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Executive summary

to the Report

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

from 14 to 23 April 2015

Strasbourg, 1 March 2016

EXECUTIVE SUMMARY

The purpose of the April 2015 ad hoc visit to Greece was to assess the implementation of the CPT's previous recommendations, notably those contained in the reports on the 2011 and 2013 visits. To this end, its delegation examined the treatment of persons in police custody and the practical application of safeguards surrounding their detention. A specific focus of the visit was to look into the effectiveness of investigations of police ill-treatment allegations. It also reviewed the treatment and detention conditions of inmates in several prison establishments, including Korydallos Prison Hospital, and examined the situation of juveniles and foreign nationals deprived of their liberty.

The delegation received, with a few exceptions, very good cooperation from both the Greek authorities and staff at the establishments visited. However, cooperation also entails that decisive action be taken to improve the situation in the light of the CPT's recommendations. This has still not happened. The findings of the 2015 visit demonstrate clearly that the situation in prisons has become critical and that urgent action is required for their recovery starting with tackling the excessive overcrowding and chronic understaffing in most establishments. Further, the serious problem of police ill-treatment needs to be fully recognised and a mechanism put in place to effectively investigate ill-treatment allegations.

Police custody

In the course of the 2015 visit, the CPT's delegation received a significant number of credible allegations of excessive use of force by police officers – particularly by the DELTA motorcycle police unit in Athens – during and after apprehension, some of which were supported by medical and other evidence. A full and effective inquiry into the methods used by DELTA motorcycle police officers when apprehending persons is recommended. It also appears that the infliction of ill-treatment by police officers at the Security Departments particularly against foreign nationals, including for the purpose of obtaining confessions, continues to be a frequent practice – notably at Agios Panteleimonas Police Station in Athens and at Demokratias Police Station in Thessaloniki.

The CPT also urges the Greek authorities to fully acknowledge the extent of the widespread and deep-rooted problem of ill-treatment within the ranks of the Hellenic Police and calls for a comprehensive strategy and determined action to combat this phenomenon. Law enforcement officials should be continuously reminded, including from the highest political level and through appropriate training, that any form of ill-treatment of detained persons – including physical and/or verbal abuse, racist behaviour and threats – constitutes a criminal offence and will be prosecuted accordingly. Recommendations are also made to monitor police interviews through audio and/or video recording and to promote appropriate methods of police investigation as well as to develop a culture change within the Hellenic Police whereby it is regarded as unprofessional to resort to ill-treatment.

Almost none of the detained persons met who alleged police ill-treatment had filed a complaint, citing *inter alia* fear of retribution or harsher sentences and lack of information. Further, the requirement of paying a fee to lodge an official complaint about ill-treatment should be changed. In those rare cases where a complaint was made or information on police ill-treatment otherwise emerged, the CPT's findings from the 2015 visit once more indicate that the current system of investigations into allegations of ill-treatment is characterised by a number of systemic failings by the police and judicial authorities. Investigations often do not meet the basic requirements of effectiveness as defined by the case law of the European Court of Human Rights and the relevant standards of the CPT.

The CPT's delegation consulted a number of investigative files, from which it emerged that the action taken by the prosecutorial authorities to investigate the very serious allegations of police ill-treatment set out in the CPT's 2013 report and in other specific cases is manifestly insufficient. This raises serious concerns about the commitment of the Greek authorities to combat impunity within the Hellenic Police. The delegation again received frequent claims from detained persons about the passive role of prosecutors and judges when ill-treatment allegations were brought to their attention. The Committee recommends ensuring the accurate and timely documenting and reporting of forensic medical evidence and aligning the definition of torture provided in Article 137 A of the Criminal Code with international standards. It also reiterates its recommendation for the creation of a fully independent and adequately resourced police complaints body.

The CPT reiterates that formal safeguards against ill-treatment (including the rights of notification of custody, access to a lawyer and access to a doctor) do not for the most part apply in practice from the very outset of a person's deprivation of liberty and more generally remain ineffective, despite the existence of clear rules. It also raises serious concerns as regards the respect of confidentiality in the lawyer-client relationship and recommends that custody registers are properly maintained and that they accurately record the presence of suspects in a police establishment and/or their placement in a cell.

With respect to material conditions, the recent policy change aimed at preventing overcrowding and, as far as possible, no longer holding irregular migrants in police stations has significantly alleviated the situation. Nevertheless, the detention conditions were generally poor due to a manifest lack of hygiene and maintenance. The Greek authorities should take steps to remedy the shortcomings identified.

Prison establishments

The findings of the 2015 visit highlight that the main problems of overcrowding and chronic shortage of staff persist and that the Greek prison system is reaching breaking point. These two overarching problems compound the many additional serious shortcomings in the prisons visited, and particularly the insufficient and inadequate provision of health-care services. The situation has now deteriorated to the point where over and above the serious ill-treatment concerns under Article 3 of the European Convention on Human Rights (ECHR), there are very real right to life issues under Article 2 ECHR, in as much as vulnerable prisoners are not being cared for and, in some cases, are being allowed to die.

The CPT acknowledges the recent steps taken by the Greek authorities which have resulted in a noticeable reduction in the prison population. Nevertheless, further efforts need to be made to promote alternatives to imprisonment and to move away from the current situation whereby prisons in Greece are merely acting as warehouses. To this end, the CPT welcomes the Ministry of Justice's commitment to devise a strategic plan for the prison system and recommends that such a plan be drawn up within six months, following a needs assessment and consultation with all relevant parties.

While almost no allegations of physical ill-treatment of inmates by staff were received, inter-prisoner violence and intimidation remains a serious problem; cases of hospitalisation of inmates due to severe injuries inflicted by other inmates were a feature in all the prisons visited. This was particularly the case at Korydallos Men's Prison, where wings of some 350 to 400 prisoners were staffed by only one or two custodial officers – a situation that could be likened to a boiling cauldron left to simmer away with violent eruptions every few months. The time has come for the Greek authorities to recognise the extent of the problem and to tackle it forcefully, by devising an effective national strategy to prevent inter-prisoner violence and intimidation. This will require radically increasing staffing levels, introducing a dynamic security approach and rigorously investigating and prosecuting the perpetrators.

The living conditions in the prisons visited were generally very poor and the 1999 Prison Law provisions on accommodation standards and norms for a safe environment to be provided to each prisoner are simply no longer adhered to. Some of the conditions encountered, notably at Korydallos Prison Hospital and at Nafplio Prison, can easily be considered as amounting to inhuman and degrading treatment. As regards the general daily routine in prisons, the range and number of purposeful activities and work opportunities available remains totally insufficient. The Committee makes specific recommendations to address the current conditions and requests that the Greek authorities provide a clear timetable with specific benchmarks regarding their implementation.

The CPT is particularly concerned that there has been no improvement in the provision of health-care services in prisons. Underlying the widespread deficiencies is a severe shortage of health-care staff and a complete lack of integrated management of health-care services. The Committee recommends that the Ministries of Justice and Health jointly review the state of health-care services in prisons and draw up a detailed plan to ensure that prisons meet the general principle of equivalence of care. Further, a series of recommendations are made *inter alia* to reinforce health-care staffing levels, guarantee medical confidentiality and ensure that HIV-positive prisoners are treated equally with other prisoners. The Greek authorities should also put in place a practice of carrying out effective investigations into deaths in custody, starting with the cases raised in the report by the CPT.

The situation in Korydallos Prison Hospital was so drastic at the time of the 2015 visit, notably in terms of overcrowding, extremely poor hygiene and understaffing, that the place could be compared to a dumping ground for sick prisoners who are subsequently neglected and not provided with the care required. The Greek authorities should take immediate steps to undertake, as a matter of urgency, a full review of the prison hospital and put in place a plan to resurrect it as a place of care.

Moreover, the Committee makes recommendations to urgently review and increase staffing levels in all prisons, improve prisoners' contact with the outside world and introduce a formal complaints system.

Children deprived of their liberty

Several detained juveniles alleged that they had been ill-treated by police officers upon apprehension or while held in police custody. Further, they claimed that they had been questioned and made to sign documents (confessions or other statements) without the presence of a lawyer and/or a trusted person. The Greek authorities need to take rigorous action to ensure that existing safeguards operate in practice from the outset of a juvenile's deprivation of liberty. Further, the CPT considers that juveniles should not be held in detention in police stations for more than 24 hours; instead, at present, periods of ten days or longer in inadequate conditions and without an appropriate regime are not uncommon. Moreover, children should never be detained in police custody because of the actions of their parents or the lack of alternative accommodation possibilities or care arrangements.

The Special Juvenile Detention Facility in Corinth Judicial Prison does not provide a supportive environment for juveniles and efforts should be made to upgrade the material conditions, enhance the provision of organised activities and ensure that staff working with the juveniles are appropriately trained and supervised. In particular, the legal provisions regulating the placement of juveniles in solitary confinement as a disciplinary punishment should be amended. More generally, the Committee urges the Greek authorities to review the current approach towards the detention of juveniles with a view to providing them with a more juvenile-centred and supportive environment.

Placing unaccompanied minors for several days or weeks in police stations or special holding facilities such as Amygdaleza or Petrou Ralli instead of providing them with accommodation in an appropriate shelter for juveniles is unacceptable. The Greek authorities should make every effort to end this practice. If exceptionally unaccompanied minors are deprived of their liberty as a last resort, additional safeguards should apply and they should only be held in suitable facilities with properly trained staff and an appropriate regime.

Foreign nationals held under aliens legislation

The actions taken by the Greek authorities in early 2015 such as the use of alternatives to detention, the limitation of the maximum period of detention to six months and the release of vulnerable groups, asylum seekers and long-term detainees has significantly reduced the number of persons held in pre-departure centres.

However, the concept for the operation of pre-departure centres is still based on a security approach with detainees treated in many respects as criminal suspects. The Committee reiterates its recommendation that irregular migrants be held in centres specifically designed for that purpose, offering material conditions and a regime appropriate to their legal situation and staffed by suitably-qualified personnel. Further, urgent action should be taken to address the lack of any health-care staff at Corinth pre-departure centre.

The conditions at Petrou Ralli Special holding facility remained totally inadequate for holding irregular migrants for prolonged periods, and the Committee makes recommendations to remedy the poor material conditions and lack of activities. The Greek authorities should also guarantee an integrated approach to the delivery of health care and put in place comprehensive procedures and training to monitor and prevent acts of self-harm and attempted suicides.