police Headquarters** (7th floor), in **Khania** and **Igoumenitsa Police Headquarters**, at the **Heraklion Security Department** and in **Chersonissos** and **Drapetzona Police Stations**. The premises were unhygienic and in a poor state of repair, and the available mattresses and blankets were dirty.

While the Heraklion Port Police did not have detention facilities, much needed renovation work had just begun at **Piraeus Port Police Station**.

26. At **Kypseli Police Station**, the delegation found that the cells were filthy, poorly lit and ventilated, and overcrowded; e.g. three persons were being held in a 3.6 m<sup>2</sup> cell and four in a 6.8 m<sup>2</sup> cell. Most of the persons met had been detained at the police station for a few hours (for identification purposes). However, the CPT is very concerned to note that three of them had been held in those facilities for two weeks or more.

27. Conditions of detention in the Police Station at the **Kozani Police Headquarters** and in the **Heraklion Police Headquarters** were also wholly unacceptable.

The cells in the Police Station at the Kozani Police Headquarters were severely overcrowded (e.g. nine persons were being held in 10 m<sup>2</sup>), had no access to natural light, and were insufficiently lit and ventilated; they were also in a poor state of hygiene and repair. Further, not all persons detained had their own mattress. The cells were equipped with a washbasin and a lavatory; however, the lavatories had no partitioning.

The Heraklion Police Headquarters had a dungeon-like detention facility in the basement of the court house. The cells had no access to natural light, artificial lighting was generally dim and ventilation poor; the premises (including sanitary facilities) were filthy and their state of repair also left a lot to be desired. The detention facility was overcrowded (e.g. four persons to a 9.5 m<sup>2</sup> cell). Further, not all detainees had been provided with mattresses, and the items which were available were extremely dirty and worn out. The CPT is particularly concerned that some immigration detainees had been held under such conditions for several weeks.

Kozani and Heraklion Police Headquarters were the subject of an immediate observation under Article 8, paragraph 5, of the Convention (cf. paragraph 8).

28. It should be added that, of all the above-mentioned establishments, only **Khania Police Headquarters** had an outdoor exercise area, to which detained persons had generous access.

The CPT is particularly concerned to note that brand new premises do not include an outdoor exercise area. This was for example the case at Athens Airport Police Station, where two persons had been detained for several weeks without being offered out-of-cell time.

29. The delegation also visited the accommodation arranged by the **Igoumenitsa Police Headquarters** for foreigners recently rescued from a vessel adrift in international waters. Tents and mobile sanitation had been provided to them at the **Drepanos Camping site**, and they also had access to the site's facilities. They were allowed to move freely within a given perimeter. The situation was acceptable and the foreigners concerned were quite grateful for those arrangements.

*ii. transfer centres*

30. The situation in the two transfer centres visited was similar to that described in previous visit reports.

The **Athens Transfer Centre** had been repainted and the sanitary facilities tiled. However, it had otherwise not been improved in the light of the CPT's recommendations (cf. for example, CPT/Inf (2001) 18, Part II, paragraphs 38 and 39). In particular, the delegation which carried out the 2001 visit found that: the official capacity had not been reduced and that, on occasion, that capacity was exceeded (e.g. occupancy in September 2001 had peaked at 56, for a capacity of 40); although mattresses and blankets were available, the state of cleanliness of some of the items which were being provided to inmates was not satisfactory; part of the detention areas and of the sanitary facilities were in a poor state of hygiene; there was no hot water supply; and there were no outdoor exercise facilities.

Following its first visit to **Piraeus Transfer Centre** (in 1993), the CPT recommended that, if extensive renovation of the facility was not possible, it be withdrawn from service/relocated (cf. CPT/Inf (94) 20, paragraph 77). The Greek authorities indicated that they favoured the centre's relocation. However, the Committee has noted with concern that, despite its repeated recommendations (cf. CPT/Inf (2001) 18, Part I, paragraph 29 and CPT/Inf (2001) 18, Part II, paragraph 37), Piraeus Transfer Centre remains in its original location, unchanged.

*iii. border guard posts*

31. Conditions at **Kristalopigi** and **Mesopotamia Border Guard Posts** for holding immigration detainees subject to immediate readmission procedures (i.e. for periods of one or two days) were far from ideal. The registers showed that, on occasion, the posts' cells could be severely overcrowded (e.g. 23 m<sup>2</sup> cells had on occasion been used to accommodate twenty or more persons overnight). Persons held overnight in those establishments were not systematically provided with mattresses and blankets, and the premises' state of cleanliness was not satisfactory. Further, at Kristalopigi, artificial lighting was poor.

*iv. holding facilities for aliens*

32. As regards the establishments designated for detaining persons undergoing ordinary administrative removal procedures (i.e. for a maximum of three months), **Amigdaleza Holding Centre**, which was designated for women and minors, offered good material conditions. The premises were spacious, clean, had good lighting (including access to natural light) and ventilation, and were adequately albeit sparsely furnished.

The situation at **Hellenikon** and **Piraeus Holding Centres for Aliens**<sup>8</sup> was far less favourable; inmate accommodation was in a poor state of hygiene and devoid of furniture, artificial lighting was insufficient, and there were problems with the supply of water, particularly hot water. At Hellenikon, sleeping arrangements consisted of mattresses placed directly on the concrete floor. Further, the Piraeus centre was in need of repair, especially in the sanitary and shower areas.

A feature common to all three holding centres was the total absence of organised activities. Further, inmates were not provided with newspapers, magazines or books, and could not watch television or listen to the radio. Admittedly, this state of forced idleness was mitigated to some extent by the open doors regime practised, and by generous visiting possibilities and access to telephones. However, minors held at the Amigdaleza centre were being offered no outdoor exercise; further, no outdoor exercise facilities were available at Piraeus and the exercise yard at Hellenikon was still not being used. These are particularly serious failings given the possible length of detention in those facilities.

*c. assessment*

33. The CPT recognises that the demands placed on the Greek authorities are considerable, and wishes to acknowledge the efforts being made by those authorities to improve conditions in police detention facilities. Investment has been made to this end and additional - substantial - investment is foreseen; for example, the CPT has been informed that the longstanding plans to build a new police detention centre for Athens should be implemented by 2003. A particularly welcome development is the fact that recourse to detention under immigration rules has decreased, as has the length of custody in such cases<sup>9</sup>.

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<sup>8</sup> Cf. CPT/Inf (2001) 18, Part I, paragraphs 54 to 63 and Part II, paragraphs 29 and 30.

<sup>9</sup> Law 2910, of 26 April 2001, on the entry and residence of aliens in Greek territory (cf. paragraph 10, third subparagraph), has permitted the regularisation of the situation of many foreigners who were previously in breach of immigration rules and has introduced a three-month limit on the detention of foreigners awaiting removal under administrative procedures.

Moreover, by letters of 31 October 2001 and 12 February 2002 (cf. paragraph 8), the Greek authorities provided information on action taken upon the delegation's immediate observation under Article 8, paragraph 5, of the Convention, concerning Kozani and Heraklion Police Headquarters, and in respect of other police detention facilities visited in 2001. The CPT welcomes the steps taken to remedy certain of the shortcomings observed by the delegation. In particular, as had been the case following previous visits, instructions have been issued to reduce cell occupancy levels in the establishments visited, and measures have been taken to improve hygiene and sleeping arrangements, and to ensure that, in certain of those establishments, detained persons can be offered outdoor exercise.

However, it is necessary to ensure that lasting improvements are made throughout law enforcement agency detention facilities in Greece.

34. The CPT wishes to reiterate that depriving persons of their liberty brings with it the responsibility to detain them under conditions which are consistent with the inherent dignity of the human person. At present, this responsibility is not being fulfilled vis-à-vis many persons held in law enforcement agency detention facilities in Greece.

Current arrangements are particularly unacceptable as regards persons who can remain in custody for weeks in ordinary law enforcement agency detention facilities such as those described in paragraphs 24 to 28, in particular immigration detainees. As indicated in previous visit reports, conditions in police stations/headquarters will frequently - if not invariably - be inadequate for prolonged periods of detention (cf. CPT/Inf (2001) 18, Part I, paragraph 13).

35. In short, the information gathered in the course of the 2001 visit shows that, despite improvements made, many of the recommendations made by the CPT after its previous visits to Greece, some in the form of immediate observations, have yet to be implemented. Having regard to Articles 3 and 10 of the Convention, the CPT trusts that the Greek authorities will take without delay the further action identified in the following paragraphs.

36. Cells should be of a reasonable size for the number of persons they are used to accommodate. The CPT considers that cells intended for single occupancy for stays in excess of a few hours should be in the order of 7 m<sup>2</sup>, 2 metres or more between walls and 2.5 m between floor and ceiling; as regards collective occupancy cells used for extended periods of detention, the objective should be to offer at least 4 m<sup>2</sup> per person (e.g. cells measuring 20 m<sup>2</sup> should hold a maximum of 5 persons overnight). Cells should have adequate lighting (i.e. sufficient to read by, sleeping periods excluded) and ventilation; preferably, cells should enjoy natural light. Cells should be equipped with a call system. **The CPT recommends that the situation as regards cell sizes and occupancy rates in the establishments visited in 2001 be reviewed, in the light of the above remarks and the observations made in paragraphs 24 to 32.**

Cells should be equipped with a means of rest (e.g. a chair or bench) and persons obliged to stay overnight in custody should be provided with a clean mattress and clean blankets. **The CPT calls upon the Greek authorities to comply with its longstanding recommendations that all persons detained overnight be provided with a clean mattress and (when appropriate) blankets.** Further, **arrangements should be made to wash/clean mattress and blankets at appropriate intervals.**

Cells should be kept in a satisfactory state of repair and in a clean and hygienic condition. Persons in custody should be allowed to comply with the needs of nature when necessary, in clean and decent conditions, and be offered adequate washing facilities. Toilet facilities should offer an adequate degree of privacy. Consequently, **the CPT recommends that firm instructions be issued to ensure that cells and sanitary facilities used by detained persons are in a reasonable state of cleanliness, and that such persons are placed in a position to wash and, in appropriate circumstances, to change their clothes and take a shower; persons detained for an extended period should also be provided with toiletries (e.g. soap and towel, toothpaste, etc.).** Further, **the CPT recommends that the partitioning of in-cell lavatories be reviewed, in order to ensure that adequate privacy is offered.**

37. The CPT also wishes to recall that detained persons should have ready access to drinking water and should be given food at appropriate times, including at least one full meal (i.e. something more substantial than a sandwich) every day.

The delegation which carried out the 2001 visit found that, in certain establishments, food was being provided to detainees or they were given 1,000 or 2,000 Drachmas (i.e. 2.93 or 5.97 €) for food every day. However, it appeared that, in other police detention facilities, no food was provided to detainees unless they could pay for it themselves; certain detained persons were paying for the food of fellow-detainees who had no financial resources. Some of the police officers interviewed stated that they were not always in a position to provide food using public funds and contended that, on occasion, they had to pay for the food for persons in their custody.

**The CPT recommends that current arrangements for the provision of food to persons detained by the law enforcement agencies in Greece be reviewed and, if necessary, firm instructions be issued with a view to ensuring that such persons receive appropriate food at regular intervals (including at least one full meal every day), and that they have ready access to drinking water at all times.**

38. Existing regulations in Greece make reference to some of the above-mentioned requirements: police detention facilities "must meet elementary sanitary conditions" and, more particularly, "must be of adequate size, clean, frequently disinfected and thoroughly maintained. To this end, a continuous control must be exercised and the competent police authorities shall be provided with clear instructions upon what is expected of them" (cf. inter alia, CPT/Inf (2001) 19, page 46). Further, under Article 48 of Law 2910, on the entry and residence of aliens in Greek territory, the Secretary General of each region should lay down the characteristics of detention facilities designated for immigration detainees.

The CPT welcomes the existence of the above-mentioned provisions. Action is needed to ensure that they are applied in practice. This will require the adoption of detailed standards on conditions of detention for law enforcement agency establishments in general. Such standards could, in particular, provide a benchmark against which to measure accommodation currently available and serve to clarify the minimum standards which ought to apply in newly-built facilities.

**The CPT recommends that the Greek authorities produce detailed standards on conditions of detention for all law enforcement agencies in Greece and that, in so doing, the criteria advocated by the Committee be taken fully into account; compliance with such standards and with instructions regarding conditions of detention should be effectively monitored** (cf. also in this connection, paragraph 22).

39. Finally, the CPT must reiterate that persons should not be detained for prolonged periods (i.e. more than a few days) in police stations/headquarters; the physical surroundings and the level of activities which can be offered in such facilities will almost invariably fall distinctly short of what a detainee held for a prolonged period is entitled to expect. **The CPT recommends that the Greek authorities take immediate steps to bring to an end the practice of holding persons, in particular immigration detainees, for prolonged periods in ordinary law enforcement agency detention facilities; they should be accommodated in centres specifically designed for such use, taking due account of the criteria repeatedly advanced by the CPT** (cf. CPT/Inf (2001) 18, Part II, paragraphs 35 and 36).

#### **4. Safeguards against the ill-treatment of detained persons**

##### a. introduction

40. In previous visit reports, the CPT examined in detail the formal safeguards against ill-treatment which are offered to persons detained by the law enforcement agencies in Greece and their operation in practice. The Committee has placed particular emphasis on three fundamental rights, namely the right of detained persons to inform a close relative or another third party of their choice of their situation, to have access to a lawyer, and to have access to a doctor. It is equally fundamental that persons detained by the law enforcement agencies be informed without delay of all their rights, including those mentioned above.

b. notification of custody

41. Following previous visits, the CPT acknowledged developments concerning the right of detained persons to inform a relative of their situation, in line with the Committee's recommendations.

The information gathered in the course of the 2001 visit shows that, in general, persons deprived of their liberty were being offered the possibility to inform their relatives and, on occasion, other third parties of their choice of their situation, as from the outset of their custody. However, certain of the persons interviewed by the delegation claimed that they had not been informed of their right to inform their relatives of their situation and that they were not aware if such notification had taken place. Further, police officers stated that they could, on their own authority, delay notification of custody.

The CPT recognises that it may, on occasion, be necessary to delay the exercise of this right for a brief period in order to protect the legitimate interests of the investigation. However, any possibility to delay the exercise of this right should be clearly circumscribed in law, made subject to appropriate safeguards (e.g. any delay to be recorded in writing with the reason therefor and to require the approval of a prosecutor or judge) and strictly limited in time. The Committee understands that the situations in which the exercise of the right to notification of custody can be delayed and the safeguards accompanying such delays are not at present the subject of specific legal provisions (cf. CPT/Inf (2001) 18, Part I, paragraph 82 and CPT/Inf (2001) 19, page 80). **The CPT recommends that the situation be reviewed in the light of the above remarks, and, if necessary, that the legal provisions governing the right of detained persons to inform a relative be amended.**

c. access to a lawyer

42. After the 1997 visit, the Greek authorities made clear that the right of access to a lawyer became effective "as soon as [detained persons are] brought to a police station (i.e. a few minutes after their arrest)". Further, as advocated by the CPT, the content of the right of access to a lawyer includes the right to have the lawyer present during interrogations and to communicate with the lawyer freely and in a confidential manner (cf. CPT/Inf (2001) 18, Part I, paragraphs 83 and 84).

Nevertheless, during the 2001 visit, law enforcement officials met in certain of the establishments visited informed the delegation that, in most cases, no contact between lawyer and detainee would be permitted before the making of a first statement (the "apologia"). Consequently, some considerable time can elapse before a detained person has an effective right of access to a lawyer. Further, current arrangements do not guarantee the confidentiality of lawyer-detainee consultations. **The CPT recommends that clear instructions be issued to law enforcement officials with a view to ensuring that the right of access to a lawyer, with the content described above, becomes fully effective in practice as from the outset of custody.**

d. access to a doctor

43. The legal provisions concerning the right of access to a doctor which are currently in force are quite satisfactory (cf. CPT/Inf (2001) 18, Part I, paragraph 88); they include the right to be examined by a state-appointed doctor as well as by a doctor of the detained person's own choice. However, the information gathered by the delegation indicated that this right was not always fully effective in practice.

44. With the exception of the Drepanos site, none of the establishments visited, including those holding large numbers of detained persons for prolonged periods, had in-house health-care services or received regular visits from health-care staff. Nonetheless, in all of them, the delegation was informed of arrangements for the transfer to hospital of detained persons in need of medical treatment and, on occasion, it was possible for a doctor to see a detained person requiring such care on police premises. That said, the CPT is concerned to note that police officers tended to filter requests to see a doctor. The delegation observed that, as a result, certain persons were not receiving the medical care required by their state of health.

By way of example, at Athens Police Headquarters, a person who complained of a painful acromioclavicular luxation and reduced mobility of the right arm had not been seen by health-care staff since his detention some six weeks earlier. Further, at Heraklion Police Headquarters, a person suffering from a severe skin infection on the right foot, with wounds due to scratching and a risk of infection, had not been seen by health-care staff despite his repeated requests to that effect since his arrival about 30 days earlier.

Further, in several of the establishments visited, the delegation found that inmates were not being supplied with medication prescribed to them if they were not in a position to pay for it.

45. Requests to see a doctor must be promptly met; law enforcement officials should not seek to filter such requests. It should also be recalled that all medical examinations of persons in police custody should be conducted out of the hearing and, unless the doctor concerned requests otherwise in a specific case, out of the sight of police officers, and that the results of every examination, as well as relevant statements by the detained person and the doctor's conclusions, should be formally recorded by the doctor and made available on request to the detainee and his/her lawyer (cf. CPT/Inf (2001) 18, Part I, paragraph 90 and CPT/Inf (2001) 19, pages 80-81). Establishments accommodating significant numbers of detained persons or holding such persons for prolonged periods should be visited on a regular basis by at least a qualified nurse reporting to a doctor. Further, medication should be provided free of charge to detained persons who do not have the resources to pay for it themselves.

**The CPT recommends that arrangements concerning access to a doctor for persons held in law enforcement agency detention facilities and the provision of health care to such persons be reviewed, in the light of the above remarks.**



e. information on rights

46. Information sheets setting out the rights of detained persons were available in a range of languages in all of the establishments visited; the content of those sheets is quite satisfactory. Further, they had a cut-off portion, which detainees were required to sign acknowledging that they had been informed of their rights.

Nevertheless, certain detained persons claimed that they had only received information on their rights when they had been asked to give a formal statement to the police ("apologia"), and others stated that they had been given no information in writing while in custody.

The Greek authorities have issued instructions on several occasions concerning the distribution of information sheets (cf. CPT/Inf (2001) 19, pages 62 and 81); **they are invited to remind law enforcement officials once again that the sheet informing detained persons of their rights should be given systematically to all such persons at the very outset of custody.**

f. conduct of interrogations

47. The CPT has noted that the draft police ethics manual (cf. CPT/Inf (2001) 19, page 82) contains references to the conduct which police officers are expected to observe, in particular as regards respect for human dignity. This manual will apparently remind police officers of certain rules set out in relevant laws concerning the treatment of detained persons and the conduct of interrogations. However, as indicated following the 1997 visit (cf. CPT/Inf (2001) 18, Part I, paragraph 93), such a manual cannot be considered a substitute for a detailed code of conduct for interrogations of the type recommended by the CPT.

**The CPT recommends that the Greek authorities give further consideration to the manner in which they will implement the Committee's recommendation on this subject.**

g. custody records

48. The information concerning persons in custody which was recorded in the registers kept in the law enforcement agency establishments visited was superficial and, very frequently, incomplete or inexact. For example, there was often no record of the time at which a person had left custody or the recorded time/date of release preceded that of arrest. Further, many aspects of a person's custody were not systematically recorded.

The CPT considers that the fundamental safeguards afforded to persons in custody can be reinforced (and the work of law enforcement officials facilitated) by the existence of a single and comprehensive custody record for each person detained. Such a custody record should contain information on all relevant aspects of a detainee's custody and action taken regarding them (time of and reason(s) for the arrest; time of arrival on police premises; when informed of rights; signs of injury, health problems, mental disorder etc.; contacts with and/or visits from next of kin, lawyer, doctor or consular official; when offered food; when questioned; when brought before the relevant judge, when transferred, released, etc.). For certain matters (for example, the removal of personal belongings, the fact of being informed of his/her rights and of invoking or waiving them), the detainee's signature should be obtained and, if necessary, the absence of a signature explained. The detainee's lawyer should have access to such a custody record.

**The CPT recommends that the Greek authorities develop such an individualised custody record.**

h. immigration detainees

49. The situation concerning the safeguards offered to immigration detainees has evolved considerably as compared to that described in previous reports (cf. as regards the 1999 visit, CPT/Inf (2001) 18, Part II, paragraphs 41 to 46). The delegation which carried out the 2001 visit observed that immigration detainees had ready access to pay phones and could receive visits from relatives. Further, such persons have the right to be assisted by a lawyer in immigration/asylum proceedings and lawyers can be present during questioning and immigration service hearings. Relevant non-governmental organisations are also on occasion authorised to assist immigration detainees.

**However, provision should be made for assistance by a state-appointed lawyer in cases where an immigration detainee is not in a position to appoint and pay for one himself.**

**In appropriate cases, recourse should also be had to the services of an interpreter (including during medical examinations);** the delegation found that this requirement was not always being met.

50. The CPT is concerned to note that border guard officers told the delegation that they were under no obligation to inform persons subject to immediate readmission procedures (i.e. expedited removal to a neighbouring country) of their rights and, more particularly, that such persons did not have the rights of notification of custody and access to a lawyer. **The CPT recommends that immediate steps be taken to ensure that persons subject to immediate readmission procedures are guaranteed the rights referred to in paragraphs 40 to 46 above during the period that they are detained by law enforcement agencies.**

51. It should be added that the CPT's delegation received many complaints from immigration detainees that very little or no information had been provided to them about their situation and the procedures applied to them. The distress and uncertainty due to the lack of information was particularly acute at the Drepanos Camping site. **The CPT wishes to recall the recommendation made in this context in the 1999 visit report** (cf. CPT/Inf (2001) 18, Part II, paragraph 44, third indent).

52. In previous reports, the CPT stressed that it would be in violation of both national and international legal obligations for persons to be returned to a country where there are substantial grounds to believe that they would run a risk of being subjected to torture or to inhuman or degrading treatment or punishment (cf. CPT/Inf (2001) 18, Part I, paragraph 97).

The CPT has been reassured by both the responses of the Greek authorities and the information received during the 2001 visit from organisations active in the domain of refugees that, once a person files an asylum application, the risk of that happening is small.

53. However, the CPT has continued to receive information about alleged "informal" - including group - deportations to Turkey (cf. CPT/Inf (2001) 18, Part II, paragraph 46). The Committee has been led to believe that, in such cases, the foreigners concerned were deprived of procedural safeguards and were removed from Greece without using recognised border crossings; further, on occasion, their lives might have been put at risk (e.g. by being made to cross a river under precarious conditions). In the CPT's view, such removals could well amount in many cases to inhuman or degrading treatment.

In this connection, the CPT has taken note of the bilateral readmission agreement signed on 8 November 2001 between Greece and Turkey<sup>10</sup>. **The CPT trusts that this has brought informal deportations to an end; it would like to receive detailed information on the implementation of the bilateral readmission agreement.**

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<sup>10</sup> Protocol for the implementation of Article 8 of the Agreement between the Government of the Hellenic Republic and the Government of the Republic of Turkey on combating crime, especially terrorism, organised crime, illicit drug trafficking and illegal migration.

## **B. Prisons**

### **1. Preliminary remarks**

54. In the course of the 2001 visit, the CPT visited for the first time Alicarnassos, Khania and Malandrino Prisons, and carried out a follow-up visit to Korydallos Prison Complex<sup>11</sup>. At Korydallos, the CPT's delegation focused its attention on the Prison for Men, and paid brief visits to the Prison Hospital and psychiatric unit.

55. The most significant development since the last CPT visit to Greece has been the entry into force in December 1999 of a new Prison Law<sup>12</sup>. The law reiterates the requirement to respect human dignity and sets out welcome standards concerning conditions of detention and various other aspects of life in prison. In particular, it contains provisions on minimum living space for prisoners, hygiene, programmes of activities, and health care services. Reference will be made to these provisions in the relevant parts of this report.

Further, progress has been made towards the implementation of the programme for the construction of new prisons (cf. CPT/Inf (2001) 18, Part II, paragraph 48). The first new prison - Malandrino - has already been brought into service and work on a second establishment - the prison service drug treatment centre at Thebes - has been completed although, at the time of the visit, it had not yet started to operate.

The CPT also wishes to mention at the outset that, at Korydallos Prison for Men, the delegation observed positive changes concerning material conditions of detention: renovation work in the establishment had continued and the general level of hygiene had improved considerably.

56. Nevertheless, the information gathered by the CPT's delegation also shows that much remains to be done. In particular, overcrowding is still rampant and regime activities are underdeveloped.

As regards overcrowding, it should be recalled that, at the time of the 1993 visit, the prison population stood at 6,700 for 3,900 places (an overall occupancy rate for the prison service of 171%); pressure on the prison system subsequently eased off temporarily<sup>13</sup>, but more recently the prisoner to prison places ratio has again risen to former levels: the delegation was informed that, at the time of the 2001 visit, there were 8,500 prisoners for some 5,000 places, i.e. an occupancy level of 170%<sup>14</sup>.

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<sup>11</sup> Korydallos Prison Complex was also visited by the CPT in 1993, 1997 and 1999.

<sup>12</sup> Law 2776, of 22 December 1999.

<sup>13</sup> At the time of the CPT's visit to Greece in 1997, the overall occupancy rate of the prison system was 126% (5,452 inmates for 4,332 places).

<sup>14</sup> Overcrowding is not distributed evenly within the prison service; while certain of the so-called agricultural prisons are operating within their normal capacities (and the authorities would welcome more sentenced prisoners applying for transfer to such establishments), prisons in or close to the urban areas are severely overcrowded (e.g. at the time of the visit, the occupancy rate at Korydallos was 270%).

Undoubtedly, the principal obstacle to providing decent conditions of detention to prisoners in Greece continues to be overcrowding.

57. One of the elements of the approach of the Greek authorities in tackling this problem is the above-mentioned programme for the construction of new prisons (and prison service drug treatment centres). It would appear that this programme has recently been revised. **The CPT would like to receive detailed information on this subject, including in particular on the timeframe for the implementation of the programme and the entry into service of the establishments involved.**

However, it is unlikely that creating additional accommodation will, in itself, provide a lasting solution to the problem of overcrowding. Indeed, a number of European states have embarked on extensive programmes of prison building, only to find their prison populations rising in tandem with the increased capacity acquired by their prison estates. By contrast, in those countries which enjoy relatively uncrowded prison systems, the existence of policies to limit and/or modulate the number of persons being sent to prison has tended to be an important element in maintaining the prison population at a manageable level.

In this context, the CPT wishes once again to draw the attention of the Greek authorities to Recommendation No. R (99) 22 of the Council of Europe's Committee of Ministers, which sets out the following basic principles: "1. Deprivation of liberty should be regarded as a sanction or measure of last resort and should therefore be provided for only where the seriousness of the offence would make any other sanction or measure clearly inadequate. 2. The extension of the prison estate should rather be an exceptional measure, as it is generally unlikely to offer a lasting solution to the problem of overcrowding. Countries whose prison capacity may be sufficient in overall terms but poorly adapted to local needs should try to achieve a more rational distribution of prison capacity. 3. Provision should be made for an appropriate array of community sanctions and measures, possibly graded in terms of relative severity; prosecutors and judges should be prompted to use them as widely as possible. 4. Member states should consider the possibility of decriminalising certain types of offence or reclassifying them so that they do not attract penalties entailing the deprivation of liberty. 5. In order to devise a coherent strategy against prison overcrowding and prison population inflation a detailed analysis of the main contributing factors should be carried out, addressing in particular such matters as the types of offence which carry long prison sentences, priorities in crime control, public attitudes and concerns and existing sentencing practices." The recommendation also suggests a number of specific tools which can be used to reduce prison overcrowding or to control prison population inflation.

**The CPT recommends that the Greek authorities continue to pursue vigorously multi-faceted policies designed to put an end to overcrowding in prisons, having regard inter alia to the principles set out in Recommendation No. R (99) 22. The Committee would like to receive detailed information on the measures being adopted by the Greek authorities in this respect.**

## 2. Ill-treatment

58. At **Alicarnassos, Khania and Korydallos Prisons** the delegation received no allegations - and found no other evidence - of ill-treatment of prisoners by staff. Moreover, it observed that relations between inmates and staff were generally of a positive nature.

By contrast, some complaints of ill-treatment were heard at **Malandrino Prison**. Several inmates alleged that they had been treated roughly by staff (e.g. pushed or slapped) and verbally abused. Further, one prisoner claimed that, several weeks before the visit, he had been removed from his cell at night and taken to an office, where prison officers had punched and kicked him; the prisoner concerned indicated that he might have created some disturbance that night prior to the alleged ill-treatment, due to his mental state and his propensity to harm himself.

**The CPT recommends that, at the earliest opportunity, the authorities at central and local level deliver to staff at Malandrino Prison the clear message that both physical ill-treatment and verbal abuse of prisoners are not acceptable and will be dealt with severely.**

59. The CPT recognises that prison staff will, on occasion, have to use force to control violent and/or recalcitrant prisoners. However, the force used should be no more than is strictly necessary and, once prisoners have been brought under control, there can be no justification for striking them. **The Committee recommends that prison officers at Malandrino Prison be reminded of these precepts.**

The CPT would also stress the importance of appropriate training in control and restraint techniques (i.e. manual control). The possession of such skills will enable staff to choose the most appropriate response when confronted with difficult situations, thereby significantly reducing the risk of injuries to both prisoners and staff. This, in turn, is likely to lead to a decrease in the number of complaints of ill-treatment made by inmates. **The CPT recommends that training in control and restraint techniques be made available to all prison officers.**

60. More generally, **the CPT wishes to recall the importance of the adequate recruitment and training (both initial and in-service) of prison staff** (cf. CPT/Inf (94)) 20, paragraph 103). There is no better safeguard against ill-treatment than properly recruited and trained prison staff who know how to adopt the appropriate attitude in their relations with prisoners. In this regard, developed inter-personal communication skills are an essential part of the make-up of such staff. Such skills will often enable them to defuse situations which could otherwise turn into violence, and will help to reduce tensions and improve the quality of life in the prison concerned, to the benefit of all.

It might be added that exposure to highly stressful or violent situations can generate psychological reactions and disproportionate behaviour; **in order to counter these negative effects, prison staff exposed to highly stressful or violent situations should be provided appropriate support.**

It should also be emphasised in this context that developing good relations between prison staff and prisoners will not only reduce the risk of ill-treatment but also enhance control and security. In turn, it will render the work of prison staff more rewarding.

61. As indicated in previous visit reports, the CPT's mandate is not limited to ill-treatment of prisoners by staff; it is also very concerned when it discovers evidence of inter-prisoner intimidation/violence.

In this connection, the CPT is pleased to note that the delegation which carried out the 2001 visit received very few allegations of violence or abuse of prisoners by fellow-inmates; more particularly, better movement control and gates put in place at Korydallos Prison for Men have had a positive effect in this connection. Nevertheless, **the Committee would like to receive information on action taken to implement its recommendations on the subject of inter-prisoner violence** (cf. CPT/Inf 2001 (18), part I, paragraph 105 and part II, paragraph 50, as well as paragraph 3 of the letter from the President of the CPT to the Greek authorities dated 27 February 2001).

### 3. Conditions of detention

#### a. material conditions

62. **Alicarnassos Prison** was brought into service in 1935. It is situated in a pleasant but noisy seaside setting, on the outskirts of Heraklion, in the landing/take-off path for planes at the nearby international airport. It has an official capacity of 109, based on single-cell occupancy; at the time of the visit, the establishment was holding 221 inmates (12 remand and 209 sentenced prisoners, with sentences ranging from five years to life imprisonment).

63. Each cell measured some 8.5 m<sup>2</sup>, including adequately screened in-cell sanitation (lavatory and wash basin). Cells enjoyed good access to natural light, had adequate artificial lighting and ventilation, and on the whole were clean. The cells were furnished with beds, tables and chairs. However, the establishment had a rather shabby air, due partly to the age of the premises and the worn out state of the furniture.

Certain inmates, in particular life-sentenced prisoners, were accommodated one to a cell. However, the majority of them were held two or three, and on occasion four, to a cell. Although quite acceptable for one person, the cells offered limited living space for two persons and unacceptably cramped living space for higher numbers, notwithstanding the generous out-of-cell time offered to inmates.

64. Communal areas for the majority of prisoners at Alicarnassos were quite adequate. Prisoners had access during the day to a very large, well laid out outdoor space, where much of the prison life took place; however, the showers were in need of maintenance. By contrast, the facilities available to 20 Albanian inmates held in a distinct part of the prison were of a clearly inferior standard (e.g. a small and unattractive exercise yard; a single shower head, next to an unscreened lavatory, in a dark facility adjoining the exercise yard).

It might be added that, due to shortage of space, food distribution in the prison took place in the open air under precarious hygiene conditions; it would be desirable that food is handled and distributed in an appropriate indoor facility.

65. **Khania Prison** was also brought into service in 1935; it is located near Khania town centre. The prison has an official capacity of 65 and at the time of the visit was holding 87 inmates (58 remand and 29 sentenced prisoners).

66. Prisoner accommodation consisted mainly of dormitories measuring some 48 m<sup>2</sup>, and of 7.3 m<sup>2</sup> cells; living areas were reasonably clean, had good ventilation, including air conditioning, and enjoyed access to natural light. However, artificial lighting was poor, and the general state of repair of dormitories and cells left something to be desired. Further, accommodation areas and corridors in the living units were crammed with beds (e.g. 28 bunk beds in one of the dormitories), some of them unused, leaving little room for other items of furniture. On the other hand, most parts of the prison had modern and spacious sanitary facilities, and work was nearing completion in the remaining sections.

Dormitories were being used to accommodate more than 20 inmates each, and two or even three prisoners were being held to a cell. In the CPT's view, 48 m<sup>2</sup> dormitories should not be used to accommodate more than 12 inmates. As for the 7.3 m<sup>2</sup> cells, they are adequate for one person, but provide very cramped accommodation for two; they should never be used to hold three inmates.

67. The general characteristics of **Korydallos Prison Complex** have been described in previous visit reports (cf. CPT/Inf (94) 20, paragraph 91 and, for the situation more recently, CPT/Inf (2001) 20, Part II, paragraph 52). The delegation was informed that the official capacity of the Prison for Men had increased, to 780 (730 in 1999), as had its inmate population, to 2,107 (1,922 in 1999), made up of 705 remand and 1,402 sentenced prisoners.

68. It should be recalled that most of the accommodation available in the prison consists of 9.5 m<sup>2</sup> cells; there are also some cells measuring about 8.5 m<sup>2</sup> and dormitories of up to 100 m<sup>2</sup>. All of the facilities have good access to natural light and ventilation, and adequate artificial lighting.

69. Efforts to improve material conditions of detention at Korydallos have continued. In-cell lavatories throughout the prison had been provided with some partitioning, although some screens had been removed/damaged by prisoners during protests several months earlier. Further, the two sections which had not yet been renovated by the time of the CPT's previous visit (wings A and D), have now been refurbished, in line with the recommendations previously made by the Committee (cf. CPT/Inf (2001) 18, Part II, paragraph 53). Moreover, as already indicated, the establishment's level of hygiene had improved considerably.

However, signs of wear were already visible in the establishment, including in the areas renovated more recently, and wing D was suffering from sewage leakage problems. Given the relatively high turnover of prisoners, inmate accommodation at Korydallos would clearly benefit from more frequent repair work.



Another noteworthy development has been the construction of a reception area, which inter alia provided good conditions for the searching of newly-arrived prisoners. Considerable progress had also been made as regards inmates' bedding. Indeed, most prisoners had received clean mattresses and blankets.

70. The most significant shortcoming as regards material conditions of detention at Korydallos Prison for Men remains overcrowding. Although some prisoners were being held two to a cell, many of them were being accommodated three or four to a cell. Further, in certain of the cells measuring 9.5 m<sup>2</sup>, occupancy levels rose to five and, on occasion, six inmates (e.g. in wing C). Such occupancy levels are totally unacceptable. Some of the dormitory accommodation was also severely overcrowded, e.g. 16 prisoners in 36.5 m<sup>2</sup> (on the lower ground floor of wing E, accommodating sentenced foreigners awaiting deportation).

As the CPT has emphasised in the past, no more than three prisoners should be held per 9.5 m<sup>2</sup> cell and serious efforts should be made to reduce as soon as possible the occupancy rate to two prisoners per cell. Further, occupancy rates in dormitory accommodation should be such as to offer at least 4 m<sup>2</sup> per prisoner. The Committee would add that, for a variety of reasons, smaller units are preferable to accommodating large numbers of prisoners together in dormitories.

71. **Malandrino Prison** is located in a mountain setting some considerable distance from the nearest town (i.e. 60 km from Itea and 75 km from Delfi). The prison has an official capacity of 280; it started receiving prisoners in July 2001 and, by the time of the visit, half of the establishment was being used, accommodating 139 male prisoners. The vast majority of them were serving long sentences, 30% of whom were serving life imprisonment.

72. Inmate accommodation consisted of well lit (including good access to natural light) and ventilated 12 m<sup>2</sup> cells, used to hold two inmates. The cells were furnished with beds, tables, chairs and cupboards, and were equipped with a call system. In-cell sanitation was adequately partitioned, and included a shower. Each accommodation unit, consisting of 14 cells, had reasonably sized and equipped association areas and an exercise yard.

73. In short, material conditions of detention at Malandrino Prison were of a high standard.

Nevertheless, the establishment has suffered from some teething problems. In particular, shortly before the visit, there had been a water supply disruption which lasted for several days, and the problem had not yet been entirely solved. The CPT is concerned to note that some of the prisoners interviewed at the establishment stated that they had not received enough drinking water during that period; information provided by the prison's management tended to support these complaints.

b. regime

74. At the time of the visit to **Alicarnassos Prison**, 105 prisoners out of 221 had a job in the prison's general services (maintenance and cleaning duties) and workshops. However, for many of them, this involved only a small part of the day or occasional work. The prison's workshops (woodcarving, carpentry, pottery), which employed 30 prisoners on a half-time basis, were well equipped and maintained.

Twenty-four out of 87 prisoners had a job at **Khania Prison**, mostly repair and maintenance work within the establishment. The prison had no workshops.

At **Korydallos Prison for Men**, 371 out of 2,107 inmates were offered some form of employment, i.e. approximately the same as in 1999, despite a significant rise in the establishment's inmate population. In addition to the prison's general services, inmates were employed in the carpentry and bookbinding workshops, and ten of them provided clerical assistance in the prison's administration.

At **Malandrino Prison**, 69 out of 139 inmates were offered work in the prison's general services (cleaning, kitchen, laundry); they were all trustee prisoners who had been assigned to work in the establishment. As in the other establishments visited, most of those jobs involved little time (e.g. about two hours per day for inmates assigned to cleaning duties). Sizeable premises had been set aside for workshops, but they had not yet been equipped or staffed. The establishment's management could not provide an indication as to the number of prisoners that would be employed in the workshops.

75. Alicarnassos provided adult education to a handful of prisoners and, in all four prisons, inmates could borrow books from the library; at Korydallos, the library had been relocated and enlarged/improved. No other form of organised activity, whether educational, cultural or sports, was being offered to prisoners. At Malandrino, classrooms and sports facilities were foreseen but, as was the case for workshops, they had yet to be furnished and staffed. The CPT is particularly disappointed to note that the education and vocational training programmes which had been developed in certain prisons (e.g. at Alicarnassos and Korydallos) with European Union financial assistance (cf. CPT/Inf (2001) 19, page 113) had been discontinued when that funding came to an end.

76. To sum up, the vast majority of inmates held in the four establishments visited spent the bulk of their day in complete idleness; their main distractions were to watch television in their cells/dormitories and to associate with fellow-prisoners. A large number of prisoners interviewed in the course of the visit complained of this situation; many of them also resented the fact that they were not in a position to earn remission through work.

c. assessment

77. The CPT wishes once again to acknowledge the efforts being made by the Greek authorities to improve conditions of detention offered to prisoners; in the foregoing paragraphs, reference has been made to a number of specific measures adopted in this respect. However, it is also clear from the information gathered during the Committee's most recent visit that much remains to be done.

78. The standard of accommodation is central to the quality of life within a prison. In this connection, the Prison Law of 1999 provides that cells for one inmate should offer 35 m<sup>3</sup> and cells for two 40 m<sup>3</sup> of living space. Resort to dormitories (for up to six inmates) should be exceptional and dormitories should offer at least 6 m<sup>2</sup> per prisoner. The law also stipulates that prisoners should be held in a safe environment which meets health and hygiene standards and, in particular, living quarters should have windows providing adequate access to natural light and ventilation, as well as heating, and should be suitably furnished (beds, tables, chairs, cupboards). The law also requires that prisoners have ready access to sanitary facilities (one lavatory and washbasin for up to three inmates), and to shower/bathing facilities (with hot and cold water).<sup>15</sup>

Naturally, the CPT welcomes the laying down of these standards.

79. As already indicated, material conditions of detention at Malandrino Prison were good; however, in the other three prisons visited they were not satisfactory.

The latter establishments were all seriously overcrowded and, in certain parts of Korydallos Prison for Men, overcrowding reached outrageous levels. The situation on occasion also left something to be desired in other respects (e.g. state of cleanliness and repair, furnishings, lighting, partitioning of lavatories).

**The CPT recommends that occupancy levels in cells and dormitories in Alicarnassos and Khania Prisons and Korydallos Prison for Men be reduced, having regard to the remarks made in paragraphs 62 to 70 (without prejudice to complying in due course with the standards laid down in Article 21 of the Prison Law). Immediate steps should be taken to bring to an end the practice of holding more than three prisoners in the cells at those establishments.**

**The CPT also recommends that the Greek authorities pursue their efforts to maintain the establishments visited in a good state of repair and to improve the living environment of prisoners, in the light of the remarks made in paragraphs 62 to 70.**

As regards more particularly Korydallos, **the CPT recommends that the damaged screens of in-cell lavatories be repaired or replaced, and that efforts continue to be made to provide all prisoners with a clean mattress and blankets.**

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<sup>15</sup> Cf. inter alia Articles 20, 21, 25 and 26 of law 2776, of 22 December 1999.

80. A satisfactory programme of activities is of crucial importance for the well-being of prisoners. In this context, the Prison Law enshrines the right of both remand and sentenced prisoners to educational, sports and cultural activities. In particular, it stipulates that access should be facilitated to education at all levels (adapted, as necessary, to the needs of foreign prisoners), to vocational training (leading to the acquisition of recognised qualifications), and to supervised sports activities. As regards work, prisoners may inter alia be employed in the general services of the prison, or in agricultural and industrial production units in prison, and may be authorised to work on their own account. The law also includes provisions on remuneration for work and other benefits (e.g. remission) resulting from participation in the activities organised in prison.<sup>16</sup>

Once again, the CPT can only applaud the laying down of these standards and particularly welcomes the recognition of the right of remand prisoners to activities.

81. Alicarnassos and Malandrino Prisons provided some form of organised activity to about half of their inmates, and Khania Prison to about a quarter of prisoners. As regards Korydallos Prison for Men, in 1993 the CPT described the prison regime as being rich in out-of-cell time but poor in activities (cf. CPT/Inf 1994 (20), paragraphs 108, 109 and 120). Despite efforts made by the authorities to develop activities (cf. CPT/Inf (2001) 19, pages 105-106 and 113), the situation remains basically unchanged; at the time of the 2001 visit, Korydallos offered some form of activity to a mere 17% of the inmates. The activities which were available in all four establishments often involved only a small part of the day or occasional work, and were mostly of a monotonous nature. In short, the vast majority of inmates were being offered nothing remotely resembling a regime.

In this connection, it should be stressed that the question of provision of a programme of activities in prison is often linked to the problem of overcrowding; significant and lasting progress on the former is dependent upon successfully tackling the latter. Further, the CPT recognises that the provision of organised activities in prisons where there is a high turnover of inmates (e.g. Korydallos) poses particular challenges; however, it is not acceptable to leave prisoners to their own devices for months at a time.

**82. The CPT recommends that a thorough examination of the means of improving the activities programmes in Alicarnassos, Khania and Korydallos Prisons be undertaken without delay and that fuller programmes (including education, recreation and sports activities, and work) be introduced as overcrowding is reduced.**

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<sup>16</sup> Cf. Articles 34 to 50 of Law 2776, of 22 December 1999.

83. As regards Malandrino Prison, which accommodates mainly prisoners serving long sentences, it should be noted that long-term imprisonment is widely considered to have a number of desocialising effects upon inmates. In addition to becoming "institutionalised", such prisoners may experience a range of psychological problems (including loss of self-esteem and impairment of social skills) and have a tendency to become increasingly detached from the world into which they will almost certainly eventually be released. In the view of the CPT, the regimes which are offered to prisoners serving long sentences should seek to compensate for these effects in a positive and proactive way.

Prisoners serving lengthy sentences (including life sentences) should have access to a wide range of **purposeful activities of a varied nature** (work, preferably with vocational value; education; sport; recreation/association). Moreover, they should be able to exercise a degree of choice over the manner in which their time is spent, thus fostering a sense of autonomy and personal responsibility. Additional steps should be taken to lend **meaning** to their period of imprisonment; in particular, the provision of individualised custody plans and appropriate psycho-social support are important elements in assisting such prisoners to come to terms with their period of incarceration and, in due course, to prepare for release. Further, the negative effects of institutionalisation upon prisoners serving long sentences will be less pronounced, and they will be better equipped for release, if they are able effectively to maintain **contact with the outside world**.

Given the facilities available and the absence of overcrowding, Malandrino Prison is in a privileged position as compared to other establishments visited. It would be unacceptable not to use its potential for offering a proper regime to prisoners. **The CPT recommends that immediate steps be taken to develop a suitable programme of activities for inmates serving long sentences at Malandrino, taking into account the criteria identified above.**

Furthermore, **the CPT recommends that the situation of long-term prisoners in all prison establishments be reviewed, in the light of the above remarks.**

84. Finally, the CPT was concerned to learn that some prisoners serving long sentences for particularly serious offences were not allowed to work. It emerged that the objective was to prevent them from earning remission and, eventually, benefiting from early release, because this might cause social disquiet. The Committee considers such an approach to be misguided; **it recommends that it be reassessed.**

#### 4. Health-care services

##### a. introduction

85. The Prison Law contains a number of welcome provisions concerning prison health-care services<sup>17</sup> which are in line with the position advocated by the CPT; more particularly, the law sets out the general principle of the equivalence of care in prison with that in the outside community. The health care available in certain of the prisons visited in 2001 can be considered acceptable (it was comparable to that provided in the outside community). However, the situation was far less favourable in other establishments.

**The CPT recommends that the Greek authorities redouble their efforts to provide a satisfactory level of health care in prison establishments in general, in compliance with the provisions of the law. Improving health care in prison will require reinforcing significantly the number of qualified staff in prison health-care services.**

86. The delegation was led to understand that the transfer of responsibility for prison health-care services from the Ministry of Justice to the Ministry of Health was under consideration. The CPT can only support such an initiative. As a result, doctors' independence vis-à-vis prison management would be guaranteed and work in prison would be rendered more attractive, thereby helping to overcome some of the existing difficulties in the recruitment of doctors and nurses (cf. CPT/Inf (2001) 18, Part I, paragraph 146). **The CPT would like to receive information on developments in this respect.**

##### b. health care in the prisons visited

###### *i. resources and access to health care*

87. At **Khania Prison**, the health-care service comprised one half-time trainee doctor and a general practitioner attending the establishment one day a week, as well as an on-call psychiatrist. Having regard to the number of inmates involved (87 at the time of the visit), this complement in terms of doctors may be considered satisfactory; however, the prison was not attended by a dentist and the establishment's health-care service did not have a nurse.

**Alicarnassos Prison** had one half-time trainee doctor, as well as a dentist, a cardiologist and a psychiatrist, each attending one day per week. This may be considered adequate in view of the number and composition of the prison's inmate population. However, the medical team was assisted by only one qualified nurse, a prison officer acting as a nurse, and two prisoners.

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<sup>17</sup> Cf. Articles 26 to 30 of Law 2776, of 22 December 1999.

At **Malandrino Prison**, the delegation found that medical staff consisted of one general practitioner who attended the establishment one day per week. In theory, he was on call the rest of the week, but he lived more than an hour's drive from the prison. The doctor had one full-time nursing assistant who had only received some training during his military service. Such a staffing level is manifestly insufficient, having regard to the number of inmates.

The situation at **Korydallos Prison for Men** gave particular cause for concern. According to information provided to the delegation, the only full-time general practitioner's post was once again vacant (cf. CPT/Inf (2001) 18, Part I, paragraph 148, and Part II, paragraph 69). At the time of the visit, the health-care service employed a mere 3 general practitioners each attending the prison twice a week for two hours; the situation concerning specialists was less dramatic (12 part-time doctors - including 3 psychiatrists - each present in the prison twice a week, and 1 full-time dentist). The medical team was assisted by 2 full-time qualified nurses and 7 prison officers who had received basic in-service health-care training. This staff complement would have been barely sufficient even if the establishment had been operating within its official capacity of 780, and was totally inadequate for a prison accommodating more than 2000 inmates. The CPT finds this situation all the more unacceptable given that, after its previous visits, it has already stressed the need to reinforce significantly the health-care service at Korydallos (cf. CPT/Inf (94) 20, paragraph 151).

88. Understaffing in health-care services had inevitable consequences on access to health-care and the quality of treatment provided, especially at Korydallos and Malandrino prisons.

By way of example, at Korydallos, many inmates complained to the delegation of considerable delays in seeing a doctor. Further, shortage of staff made it impossible for the nurse to pay regular visits to the different wings.

At Malandrino, the delegation also met numerous prisoners who complained that there was no dentist. Moreover, in the absence of the doctor (cf. paragraph 87, third sub-paragraph), the nursing assistant sometimes took decisions of a medical nature, for example concerning the administration - without a proper prescription - to patients suffering from psychiatric problems of psychotropic drugs which require careful supervision.

At Khania Prison, the distribution of medication had been entrusted to a member of the establishment's administrative staff.

Moreover, in all four establishments visited, at times when there was no health-care staff present in the prison (e.g. at night and during weekends), the decision to refer a case to qualified staff - a doctor or nurse - and/or to send a patient for emergency treatment to the nearest hospital was taken by prison officers with little medical knowledge.

89. Developing a proper health-care policy in prison and catering for certain specific medical needs which arise in a prison setting require, first and foremost, adequate levels of health-care staff. When determining what is an adequate level of health-care staff in a prison, a variety of factors have to be taken into account, such as the number, turnover and profile of inmates. **The CPT recommends that a detailed audit be carried out to determine the needs in terms of health-care staff for each of the four prisons visited, having regard to their particular characteristics.**

**Without waiting for the results of the audit, the Committee recommends that:**

- **the vacant post of general practitioner at Korydallos be filled and a second full-time general practitioner and four additional qualified nurses be recruited;**
- **the presence of the general practitioner at Malandrino be increased to the equivalent of a half-time post** (this is all the more important given that the number of inmates held in the establishment is expected to increase rapidly), **and a qualified nurse be recruited.**

**Further, the Committee considers that it is highly desirable for arrangements for the provision of urgent care in prison to be placed under the responsibility of someone present in the establishment who has at least a recognised nursing qualification.**

*ii. medical screening on admission*

90. In its previous reports, the CPT stressed the importance of medical screening of prisoners on admission (cf. CPT/Inf (94) 20, paragraphs 160 and 161, and CPT/Inf (2001) 19, Part I, paragraphs 152 to 154 and, Part II, paragraph 70). The importance of medical screening of new arrivals - especially at establishments which represent points of entry into the prison system - cannot be over-emphasised. Such screening is indispensable, in particular in the interests of preventing the spread of transmissible diseases, suicide prevention and the timely recording of injuries.

91. The CPT welcomes the promptness and the relative thoroughness with which this screening was carried out in the two prisons visited in Crete, particularly at Khania. By contrast, the situation was unsatisfactory in the other two establishments visited.

At Malandrino, there could be significant delays - up to a week - before new arrivals were screened. Admittedly, inmates arrived from other prisons and should therefore, at least in theory, already have been screened in the previous establishment. Nevertheless, medical screening upon admission following a transfer is necessary, both to confirm that a medical examination was carried out in the establishment where the inmate concerned was previously held and, where appropriate, to ensure the continuation of medical treatment initiated before the transfer.

As regards Korydallos Prison for Men, no progress had been made in this connection, despite the CPT's recommendations; systematic screening upon admission had not yet been introduced.



It should be added that, although the Prison Law requires such screening (cf. Article 24, paragraphs 1 and 3, and Article 27, paragraph 2), it provides for the medical examination to take place on the first working day following admission. This means that screening may be delayed by two or three days following admission to prison; this situation is not satisfactory.

**The CPT recommends that steps be taken without further delay to ensure that all persons admitted to prison are medically screened on the day of their arrival or, at the very latest, the following day.**

*iii. medical files and confidentiality*

92. Following the 1997 visit, the CPT recommended that a personal medical file be compiled for each prisoner (cf. CPT/Inf (2001) 18, Part I, paragraphs 159 and 160). The situation found in 2001 remains unsatisfactory. **The CPT reiterates its recommendation that a personal medical file be opened for each prisoner, containing diagnostic information as well as an ongoing record of the prisoner's state of health, of any special examinations he has undergone and of his treatment. In the event of the prisoner being transferred, the file should be forwarded to the doctors in the receiving establishment.**

93. The Prison Law provides for the confidentiality of medical information<sup>18</sup>. However, the delegation found that, in practice, the confidentiality of medical data and of the results of medical examinations left a lot to be desired, when it was not totally lacking. At Alicarnassos, a prison officer acting as a nurse and the inmates assisting him had access to all medical records. At Malandrino, information of a medical nature was systematically shared between the nurse and prison staff. The CPT considers this situation unacceptable. **It recommends that the authorities ensure that the confidentiality of medical data is respected, in compliance with the law.**

94. It should also be noted that the Prison Law authorises that the content of an inmate's personal health card - which includes all medical details, such as diagnosis and treatment - be communicated, inter alia, to "competent organs" in the prison "each time the prisoner's health is examined for taking a certain decision" (cf. Article 28, paragraph 3). **The CPT would like to receive detailed information concerning the above-mentioned "competent organs" and the types of decision that warrant application of Article 28, paragraph 3, of the Prison Law.**

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<sup>18</sup> Cf. Article 29, paragraph 5, of Law 2776, of 22 December 1999.

*iv. HIV-positive patients*

95. HIV-positive prisoners continued to be segregated (cf. CPT/Inf (94) 20, paragraphs 162 and 163 and CPT/Inf (2001) 18, Part I, paragraphs 155 to 158). Prisoners who tested HIV-positive were systematically transferred to Korydallos Prison Hospital. This practice, which has no medical justification, can easily discourage inmates from agreeing to be screened for HIV and consequently hinder the implementation of prevention policies. It is clear that the recommendations made by the CPT in this respect following its previous visits have not yet been implemented.

**The CPT reiterates its recommendation that the Greek authorities take steps to ensure that prisoners are not subject to segregation solely because they are HIV-positive.**

*v. health-care policy concerning drug abuse*

96. Conversations with prisoners and prison staff revealed that, in most of the prisons visited, many drug users continued to take illicit drugs in prison, including by injection. Studies were recently carried out at Korydallos Prison for Men to determine the level of drug consumption in the prison and the number of people involved. **The CPT would like to receive detailed additional information on the findings of these studies and the steps taken as a result.**

97. Despite the existence of a serious drug situation in the prisons visited, the delegation noted that very little action (other than traditional prison security) had been taken concerning prevention and as regards the provision of psycho-socio-educational assistance to prisoners with drug-related problems.

At Alicarnassos Prison, assistance to such prisoners was limited to a consultation with a psychiatrist, with the possibility of further support in the form of psychotherapy. At Korydallos Prison for Men, the delegation noted that, from time to time, "Médecins Sans Frontières" organised information campaigns on drug use and HIV, and that support groups ("Kethea", "18 and over" and "Drug addicts anonymous") organised discussions to assist prisoners during the lengthy period of psychological withdrawal which follows discontinuation in the taking of drugs and physical withdrawal.

Amongst other measures envisaged, the delegation was told that the prison service drug treatment centre at Thebes would start operating shortly.

Nevertheless, in the establishments visited, there was no trace of a prevention and treatment policy worthy of the name; in particular, there were no systematic prevention programmes and no practical advice was being provided on how to avoid the risk of HIV or hepatitis contamination posed by sharing needles<sup>19</sup>, and there were no psycho-socio-educational support programmes to assist inmates during withdrawal. Further, methadone substitution treatment initiated prior to admission was discontinued following arrival in prison. The CPT is also concerned to note that nursing staff had received no training in drug abuse prevention and treatment. In most cases, they acknowledged their total incompetence in such matters, with the exception of a few persons recruited for the drug treatment centre at Thebes who had been posted at Korydallos pending the opening of that centre.

98. The CPT recognises that providing assistance to persons who have drug-related problems is far from being a straightforward matter, particularly in a prison setting; there is no simple or single answer as regards the approach to be followed.

However, the CPT considers that prevention of drug abuse should be vigorously pursued and should aim at both demand and risk reduction. Admission to prison is a privileged opportunity to address a person's drug-related problem and it is therefore important that suitable assistance is offered to all persons concerned; consequently, appropriate health-care must be available in all prisons and not only in those establishments with special drug treatment centres. The assistance offered to such persons should be varied, combining genuine medico-psycho-socio-educational detoxication programmes with substitution programmes for opiate-dependent patients who are unable to stop taking drugs. Finally, all health-care staff (and prison staff generally) should be given specific training on drug-related issues.

**The CPT recommends that a strategy be drawn up for the provision of assistance to all prisoners with drug-related problems, in the light of the above remarks.**

c. the Prison Hospital

99. As had been the case at the time of previous visits, in view of its staffing level and medical equipment, the Prison Hospital cannot be described as a fully-fledged hospital (cf. CPT/Inf (2001) 18, Part I, paragraph 162). Further, the transfer of patients in need of hospital care to an appropriate establishment in the community continued to pose problems; no progress appeared to have been made on this point since the previous visit.

Accordingly, **the CPT reiterates the recommendation made following the 1997 visit, namely that the Prison Hospital be resourced as a hospital in the true sense of the term or, when appropriate, ready access to fully-equipped hospital services elsewhere be guaranteed.**

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<sup>19</sup> Cf. in this connection, Article 29, paragraph 4, of law 2776 of 22 December 1999.

d. the psychiatric unit

100. The CPT has noted with satisfaction that, since the 1999 visit, the medical staff at the psychiatric unit had been increased by one full-time psychiatrist, and that there was a round-the-clock medical presence.

However, despite this reinforcement, health-care staffing was still well below the minimum required for the unit to function properly, especially in view of the fact that overcrowding had increased since the previous visit: 205 patients (182 in 1999) for a capacity of 140 places.

It is therefore not surprising that little had changed as compared to the situation found during previous visits as regards activities for patients: very few activities were offered to them, and most patients were permanently idle. The unit's health-care staff expressed regret that, due to lack of time and staff resources, they could not develop group therapy programmes and offer occupational therapy adapted to the different types of pathology encountered.

**The CPT recommends that the Greek authorities step up their efforts to strengthen the health-care team at the psychiatric unit, in order to enable it to implement proper health-care programmes, including a wide variety of rehabilitation and therapeutic activities.**

101. There were numerous registers, files and forms containing patients' medical data, as well as the observations of doctors and nurses. However, there were no personal medical files with the full medical details of each patient (cf. also paragraph 92). As a result, several sources had to be consulted in order to determine a given patient's medical history. **The CPT recommends that steps be taken to remedy this problem.**

Further, the nursing register was signed every morning by the psychiatric unit's administrative director, who therefore had access to the patients' medical data. **The CPT recalls its recommendation about the principle of confidentiality** (cf. paragraph 93 above).

## 5. Other issues related to the CPT's mandate

### a. prison staff

102. The cornerstone of a humane prison system will always be its staff. In addition to being properly recruited and trained (cf. paragraph 60), prison staff must also be present in sufficient numbers. An inadequate staff/prisoner ratio not only renders the provision of an acceptable regime well-nigh impossible, but also generates an insecure environment for both staff and prisoners (cf. CPT/Inf 1994 (20), paragraph 96 and CPT/Inf 2001 (18), part I, paragraph 170).

In this connection, the Greek authorities have made clear that they are striving to improve staff training and to increase staffing levels. In particular, shortly before the visit, 350 new recruits had been selected and were soon to be in post, and it was envisaged to recruit additional prison officers in the near future. The CPT welcomes these efforts. However, the information gathered during the visit shows that both initial and in-service training of prison officers could usefully be developed further (at present, training is limited to a short induction course and there appeared to be no in-service training). Further, the number of staff working directly with prisoners, in particular at Alicarnassos Prison and Korydallos Prison for Men, was low.

103. As regards Malandrino Prison, the delegation was told that, given its isolated location, it was difficult to attract staff from amongst the ranks of experienced officers, and that it was envisaged that the vast majority of permanent staff would be made up of new recruits currently undergoing training. The CPT considers that an establishment like Malandrino requires a blend of experienced and new staff in order to ensure safety and security. **The Committee would like to receive the comments of the Greek authorities on this point.**

104. **The CPT recommends that steps be taken to improve current staffing levels in the prisons visited and, more particularly, at Alicarnassos and Korydallos, including by offering conditions which are conducive to attracting and retaining qualified staff.**

### b. contact with the outside world

105. The CPT has already stressed the importance of prisoners being able to maintain good contact with the outside world (cf. CPT/Inf (94) 20, paragraph 126 and CPT/Inf (2001) 18, part I, paragraph 172).<sup>20</sup> The situation in practice remains satisfactory as regards access to the telephone and to correspondence. The same cannot be said in respect of visits.

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<sup>20</sup> Cf. also Articles 51 to 58 of Law 2776, of 22 December 1999.

At Korydallos, the visiting entitlement - of 30 minutes per week - was not always being respected; many prisoners stated (and staff confirmed) that they were authorised only two visits per month lasting a mere 20 minutes each. **The CPT recommends that the Greek authorities ensure that prisoners enjoy at least the visiting entitlement of 30 minutes per week provided for in Article 52 of the Prison Law, and that they strive to offer more generous visiting time to prisoners.**

106. As regards the conditions in which visits took place, the booths at Malandrino offered adequate conditions for restricted visits. The facilities seen at the other three establishments displayed much the same shortcomings highlighted by the CPT following previous visits (cf. CPT/Inf (94) 20, paragraph 128): often prisoners and visitors had to shout to make themselves heard, they could hardly see each other, and they were rarely provided with seats. Conditions were particularly poor at Khania Prison, where the prisoner and his visitors were kept some distance apart by a multiple barrier of metal bars, glass and wire mesh, and at Alicarnassos, where visits took place in a deafening cacophony of prisoners and visitors all shouting at the same time in a vain attempt to make themselves heard. **The CPT recommends that conditions in the visiting booths be reviewed, in the light of the above remarks.**

Moreover, the CPT sees no justification for the present system, under which the majority of prisoners are denied physical contact with their visitors, often during lengthy periods. Closed visiting arrangements might be necessary in certain circumstances, but should not constitute the rule. Consequently, **the CPT recommends that the Greek authorities review visiting arrangements for prisoners in order to ensure that they are in principle able to receive visits under reasonably open conditions.**

107. At Malandrino, visits were rare occurrences. The prison's geographical isolation requires that close attention be paid to the organisation of visits at that establishment. **The CPT recommends that the Greek authorities draw up special rules on visiting arrangements at Malandrino (and any other similarly located prisons in Greece). Such rules should, inter alia, address the length of visits, the arrangements under which they take place and possible forms of assistance to visitors.**

c. segregation

108. The provisions of the Prison Law on disciplinary sanctions and procedures do not call for specific comments; on the whole they now comply with the recommendations made by the CPT in previous visit reports. This is also the case as regards administrative segregation.<sup>21</sup>

Further, the delegation noted that little recourse was had to segregation for disciplinary purposes.

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<sup>21</sup> Cf. Articles 21.3 and 65 to 71 of Law 2776, of 22 December 1999, as well as CPT/Inf (2001) 18, paragraph 176.

109. Conditions in the segregation unit at **Malandrino Prison** were satisfactory (well lit, including good access to natural light, and ventilated 9.3 m<sup>2</sup> cells, designed to accommodate one prisoner, each with direct access to a small exercise yard).

110. At **Alicarnassos Prison**, cells were also of a reasonable size for one person (7 m<sup>2</sup>); however, they were regularly used to accommodate two prisoners. Further, they had limited access to natural light and artificial lighting was very poor (from the adjacent corridor), they were unfurnished (save for mattresses placed directly on the floor), and they had an unscreened lavatory.

**Khania** had two segregation cells, measuring respectively 2.8 m<sup>2</sup> and 5.4 m<sup>2</sup>; the former is too small to be used as prisoner accommodation and the latter should never accommodate more than one prisoner. The cells were very poorly lit and devoid of furniture (mattresses were placed directly on the floor) and sanitary facilities (prisoners were provided with chamber pots). The prison's management stated that it avoided, to the extent possible, placing any prisoners in these cells.

The segregation cells at **Korydallos Prison for Men** (in wing D) had been repainted; however, the CPT is disappointed to note that no other improvement had been made since its previous visits (cf. CPT/Inf (2001) 18, part I, paragraph 178 and part II, paragraph 57).<sup>22</sup> In particular, the cells used for disciplinary segregation had still not been equipped with a table and chair.

**The CPT recommends that the situation in the segregation units in Alicarnassos, Khania and Korydallos prisons be reviewed, in the light of the above remarks. The 2.8 m<sup>2</sup> cell at Khania Prison should be withdrawn from service forthwith; further, as regards the 5.4 m<sup>2</sup> cell, arrangements should be made to ensure that any prisoner held in it is guaranteed ready access to a lavatory under decent conditions.**

111. Prisoners held at Alicarnassos and Malandrino prisons were guaranteed outdoor exercise. However, the disciplinary unit at Khania did not have an outdoor exercise facility. Further, at Korydallos, only one small exercise yard was in service at the time of the visit; this facility was seldom used. Out-of-cell time and, in the case of prisoners undergoing administrative segregation, association time was spent in the corridor area. **The CPT recommends that steps be taken to ensure that all prisoners held in the disciplinary units at Khania and Korydallos prisons are guaranteed at least one hour of outdoor exercise every day.**

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<sup>22</sup> Cf. also, the judgement of the European Court of Human Rights in the case of Peers v. Greece.

d. information to prisoners

112. Discussions with inmates suggested that prisoners did not receive information on the establishment's day-to-day rules upon their arrival. This state of affairs made the situation particularly difficult for prisoners of foreign origin who did not speak Greek. **The CPT recommends that all newly-admitted prisoners be supplied with information on the regime in force in the establishment and on their rights and duties, in a language which they understand (cf. CPT/Inf 2001 (18), part I, paragraph 190); copies of the Prison Law should also be readily available for consultation by prisoners.**



C. **Military establishments**

1. **Preliminary remarks**

113. The CPT's delegation was informed that the army patrols areas adjacent to Greece's land borders and assists law enforcement agencies in preventing the unauthorised entry of foreign nationals into Greece. Military personnel may apprehend persons who have entered Greece illegally and hand them over to the police (border guard); the delegation was told that, in the vast majority of cases, the border guard applies immediate readmission procedures to such persons. Immigration detainees can remain in the custody of military personnel for several hours and, on occasion, overnight.

The delegation met a number of persons (at Mesopotamia Border Guard Post) who had previously been detained by military personnel.

114. The CPT's delegation also visited the disciplinary detention facilities of the Infantry Cadet Officer Academy in Heraklion and of the 15th Brigade of the Army in Kastoria.

2. **Immigration detainees**

a. **ill-treatment**

115. The delegation interviewed two persons of Albanian origin who alleged that they had been ill-treated one day earlier by army personnel while being detained on military premises; both of them bore injuries consistent with their allegations.

One of them complained that he had been struck with fists, violently thrown to the ground and kicked on the head, chest and left leg. A medical examination carried out by one of the delegation's doctors revealed a painful swelling on the back of the head, pain on palpation in a small area on the left side of the chest and a 3 x 4 cm haematoma on the upper left leg. The other person claimed that he had been struck on the back of the head while on the floor and his face had been forced against the ground. Upon medical examination, he was found to display small wounds with scabs in the forehead, nose and left cheek.

**The CPT recommends that military personnel called upon to deal with persons who have entered Greece illegally be reminded that ill-treatment is not acceptable.**

b. safeguards against the ill-treatment of detained persons

116. Persons detained by military personnel should benefit from the formal safeguards against ill-treatment advocated by the CPT in respect of detention by law enforcement agencies (e.g. notification of custody, access to a lawyer, access to a doctor).

117. All of the persons met by the delegation who had previously been detained by military personnel stated that they had not been informed of their rights. Army staff confirmed this state of affairs and indicated that they were not required to inform such persons of any rights, nor facilitate their exercise (cf. also paragraph 50).

**The CPT recommends that immediate steps be taken to ensure that foreigners who have entered Greece illegally are afforded the rights referred to in paragraphs 40 to 46 during the period that they are detained by military authorities.**

It should be added that **the record kept by the army of detentions made by its personnel should be improved.** At the time of the visit, the only record kept consisted of a brief note of the overall number of persons detained and the unit involved.

c. conditions of detention

118. The information provided to the CPT indicates that, although immigration detainees are on occasion held in military barracks overnight, those establishments do not have appropriate detention facilities for holding such persons. From the discussions held with both army personnel and detained persons, it transpired that foreign nationals were sometimes held in a mess or canteen overnight, but were not provided with a mattress and blankets.

**The CPT recommends that sleeping arrangements for immigration detainees held overnight in military establishments be reviewed; in particular, such persons should be provided with a clean mattress and blankets.**

### **3. Disciplinary detention facilities**

119. At the time of the visit, the disciplinary detention facility at the Infantry Cadet Officer Academy in Heraklion, consisting of 3.6 m<sup>2</sup> cells, was being used for storage. The CPT wishes to make clear that, in view of their size, the facility's cells are not suitable for overnight detention.

The cells in the disciplinary unit of the 15th Brigade of the Army in Kastoria were somewhat larger (5.5 m<sup>2</sup>); however, they had very limited access to natural light and poor artificial lighting. The cells were furnished with beds, had been painted recently and were in a reasonable state of cleanliness.

In view of the delegation's findings, the CPT welcomes the fact that disciplinary sanctions for military personnel were in practice being limited to confinement to dormitory or barracks, and that neither of the two detention facilities visited had been used for detention purposes for some considerable time.

### **III. RECAPITULATION AND CONCLUSIONS**

#### **A. Law enforcement agencies**

120. A considerable number of persons interviewed by the delegation in the course of the visit alleged that they had been ill-treated by law enforcement officials. The allegations concerned in the main the police; however, certain of them related to Coast Guard officials. The ill-treatment alleged consisted mostly of kicks and blows with hands, fists, batons or various other objects, often inflicted during questioning. Certain allegations also involved the use of excessive force at the time of arrest, or ill-treatment of prisoners during transfers.

In a few cases, detained persons bore marks which were consistent with their allegations. Further, in certain cases, the credibility of the allegations of ill-treatment was supported by the detained persons' demeanour: they were clearly fearful that they would be ill-treated, in retaliation, if the law enforcement officials concerned learned that they had complained to the CPT's delegation.

In response to previous CPT visit reports, the Greek authorities have argued that cases of police ill-treatment are few and far between. In the light of the information available to the CPT, it would appear that the Greek authorities are seriously underestimating the scale of the problem.

121. The CPT has recommended that it be vigorously recalled to all law enforcement officials, at regular intervals, that the ill-treatment of detained persons is not acceptable and will be severely sanctioned. Similarly, they should be reminded that no more force than is necessary should be used at the time of arrest and that there can be no justification for striking persons arrested once they have been brought under control.

The CPT has also stressed the need for adequate professional training of an on-going nature at all levels of the law enforcement agencies' hierarchy. More specifically, it has recommended that the Greek authorities seek to integrate human rights concepts into practical training for high-risk situations, such as the arrest and questioning of suspects.

122. Another effective means of preventing ill-treatment of persons deprived of their liberty lies in the diligent examination by the relevant authorities of all complaints of such treatment brought before them and, where appropriate, the imposition of a suitable penalty; this will have a very strong deterrent effect. In this connection, the CPT has made detailed recommendations concerning the action to be taken by prosecutors and judges when there are indications that ill-treatment may have occurred.

Further, appropriate steps must be taken to ensure that persons who may have been victims of ill-treatment by law enforcement officials are not dissuaded from lodging a formal complaint.

123. The CPT has also recommended that the Greek authorities establish a system of regular visits to law enforcement agency establishments by an independent authority. Such a system could make a significant contribution towards the prevention of ill-treatment of persons in custody and help to ensure satisfactory conditions of detention.

124. As regards formal safeguards against ill-treatment, police officers continued to have a wide discretion to delay the exercise of the right of detained persons to inform a close relative or another third party of their choice about their situation, and some considerable time could elapse before the right of access to a lawyer became effective. Further, the right of access to a doctor was not always respected in practice; in particular, police officers tended to filter requests by detained persons to see a doctor and, as a result, certain of them were not receiving the medical care required by their state of health. Recommendations have been made on each of these issues.

Other safeguards addressed by the CPT include the requirement to inform detained persons of all their rights without delay and the drawing up of a detailed code of conduct for interrogations by law enforcement officials.

125. As regards the safeguards offered to immigration detainees, the situation has improved considerably as compared to that described in previous reports. However, foreigners subject to expedited removal to a neighbouring country were not being guaranteed the rights of notification of custody and access to a lawyer; the CPT has recommended that immediate steps be taken to remedy this shortcoming.

The CPT has expressed particular concern as regards allegations of "informal" - including group - deportations to Turkey, without using recognised border crossings and, possibly, putting the lives of the persons concerned at risk. The CPT trusts that the adoption of the bilateral readmission agreement of 8 November 2001 between Greece and Turkey has brought such practices to an end.

126. The Greek authorities are making efforts to improve conditions of detention in police facilities. Investment has already been made to this end, and more is foreseen. Further, action has been taken to remedy certain of the shortcomings observed by the CPT's delegation in detention facilities visited in 2001. Nevertheless, it is clear that there is still much room for progress. In many of the establishments visited in 2001, persons were being held for prolonged periods in dilapidated and unhygienic premises; on occasion, detention facilities were also poorly lit and ventilated and severely overcrowded.

The CPT has provided further guidance to the Greek authorities on the conditions which should obtain in law enforcement agency detention facilities. It has also recommended that detailed standards on conditions of detention be produced for all law enforcement agencies; compliance with such standards and with instructions regarding conditions of detention should be effectively monitored.

The CPT has made clear that immediate steps are required to bring to an end the practice of holding persons, in particular immigration detainees, for prolonged periods in ordinary law enforcement agency detention facilities; the physical surroundings and the level of activities which can be offered in such facilities will almost invariably fall distinctly short of what a detainee held for a prolonged period is entitled to expect.

## **B. Prisons**

127. With the exception of Malandrino Prison, the delegation received no allegations of ill-treatment of prisoners, and observed that relations between inmates and staff were generally of a positive nature. At Malandrino, several inmates alleged that they had been treated roughly and verbally abused by prison officers, and one prisoner claimed that he had recently been punched and kicked.

The CPT has recommended that staff at Malandrino Prison receive at the earliest opportunity the clear message that both physical ill-treatment and verbal abuse of prisoners are not acceptable and will be dealt with severely.

128. The CPT has recommended that all prison officers receive training in control and restraint techniques. The possession of such skills will enable staff to choose the most appropriate response when confronted with difficult situations, thereby significantly reducing the risk of injuries to both prisoners and staff.

More generally, the importance of the adequate recruitment and training (both initial and in-service) of prison staff has been underlined.

129. The adoption of a new Prison Law in 1999 is a welcome development and the efforts being made by the Greek authorities to improve conditions of detention offered to prisoners should be acknowledged. At the same time, much remains to be done; overcrowding is still rampant and regime activities are underdeveloped.

The principal obstacle to providing decent conditions of detention to prisoners in Greece continues to be overcrowding. In this connection, the CPT has underlined that the construction of new prisons is unlikely, on its own, to provide a lasting solution; multifaceted policies, including measures to limit and/or modulate the number of persons being sent to prison, are required.

130. Material conditions of detention at Malandrino Prison were of a high standard; however, in Alicarnassos and Khania Prisons and Korydallos Prison for Men, they were not satisfactory. In particular, the latter establishments were all seriously overcrowded; in certain parts of Korydallos Prison for Men, cell occupancy rates reached totally unacceptable levels (e.g. up to six inmates in 9.5 m<sup>2</sup> cells).

The CPT has recommended that occupancy levels in cells and dormitories in the above-mentioned prisons be reduced in line with criteria identified by the Committee, and that the Greek authorities pursue their efforts to maintain the establishments visited in a good state of repair and to improve the living environment of prisoners.

131. A satisfactory programme of activities is also of crucial importance for the well-being of prisoners. However, the four establishments visited provided some form of organised activity to only 17 to 50% of their inmates; further, the activities available often involved only a small part of the day or occasional work, and were mostly of a monotonous nature. In short, the vast majority of inmates were being offered nothing remotely resembling a regime.

The CPT has recommended that fuller programmes of activities (including education, recreation and sports activities, and work) be introduced in Alicarnassos, Khandia and Korydallos Prisons, as overcrowding is reduced.

As regards Malandrino Prison, given the facilities available and the absence of overcrowding, it would be unacceptable not to use its potential for offering a proper regime to prisoners. The CPT has recommended that immediate steps be taken to develop a suitable programme of activities for inmates at that establishment.

132. The health care available in some of the prisons visited in 2001 can be considered acceptable. However, in certain establishments (e.g. Korydallos Prison for Men and Malandrino Prison) the situation was far less favourable. The CPT has recommended that the Greek authorities redouble their efforts to provide a satisfactory level of health care in prison establishments in general; this will require reinforcing significantly the number of qualified staff in prison health-care services.

Moreover, the CPT has noted with concern that certain recommendations previously made by the Committee have yet to be implemented (e.g. as regards medical screening of newly-arrived prisoners, confidentiality of medical information, segregation of HIV-positive inmates). The Committee has also recommended that a strategy be drawn up for the provision of assistance to prisoners with drug-related problems; in the establishments visited, there was no trace of a developed prevention and treatment policy.

133. Other issues addressed by the CPT in its report include prison staff, contact with the outside world, segregation and information to prisoners. Particular mention should be made of the recommendation to improve prison staffing levels; an inadequate staff/prisoner ratio not only renders the provision of an acceptable regime well-nigh impossible but also generates an insecure environment for both staff and prisoners.

**C. Military establishments**

134. The delegation interviewed two immigration detainees who alleged that they had been ill-treated by army personnel while in their custody; both of them bore marks consistent with their allegations. The CPT has recommended that military personnel called upon to deal with persons who have entered Greece illegally be reminded that ill-treatment is not acceptable.

Further, foreign nationals detained by military personnel in connection with their illegal entry into Greece did not benefit from the formal safeguards against the ill-treatment of detained persons advocated by the CPT (e.g. the rights of notification of custody, and of access to a lawyer and a doctor). This shortcoming should be remedied.

135. The disciplinary detention facilities at the Infantry Cadet Officer Academy in Heraklion and the 15th Brigade of the Army in Kastoria displayed certain deficiencies, as regards in particular the dimension of the cells (Heraklion) and cell lighting (Kastoria). Consequently, the CPT has welcomed the fact that these facilities have not been used for detention purposes for some considerable time.

**D. Action on the CPT's recommendations, comments and requests for information**

136. The various recommendations, comments and requests for information formulated by the CPT are listed in Appendix I.

137. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the Committee requests the Greek authorities to provide within **six months** a response giving a full account of action taken to implement them.

The CPT trusts that it will also be possible for the Greek authorities to provide in the above-mentioned response reactions to the comments formulated in this report which are listed in Appendix I as well as replies to the requests for information made.



**APPENDIX I**

**LIST OF THE CPT'S RECOMMENDATIONS,  
COMMENTS AND REQUESTS FOR INFORMATION**

**A. Law enforcement agencies**

**Ill-treatment**

recommendations

- all law enforcement officials, including Coast Guard officers, to be vigorously reminded in an appropriate manner and at regular intervals, that the ill-treatment of detained persons is not acceptable and that such conduct will be severely sanctioned; in this context, the attention of law enforcement officials to be drawn to the provisions of Articles 137A, 137B and 137C of the Criminal Code, dealing with torture and ill-treatment by state agents (paragraph 16);
- the Greek authorities to seek to integrate human rights concepts into practical professional training for high-risk situations, such as the arrest and questioning of suspects (paragraph 17);
- whenever criminal suspects brought before a prosecutor or judge allege ill-treatment by law enforcement officials, the prosecutor/judge to record the allegations in writing, order immediately a forensic medical examination and take the necessary steps to ensure that the allegations are properly investigated; such an approach to be followed whether or not the person concerned bears visible external injuries; even in the absence of an express allegation of ill-treatment, the prosecutor/judge to request a forensic medical examination whenever there are other grounds to believe that a person brought before the prosecutor/judge could have been the victim of ill-treatment (paragraph 19);
- appropriate steps to be taken to ensure that persons who may have been victims of ill-treatment by law enforcement officials are not dissuaded from lodging a formal complaint (paragraph 19);
- persons who are taken into police custody and subsequently released without being brought before a public prosecutor or judge to be able themselves to solicit a medical examination/certificate from a forensic institute (paragraph 20);
- a system of regular visits to law enforcement agency establishments by an independent authority to be established, having regard to the remarks in paragraph 22 (paragraph 22).

comments

- law enforcement officials should be unequivocally reminded that no more force than is strictly necessary should be used when effecting an arrest and that, once arrested persons have been brought under control, there can be no justification for striking them (paragraph 16).

requests for information

- comments on the operation of the administrative procedures applied in cases concerning allegations of ill-treatment by law enforcement officials, in particular as regards the cases described in paragraph 21 (paragraph 21).

**Conditions of detention**

recommendations

- cell sizes and occupancy rates in the establishments visited in 2001 to be reviewed, in the light of the remarks in paragraph 36 and the observations made in paragraphs 24 to 32 (paragraph 36);
- the Greek authorities to implement the CPT's longstanding recommendation that all persons detained overnight be provided with a clean mattress and (when appropriate) blankets (paragraph 36);
- firm instructions to be issued to ensure that cells and sanitary facilities used by detained persons are in a reasonable state of cleanliness, and that such persons are placed in a position to wash and, in appropriate circumstances, to change their clothes and take a shower; persons detained for an extended period also to be provided with toiletries (e.g. soap and towel, toothpaste, etc.) (paragraph 36);
- the partitioning of in-cell lavatories to be reviewed, in order to ensure that adequate privacy is offered (paragraph 36);
- current arrangements for the provision of food to persons detained by the law enforcement agencies in Greece to be reviewed and, if necessary, firm instructions to be issued with a view to ensuring that such persons receive appropriate food at regular intervals (including at least one full meal every day), and that they have ready access to drinking water at all times (paragraph 37);
- detailed standards on conditions of detention to be produced for all law enforcement agencies in Greece, taking fully into account the criteria advocated by the CPT (paragraph 38);
- compliance with standards and instructions regarding conditions of detention to be effectively monitored (paragraph 38);

- immediate steps to be taken to bring to an end the practice of holding persons, in particular immigration detainees, for prolonged periods in ordinary law enforcement agency detention facilities; those persons to be accommodated in centres specifically designed for such use, taking due account of the criteria repeatedly advanced by the CPT (paragraph 39).

comments

- arrangements should be made to wash/clean mattresses and blankets at appropriate intervals (paragraph 36).

**Safeguards against the ill-treatment of detained persons**

recommendations

- the situation concerning the exercise of the right to notification of custody to be reviewed in the light of the remarks in paragraph 41 and, if necessary, the legal provisions governing the right of detained persons to inform a relative to be amended (paragraph 41);
- clear instructions to be issued to law enforcement officials with a view to ensuring that the right of access to a lawyer, with the content described in paragraph 42, becomes fully effective in practice as from the outset of custody (paragraph 42);
- arrangements concerning access to a doctor for persons held in law enforcement agency detention facilities and the provision of health care to such persons to be reviewed, in the light of the remarks in paragraphs 44 and 45 (paragraph 45);
- the Greek authorities to give further consideration to the manner in which they will implement the Committee's recommendation that a code of conduct for interrogations by law enforcement officials be drawn up (paragraph 47);
- an individualised custody record to be developed for persons detained by the law enforcement agencies (paragraph 48);
- immediate steps to be taken to ensure that persons subject to immediate readmission procedures (i.e. expedited removal to a neighbouring country) are guaranteed the rights referred to in paragraphs 40 to 46 during the period that they are detained by law enforcement agencies (paragraph 50);
- steps to be taken to ensure that immigration detainees are systematically provided with a document explaining the procedure applicable to them and setting out their rights; this document to be available in the languages most commonly spoken by those concerned (paragraph 51).

comments

- law enforcement officials to be reminded once again that the sheet informing detained persons of their rights should be given systematically to all such persons at the very outset of custody (paragraph 46);
- provision should be made for assistance by a state-appointed lawyer in cases where an immigration detainee is not in a position to appoint and pay for a lawyer himself (paragraph 49);
- in appropriate cases, recourse should be had to the services of an interpreter (including during medical examinations) (paragraph 49);
- the CPT trusts that the adoption of a bilateral readmission agreement between Greece and Turkey has brought informal deportations to an end (paragraph 53).

requests for information

- detailed information on the implementation of the bilateral readmission agreement between Greece and Turkey (paragraph 53).

**B. Prisons**

**Preliminary remarks**

recommendations

- the Greek authorities to continue to pursue vigorously multi-faceted policies designed to put an end to overcrowding in prisons, having regard inter alia to the principles set out in Recommendation No. R (99) 22 of the Council of Europe's Committee of Ministers (paragraph 57).

requests for information

- detailed information on the current programme for the construction of new prisons (and prison service drug treatment centres), including in particular on the timeframe for the implementation of the programme and the entry into service of the establishments involved (paragraph 57);
- detailed information on the measures being adopted by the Greek authorities to put an end to overcrowding in prisons (paragraph 57).

### **Ill-treatment**

#### recommendations

- at the earliest opportunity, the authorities at both central and local level to deliver to staff at Malandrino Prison the clear message that both physical ill-treatment and verbal abuse of prisoners are not acceptable and will be dealt with severely (paragraph 58);
- prison officers at Malandrino Prison to be reminded that the force used to control violent or recalcitrant prisoners should be no more than is strictly necessary and that, once prisoners have been brought under control, there can be no justification for striking them (paragraph 59);
- training in control and restraint techniques to be made available to all prison officers (paragraph 59).

#### comments

- the CPT recalls the importance of the adequate recruitment and training (both initial and in-service) of prison staff (paragraph 60);
- appropriate support should be provided to staff who are exposed to highly stressful or violent situations (paragraph 60).

#### requests for information

- information on action taken to implement the CPT's recommendations on the subject of inter-prisoner violence (paragraph 61).

### **Conditions of detention**

#### recommendations

- occupancy levels in cells and dormitories in the Alicarnassos and Khandia Prisons and Korydallos Prison for Men to be reduced, having regard to the remarks made in paragraphs 62 to 70. Immediate steps should be taken to bring to an end the practice of holding more than three prisoners in the cells at those establishments (paragraph 79);
- the Greek authorities to pursue their efforts to maintain the establishments visited in a good state of repair and to improve the living environment of prisoners, in the light of the remarks made in paragraphs 62 to 70 (paragraph 79);
- the damaged screens of in-cell lavatories in Korydallos to be repaired or replaced (paragraph 79);

- efforts to continue to be made to provide all prisoners in Korydallos with a clean mattress and blankets (paragraph 79);
- a thorough examination of the means of improving the activities programmes in Alicarnassos, Khania and Korydallos Prisons to be undertaken without delay and fuller programmes (including education, recreation and sports activities, and work) to be introduced as overcrowding is reduced (paragraph 82);
- immediate steps to be taken to develop a suitable programme of activities for inmates serving long sentences at Malandrino, taking into account the criteria identified in paragraph 83 (paragraph 83);
- the situation of long-term prisoners in all prison establishments to be reviewed, in the light of the remarks in paragraph 83 (paragraph 83);
- the approach whereby some prisoners serving long sentences for particularly serious offences are not allowed to work, to be reassessed (paragraph 84).

### **Health-care services**

#### recommendations

- the Greek authorities to redouble their efforts to provide a satisfactory level of health care in prison establishments in general, in compliance with the provisions of the Prison Law; this will require reinforcing significantly the number of qualified staff in prison health-care services (paragraph 85);
- a detailed audit to be carried out to determine the needs in terms of health-care staff for each of the four prisons visited, having regard to their particular characteristics (paragraph 89);
- without awaiting the results of the audit:
  - . the vacant post of general practitioner at Korydallos to be filled, and a second full-time general practitioner and four additional qualified nurses to be recruited;
  - . the presence of the general practitioner at Malandrino to be increased to the equivalent of a half-time post, and a qualified nurse to be recruited (paragraph 89);
- steps to be taken without further delay to ensure that all persons admitted to prison are medically screened on the day of their arrival or, at the very latest, the following day (paragraph 91);
- a personal medical file to be opened for each prisoner, containing diagnostic information as well as an ongoing record of the prisoner's state of health, of any special examinations he has undergone and of his treatment; in the event of the prisoner being transferred, the file to be forwarded to the doctors in the receiving establishment (paragraph 92);

- the authorities to ensure that the confidentiality of medical data is respected, in compliance with the Prison Law (paragraphs 93 and 101);
- steps to be taken to ensure that prisoners are not subject to segregation solely because they are HIV-positive (paragraph 95);
- a strategy to be drawn up for the provision of assistance to all prisoners with drug-related problems, in the light of the remarks in paragraphs 97 and 98 (paragraph 98);
- the Prison Hospital to be resourced as a hospital in the true sense of the term or, when appropriate, ready access to fully-equipped hospital services elsewhere to be guaranteed (paragraph 99);
- the Greek authorities to step up their efforts to strengthen the health-care team at the psychiatric unit at Korydallos, in order to enable it to implement proper health-care programmes, including a wide variety of rehabilitation and therapeutic activities (paragraph 100);
- steps to be taken to open a personal medical file for each patient at the psychiatric unit (paragraph 101).

#### comments

- it is highly desirable for arrangements for the provision of urgent care in prison to be placed under the responsibility of someone present in the establishment who has at least a recognised nursing qualification (paragraph 89).

#### requests for information

- information on developments in respect of the transfer of responsibility for prison health-care services from the Ministry of Justice to the Ministry of Health (paragraph 86);
- detailed information concerning the "competent organs" referred to in Article 28, paragraph 3 of the Prison Law and the types of decision that warrant application of that provision (paragraph 94);
- detailed additional information on the findings of the studies recently carried out at Korydallos Prison for Men to determine the level of drug consumption in the prison and the number of people involved, and the steps taken as a result (paragraph 96).

## **Other issues related to the CPT's mandate**

### recommendations

- steps to be taken to improve current staffing levels in the prisons visited and, more particularly, at Alicarnassos and Korydallos, including by offering conditions which are conducive to attracting and retaining qualified staff (paragraph 104);
- the Greek authorities to ensure that prisoners enjoy at least the visiting entitlement of 30 minutes per week provided for in Article 52 of the Prison Law, and to strive to offer more generous visiting time to prisoners (paragraph 105);
- conditions in visiting booths to be reviewed, in the light of the remarks in paragraph 106 (paragraph 106);
- visiting arrangements for prisoners to be reviewed in order to ensure that they are in principle able to receive visits under reasonably open conditions (paragraph 106);
- special rules to be drawn up on visiting arrangements at Malandrino (and any other similarly located prisons in Greece); such rules inter alia to address the length of visits, the arrangements under which they take place and possible forms of assistance to visitors (paragraph 107);
- the situation in the segregation units in Alicarnassos, Khania and Korydallos prisons to be reviewed, in the light of the remarks in paragraph 110 (paragraph 110);
- the 2.8 m<sup>2</sup> cell at Khania Prison to be withdrawn from service forthwith, and arrangements to be made to ensure that any prisoner held in the 5.4 m<sup>2</sup> cell is guaranteed ready access to a lavatory under decent conditions (paragraph 110);
- steps to be taken to ensure that all prisoners held in the disciplinary units at Khania and Korydallos prisons are guaranteed at least one hour of outdoor exercise every day (paragraph 111);
- all newly-admitted prisoners to be supplied with information on the regime in force in the establishment and on their rights and duties, in a language which they understand; copies of the Prison Law to be readily available for consultation by prisoners (paragraph 112).

### requests for information

- comments on the question of staffing at Malandrino Prison (paragraph 103).



**C. Military establishments**

recommendations

- military personnel called upon to deal with persons who have entered Greece illegally to be reminded that ill-treatment is not acceptable (paragraph 115);
- immediate steps to be taken to ensure that foreigners who have entered Greece illegally are afforded the rights referred to in paragraphs 40 to 46 during the period that they are detained by military authorities (paragraph 117);
- sleeping arrangements for immigration detainees held overnight in military establishments to be reviewed; in particular, such persons to be provided with a clean mattress and blankets (paragraph 118).

comments

- the record kept by the army of detentions made by its personnel should be improved (paragraph 117).

**APPENDIX II**

**LIST OF THE NATIONAL AUTHORITIES AND ORGANISATIONS  
WITH WHICH THE CPT'S DELEGATION HELD CONSULTATIONS**

**A. National authorities**

**Ministry of Justice**

Michalis STATHOPOULOS	Minister for Justice
Prodromos ASSIMIADIS	General Secretary of the Ministry
Kiriaki BARDANI	Director General of Penitentiary Policy
Sevasti PAPAMITROPOULOU	Director of Adult Penitentiary Treatment
Spyros ATHANASSOPOULOS	Prison Inspector
Ioannis PAPANAGIOTOU	Director of Personnel
Dimitrios KOUTSOUKIS	Director of Organisation and Service of Special Treatment Centres
Eftichia FILIPAKI	Director of Juvenile Crime Prevention and Penitentiary Treatment of Minors
Ioannis STALIKAS	Head of Prisons and Treatment Centres
Maria LAGIOU	Head of Juvenile Crime Prevention and Social Reintegration of Minors
Anna ANDRIANAKI	Head of Detention, Education and Special Treatment Conditions for Minors
Pavlina SAVOGLU	Head of Prisoners Work and Social Reintegration of the Released

**Themis Construction Company S.A.**<sup>23</sup>

Georgios ARABATZIS	Chairman
Konstantinos ANESTAKOS	General Manager

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<sup>23</sup> The Ministry of Justice has entrusted the Themis Construction Company S.A. with the building of new prison establishments.

**Ministry of Public Order**

Dimitrios EFSTATHIADIS	General Secretary of the Ministry
George MITROPOULOS Panayiotis YIANNOULAS	Director of the Aliens Department of the Athens Police Deputy Director in the Aliens Department of the Athens Police
George PALIOURAS Christos PELEGRINOS	Legal Division of the Athens Police International Police Cooperation Division of the Athens Police
Christos DAKOURAS	General Policing Division of the Athens Police

**Ministry of Health and Welfare**

Evangelos ZACHARIAS	Mental Health Directorate
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**Ministry of Merchant Marine**

Ioannis PANOPOULOS	Head of International Police Cooperation
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**Other authorities**

Georgios KAMINIS	Deputy Ombudsman Responsible for Human Rights
Michalis GOLEMIS	Prosecutor of the Court of Appeal
Odisseas KAMBOLIS	Military Judge
Petros ARGIANIOS	Prosecutor of the Athens Military Court

**B. Other bodies**

United Nations High Commissioner for Refugees

**C. Non-governmental organisations**

Greek Council for Refugees

Greek Helsinki Monitor

Marangopoulos Foundation for Human Rights

Medical Rehabilitation Centre for Torture Victims