



CPT/Inf (2008) 3

**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 20 to 27 February 2007

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 (2008) 4.

Strasbourg, 8 February 2008

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Copy of the letter transmitting the CPT's report

Strasbourg, 13 July 2007

Dear Ambassador,

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 20 to 27 February 2007. The report was adopted by the CPT at its 63rd meeting, held from 2 to 6 July 2007.

The various recommendations, comments and requests for information formulated by the CPT are listed in Appendix I. 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 three 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 summarised in Appendix I as well as replies to the requests for information made.

As emphasised in the concluding remarks of the visit report, the CPT trusts that vigorous steps will be taken by the Greek authorities to implement the recommendations made by the Committee in the report. The Committee will follow closely future developments and the concrete action taken by the Greek authorities in the immediate future, while keeping under review the possibility of initiating the procedure under Article 10, paragraph 2, of the Convention.

The Committee would ask, in the event of their 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,

Mauro PALMA
President of the European Committee for
the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment

Mr Constantin Yerocostopoulos
Ambassador
Permanent Representative of Greece
to the Council of Europe
21, place Broglie
67000 Strasbourg

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 20 to 27 February 2007¹. The visit was one which appeared to the CPT "to be required in the circumstances" (cf. Article 7, paragraph 1, of the Convention).

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

- Mario FELICE, (Head of delegation)
- Pétur HAUSSON
- George TUGUSHI.

They were supported by Hugh CHETWYND and Marco LEIDEKKER of the CPT's Secretariat and assisted by Alan MITCHELL, former Head of Health Care, Scottish Prison Service, United Kingdom, and the following interpreters:

- Eleanora CAMBAS
- Maria LOUCA HOUVARDA
- Ionathan MARKEL
- Alexander ZAPHIRIOU.

B. Context of the visit

3. In the report² on the August/September 2005 periodic visit to Greece, which was transmitted to the Greek authorities in March 2006, the CPT expressed its serious concern about the fact that the Committee was obliged to reiterate many of its recommendations, some of which were of very long standing. In particular, the persistent failure by the Greek authorities to tackle the structural deficiencies in the prison service and in the establishments holding foreign nationals was highlighted. A further concern related to the apparent absence of effective action when allegations of ill-treatment were brought to the attention of the authorities, which led to a climate of impunity within the law enforcement agencies.

¹ The CPT has carried out four periodic visits to Greece (March 1993, May/June 1997, September/October 2001, August/September 2005), as well as two ad hoc visits (November 1996, October/November 1999).

² See CPT/Inf (2006) 41, paragraph 7.

In the above-mentioned report, the CPT also stressed that if the Greek authorities continued to fail to improve the situation in the light of the recommendations made, it may have no choice but to set in motion the procedure provided for in Article 10, paragraph 2, of the Convention³.

4. It is therefore regrettable that the Greek authorities' response to the report on the 2005 visit failed to address many of the serious concerns identified by the Committee. This is particularly the case as regards the response to those sections of the report dealing with law enforcement agencies and prison-related issues. With a view to pursuing a constructive dialogue, the President of the CPT addressed a letter to the Greek authorities on 18 December 2006 (see Appendix II), highlighting some of the major shortcomings in the response and requesting that additional information be provided to the Committee. No reply was received to this letter⁴.

Before taking any formal decision with regard to the Article 10, paragraph 2, procedure, the CPT felt it was best to carry out another visit to Greece in the hope of promoting a meaningful dialogue with the Greek authorities. The main purpose of the visit was to examine the steps taken by the Greek authorities to implement recommendations made by the CPT after the August/September 2005 periodic visit and to hold high-level talks with the Greek authorities with a view to enhancing their co-operation with the Committee.

To this end, the delegation focused on safeguards against ill-treatment of persons detained by law enforcement officials and on conditions of detention in police stations and in holding facilities for aliens. The delegation also paid a targeted visit to Korydallos Men's Prison in order to examine the conditions of detention in the segregation units and to assess developments in relation to the prison's health-care service. At the end of the visit, the delegation held wide-ranging talks with senior officials from the Ministries of Justice and Public Order to discuss the response to the report on the 2005 periodic visit, and to provide feedback on the findings of the 2007 ad hoc visit.

C. Establishments visited

5. The delegation visited the following places of detention:

Establishments under the authority of the Ministry of Public Order

Attica prefecture

- Aspropyrgos Police Station
- Akropolis Police Station
- Kolonos Police Station
- Neo Kosmos Police Station
- Omonia Police Station
- Palio Falio Police Station
- Aghios Panteilemonos Police Station
- Syntagma Police Station

³ Article 10, paragraph 2, reads as follows: "If the Party fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two-thirds of its members to make a public statement on the matter".

⁴ By letter of 5 July 2007, the CPT received some general information from the Ministry of Public Order pertaining to certain of the recommendations the Committee had made in its report on the 2005 visit to Greece.

- Zografas Police Station
- Aspropyrgos Alien detention facility
- Piraeus Alien detention facility
- Petru Rali Alien detention facility
- Holding Room at Athens Airport (International Departures)

Evros prefecture

- Alexandroupoli Police Station
- Orestiades Police Station
- Isaakio Border Police Station
- Kiprinos Border Police Station
- Neo Visa Border Guard Station
- Neo Himoni Border Guard Station
- Tychero Border Guard Station
- Filakio Special holding facility for illegal immigrants
- Vrissika Special holding facility for illegal immigrants

Lesvos Prefecture

- Mytilini Special holding facility for illegal immigrants

Rodopi Prefecture

- Venna Special holding facility for illegal immigrants

Establishments under the authority of the Ministry of Justice

- Korydallos Men's Prison
The delegation also interviewed some recently arrived remand prisoners at Komotini Judicial Prison

D. Co-operation received and consultations undertaken during the visit

6. In the course of the visit, the delegation was granted immediate access to the detention facilities it wished to visit and to the persons it wanted to interview, and most of the information required to carry out its task was promptly provided.

At the end of the visit, the CPT held constructive consultations with the Minister of Public Order, Byron POLYDORAS, the Secretary General of the Ministry of Justice, Panagiotis PANOURIS, the Secretary General of the Ministry of Public Order, Konstantinos AILIANOS and the Director General of the Prison Service, Cristina PETROU, as well as with other senior officials from the Ministries of Foreign Affairs, Justice and Public Order.

7. The co-operation received during the visit was marred by certain incidents. Most seriously, at Omonia Police Station, a detained person who had alleged to have been ill-treated by police officers, and who required medical attention, was threatened with immediate deportation by the Commander of the Station unless he informed the CPT's delegation that he no longer wished to see a doctor. In relation to a case of a detainee who died in custody at Omonia Police Station, the same Commander refused the delegation's request to have access to certain papers and, subsequently, removed them from the file which the delegation was reviewing at the time.

These incidents, and others, represent a serious breach of Article 3 and Article 8, paragraph 2 d⁵, of the Convention. The Greek authorities should take the necessary steps to ensure that all law enforcement officials are fully aware of the obligations of the Parties to the Convention.

Further, the CPT has made it clear in the past that it is not necessary, nor is it an appropriate use of resources, for the Greek authorities to provide the CPT's delegation with a security escort; nor should there be a constant surveillance of its activities and of the persons with whom it meets.

8. More generally, the CPT has noted that its ability to maintain an ongoing dialogue with the Greek authorities is hampered by the fact that there appears to be no office in the Ministry of Foreign Affairs, or in any other Ministry, with overall responsibility for maintaining contacts with the Committee. Liaison officers are appointed just prior to a CPT visit and seem to retain that function for only a brief period, without any handover to a new person. Moreover, there does not seem to be an appropriate mechanism in place to evaluate the Government responses to the CPT's visit reports and, in particular to verify that the responses do indeed address all of the recommendations made by the CPT. This deficiency was specifically highlighted by the delegation at the end of visit talks. **The CPT would appreciate receiving the comments of the Greek authorities on this matter.**

⁵ Article 8 (2) (d) of the Convention obliges Parties to provide the Committee with information available to them which is necessary for the Committee to carry out its task. This includes access to detained persons' files held by police or judicial authorities and/or medical records of detainees. Such information can clearly be of great relevance to the Committee's work, in particular when it seeks to assess the activities of the authorities empowered to conduct official investigations and bring criminal charges in cases involving allegations of ill-treatment.

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 and border guard stations in the Attica and Evros Regions, as well as several holding facilities for illegal migrants. Some of these establishments had already been visited on previous occasions.

10. The legal framework covering detention by law enforcement agencies has remained the same as that described in the report on the 2005 visit (see CPT/Inf (2006) 41, paragraphs 11 and 48).

2. Torture and other forms of ill-treatment

11. The information gathered during the 2007 ad hoc visit to Greece clearly indicates that there has been no improvement as regards the manner in which persons detained by law enforcement agencies are treated. The CPT's delegation heard, once again, a considerable number of allegations of ill-treatment of detained persons by law enforcement officials. Most of the allegations consisted of slaps, punches, kicks and blows with batons, inflicted upon arrest or during questioning by police officers.

12. For example, one person interviewed alleged that he was punched in the head and body by several police officers at Alexandroupoli Police Station, and that they threatened to sever his right forefinger by compressing it in a pair of pliers. The detained person also stated that while being held over a table by two officers, his trousers were pulled down and a third officer threatened to rape him; apparently his loud protests resulted in the intervention of a senior officer. However, allegedly the beatings continued once the senior officer left the room.

Further, an employee of the Greek police described to the delegation how a foreign national had been beaten in his presence. When this employee accompanied the foreign national to court a few days later, the latter had visible injuries to the head, yet neither the public prosecutor nor the judge, or even his court-appointed lawyer, raised the question of ill-treatment.

13. In several cases, the delegation's doctors found that the allegations of ill-treatment by law enforcement officials were consistent with injuries displayed by the detained persons concerned. For example, one person alleged that, during his detention at Omonia Police Station, he had been kicked on the right shin and punched in the face while handcuffed. Upon examination, there were two scarred areas on the right shin (2.9 cm x 2.6 cm and 1.1 cm x 1 cm). Further, this person had hypersensitivity around some of his teeth.

14. At Petru Rali Alien detention facility, a Bangladeshi national alleged that he had been slapped and kicked by the escorting police officers in the deportation cell at Athens International Airport after he had refused deportation. He further alleged that they had compressed his throat, pressed their fingers into his eye sockets, twisted his hands behind his back and kicked him on the back of the legs, the buttocks and in the abdomen, after which he had fainted. On examination by one of the medical members of the delegation, the following injuries were observed: a small abrasion (approximately 0.3 cm) on the lower lip and a red linear contusion on the left cheek beneath the eye (2 cm), which had two abrasions therein; diffuse areas of purplish bruising on both sides of the forehead and a reddish bruise (2 cm) on the centre of the chest; swelling over the thyroid cartilage on the front of the neck and swelling of the outer parts of both upper arms; on the right leg, beneath and lateral to the kneecap, a diffuse area of purplish bruising with a reddish area (approximately 2 cm x 2 cm) in its proximal part.

This case being known to the authorities, **the CPT would like to receive information on the outcome of the investigation into the alleged ill-treatment.**

15. Reference should also be made to a video recording, made by a police official in June 2006, that fell into the public domain after the February 2007 visit. It graphically displayed a serious incident of ill-treatment by law enforcement officials of two persons held at Omonia Police Station. Another incident, also caught on video, relates to the ill-treatment of a student by law enforcement officials in Thessaloniki, on 17 November 2006.

16. All the information at the CPT's disposal highlights, once again, the necessity for determined and immediate action by the Greek authorities to address the situation. It would appear that senior officials and officers within the Ministry of Public Order have not taken seriously the CPT's repeated findings of alleged ill-treatment of detained persons by law enforcement officials. This must change. Every means should be explored to ensure that the message of zero tolerance of ill-treatment of detained persons reaches all law enforcement officials at all levels; they should be made aware, through concrete action, that the Greek government is resolved to stamp out ill-treatment of persons deprived of their liberty. **The CPT calls upon the Greek authorities to strenuously reiterate the above message of zero tolerance of ill-treatment of detained persons and reinforce it with a statement at the appropriate political level.**

It should also be noted that the delegation heard several accounts of allegations of ill-treatment occurring at Athens International Airport following failed deportation attempts (cf. for example, paragraph 14 above). Moreover, there were no guidelines in place concerning the use of force in the context of deportations. **The CPT recommends that the Greek authorities draw up a comprehensive protocol regulating deportations, in particular as regards the use of coercive measures.**

17. As stressed in previous reports, it is axiomatic that prosecutors and judges should take appropriate action when there are indications that ill-treatment by the police may have occurred. In this respect, the case referred to in paragraph 12 above is of particular concern.

The CPT recommends, once again, that whenever persons 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. If necessary, the relevant legal provisions should be amended.

18. As had been the case during the 2005 visit (see CPT/Inf (2006) 41, paragraphs 52 to 56), the CPT's delegation was obliged to follow-up directly the medical examinations of several detained persons who alleged to have been ill-treated by police officers.

For example, when the CPT's delegation met the Bangladeshi national (see paragraph 14 above) who alleged to have been ill-treated at Athens International Airport, he had not been seen by a doctor or received any treatment for his injuries. The delegation requested that a medical doctor examine this person. When the delegation returned to the Petru Rali Alien detention facility two days later, it learned that, although the person in question had been taken to a hospital and had been seen by three doctors, he had received no treatment, as the doctors concluded that he had no injuries. However, as the injuries were still visible and the person still required medical treatment, the delegation insisted that he be brought once again to hospital for an examination.

On this occasion, four doctors examined the detained person. They noted the man's injuries, as described by the medical member of the CPT's delegation, and provided him with the necessary treatment, including a pain-killing injection. The senior surgeon on duty concluded that the detainee's injuries were consistent with his allegations of having been beaten.

The CPT is concerned that this particular individual only managed to receive medical treatment for his injuries following a second intervention by the CPT's delegation. On the second occasion, members of the delegation actually accompanied the foreign national to the hospital and, despite their presence, the escorting police officers still attempted to influence the medical examination. Much time and energy had to be expended in order to ensure that a person with injuries in the care of the Greek State could receive appropriate medical treatment. **The CPT recommends that the Greek authorities take appropriate steps to ensure that threats and intimidation by the police never impede access to medical care.**

19. Recommendations aimed at ensuring that there is a systematic medical screening of persons detained in holding facilities for aliens, such as Petru Rali, will be made later in this report (see paragraph 35).

It is axiomatic that injuries observed in the course of medical examinations should be recorded together with the relevant statements of the detainee. Whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment, this information should be systematically brought to the attention of the relevant prosecutor, who should order immediately a forensic medical examination.

20. As regards forensic medical examinations, the CPT reiterates that such examinations should include the following minimum elements: demographic data on the patient; the patient's account as to how the injuries were sustained; a detailed description of each injury; a reasoned conclusion as to the cause and time of the injuries⁶. The Secretary General of the Ministry of Justice informed the delegation, in the course of the high-level talks at the end of the visit, that he appreciated the concerns highlighted in the CPT's report on the 2005 visit (see CPT/Inf (2006) 41, paragraph 56) as well as during the 2007 ad hoc visit, and that he would look into the functioning of the forensic medical services in Greece. **The CPT looks forward to receiving concrete information on the functioning of the forensic medical services in Greece, in the light of the above remarks.**

3. Conditions of detention

a. police and border guard stations

21. The CPT has, in its previous visit reports concerning Greece, issued many recommendations aimed at improving the conditions of detention in police and border guard establishments, notably in relation to occupancy rates, material conditions and levels of hygiene, outdoor exercise and access to medical care. The findings from the 2007 ad hoc visit highlight that the conditions of detention in police establishments remain unsatisfactory. Moreover, despite being designed for holding criminal suspects for short periods, they continue to be used for holding persons, in particular immigration detainees, for prolonged periods. It should be noted nevertheless that the delegation was informed that many of the establishments visited would be refurbished in the near future.

22. The delegation visited eleven *police stations* in the Attica and Evros regions. Only at Akropolis, Kolonas and Palio Falio police stations could the material conditions be considered as, on the whole, acceptable for short periods. Most cells had artificial lighting and ventilation, and enjoyed some access to natural light; they were clean and in a reasonable state of repair. Further, appropriate sleeping arrangements (plinths, mattresses, and clean blankets) were available for detainees held in custody overnight. However, the two small cells at Akropolis had no access to light, either artificial or natural, and the holding cell was not equipped for overnight stays; these deficiencies should be remedied without delay.

The normal cellular accommodation at Aghios Panteilemonos Police Station was under renovation at the time of the delegation's visit. A third floor holding cell (7 m²) remained in use⁷; it was in a very bad state of repair; poorly lit and inadequately ventilated, filthy and equipped with only two broken chairs. The registers indicated that up to six persons, male and female, were held in this cell for periods of some 10 hours and that, on occasion, persons were even kept there overnight. Conditions in this cell should be improved and it should never be used for overnight stays.

⁶ cf. Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly Resolution 55/89, December 4 2000).

⁷ The delegation was not initially informed about the existence of this cell even though a detainee was being held in it at the time of the visit; the delegation only learnt about the cell from persons being held in another police station.

The cell blocks at Aspropyrgos, Neo Kosmos, Orestiades and Syntagma police stations had virtually no artificial lighting, little access to natural light and were poorly ventilated. They were generally squalid. Further, the foam mattresses and blankets in these and other police stations, such as Zografas, were in need of replacement.

The conditions of detention at Alexandroupoli and at Omonia (in Athens) police stations had not improved since 2005 and were in a very poor condition. The cell blocks had virtually no access to natural light and the artificial lighting was inadequate, leaving the cells in semi-darkness. Ventilation was poor and the facilities were generally dirty and dilapidated. At Omonia, the delegation noted from the records that there was frequent overcrowding in the cells, resulting in some detainees having to share beds or sleep on the floor.

23. The conditions in the *border guard stations* visited were, in general, unacceptable even for short periods. The cells at Isaakio and Neo Himoni had poor access to natural light and ventilation, and the detainees were provided with dirty blankets and slept on filthy mattresses on the floor. The toilet facilities were dirty and, in some cases, out of order. At Neo Himoni, two of the three cells were permanently flooded due to a plumbing defect, yet detained persons were still held in these cells during times of overcrowding and forced to sleep on damp mattresses. Moreover, detainees were offered no outdoor exercise and the hygiene products provided were totally insufficient.

At Kiprinos station, the main problem was one of extreme overcrowding, with ten persons being held in a cell of some 14 m²; in a second cell, five persons had already spent some 40 days together in a cell of less than 7 m². The cell had little natural light and inadequate ventilation; the mattresses and blankets were dirty and one person had to lay his mattress over the floor-level toilet, due to a lack of space. Outdoor exercise was only offered occasionally, and detainees sometimes spent several days without ever leaving their cell. Such conditions could easily be described as inhuman and degrading.

24. It is clear that much greater efforts must be made by the Greek authorities to improve conditions of detention in police and border guard establishments and that a comprehensive rolling refurbishment programme is required to rectify the glaring deficiencies highlighted above.

The current arrangements are particularly unacceptable for persons who remain in custody for weeks on end. Quite apart from the above-mentioned material deficiencies, the facilities concerned are intrinsically unsuitable for prolonged stays, given the lack of outdoor exercise facilities and the absence of any purposeful regime. Consequently, immigration detainees should not be held within them for extended periods but instead transferred without delay to establishments able to offer the full range of facilities and activities appropriate to their status.

25. In the light of the lack of progress made since the 2005 visit, and having regard to Article 3 of the Convention, **the CPT calls upon the Greek authorities to take determined action to implement the recommendations set out below in respect of the places visited and, as necessary, other places of detention.**

Cells should be of a reasonable size for the number of persons they are used to accommodate; for example, cells measuring 7 m², such as those at Kiprinos and Syntagma stations, should preferably hold no more than one person overnight and never more than two. Cells should have adequate lighting (i.e. sufficient to read by, sleeping periods excluded) and ventilation. **The CPT recommends that the situation as regards cell occupancy rates, lighting and ventilation be reviewed, in the light of the above remarks.**

Persons obliged to stay overnight in custody should be provided with suitable sleeping conditions. **The CPT must insist that the Greek authorities comply with its longstanding recommendation that all persons detained overnight be provided with a bed or plinth, and a clean mattress and clean blankets (and bed sheets during summer months). This implies that arrangements should be made to have mattresses and blankets cleaned at appropriate intervals. Further, cells should be equipped with a means of rest (e.g. a chair or bench) and 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 sanitary facilities used by detained persons are kept in a reasonable state of cleanliness, and that such persons have ready access to a proper toilet facility at all times. Detained persons should also be in a position to wash and, in appropriate circumstances, to change their clothes and take a shower; persons detained overnight should also be provided with toiletries (e.g. soap and towel, toothpaste, etc.).**

Further, the CPT reiterates its recommendation that all persons detained for 24 hours or longer be offered the opportunity of outdoor exercise every day.

Finally, **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 detention facilities; they should be accommodated in centres specifically designed for such use, taking due account of the criteria repeatedly advanced by the CPT.**

b. holding facilities for aliens

26. The CPT's delegation undertook follow-up visits to the special holding facilities for aliens in Mytilini and Venna; it also visited holding centres in the Attica region (Aspropyrgos, Petru Rali Street and Pireaus) and in the Evros region (Neo Visa and Vrissika, as well as Filakio, due to open in the early summer of 2007).

These holding facilities serve as places for the administrative detention of immigration detainees. Outside the Attica region, the responsibility for the holding facilities was divided between the region (health care), prefecture (buildings, furnishings, hygienic products, etc.) and the police (custodial duties). However, the Ministry of Public Order was entirely responsible for the functioning of Aspropyrgos, Petru Rali and Pireaus alien detention centres.

In the course of the 2007 ad hoc visit, the CPT's delegation noted that there still did not appear to be minimum operating standards for any of these detention centres. Moreover, there continued to be a lack of co-ordination among the responsible State authorities, despite the intention of the 2005 Aliens Law to resolve such matters.

27. In its report on the 2005 visit, the CPT recalled the minimum parameters that should underpin every centre for holding foreigners established in Greece (see CPT/Inf (2006) 41, paragraph 49). In this context, the CPT welcomes the closure of the Peplos special holding facility for aliens, which certainly did not provide adequate conditions of detention. Further, construction of a purpose-built facility at Filakio is recognition by the Greek authorities that the influx of irregular migrants is not a temporary phenomenon. However, despite this acknowledgement that such persons should only be detained in centres specifically designed to cater for their needs, it is unfortunate that the new facility does not comply with the standards proposed by the CPT; it also does not take into account the shortcomings identified at Petru Rali Alien detention facility.

For example, the new facility at Filakio consists of four large warehouse-type rooms with a proposed capacity of some 380 men, women and children. The four rooms are packed with bunk-beds and, at full capacity, each detainee would only have about 2 m² of personal space. As the rooms all have open metal grilles leading onto the corridor, there is no privacy. Moreover, there are no association rooms for activities. To sum up, the design is not appropriate for the needs.

28. The concerns raised by the CPT's delegation in 2005 in respect of the design of Petru Rali Alien detention facility proved to be well founded (see CPT/Inf (2006) 41, paragraph 36), and were acknowledged as such by the management of the establishment. At the time of the 2007 visit, the facility was accommodating 173 men, 65 women and 19 minors for an operating capacity of 208, 150 and 19 respectively. The detainees were confined to their cells 24 hours a day, as the roof-top exercise yard was reported to be not secure for use; there were no communal spaces for recreational purposes and no activities at all. The screened visiting arrangements remained totally inappropriate. The delegation also noted that a number of juveniles did not have a bed or plinth and had to sleep on a mattress on the floor. It appeared that much of the bedding was dirty, and new arrivals were not provided with clean sheets and blankets. Moreover, there were no in-cell sanitary facilities or call bells and many detainees stated that access to the toilets, in particular at night, was problematic. The delegation saw for itself that bottles were used by detainees to relieve themselves and also heard about detainees having to defecate into plastic bags. Such a situation is unacceptable.

29. The Piraeus detention facility, located in a warehouse, consisted of two wings; A Wing had five cells and was accommodating 11 persons at the time of the visit, while B Wing had nine cells and was holding 21 persons. The cell areas were dilapidated and dirty, and many of the cells were very dark due to the inadequate artificial lighting and the lack of natural light. The bedding and mattresses were filthy and a number of detainees had developed rashes and had been examined at the local hospital. The delegation heard complaints about the inadequate provision of cleaning and personal hygiene products. Further, the sanitary facilities were dirty and in need of repair. There was no outdoor exercise and no activities; detainees did not have access to newspapers, magazines or even a radio. Two of the persons met by the delegation had been held under these conditions for more than nine months.

30. The Vrissika centre, located in a converted cereal warehouse, consisted of two large dormitories and, at the time of the visit, was holding 106 persons for an official capacity of 90. The centre was squalid and malodorous, with rotting food and dirty clothes strewn across the floors and the sanitary facilities were dirty – only four of the eight toilets functioned. The natural light was limited and the artificial lighting inadequate; there was an insufficient supply of hygiene products and not all detained persons were provided with a mattress. Further, outdoor exercise was rarely offered.

The Aspropyrgos holding facility for aliens consisted of eight multi-occupancy cells on two floors and at the time of the visit was accommodating 110 persons. The cells were dark, with little access to natural light and artificial lighting, poorly ventilated and extremely dirty; there was no in-cell sanitation and access to the toilets outside of three designated times during the day was difficult (many detainees had to use bottles at night to relieve themselves). Access to hygiene products was limited. None of the cells afforded more than 3 m² of space per detainee (for example, cell B2 measured 40m² and was holding 15 persons), yet detained persons were never offered any outdoor exercise or the possibility of any activities. Two foreign nationals met by the delegation had been staying in such conditions for more than eight months.

31. As for the Mytilini facility, a new policy of releasing immigrant detainees immediately after processing (usually within a week) had resulted in a drastic cut in the occupancy rates, which contributed to the improved material conditions; there were only five persons at the time of the visit. Since November 2006, the four large warehouse-type rooms in the lower part of the facility, which had accommodated male detainees, were no longer being used. Instead, only one, spacious, well-equipped dormitory with good access to natural light and adequate artificial lighting on the upper level, was in use. Further, four prefabricated units designed for accommodating a maximum of 64 women and children had been installed, each with integral sanitation; there were also two units with six toilets and six showers. This certainly represents an improvement on the situation observed during the 2005 visit.

The delegation also visited Venna holding facility and noted that the conditions had not improved since the 2005 visit (see CPT/Inf (2006) 41, paragraph 61).

32. To sum up, with the exception of Mytilini, the conditions of detention in the holding facilities for aliens have not improved significantly since the 2005 visit, and concerted action is required to rectify the failings with a view to offering decent living conditions for all persons deprived of their liberty.

With respect to all the centres visited, the CPT calls upon the Greek authorities to ensure that:

- **repair work is carried out immediately so that:**
 - **all centres have functioning toilet and shower facilities with a constant supply of water, at an appropriate temperature;**
 - **appropriate artificial lighting is installed, and access to natural light and ventilation improved.**
- **all detainees are allocated a bed/plinth and provided with a clean mattress and clean bedding;**
- **occupancy rates be revised so as to offer a minimum of 4m² of space per detainee;**
- **all detainees are provided with the necessary products and equipment to keep their accommodation clean, as well as with products for personal hygiene (i.e. toilet paper, soap, toothpaste, toothbrush, etc.);**
- **all detainees have unimpeded access to toilet facilities;**
- **all detainees are allowed to spend a large proportion of the day outside their cells and have at least one hour of outdoor exercise a day.**

33. As noted above, there was no regime offering purposeful activities in any of the centres visited; no books, newspapers or other reading material were provided; there were no games or radios. **The CPT reiterates its previous recommendation that the Greek authorities take the necessary steps to provide an appropriate range of activities for persons detained in holding facilities for aliens.**

34. As to staffing, the CPT has previously referred to the importance of ensuring that centres for immigration detainees have properly qualified staff (see CPT/Inf (2006) 41, paragraph 71). However, in none of the centres visited were staff provided with any special training in working with foreigners from different cultures and backgrounds. Furthermore, staffing arrangements continued to be totally inadequate in all the centres visited, with only a minimal number of custodial staff available, and there was no interaction between staff and foreign detainees. For example, at Piraeus centre the police custodial staff, seconded to the facility for periods of one month only with no prior training as to their duties, never interacted with the detainees nor entered the holding areas, except to carry out a head count.

The CPT calls upon the Greek authorities to take resolute action to ensure that detention facilities for immigration detainees are adequately staffed by properly qualified and trained persons.

35. The provision of adequate health-care services in holding centres is vital. The delegation was pleased to observe that all foreign nationals detained in the Evros region and in Mytilini were being medically screened following their apprehension. However, this was not the case elsewhere; for example, at Aspropyrgos and Piraeus there was no medical screening of new arrivals, while at Petru Rali it was not systematic. The CPT reiterates that the carrying out of such screening is in the interests of both detainees and staff, and is also a preventive public health measure. **The CPT recommends once again that a systematic medical screening of all immigration detainees, including for transmissible diseases, be introduced. Such screening should be carried out in a way that respects medical confidentiality.**

36. As to health-care staffing, only the Venna centre had a full-time doctor and nurse, but their contracts ended in March 2007 and it was uncertain whether they would be renewed, which could leave the centre with no medical cover. The medical services provided at Petru Rali were offered on a voluntary basis by a non-governmental organisation (NGO) four days a week and a mobile x-ray unit visited the centre every four weeks to screen detainees for tuberculosis. The staff of the NGO were committed but their work was hampered by restricted access to interpreters and a lack of free access to the detention areas. While the limited service being provided by the NGO is to be welcomed, the CPT wishes to stress that it is the duty of the State to provide health-care cover for persons it deprives of their liberty. The services of NGOs should complement public health care and not serve as a substitute.

The CPT recommends that an appropriate health-care service be established for every detention facility for immigration detainees.

4. Safeguards against ill-treatment

37. In previous visit reports, the CPT examined in detail the formal safeguards against ill-treatment, offered to persons detained by law enforcement officials in Greece, and their operation in practice. The Committee places 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 law enforcement agencies be informed without delay of all their rights, including those mentioned above.

Regrettably, the findings from the 2007 visit highlighted, once again, that in Greece these rights to do not appear to be effective in practice.

38. In spite of the clear legal obligation in Greek law to grant access to a lawyer as from the outset of deprivation of liberty, the CPT's delegation heard claims from a number of detained persons that access to a lawyer had been delayed until the end of the preliminary investigation, some 24 hours or more after their apprehension. Others alleged that they met their lawyer for the first time when they went to court. Likewise, the delegation heard several allegations that persons had not been given the opportunity to notify a close relative or another third party of their detention.

The CPT calls upon the Greek authorities to take immediate steps to ensure that all persons deprived of their liberty by law enforcement officials have an effective right to notify a close relative or third party of their choice of their situation, and to have access to a lawyer, as from the very outset of their deprivation of liberty.

39. The right of access to a doctor is guaranteed by law but, in the light of the information gathered by the delegation, it is clear that this right is not fully effective in practice.

There is still no system in place whereby doctors visit police stations regularly to screen new arrivals or to enquire whether there are detainees with particular medical problems, and this despite the fact that persons are being kept for prolonged periods in cramped and unhygienic conditions. Further, a number of detained persons complained that they were denied access to a doctor by police officers, even after a specific request. This is not acceptable.

By way of example, at Omonia Police Station the delegation met a man who stated he was experiencing breathing difficulties and had asked to see a doctor. Apparently, the request had been refused when the person in question stated that the respiratory problem stemmed from a kick to the stomach by one of the interrogating police officers. Following the intervention of the delegation, the detainee was escorted to hospital, examined and prescribed painkillers.

40. In these circumstances, the CPT finds it necessary to reiterate that 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 officers⁸, 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 to the detainee and his/her lawyer. Further, medication should be provided free of charge to detained persons who do not have the resources to pay for it themselves.

The CPT reiterates its recommendation that the Greek authorities review the existing arrangements concerning access to a doctor and the provision of health care for persons held in police stations, in the light of the above remarks.

⁸ Secure premises for such consultations should be provided where there is a concern by the police that the detained person might attempt to escape.

41. The delegation also heard about the death in custody of an Iranian detainee in the cell area of Omonia Police Station, on 5 February 2007. He had apparently been suffering from drug withdrawal symptoms for several days. Persons met by the delegation in both Omonia and other holding centres in Attica claimed that this man had been screaming in pain and that, despite several requests to the officers on duty for a doctor to be called, no medical attention had been offered. The report on the post-mortem examination stated that the cause of death was peritonitis, secondary to a perforated duodenal ulcer. It is highly likely that the person in question suffered from extreme abdominal pain for a number of hours before he died; had a doctor been called promptly, at a minimum, such pain would have been mitigated. An investigation into the death is being carried out. **The CPT would like to receive the conclusions of the investigation concerning this death, including a copy of the autopsy report and information on any action taken.**

42. As was the case in 2005, many persons in police detention complained that they had not been informed about their rights. In the holding centres for aliens, similar allegations were made; where information sheets had been distributed, detainees stated that they were in a language they could not understand and their content had not been explained to them. **The CPT calls upon the Greek authorities to ensure that forms setting out the rights of persons brought into police custody are systematically provided to such persons, in the appropriate languages, at the very outset of their custody.**

43. As regards custody records, the CPT reiterates that the introduction of an individualised custody record would not only reinforce the practical application of the fundamental safeguards afforded to persons in custody but would also facilitate the work of the police (see CPT/Inf (2006) 41, paragraph 43). Once again, the findings of the delegation in 2007 showed that the information kept in the existing registers tended to be superficial and, on occasion, incomplete or inexact.

Moreover, in certain border guard stations such as Isaakio, Kiprinos, Neo Himoni and Neo Visa, staff did not always have access to relevant information pertaining to the persons in their charge and, in Neo Visa, they were not even aware of how many persons were in their care. Such a situation is not acceptable. **The CPT recommends that the Greek authorities take immediate steps to ensure proper custody records are kept in all places where persons are deprived of their liberty.**

More generally, the CPT reiterates its recommendation that the Greek authorities develop and introduce an individualised custody record.

44. The CPT has in the past emphasised that systems for the inspection of detention facilities of law enforcement agencies by an independent authority can 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 frequent and unannounced, and the authority concerned must be empowered to talk in private with detained persons.

In discussions concerning this matter during the 2007 visit, the Ministry of Public Order indicated that the establishment of such an inspection process was under consideration. By letter of 5 July 2007, the Ministry of Public Order informed the CPT of an initiative to broaden the mandate of the Greek Ombudsman to carry out inspections of the detention areas of the Hellenic Police. **The CPT would like to receive further information on steps taken to pursue this initiative.**

B. Prisons

1. Preliminary remarks

45. The high-level talks held with the Ministry of Justice provided an opportunity for an exchange of views on the challenges facing the prison system in Greece. It further enabled the CPT's delegation to emphasise the importance attached by the Committee to receiving a response, which addresses the various concerns and recommendations in a comprehensive manner. As this was not the case as regards the response to the report on the 2005 visit, it was difficult for the Committee to evaluate whether any progress was being made in tackling the considerable shortcomings noted in the report. The Ministry of Justice acknowledged this point and undertook to forward additional material to the Committee on those paragraphs of the report indicated by the delegation. The CPT looks forward to receiving this information.

The delegation also informed the Ministry of Justice that its visit to Korydallos Men's Prison, in the course of the 2007 ad hoc visit, indicated that there had been no fundamental improvements since the 2005 periodic visit.

2. Ill-treatment

46. During the 2007 visit, the delegation met a prisoner in the segregation unit opposite the C Wing of Korydallos Men's Prison, who explained that, after being found in possession of some drugs in the prison yard, he had been taken to a chief guard's office and strip-searched. Subsequently, he was handcuffed behind his back and allegedly punched and kicked in the head and body by four senior prison officers, while being questioned about drugs in the prison. The officers who had allegedly carried out the beating took him to see a doctor, at his request, whom the prisoner said measured his blood pressure and stated that there was nothing wrong with him; the medical files contained no notes in relation to this consultation. Four days later, when a medical member of the delegation examined the prisoner, injuries were observed⁹ which were consistent with his allegations of having been beaten.

47. Due to the necessity for this prisoner to receive medical attention, the Director of the Prison was informed about the allegations. He took immediate action to ensure that the prisoner was medically examined by the duty doctor, who noted the prisoner's allegations and referred the prisoner to hospital for an x-ray. The public prosecutor responsible for the Korydallos Prison Complex was summoned and he assured the delegation that a thorough investigation would be conducted into this case of alleged ill-treatment.

⁹ Two purplish bruises behind the right ear (measuring 1.3 cm x 1.2 cm and 1 cm x 0.9 cm, respectively); a purple bruise behind the left ear (measuring 2.2 cm x 1.6 cm); two red bruises on the right mid-lower back (8.5 cm x 0.5 cm and 3.5 cm x 0.9 cm, respectively); and swelling and tenderness in relation to the left cheek bone (he was unable to open his mouth fully).

The CPT would like to be informed of the results of the investigation. More generally, the CPT recommends that the Greek authorities deliver the clear message to staff at Korydallos Men's Prison that physical ill-treatment of prisoners is not acceptable and will be the subject of severe sanctions.

48. In this context, the CPT would like to recall that an effective means of preventing ill-treatment by prison officials lies in the diligent examination by the competent authorities of all complaints of such treatment brought before them and, where evidence of wrongdoing emerges, the imposition of appropriate disciplinary and/or criminal penalties. 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. Such a concern lay behind the Committee's misgivings in respect of the inadequate measures taken against a senior prison officer at Korydallos Women's Prison, following allegations of ill-treatment of women inmates by this officer (see Appendix II and CPT/Inf (2006) 41, paragraph 80).

3. Conditions of detention

49. The material conditions in Korydallos Men's Prison remained largely the same as those observed in 2005¹⁰. The overcrowding remained very high, with a population of 2,043 at the time of the visit for an official capacity of 640.

The measures outlined in the Greek authorities' response as regards this issue refer generally to the ongoing prison-building programme, to regulations on extending alternatives to imprisonment and on conditional release, and to a better use of existing prison capacity. However, no specific information or timetable was provided on how the conditions in Korydallos Men's Prison or any other prison visited in 2005 would be improved. There has been no noticeable development in the intervening period, three or even four prisoners placed in cells originally designed for single occupancy. **The CPT recommends that the Greek authorities take concrete steps to reduce the overcrowding in Korydallos Men's Prison and to improve the material conditions.**

50. As to activities for prisoners, the response of the Greek authorities to the report on the 2005 visit provided only general information on the provision of vocational, educational and cultural activities, and it was not possible to discern the impact such measures had on the prisons visited by the CPT's delegation. Moreover, in the course of the 2007 visit, the delegation heard the same complaints about the lack of purposeful activities as those made during the 2005 visit¹¹. Further, no individual sentence plans were being drawn up for prisoners.

The CPT recommends that greater efforts be invested to improve substantially the programme of activities on offer to prisoners at Korydallos Men's Prison.

¹⁰ See CPT/Inf (2006) 41, paragraphs 85 and 97.

¹¹ See CPT/Inf (2006) 41, paragraphs 99 and 100.

4. Health-care services

51. The findings of the delegation during the 2007 ad hoc visit illustrate all too clearly that the health-care service at Korydallos Men's Prison remains unacceptable. It would appear that previous recommendations by the CPT concerning issues such as staffing, medical screening upon admission, medical confidentiality and health-care policy concerning drug abuse have not been implemented by the Greek authorities. The response by the Ministry of Justice on this matter refers merely to various provisions of the law. The CPT makes recommendations in the light of the actual situation as observed by its delegations, not the notional situation as described in legal provisions.

The CPT calls upon the Greek authorities to urgently re-examine the general state of health-care services in prison establishments, in order that they might be compliant with the provisions of the law. Further, increased efforts must be made to hire additional qualified health-care staff.

52. Primary health-care resources at Korydallos Men's Prison remain totally inadequate for a prison of such a size. There have been no improvements since the 2005 visit. Prisoners are still effectively running the health-care centre; they organise the prison health-care record system, dispense and distribute medication and provide administrative support to the visiting medical staff. This is not acceptable. For example, the dispensing of medication should only be carried out by a properly qualified pharmaceutical dispenser under the supervision of a pharmacist.

The provision of adequate staffing levels of qualified health-care staff is a prerequisite for implementing a proper health-care strategy in prison, capable of catering to the specific medical needs present within a prison population. Ideally, such staffing levels should be equivalent to roughly one medical doctor for 300 prisoners and one qualified nurse for 50 prisoners. **The CPT calls upon the Greek authorities to take immediate steps to recruit, at Korydallos Men's Prison, the equivalent of at least two full-time general practitioners and four additional qualified nurses, one of whom should be a qualified mental-health nurse. Thereafter, the health-care staff should be progressively increased until the appropriate levels are attained.**

53. The CPT has stressed that it is indispensable to medically screen prisoners on admission, in particular in the interests of preventing the spread of transmissible diseases, suicide prevention and the timely recording of any injuries¹². Yet, medical screening was still not being carried out promptly on all new arrivals at Korydallos Men's Prison¹³. **The CPT reiterates its recommendation that every newly arrived prisoner be properly interviewed and physically examined by a medical doctor as soon as possible after admission. Save for exceptional circumstances, that interview/examination should be carried out on the day of admission. Such medical screening could also be performed by a fully qualified nurse reporting to a doctor.**

¹² See CPT/Inf (2006) 41, paragraphs 108 and 109.

¹³ For example, a prisoner who arrived on 17 January 2007 had still not been seen by a doctor at the time of the delegation's visit, on 24 February 2007.

54. The delegation noted that in principle every prisoner should have an individual comprehensive medical record at Korydallos Men's Prison. However, in practice doctors and visiting specialists would record their findings in the daily logbook or in one of the seven specialist registers, which meant that it was very difficult to compile a complete picture of an inmate's state of health.

As to medical confidentiality, prison officers and other prisoners continued to be present at medical consultations with inmates and to have access to medical files; consequently, there was no confidentiality of medical data.

The CPT recommends once again that the Greek authorities take the necessary measures to ensure that individual medical records are systematically and comprehensively completed, and that medical confidentiality is guaranteed in accordance with the law.

5. Other issues related to the CPT's mandate

55. The report on the 2005 visit stressed the need for the Greek authorities to ensure adequate staffing levels in all prisons and for relevant initial and in-service training courses to be developed and offered to all prison officers¹⁴. In 2007, the delegation observed that the number of staff at Korydallos Men's Prison remained insufficient, despite the recent recruitment of 50 trainee prison officers. For example, there was only one prison officer on duty for 446 prisoners on C Wing and three officers on duty for similar numbers on D Wing, at the time of the visit.

Even the proposed complement of four prison officers and a supervisor per wing during the morning and afternoon shifts, when prisoners are mostly out of their cells, is totally inadequate. In such circumstances, it is impossible for staff to provide proper supervision or control, let alone appropriate care, for all prisoners at all times. **The CPT calls upon the Greek authorities to review the current staffing levels at Korydallos Men's Prison.**

56. The delegation noted that the 26 vulnerable prisoners previously placed in the segregation unit opposite D Wing had been transferred to two dormitories on E Wing on 12 February 2007, where the conditions were better and each inmate had his own bed. The segregation unit had now been repainted but its future function, like that of the newly painted five-cell segregation unit next to E Wing, seemed uncertain. **The CPT would like to be informed as to the future purpose of these two units.**

¹⁴ See CPT/Inf (2006) 41, paragraphs 123 to 125.

Persons undergoing a disciplinary sanction of up to 10 days of isolation were placed in the nine-cell unit opposite C Wing. The cells (6m²) contained a metal bed fixed to the floor, a basin and a floor-level toilet with an overhead tap; a mattress and two blankets were provided but no sheets or towels. Prisoners serving a disciplinary sanction were not permitted to shower. At the time of the visit, only one prisoner was being accommodated in the unit for disciplinary reasons; he was not allowed any reading materials and he was not offered the possibility of any outdoor exercise. **The CPT calls upon the Greek authorities to ensure that all prisoners undergoing disciplinary punishment are offered at least one hour of outdoor exercise per day. Further, such prisoners should be provided with reading materials, if they so desire, and should be offered a shower at least once a week (more frequently if the circumstances warrant, taking into account the European Prison Rules¹⁵).**

57. As for prison inspections, the CPT remains of the view that the supervision exercised by the Monitoring and Control Body (internal prison inspectorate), which reports directly to the Secretary General of the Ministry of Justice, should be supplemented by that of other bodies¹⁶. At a minimum, there should be the possibility for an independent body, such as the Ombudsman's Office, to carry out prison visits. **The CPT recommends that the Greek authorities give due consideration to this matter, taking into account the remarks made by the Committee in its previous reports.**

¹⁵ See Section 19.4 of the revised European Prison Rules (Recommendation Rec(2006)2 of the Council of Europe's Committee of Ministers to Member States).

¹⁶ See CPT/Inf (2006) 41, paragraph 132 and CPT/Inf (2001) 18, Part 1, paragraph 186.

C. Concluding remarks

58. The CPT has already expressed its appreciation of the constructive consultations held by its delegation, in the course of the visit, with senior officials from the ministries concerned (see paragraph 6). However, although the relevant authorities declared their commitment to enhance co-operation with the Committee, the delegation was concerned by the lack of concrete undertakings to improve the situation of persons deprived of their liberty, in the light of the recommendations made in previous visit reports. For example, the organisation of the health-care services remains precarious, raising serious concerns about both access to care, and the treatment provided, for persons deprived of their liberty; it also has adverse consequences for the prevention of ill-treatment.

The CPT's reports have consistently highlighted that persons deprived of their liberty by law enforcement officials in Greece run a real risk of being ill-treated. The findings of the 2007 visit confirm this risk. However, it would appear that, despite the repeated recommendations of the Committee, the Greek authorities have not afforded this matter the serious attention it merits; consequently, the limited measures reportedly taken to prevent ill-treatment and combat impunity have not proved effective. Moreover, senior representatives of the Ministry of Public Order continue to doubt the reliability of the CPT's findings and view any allegations of ill-treatment as either isolated cases or fabricated stories. Until the Ministry of Public Order recognises the seriousness of the risk of ill-treatment to persons apprehended by law enforcement officials, it will not be possible to effectively combat this phenomenon in Greece.

Further, it is essential that the Greek authorities ensure the necessary co-ordination and consultation among the ministries concerned in relation to issues raised by the CPT. For example, it is not for the CPT to address individually the Ministries of Health, Interior and Public Order in respect of the conditions of detention in holding centres for aliens. A more co-ordinated approach to the matters raised in the CPT's reports will certainly facilitate the dialogue between the Committee and the Greek authorities (see paragraph 8). Likewise, it is important that the Greek authorities ensure that the responses provided in respect of the visit reports address the issues raised in a concrete and comprehensive manner, providing specific answers to the recommendations made.

The CPT trusts that vigorous steps will be taken by the Greek authorities to implement the recommendations made in the present report. The Committee will follow closely future developments and the concrete action taken by the Greek authorities in the immediate future, while keeping under review the possibility of initiating the procedure under Article 10, paragraph 2, of the Convention.

APPENDIX I

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

Cooperation between the CPT and the Greek authorities

comments

- the Greek authorities should take the necessary steps to ensure that all law enforcement officials are fully aware of the obligations of the Parties to the Convention (paragraph 7).

requests for information

- comments of the Greek authorities on establishing appropriate structures for ensuring an ongoing and more effective dialogue with the CPT (paragraph 8).

Law enforcement agencies

Torture and other forms of ill-treatment

recommendations

- the Greek authorities to strenuously reiterate the message of zero tolerance of ill-treatment of detained persons and to reinforce it with a statement at the appropriate political level (paragraph 16);
- a comprehensive protocol regulating deportations, in particular as regards the use of coercive measures, to be drawn up (paragraph 16);
- whenever persons brought before a prosecutor or judge allege ill-treatment by law enforcement officials, the prosecutor/judge should record the allegations in writing, order immediately a forensic medical examination and take the necessary steps to ensure that the allegations are properly investigated. Such an approach should be followed whether or not the person concerned bears visible external injuries. 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. If necessary, the relevant legal provisions should be amended (paragraph 17);
- the Greek authorities to take appropriate steps to ensure that threats and intimidation by the police never impede access to medical care (paragraph 18);

- injuries observed in the course of medical examinations should be recorded together with the relevant statements of the detainee. Whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment, this information should be systematically brought to the attention of the relevant prosecutor, who should order immediately a forensic medical examination (paragraph 19).

requests for information

- the outcome of the investigation into the case of alleged ill-treatment at Petru Rali Alien detention facility referred to in paragraph 14 (paragraph 14);
- concrete information on the functioning of the forensic medical services in Greece, in the light of the remarks in paragraph 20 (paragraph 20).

Conditions of detention

police and border guard stations

recommendations

- the Greek authorities to take determined action to implement the recommendations outlined in paragraph 25 in respect of the places visited and, as necessary, other places of detention (paragraph 25);
- the situation as regards cell occupancy rates, lighting and ventilation to be reviewed, in the light of the remarks made in paragraphs 22 to 25 (paragraph 25);
- the Greek authorities to comply with the CPT's longstanding recommendation that all persons detained overnight to be provided with a bed or plinth, and a clean mattress and clean blankets (and bed sheets during summer months). This implies that arrangements should be made to have mattresses and blankets cleaned at appropriate intervals (paragraph 25);
- cells to be equipped with a means of rest (e.g. a chair or bench) and to be kept in a satisfactory state of repair and in a clean and hygienic condition (paragraph 25);
- firm instructions to be issued to ensure that sanitary facilities used by detained persons are kept in a reasonable state of cleanliness, and that such persons have ready access to a proper toilet facility at all times. Detained persons should also be in a position to wash and, in appropriate circumstances, to change their clothes and take a shower; persons detained overnight should also be provided with toiletries (e.g. soap and towel, toothpaste, etc.) (paragraph 25);
- all persons detained for 24 hours or longer to be offered the opportunity of outdoor exercise every day (paragraph 25);

- the Greek authorities to take immediate steps to bring to an end the practice of holding persons, in particular immigration detainees, for prolonged periods in ordinary law enforcement detention facilities; they should be accommodated in centres specifically designed for such use, taking due account of the criteria repeatedly advanced by the CPT (paragraph 25).

holding facilities for aliens

recommendations

- with respect to all the centres visited:
 - repair work to be carried out immediately so that: all centres have functioning toilet and shower facilities with a constant supply of water, at an appropriate temperature; appropriate artificial lighting is installed, and access to natural light and ventilation improved.
 - all detainees to be allocated a bed/plinth and provided with a clean mattress and clean bedding;
 - occupancy rates to be revised so as to offer a minimum of 4m² of space per detainee;
 - all detainees to be provided with the necessary products and equipment to keep their accommodation clean, as well as with products for personal hygiene (i.e. toilet paper, soap, toothpaste, toothbrush, etc.);
 - all detainees to have unimpeded access to toilet facilities;
 - all detainees to be allowed to spend a large proportion of the day outside their cells and have at least one hour of outdoor exercise a day (paragraph 32).
- the Greek authorities to take the necessary steps to provide an appropriate range of activities for persons detained in holding facilities for aliens (paragraph 33);
- the Greek authorities to take resolute action to ensure that detention facilities for immigration detainees are adequately staffed by properly qualified and trained persons (paragraph 34);
- a systematic medical screening of all immigration detainees, including for transmissible diseases, to be introduced. Such screening should be carried out in a way that respects medical confidentiality (paragraph 35);
- an appropriate health-care service to be established for every detention facility for immigration detainees (paragraph 36).

Safeguards against ill-treatment

recommendations

- the Greek authorities to take immediate steps to ensure that all persons deprived of their liberty by law enforcement officials have an effective right to notify a close relative or third party of their choice of their situation, and to have access to a lawyer, as from the very outset of their deprivation of liberty (paragraph 38);

- the Greek authorities to review the existing arrangements concerning access to a doctor and the provision of health care for persons held in police stations, in the light of the remarks made in paragraphs 39 and 40 (paragraph 40);
- the Greek authorities to ensure that forms setting out the rights of persons brought into police custody be systematically provided to such persons, in the appropriate languages, at the very outset of their custody (paragraph 42);
- the Greek authorities to take immediate steps to ensure proper custody records are kept in all places where persons are deprived of their liberty (paragraph 43);
- the Greek authorities to develop and introduce an individualised custody record (paragraph 43).

requests for information

- the conclusions of the investigation concerning the case of death in custody in Omonia Police Station referred to in paragraph 41, including a copy of the autopsy report and information on any action taken (paragraph 41);
- steps taken to pursue the initiative to broaden the mandate of the Greek Ombudsman to carry out inspections of detention areas of the Hellenic Police (paragraph 44).

Prisons

Ill-treatment

recommendation

- the Greek authorities to deliver the clear message to staff at Korydallos Men's Prison that physical ill-treatment of prisoners is not acceptable and will be the subject of severe sanctions (paragraph 47).

request for information

- the results of the investigation into the case referred to in paragraphs 46 and 47 (paragraph 48).

Conditions of detention

recommendations

- the Greek authorities to take concrete steps to reduce the overcrowding in Korydallos Men's Prison and to improve the material conditions (paragraph 49);
- greater efforts to be invested to improve substantially the programme of activities on offer to prisoners at Korydallos Men's Prison (paragraph 50).

Health-care services

recommendations

- the Greek authorities to urgently re-examine the general state of the health-care services in prison establishments, in order that they might be compliant with the provisions of the law (paragraph 51);
- increased efforts to be made to hire additional qualified health-care staff (paragraph 51);
- the Greek authorities to take immediate steps to recruit, at Korydallos Men's Prison, the equivalent of at least two full-time general practitioners and four additional qualified nurses, one of whom should be a qualified mental-health nurse. Thereafter, the health-care staff should be progressively increased until the appropriate levels are attained (paragraph 52);
- every newly arrived prisoner to be properly interviewed and physically examined by a medical doctor as soon as possible after admission. Save for exceptional circumstances, that interview/examination should be carried out on the day of admission. Such medical screening could also be performed by a fully qualified nurse reporting to a doctor (paragraph 53);
- the Greek authorities to take the necessary measures to ensure that individualised medical records are systematically and comprehensively completed, and that medical confidentiality is guaranteed in accordance with the law (paragraph 54)

Other issues related to the CPT's mandate

recommendations

- the Greek authorities to review the current staffing levels at Korydallos Men's Prison, in the light of the remarks made in paragraph 55 (paragraph 55)
- the Greek authorities to ensure that all prisoners undergoing disciplinary punishment are offered at least one hour of outdoor exercise per day. Further, such prisoners should be provided with reading materials, if they so desire, and should be offered a shower at least once a week (more frequently if the circumstances warrant, taking into account the European Prison Rules) (paragraph 56);
- the Greek authorities to give due consideration to the possibility for an independent body, such as the Ombudsman's Office, to carry out prison visits, taking into account the remarks made by the Committee in its previous reports (paragraph 57).

requests for information

- the future purpose of the segregation units located opposite D and E Wings at Korydallos Men's Prison (paragraph 56).

APPENDIX II

**LETTER SENT BY THE PRESIDENT OF THE CPT
TO THE PERMANENT REPRESENTATIVE OF GREECE
ON 18 DECEMBER 2006**

Strasbourg, 18 December 2006

Dear Ambassador

Thank you for your letter of 21 September 2006 in which you provided the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) with a response in respect of the report drawn up by the Committee further to its periodic visit in August/September 2005.

The CPT appreciates the information provided by the Greek authorities, in particular as regards the section of the report dealing with psychiatry. However, it notes that no response has been provided in respect of some 25 recommendations contained in the visit report, concerning notably the sections on the police, foreigners and prisons. In the light of the response received and with a view to furthering our dialogue, I would like to make a number of initial observations on behalf of the Committee in respect of these three sections of the visit report.

Police establishments

In the visit report, the CPT highlighted several cases of alleged ill treatment by the police and border guards. Further, the Committee has, through its recommendations and remarks, identified the safeguards that could be reinforced in order to prevent ill-treatment. For example, it made concrete recommendations concerning the need for:

- a) independent inspection of police and border guard facilities;
- b) a standard forensic medical examination of an acceptable quality;
- c) a policy of appropriate sanctions for proven cases of ill-treatment.

./..

Mr Constantin Yerocostopoulos
Ambassador
Permanent Representative of Greece
to the Council of Europe
21, place Broglie
67000 Strasbourg

The CPT noted that in the response of the Greek authorities only limited attention was paid to the preventive measures of ill treatment proposed by the Committee. With the exception of paragraph 21, which addresses specifically the establishment of an independent police inspectorate, none of the Committee's remarks and recommendations receive proper consideration. This is very disappointing. The CPT's findings illustrate that the Greek authorities need to take a far more proactive stance as regards the prevention of ill treatment of persons in police custody. In the Committee's view the establishment, for example, of an independent police inspectorate would provide a clear signal that the Greek authorities are committed to tackling seriously the phenomenon of ill-treatment by the police.

Foreigner holding centres

As regards ill-treatment at the Venna special holding facility, the CPT has made various critical remarks on both the investigation carried out by the Rodopi police authorities and the quality of the examination by the Head of the Thrace Medical Forensic Service. Instead of addressing these issues in a considered manner, the response reiterates the position communicated to the Committee's delegation at the time of the visit; it does not address the concerns raised by the CPT as to the inconsistent, contradictory and unsatisfactory nature of the initial explanation given by the Greek authorities.

In respect of the specific case of Mr. G.Y.G. (paragraph 15 of the report), the response does not enable the CPT to assess whether he is being provided with proper care. The justification for his detention is not an issue for the CPT as long as the detention is lawful.

The CPT believes that foreign nationals who are administratively detained or whose sole misdemeanor is illegal residence should not be held in police stations, prisons or other facilities which replicate a purely carceral approach. It is for this reason that the Committee made its comments on the Petrou Rali special holding facility, with a view to adapting it to the specific needs of immigration detainees. In this respect, the CPT would appreciate receiving further information regarding the numbers held in this facility and the regime applicable to all the persons detained therein for the period June to September 2006.

In the response, welcome reference is made to setting up new special holding facilities for aliens, taking into account CPT standards. The Committee would like to receive more precise information about where such holding facilities will be established.

In this context, the CPT would also like to receive further information relating to the "modern" reception centre in Mytilini, with a capacity of 250, which is referred to in the response submitted by the Greek authorities but which does not appear in the list of such centres contained in Annex 1 to the response.

Prisons

A meaningful dialogue on prison issues is hampered by the fact that so many of the CPT's recommendations have not yet received a response. The Committee would appreciate receiving complementary information concerning these matters. Nevertheless, there are certain issues upon which the CPT would like to comment at this stage.

In relation to HIV positive prisoners, the CPT stated in paragraph 111 of the report on the 2005 visit that such prisoners should be integrated into the general prison population unless medical necessity demands a transfer to a health care facility. The CPT wishes to make clear that, unlike what is implied in the Greek authorities' response, it is not proposing special facilities for HIV positive prisoners in local prisons.

The Committee also has misgivings concerning the decision to leave {...} in Korydallos Women's Prison on duty within the prison, pending criminal proceedings against him. {...} should be setting a good example and the Greek authorities should be sending a clear message that all ill-treatment is unacceptable and will not be tolerated. An apology from {...} can hardly be considered sufficient to justify keeping him in his present position, especially as the CPT's delegation received more recent allegations about {...}, which it reported to the Greek authorities. The CPT would appreciate the comments of the Greek authorities on this matter.

The CPT looks forward to continuing its dialogue with the Greek authorities further to these initial observations.

Yours faithfully

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