



CPT/Inf (2010) 34

## **Response**

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

**from 17 to 29 September 2009**

The Government of Greece has requested the publication of this response. The report of the CPT on its September 2009 visit to Greece is set out in document CPT/Inf (2010) 33.

Strasbourg, 17 November 2010

*Note:*  
*In accordance with Article 11, paragraph 3, of the Convention, certain names have been deleted.*

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**Response of the Ministry of Citizen Protection relating to the police and aliens sections of the  
CPT's visit report**

**HELLENIC REPUBLIC  
MINISTRY OF CITIZEN PROTECTION  
HELLENIC POLICE HEADQUARTERS (A.E.A.)  
SECURITY & ORDER BRANCH  
ALIENS DIVISION  
1ST DEPARTMENT OF IMMIGRATION &  
ADMINISTRATIVE MEASURES/3RD OFFICE**

**EXTREMELY URGENT**

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Ref.No: 6634/1-852497

Athens, September 24, 2010

**TO THE  
MINISTRY OF FOREIGN AFFAIRS  
DIRECTORATE D3 OF OESC and CoE  
3, Academias St., Athens 10671  
NOTIFY TO: LIST OF ADDRESSEES**

**SUBJECT: "2009 Report of the European Committee for the Prevention of Torture (C.P.T).  
Submission of responses received by the competent Greek organizations on the  
Committee's recommendations, comments and requests for information."**

**REF:**

- a) Your document Ref.No Φ.6602.3/38/ΑΣ 205 of 14.04.2010 [*with the thereto attached report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe (C.P.T.).*]
- b) Your document Ref.No Φ.6602.3/49/ΑΣ 211 of 08.06.2010 [*with the thereto attached document Ref.No 10.488 of the Ministry of the Interior, Decentralization and E-Governance.*]
- c) Our document Ref.No 6634/1-1225474 of 12.11.2009 (*response to the Committee's preliminary conclusions.*)
- d) Our document Ref.No 6634/1-848516 of 25.01.2010.
- e) Our document Ref.No 6634/1-849014 of 17.02.2010.

A.- In reply to the above referenced document (a) and next to our above referenced documents (d) and (e) regarding the chapter of the above CPT Report which refers to us, we would like to inform you the following, with regard to the quoted paragraphs (*recommendations/provision of information*):

**II.) FACTS FOUND DURING THE VISIT AND ACTION PROPOSED:**

**A.- Law enforcement agencies:**

**2.- Torture and other forms of ill-treatment:**

**Paragraph 17:** Case of alleged rape threat by officers of the General Police Directorate of Thessaloniki.

(1) With regard to the case referred to in paragraph 17 of the C.P.T. Report, no administrative investigation was carried out due to the absence of specific information. In particular, the wording of paragraph 17, ‘... alleged threats of rape made by police officers, based in Thessaloniki...’, **only establishes the geographical location of the events of the complaint in the Prefecture of Thessaloniki**, without specifying the Police Agency (Police Station, Security Department or other) where these events supposedly took place. Moreover, according to the Report ‘In the 2009 case, a young man claimed that at the time of his apprehension he was threatened with rape... while a police officer stood astride him and simulated ...’, without again giving us any specific information, like the nationality, the identification data of the alleged victim, the date of the incident, the offence for which the alleged victim was arrested or any other data capable of helping us in identifying the case. As the complaint is vague and difficult to prove by its nature, any investigation would be objectively fruitless.

Our Department, if we receive specific information on this case, will immediately order the conduct of a Sworn Administrative Investigation in order for the proper disciplinary sanctions to be imposed on any culprits.

In the light of the above, and if the necessary for the investigation of this case information is not made available to us, **the possibility of the elimination of this point from the C.P.T. Report should be examined.**

(2) Case of mistreatment at the Serres Police Station:

a.- A delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (C.P.T.), formed by six (6) of its members, visited on September 21, 2009 during the hours from 15:45 to 18:30 the holding facility of the Serres Police Station, where (19) persons were held, specifically (6) Greeks and (13) foreign nationals, of whom (7) to be deported. The CPT’s delegation interviewed all the detainees and especially the foreign nationals, who were asked if they were aware of the reason for their detention, if they had been informed of their rights and if due process had been complied with in their cases and asked about the conditions of their detention. Moreover, the CPT’s delegation visited the sanitary installations of the holding facility and received information by the Police Station Commanding Officer about cleaning, disinfection, linen and about the detainees’ medical care. The CPT’s delegation was also interested to know if there were separate holding premises for women and minors, and received also information about the numbers of detainees and periods of detention on the basis of the relevant register.

**b.-** The CPT's delegation, in its presentation of the initial preliminary conclusions of its 5<sup>th</sup> periodic visit to Greece which took place on September 29, 2009 at the Ministry of Foreign Affairs, apart from its other points referred to the case of the alleged mistreatment of a minor in the Serres Police Station. Specifically, a detainee complained to the CPT's delegation that four months ago, in the course of his interrogation by the police, a bag had been placed on his head. According to the CPT's delegation, if this complaint is true, the relevant conduct constitutes torture. Despite the fact that, even though requested, the CPT's delegation did not provide any additional information and therefore the complaint remained vague, the Hellenic Police Headquarters ordered a Sworn Administrative Investigation into the case.

Note is made that in the official text of the preliminary conclusions of the CPT's delegation the case was included in the police issues, with the comment: 'The CPT is particularly concerned by an allegation received concerning members of the Serres Security Police, who were said to have placed a plastic bag over the head of a criminal suspect during questioning....

**c.-** Such grave incidents, if they take place, are discussed among the detainees, do-defendants, lawyers, interpreters etc. or a complaint is made to the Public Prosecution office at the time that the detainee is brought in. From the statements taken in the framework of the administrative investigation no such incident was verified, while it was proven impossible to identify the allegedly mistreated detainee in order to be interviewed, and therefore it is legally impossible to attribute responsibility to any police officers.

In addition to the above, on the basis of the relevant document issued in response to this point by the Public Prosecution Office of the Serres First Instance Court, it was established that no eponymous or anonymous charges have been made regarding the mistreatment of a detainee in the holding facility of the Serres Police Station.

**d.-** Whereas the Sworn Administrative Investigation which was carried out did not bring to light any evidence capable of substantiating a disciplinary offence on the part of any police officer, while moreover no ex officio prosecuted criminal offence was established, by decision of the competent decision-making instrument (*General Police Director of Central Macedonia*) the case was terminated from the disciplinary point of view.

**Paragraph 18 Case 1 and Paragraph 19: Request for information regarding the case of the alleged ill-treatment of D. P. (on 19.09.2009 in Patras):**

**(1)** To the end of investigating the complaint regarding the mistreatment of the above individual on Agiou Ioannou Protsika Street near the corner with Eleftheriou Venizelou Street in Patras (on 19.09.2009), a Sworn Administrative Investigation was conducted, which established the following:

**a.-** Two police officers (one Warrant Officer and one Constable), serving at the Emergency Police Response Station of the Achaia Police Directorate, on 19.09.2009, while on an 8-hour duty from 06:00 to 14:00 and driving around Patras on a patrol car driven by the first of said officers, at 10:00 am saw on the same street a motorcycle without license plates heading to the center of the city, while its driver (D. P.) was not wearing a protective helmet.

**b.-** The driver stopped at the junction of the two above-named streets because of a red light, and the two officers decided to check his papers.

To that end, the driver of the patrol car approached from the left side the motorcycle and the officer sitting on the passenger seat asked from his open window the driver of the motorcycle to park the motorcycle and turn off the engine. Indeed, he parked at a suitable position on the right side of Agiou Ioannou Pratsika Street. The two officers descended from the patrol car and started checking his papers. At that point, the motorcycle driver's brother, A. P., arrived there driving another motorcycle. The check showed that apart from the fact that the motorcycle didn't have any license plates and it's driver did not wear a protective helmet, the latter furthermore did not have with him his driver's license and insurance policy.

Additionally, when the two officers checked the electronic Police files, they found out that the driver of the motorcycle had been sentenced by virtue of decision by default No 310 of 26.03.2009 of the One-Member First Instance Criminal Court of Dymi, Achaia Prefecture to seven (7) months in prison.

The two officers immediately notified this to the driver and told him that he had to park his motorcycle and get into the patrol car in order to go to the Patras Security Sub-Directorate for further action.

In the meanwhile, the motorcycle driver's brother had left the location, not at the recommendation of the police officers but at his own initiative, to go to their house and return bringing with him the documents that the driver did not have on him in order to avoid a traffic violation ticket.

**c.-** When he heard that he had to go to the Security Sub-Directorate, D. P. did not appear to have the intention to follow the recommendations of the two officers and initially refused, according to their testimonies, to follow them declaring that he was not going anywhere, that he was not a chance person but well-known in Patras as he owns there two shops and a hotel and that he was going to call his father, who supposedly was well-connected.

**d.-** The two officers then, calmly and politely, as was also their manner when they testified, again told him that he was required under the law to follow them to the Patras Security Sub-Directorate in view of the sentencing decision which was pending against him and asked him to follow their recommendations and get into the patrol car. However, he insistently refused to comply.

Then, the Warrant Officer took him from the arm, without exercising any other violence, in order to put him inside the patrol car.

However, at that point P., according to the testimonies of both officers, reacted violently and physically, considering that he first pushed with both his hands the Warrant Officer away and then attacked with punches first the Constable and then the Warrant Officer, who rushed to assist his partner, hitting him in various parts of his body.

The two officers defended themselves against the attack against them and acting jointly, with a lot of effort, managed to push P. back and immobilize him, after all three had fallen to the ground during the affray, which at that location is not smooth and full of rocks because of the highway construction works being carried out, and then handcuffed him. Indeed, as both officers unequivocally testified, P. even after being handcuffed never stopped trying to hit them with his legs and head, while at the same time he insulted, threatened and called them names.

**e.-** The two officers then carried him initially to the Patras Security Sub-Directorate, where he continued to insult and threaten them. From there, by another patrol car and with the escort of other officers, he was taken to the 3<sup>rd</sup> Police Station of Patras, which has local jurisdiction, after being first transferred to the District University Hospital of Rio at his request, for the necessary medical treatment of his injuries.



In the meanwhile the two police officers drove to said Police Station where they filed charges against P. for violation of Articles 167, 169, 198, 308, 361 and 333 of the Criminal Code and then also went to the hospital in order for their injuries to be treated.

**f.-** At 19:20 hours of the same day, after giving his statement, P. filed charges against the two officers for the injuries sustained during their altercation, i.e. for violation of Article 308 of the Criminal Code. The two officers, at the time of the filing of the charges against them, had already left from the 3<sup>rd</sup> Police Station (*after filing their complaints*) and therefore warrants were issued for their apprehension; however, as evidenced by the criminal case file, at 07:30 hours on the next morning they presented themselves of their own accord at the Police Station and were arrested.

Then, following the case-files opened against all parties, they were all taken at 10:00 hours on 20.09.2009 to the Public Prosecution Office of the Patras First Instance Criminal Court, where criminal proceedings were instituted, all parties were released and the continuation of the summary investigation was ordered. With regard to P., he was detained and released at 12:40 hours on the following day (21.09.2009) by virtue of Public Prosecution Order No 68/21.09.2009, which released him from the performance of the sentencing decision pursuant to Article 25 para.5, Law 1882/1990 on the grounds that he had settled his debt to the State.

**g.-** With regard to the causes and circumstances under which the incident took place and consequently the injuries observed by C.P.T. which P. sustained during his fight with the police officers, the assertions made by the parties involved about the true facts are diametrically opposite. In particular, as evidenced both on the basis of the preliminary case file, as well as by the information established in the framework of the Sworn Administrative Investigation:

**i)** The two police officers denied emphatically that they had assaulted without cause and hit P., testifying instead that it was he who attacked them without reason when they told him that he would have to get into the patrol car in order to go to the Patras Security Sub-Directorate and attempted to make him get into the car after he insistently refused to do so of his own will and after they had exhausted all the milder means at their disposal, trying to no avail to persuade him to do as they told him.

**ii)** They moreover claimed that all their actions were entirely lawful and within the scope of their official duties, since in the first place P. had violated the Traffic Code and could receive a ticket, and in the second place there was a sentencing decision pending against him and therefore he had to be taken to the Security Sub-Directorate. In refusing insistently to comply with their lawful instructions, he had already committed the offence of contempt which is ex officio prosecuted as a misdemeanour, in addition to the other offences listed in the report of the 3<sup>rd</sup> Patras Police Station which accompanied the criminal case file. As to the injuries suffered by P., the two officers attributed them exclusively to his strong resistance and to the fact that he fell on the ground, which was very rough with rocks strewn all around because of the construction works taking place there, and claimed that in any event they were defending themselves against the attack against them and were not over-enthusiastic in their actions nor exceeded the necessary measure given the circumstances.

**h.-** P., on the contrary, stated that while he was being checked by the police, after the officers informed him on the basis of the identity particulars that he gave them (considering that he did not have with him his identity card) that there was a sentencing decision pending against him at the Patras Security Sub-Directorate, and while he was on his cell phone talking to his father and informing him about the situation, suddenly and without any cause one of the officers attempted to handcuff him and while he instinctively reacted telling them: 'one minute guys', he was hit on his right eye with the handcuffs by the same officer, who kept the two handcuffs together in his hands. He then felt faint and fell on the ground, while the two officers acting together handcuffed him, pushed him on the back seat of the patrol car and led him to the Security Sub-Directorate and then to the 3<sup>rd</sup> Police Station (*after he had been previously taken for a while to the 5<sup>th</sup> Police Station which has local jurisdiction and then to the Rio Hospital for his injuries to be treated*). When asked in this connection, he replied that his conduct vis-à-vis the officers had been proper at all times and that he could not explain on the basis of common reason his violent treatment by the two officers.

Note is made that at the crucial time of the altercation there was no other eye witness and therefore the only reliable evidence available, on which the investigation was based, were the testimonies of the three parties involved and the relevant forensic reports.

**i.-** The two officers, correctly and lawfully, always acting within the scope of their official duties, decided to give P. a ticket for the traffic violations, which they did giving him an administrative fine in the total amount of five hundred and ten (510.00) Euro, by virtue of violation certification Ref.No -820000059504-.

With regard to the sentencing decision which was pending against P., the two officers again acted lawfully, when they informed him of this decision and asked him to get in the patrol car in order to be driven to the competent Security Sub-Directorate for further processing in accordance with the provisions in effect, meaning Article 107 para.1(b) and para.2, Presidential Decree 141/1991 in conjunction with Article 123 para.1, 2(c) and 10 of the same Presidential Decree (preparation of an arrest report at the Security Sub-Directorate, appearance before the Public Prosecution etc.)

**j.-** It was after these actions that, according to the testimonies of the police officers, P. began to manifest his unwillingness to obey which was quickly turned into a refusal to comply with their legal instructions and get into the car. However, considering that he had thus committed in the first place the offence of contempt, which is created and punished as a misdemeanour by Article 169 of the Criminal Code, in flagrante delicto under Article 242 of the Code of Criminal Procedure and as an accomplished fact, his arrest was justified without need for any further formalities under Article 275 para.1 in conjunction with the provisions of Articles 417 and 418 et seq. Of the Code of Criminal Procedure.

P. of course claimed that he never showed contempt for the officers' orders, that his whole conduct vis-a-vis the officers was proper, that he simply tried to talk with his father and that suddenly the officers became violent against him without any reason, attempting to handcuff him and that one of them used the handcuffs to hit him in the eye (*his assertions appear unsubstantiated since it stands to reason that if he had complied with their instructions no situation would have arisen, nor would the officers have resorted to violence against him*).

After all, as the two officers testified, their testimonies having been objectively accepted as true, even though they had allowed P. to talk for a while on his cell phone to his father in order to let him know, still he refused insistently to get into the patrol car.

**k.-** Thus, the police officers, having acted lawfully and taking into consideration the combined provisions of Article 178 para.2 of the Code of Criminal Procedure and Article 120, Presidential Decree 141/1991, and having previously exhausted all margins in their attempt to avoid exercising necessary violence against P., and principally their persuasion, and having asked him repeatedly to comply with their entirely lawful instructions, were de facto obliged to use the recommended minimum possible violence. More specifically, the Warrant Officer simply took P. by the arm asking him mildly to get into the police car, without exercising any further physical violence. At this point exactly P., according to the emphatic testimonies of both officers, turned physically violent against them, attacking first the Constable, who tried to defend himself, and then the Warrant Officer, hitting him too. Consequently, the police officers escalated the use of physical violence, without however using anything as an arm (*e.g. their batons*), and with only their hands they managed with some effort to curb his resistance, to handcuff him and to take him to the Security Sub-Directorate.

**l.-** It was also objectively and fairly assessed that the two officers did not exceed the necessary measure in their exercise of physical violence, and their actions were found lawful and appropriate. In particular, P.'s assertions that, while he was talking to his father, the officers attacked him without any cause and started hitting him, were not considered to be honest and were not accepted, because they lacked any confirmation and mainly because they didn't stand to reason. This because the police officers, according to their testimonies, which according to the reasonable order of the events were accepted as true, treated him politely and mildly and allowed him to make a short call to his father through his cell phone. However, P. did not show any intention to comply with their repeated lawful instructions, despite the fact that he had been fully informed of the reason why he was being taken to the Security Sub-Directorate, and therefore they were forced to use, in the first place, the minimum possible violence (*note: they took him by the arm asking him at the same time to get into the police car, they didn't push him or pull him violently into the car, which would indeed constitute an excess of the necessary measure*) and then to escalate their use of physical violence, taking into account the intensity of P.'s attack against them, without again exceeding the necessary measure, but trying with their hands to push him off, and remaining according to an unbiased assessment within the absolutely necessary measure, and therefore within the lawful scope of their authority as prescribed by the applicable provisions (*Article 278 para.2 of the Code of Criminal Procedure and Article 120 para.2, Presidential Decree 141/1991 in conjunction with Article 22 of the Criminal Code*).

Therefore, the two police officers in question, as it was reasonably established, in the course of the apprehension of said citizen were not over-enthusiastic, did not exceed the necessary measure in their exercise of physical violence and did not violate the fundamental principle of proportionality, according to which the adoption of violent measures by the police is only justified if used exceptionally and if absolutely necessary for the apprehension, no violence must be used against the apprehended person unless necessary and no handcuffs must be applied unless the person resisting arrest is suspect of fleeing justice, while the assessment of whether these material conditions are met or not is left to the apprehending officer.

**m.-** All the parties involved in the incident were examined by the Forensic Department of Patras, which diagnosed in all three parties various injuries and recommended that the two officers take two days off duty and P. take five days off his work, referring indeed, probably mistakenly, to grave physical injury (*such characterization would not comply with only five days off work and absence of long hospitalization, considering also the provisions of Article 310 para.2 of the Criminal Code*).

On the day following their arrest (20.09.2009) at 10:00 hours, all the arrested parties (*civilian and police officers*), after filing charges against each other, were led by officers of the 3rd Police Station of Patras before the Public Prosecution Office of Patras, where criminal proceedings were instituted at their expense, they were all released and the continuation of the summary investigation was ordered. Of course, P. due to the sentencing decision that was pending against him, remained in custody at the Security Sub-Directorate of Patras and was released at 12:40 hours on the following day (21.09.2009), after the decision was settled, by virtue of Order No 68/21.09.2009 of said Public Prosecution Authority. The cases are still pending before justice.

(2) In the light of the above, and as established by the Sworn Administrative Investigation:

a.- The two police officers acted correctly and lawfully in principle and within the scope of their official duties, considering that the civilian driver of the motorcycle, D. P., had violated the traffic code as above mentioned, which led them to give him the prescribed traffic ticket in the amount of (510.00) Euro.

b.- When they checked his papers and found that decision No 310/26.03.2008 of the One-Member First Instance Criminal Court of Dymi, Achaia Prefecture, issued by default and sentencing said civilian to seven (7) months in prison, was pending against him, they again acted lawfully and asked him to get into the patrol car in order to be taken to the Patras Security Sub-Directorate for further processing of his case, without using any violence initially. However, they then found it necessary to use violence because of the motorcycle driver's insistent refusal to comply with their lawful instructions and his strong resistance, but again acted in accordance with the principles of clemency and proportionality, considering that they never exceeded the absolutely necessary measure and never used violence after the motorcycle driver's apprehension.

c.- No responsibility was established for the two police officers in connection with the charges filed against them by the motorcycle driver, since the injuries to his face, which the CPT's delegation witnessed when they visited the holding facility of the 3<sup>rd</sup> Police Station of Patras where he was being held on 19.09.2009 at 22:00 hours, had not been caused as a result of the police officers' intentional beating, having instead occurred in the course of the fulfillment on their part of their lawful official duties, pursuant to Criminal Code Articles 20 and 22, following the apprehended driver's strong resistance and the fall of all parties involved in the altercation on the rough ground, not on the floor of the Police Station premises.

For these reasons, the competent decision-making instrument (General Police Director for the Region of Western Greece) in charge of hearing the case, terminated it from the disciplinary point of view, subject to Article 49 of the same Presidential Decree which calls for a repeat disciplinary proceeding if a final and irreversible criminal conviction decision is issued.

**Paragraph 18 Case 2 and Paragraph 19: Request for information regarding the case of the alleged ill-treatment of Bulgarian national Z. E.:**

A Sworn Administrative Investigation was carried out into the above-named foreign national's complaints of ill-treatment and failure of medical examination, which established the following:

(1) On the second day (21.09.2009 at approximately 10:20 hours) of the visit of the delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (C.P.T.) which made its 5<sup>th</sup> periodic visit to Greece, in the Police Hall of Thessaloniki (the first day's visit was on 20.09.2009 at 17:00 hours), the CPT's delegation entered the holding facility of the Thessaloniki Security Directorate and talked to detainees.

(2) In the holding facility at that time there were (59) detainees in total, of whom (42) were on their way to prison. The delegation members remained until about 10:40 hours in the Offices of the Duty Officer and Deputy Officer, asking questions about the total number of detainees, the number of new detainees that entered the holding facility on 21.09.2009 and then asked to visit two (2) minor detainees. At approximately 10:40 hours they entered the holding facility and talked to the minor detainees and to women detainees, without the presence of police officers, for approximately (1) hour. At 12:20 hours, after the conclusion of the visit and after they had finished talking with the detainees, they informed the Thessaloniki Security Directorate that the right hand wrist of the above-named foreign national, held at the White Tower Security Department since 19.09.2009 for theft, was swollen. The CPT's delegation was forthwith informed that up to that point the detainee had not complained of any injury, had not asked to be seen by a doctor and that had she asked for a medical examination her request would have been immediately satisfied. Indeed, in support of this argument,

it was suggested to the Delegation to check the Directorate's Register of Offences-Incidents, where they were able to confirm the entries of other detainees' transfers to the hospital upon their request, while the same Register showed the entries-exits of the detainee and her two accomplices (K. S. and S. M.) from the premises for fingerprinting, for visits to the Public Prosecutor, Investigating Magistrate etc. In addition to the above, the CPT's delegation was informed that the detainee, if she considered responsible for her injury a certain police officer, was entitled to make a complaint or bring charges, which she hadn't done to that point. The delegation's impression, according to what they said in their talks with a high-ranking officer of the Thessaloniki Security Directorate, regarding the operation of the holding facilities was positive, and they again stressed the impeccable conduct of the officers serving in the holding facilities towards the detainees.

(3) Z. E. was arrested on 19.09.2009 at approximately 14:10 hours by men of the Thessaloniki Directorate of Emergency Police Response for the theft of a handbag together with her accomplices, two other Bulgarian nationals K. S. and S. M., and they were all led to the White Tower Security department.

The White Tower Security Department then sent Bulgarian nationals K. S., Z. E. and S. M., with the escort of police officers, to the Public Prosecutor of the Thessaloniki First Instance Criminal Court, with the charge of violation of Article 372 in conjunction with Article 45 of the Criminal Code 'complicity to theft', because on 19.09.2009 at approximately 14:10 hours, in Timiski Street, Thessaloniki, inside the 'H&M' store, the perpetrators acting jointly approached foreign national S. B., a national of FYROM, and the first perpetrator removed from her bag her wallet, with the second perpetrator providing cover with her body so that her act would not be perceived, while the first perpetrator immediately passed the wallet to the third perpetrator who moved toward the store exit. Their act was perceived by T. T., who informed the victim and followed the perpetrators to the junction of Aristotelous and Mitropoleos Streets, where they all ran. There, the perpetrators after searching the wallet, removed its contents and threw it in a garbage bin, and then moved away out of the civilian's field of view. However, a few minutes later he managed to locate them again in the junction of Mitropoleos and Agias Sofias Streets, where he showed them to the officers of the 'Z' Force of the Thessaloniki Directorate of Emergency Police Response who arrested them and took them to the above Security Department. The victim picked up her wallet from the point where the perpetrators had thrown it, and saw that the amount of (1,200.00) Euro had been removed from inside, as she told the witness, and then left the location because she was on her way back to her country. The stolen amount was not found in the possession of any of the three perpetrators.

Note is made that in the course of the processing of the case-file against them, they were given informational leaflets about the detainees' rights, and they never expressed any complaints of ill-treatment either to the interpreter, Bulgarian national H. E., or to their defense attorney S. T.. Also, when they were taken to the Public Prosecutor and to the Investigating Magistrate, again they never complained of undue conduct on the part of the police officers against them.

(4) On the basis of the sworn statements taken in the framework of the Sworn Administrative Investigation:

a.- Of the police officers involved in the whole process, from the arrest of the foreign culprits to their transfer to the White Tower Security Department, i.e. (36) officers in total, it was established, inter alia, that they never manifested any reaction or resistance and therefore there was no violence involved.

**b.-** Of Police Deputy Director Pavlos GEORGIADIS, it was established, inter alia, that when a detainee asks to be transferred to a Hospital for health reasons, then his/her request is immediately satisfied and the incident (*transfer-return*) is entered into the Register of Offences – Incidents. The foreign national in question never asked to be examined by a forensic medical officer (*her right hand wrist was swollen*); if she had made such a request, it would have been immediately satisfied. The detainee did not mention that she had been ill-treated by the police either to her interpreter or her attorney, who speaks excellent Bulgarian, or to the Investigating Magistrate when she was taken to him, and the Police Deputy Director believes that the detainee probably talked of ill-treatment to the CPT's delegation because she thought that she could manage thus to mitigate her position in connection with the charges against her. Finally, he mentioned that the CPT's delegation, one day prior to the detainee's complaint, had visited the holding facility, inspected it and talked with the detainees, without receiving any complaints of ill-treatment from the above-named Bulgarian detainee, despite the fact that she had every opportunity to talk to them, considering that they were inside the holding facility talking with the people held there, without the presence of police officers. Additionally, he noted that detainee Z. E., even after her complaint to the CPT's delegation, never asked to be examined by a forensic medical officer.

**c.-** Of said foreign national's attorney S. T., it was established, inter alia, that said foreign national did not mention to him, in either of his two visits to her, anything else apart from the circumstances of the theft, and that he did not witness any signs of ill-treatment on her body, that during her visit to the Investigating Magistrate her partner was also present, who again did not mention anything to him (the attorney) about any ill-treatment. Similarly, he was not told anything about any ill-treatment by her two Bulgarian co-defendants, whom he also represented. He was informed of said foreign national's complaints of ill-treatment by the White Tower Security Department, when he was asked about what he knew about the matter. If said foreign national had been subject to ill-treatment, then she would have told him or her partner, because she had no reason to conceal it.

**d.-** Of citizen H. E., who acted as Z.'s interpreter, who said, inter alia, that in September 2009 in the course of the exercise of her duties as an interpreter, she did not receive any complaints from any detainee, whether male or female, of police ill-treatment, and added that whenever she had been summoned to provide her services as an interpreter the police officers had always strictly complied with the formalities.

**e.-** Of citizen T. T., who pointed the three (3) women, including the complainant Z., to the police who arrested them for theft, and who stated, inter alia, that he had been present when the three women were arrested, asked to get in the police cars in order to be taken to the White Tower Security Department, and when the case-file was opened in said Security Department, and that the women had never been ill-treated by the police, nor had been police violence used because there had been no need for that. Finally, he mentioned that as the dialect spoken by Bulgarian Roma is the same as that spoken by Greek Roma, he understood the conversation among the arrested foreign nationals and he did not hear any complaints about police ill-treatment.

**(5)** The Thessaloniki Security Directorate, upon the oral request of the officer in charge of the Sworn Administrative Investigation, informed him that at the time of the complainant Z. E.'s detention in the holding facility, in the same cell, there were another (11) female detainees in addition to her and her two (2) co-defendants, charged with various offences. All these women were invited in writing to give their statements as witnesses in connection with this case, but some of them had been transferred, and only six (6) were interviewed, who stated the following:

**a.-** G.B. stated that on 22/23.09.2009, during her detention at the Thessaloniki Security Directorate, she did not hear during her time in the holding facility (*as she was claustrophobic she also spent time in the Duty Officer's office*) any talks about police ill-treatment among the other foreign detainees, who asked many times to be taken to the toilet, and the officers escorted them there, without any of them asking to be seen by a forensic medical officer.

**b.-** K.E. stated that during her detention at the Thessaloniki Security Directorate, i.e. from 18.09.2009 and for a period of 3-4 days, none of the three above-named arrested foreign nationals mentioned any health problems to her, nor asked to be seen by a forensic medical officer. Also, that no incident took place necessitating the use of police violence, and that the police officers' conduct in the holding facility was impeccable.

**c.-** T.B. stated that the three foreign nationals arrested for theft had been led to the White Tower Security Department in the early morning of 20.09.2009, where they still were on 22/23.09.2009 when she herself left. She did not notice any of them having a health problem, nor did any of them complain that she was in pain, and no incident requiring the use of police violence took place. This foreign national, on 21.09.2009 when the CPT's delegation visited for the second time the holding facility and was asked by its members if the police had used violence during her arrest, told them that while she was being handcuffed behind her back, a police officer used his baton to hit her on the arm so that she would get in the police car. After the CPT's delegation left, none of the detainees asked for the forensic medical officer.

**d.-** A.B. stated that on 21.09.2009, in the afternoon, when she was taken to the holding facility, there were two Bulgarian nationals there, of whom the older one has problems with her aching back. None of them asked to be examined by a forensic medical officer or doctor, while she herself did not notice any of them having any bruises in her arm, nor did any such conversation take place, while the police officers' conduct was proper and they made every effort to satisfy the detainees' requests.

**e.-** D.I. stated that on 22.09.2009 while she was being held, she remembered without being entirely certain, that two women of Bulgarian nationality were also in the holding facility, but she does not remember them to have talked about any ill-treatment complaints and she does not remember them to have asked to be examined by a forensic medical officer. The conduct of the police officers' during the period that she stayed in the holding facility was proper.

**f.-** F.A. stated that while her detention (from 20 to 24.09.2009) in the holding facility of the Thessaloniki Security Directorate, she did not understand any incident to have taken place. With her in the holding facility there were also female detainees of Bulgarian nationality. She asked them why they were there and they said for theft. None of the women bore any injuries in her arms. She did not hear any of the Bulgarian detainees asking for a forensic medical officer.

**(6)** The officer in charge of the Sworn Administrative Investigation after consulting with the complainant's attorney (T.), on 16.02.2010 examined her as a witness. She stated, inter alia, that indeed on 19.09.2009 she had been arrested for theft and the arresting officers had handcuffed her. Because she was not comfortable and the handcuffs were probably a little tight, she started rubbing her hands against the handcuffs with the result that the wrist of one of her hands turned red. When the CPT's delegation visited the holding facility, she told them that the bruising on her hand was because of the handcuffs, without mentioning anything about police ill-treatment. No police officer applied violence against her and she did not ask to be seen by a forensic medical officer or doctor for the bruising on her hand. The CPT's delegation was interviewing the detainees, and when her turn came the delegation members saw the bruising (redness) on her wrist, they asked her how it had happened, and she answered that it was because of the handcuffs without mentioning anything about ill-treatment. Also, there was no reason to ask to be examined by a forensic medical officer for the redness of her hand.

**(7)** The officer in charge of the Sworn Administrative Investigation, taking into account the above statements, and based mainly on the statement of the complainant, Bulgarian national Z. E., whose statement it should be noted was the last one to be taken, because there was no information about her address or telephone number in the criminal case file or other relevant documents, and who stated freely that she had not been ill-treated by any police officer at the time of her arrest and detention, found that:

**a.-** On the basis of the witness statements of the police officers and eye-witness T. T., there was no evidence to substantiate any sort of ill-treatment at the time of the arrest and transfer of the complainant to the White Tower Security Department or during her detention at the premises of said Security Department;

**b.-** Similarly on the basis of the witness statements of both the complainant's attorney S. T. and the interpreter H. E., there was no evidence to substantiate any ill-treatment, torture or inhuman or degrading treatment or punishment of the complainant and the other Bulgarian nationals who were arrested with her. Indeed, the attorney stated emphatically to the officer conducting the Sworn Administrative Investigation that his clients had not complained during their meetings with him about any ill-treatment, nor expressed any request to be examined by a forensic medical officer. In this connection, note should be made of the complainant's solemn declaration of 15.10.2009 to the White Tower Security Department, where he stated that his clients had found the police officers' conduct towards them polite and impeccable, that they had not been ill-treated and **did not wish to file charges**;

**c.-** On the basis of the witness statements of the complainant's co-defendants it was established that they never made any statement or reference to the fact that Z. had been ill-treated by the police. Similarly, her co-defendants never stated anything to confirm that Z. had asked the officers to be examined by a forensic medical officer (*a request which was allegedly not satisfied*);

**d.-** Z.'s complaint to the CPT's delegation against the police is unfounded, inaccurate and false, considering that it does not respond to reality and therefore is characterized as unsubstantiated and dismissible;

**e.-** The CPT's delegation visited the Thessaloniki Security Directorate holding facility on 20 and 21.09.2009. Z. made her ill-treatment complaint on 21.09.2009, which means that the detainee in question, without being aware that the delegation intended to visit the holding facility two (2) consecutive days, missed the opportunity to complain about her ill-treatment on the first day and only talked about it (*to the Delegation*) on the following day. This fact gives reasonably rise to the question 'whether it is possible that the complainant had not been subjected to ill-treatment, only attempted by making this complaint to achieve, as she possibly believed, her faster release?' It should be noted in this connection that the alleged by Z. ill-treatment could not have occurred after the CPT's delegation's first visit, because she had been detained since 12:30 hours and the delegation visited the holding facility at 17:00 hours on 20.09.2009, while inside the holding facility detainees are not handcuffed.

**(8)** In the light of the above and considering that the Sworn Administrative Investigation established the following, without margin for doubt, on the matter of the alleged ill-treatment of Bulgarian national Z. E. who complained to the CPT's delegation of her ill-treatment by police officers and of the rejection of her request to be examined by a forensic medical officer at the time of her arrest for theft:

**a.-** that she was not subjected to any sort of ill-treatment, insult to her dignity, inhuman or degrading treatment, punishment, torture, humiliating treatment or any sort of violence or threat of violence, nor did she ever request to be examined by a forensic medical officer, and

**b.-** that no findings of disciplinary offences or ex officio prosecuted criminal offences perpetrated by any police officers were made in the framework of the administrative investigation,

the competent decision-making instrument (General Police Director of Western Thessaloniki) in charge of the Sworn Administrative Investigation terminated the case from the disciplinary point of view.



**Paragraph 18 Case 3 and Paragraph 19: Case of alleged ill-treatment in a Police Station in Northern Greece:**

With regard to the case of paragraph 18 (case 3) of the C.P.T. Report, no administrative investigation was carried because of the absence of specific information. In particular, the wording of paragraph 18 'A young man met by the delegation alleged that he had been beaten by police officers two days previously at various locations in a police station in northern Greece (*in the lift, in a bathroom and in the office of the security department*) and while being transported in a police car...' **permits only a geographical determination of the case to the effect that these acts took place in a Police Station in Northern Greece**, while the Police Station in question (*Police Department, Security Department etc.*) where the alleged ill-treatment took place is not identified. Moreover, the Report continues as follows: 'He claimed that he had been punched by several police officers, one of them at some point wearing a boxing glove, on various parts of the body, including the abdomen, the face and the nose. He said that he had also been hit with various objects, that his fingers had been forced back by a police officer and that, at one point, the chair he had been sitting on was pulled from underneath him. On examination, the person concerned displayed a swelling (2cm X 3cm) and redness of the left temple. There was reddish bruising on the left lower eyelid and a reddish/purplish bruise (1cm X 0.5cm) in relation to the left upper jawbone. He was unable to fully open his mouth, consistent with a possible fracture of the zygomatic arch. In addition, there was a purplish/blue bruise on the left outer thigh (8cm X 5cm) and an abrasion over the left Achilles tendon', wording which again fails to give us any specific information such as the nationality, the identity particulars of the alleged victim, the date of the incident, the offence for which he was arrested or any other data capable of helping us in identifying the case. As the complaint is vague and difficult to prove by its nature, any investigation would be objectively fruitless.

If we receive specific information on this case, the competent Directorate of Police Personnel of the Hellenic Police Headquarters will immediately order the conduct of a Sworn Administrative Investigation in order for the proper disciplinary sanctions to be imposed on any culprits.

In the light of the above, and if the necessary for the investigation of this case information is not made available to us, **the possibility of the elimination of this point from the C.P.T. Report should be examined.**

**Paragraph 18 Case 4 and Paragraph 19:**

**A.- Case of Filakio Special Detention Facility for Irregular Migrants (SDFIM) – 22.09.2009.**

A Sworn Administrative Investigation was carried out in order for the ill-treatment complaints made by a detainee at the Filakio, Orestiada SDFIM to be investigated, and the following were established:

**a.-** The sworn witness statements of foreign nationals detained at the Filakio SDFIM did not permit the identification of the alleged complainant, in order for him to be interviewed and then transferred directly to a forensic medical officer.

**b.-** The sworn witness statements of the police officers serving at the Filakio SDFIM, specifically those who were on duty on 22/23.09.2009 during the hours from 22:00 to 06:00, show that no incident took place involving a foreign detainee.

**c.-** When interviewed, the doctor of the Filakio SDFIM Ms P. G. stated that during the period in question she had not received any complaints by any detainee regarding any incident of police ill-treatment, while on the day of the CPT's delegation visit she met and talked for some time with the delegation's doctor, who requested and examined the medical files of the foreign nationals detained there, asked questions about how certain pathological conditions were treated and then left without mentioning anything related to the complaint.

**d.-** Neither was the Commander of the Kyprino Border Guard Station, who was present until the conclusion of the visit, informed about this case, or any of the police officers serving at the Filakio SDFIM. If they had been informed, this would have enabled the complainant's immediate forensic examination for the corroboration of his allegations and the identification of any culprits.

**e.-** The subsequent complaint regarding the ill-treatment of a detained foreign national, without any indication of his identity particulars or ethnic origin, makes impossible the identification, location and interviewing of the person who made the complaint to the delegation and thus makes impossible the identification of the perpetrator of the alleged offences.

**f.-** As the Sworn Administrative Investigation did not confirm the complaint, considering that no facts could be established constituting objectively any disciplinary offences on the part of the police officers of the Kyprino Border Guard Station, the case was terminated from the disciplinary point of view.

**B.- Case of Filakio SDFIM – 22.11.2009:**

(1) Foreign Iraqi national (last name:) A. (first name:) Y., son of A. and F., born on 21.04. 1974 in Iraq, was arrested by police officers of the Orestiada Border Guard Station in Kavyli, Evros on 12.11.2009 at 05:30 hours, while entering the country inside a car driven by his facilitator. He was sent to the Public Prosecutor of the Orestiada First Instance Court with the charge of violation of Law 3386/2005 (*illegal entry*) and Criminal Code Article 217, because at the time he was checked he held and produced a false document declaring him to be an asylum seeker.

The Public Prosecutor of the Orestiada First Instance Court, in his relevant Order decided that no criminal proceedings should be instituted and referred said foreign national to the competent Administrative authority in order for him to be deported.

The Orestiada Police Directorate issued initially a detention decision and then a holding and deportation decision, and said foreign national was transferred to the Filakio SDFIM for detention.

By order of the Orestiada Police Directorate, his transfer to the Attica Directorate of Aliens /Sub-Directorate of Aliens/Deportations Department was ordered for the purpose of his deportation, but that was not possible until 07.12.2009.

The Kyprino Border Guard Station submitted a report to the Orestiada Police Directorate, forwarding to them said foreign national's solemn declaration dated 17.11.2009 whereby he stated that he wished to return to his country of origin with the Greek State covering the relevant expenses.

The Orestiada Police Directorate submitted a report to this Department (1<sup>st</sup> Department of the Hellenic Police Headquarters Aliens Division) forwarding to us the relevant request, which was approved and said foreign national's transfer to the Attica Directorate of Aliens/Sub-Directorate of Aliens/Deportations Department was ordered in order for him to be taken to the competent Consular Authority for an interview – arrangement – issue of travel document enabling his deportation.

The Kyprino Border Guard Station was ordered by the Orestiada Police Directorate to transfer said foreign national to the Attica Directorate of Aliens/Sub-Directorate of Aliens/Deportations Department upon previous consultation.

(2) On 12.11.2009 at 05:30 hours police officers of the Orestiada Border Guard Station arrested in Orestiada, Evros Prefecture seven (7) foreign nationals, including the following Iraqi nationals:

- (1) (Last name:) I. (first name:) A., son of I. and S., born in 1984 in Iraq,
- (2) (Last name:) S. (first name:) M., son of A. and M., born on 20.05.1984 in Semel, Iraq,
- (3) (Last name:) F. (first name:) H., son of H. and S., born in 1989 in Zaho, Iraq,

because they entered illegally our country on 11.11.2009 at approximately 23:00 hours passing from a rural area in Orestiada. They were taken to the Public Prosecutor of the Orestiada First Instance Court, charged with a violation of Law 3386/2005 (*illegal entry*).

The Public Prosecutor of the Orestiada First Instance Court decided that no criminal proceedings should be instituted and referred said foreign nationals to the competent Administrative authority in order for them to be deported.

The Orestiada Police Directorate issued initially detention decisions and then holding and deportation decisions, and said foreign nationals were transferred to the Filakio SDFIM for detention.

By order of the Orestiada Police Directorate, his transfer to the Attica Directorate of Aliens/Sub-Directorate of Aliens/Deportations Department was ordered for the purpose of his deportation, but that was not possible until 07.12.2009.

Said foreign nationals initially stated that they were of Palestinian origin, however during the verification process, with the cooperation of the Diplomatic Delegation of the Palestinian Authority in Greece, their claim was found to be false, and then they stated that they were Iraqi citizens.

(3) The Sworn Administrative Investigation which was held in order for the complaints regarding the ill-treatment of detainees to be investigated established the following:

**a.-** On 22.11.2009 during the period from 14:30 to 17:30 hours the detainees were taken out of their wards for their daily outdoor exercise, for approximately half an hour. They were not led to the large fenced courtyard where the sports grounds are located (*basketball and volleyball courts*); instead, they were taken to the fenced small courtyard which lies to the south of the building, because on that day there was an extremely thick fog which limited visibility and increased the risk of mass escape.

At approximately 17:30 the time in open air of the detainees of the last ward No 6 of ended, and the detainees were led inside their ward.

After a while, Iraqi national A. Y. opened the door on the south side of the above ward, which was closed but not locked, using a handle which he had removed from the bathroom door, and got out of the ward into the small courtyard. He was followed by I. A., S. M. and F. H., one of whom, namely S. M., without wearing any shoes or jacket. They climbed the 2.50m fence, which is topped by three rows of barbed wire, and entered the larger fenced courtyard.

At that time, police officers patrolling outside the perimeter of the small courtyard saw one of them (F. H.), immobilized him right away and after the immediate mobilization of the guard consisting of seven (7) officers, the remaining three foreign detainees were also located in the darkness and in the thick fog and immobilized in the sports grounds, without any exercise of violence against them.

After they were given first aid, because they had suffered small scratches climbing on the fence, they were transferred to the sick bay of the detention facility.

**b.-** The Commander of the Kyprino Border Guard Station did not make an official report about this incident, firstly because the foreign detainees did not exit the larger fenced courtyard of the Filakio SDFIM, and therefore were never free from restriction and from the authority of the officers, and secondly because the injuries they sustained when they climbed and jumped over the fence of the small courtyard as a result of their contact with the barbed wire, were superficial skin scratches which did not require any further medical care or hospitalization.

**c.-** On 04.12.2009 at 09:00 hours, the above-named foreign nationals, in the framework of the preliminary criminal examination, were referred to a forensic medical officer of the Thraki Forensic Department (in Komotini), who examined them clinically and found:

(i.)- that Iraqi national A. Y. bore: Five (5) scratches running in parallel in the lateral abdominal region to the left, concluding that he had suffered light injury caused by a contusive instrument, which had occurred approximately 12 days previously;

(ii.)- that Iraqi national F. H. was free of lesions;

(iii.)- that Iraqi national I. A. bore: 1. two (2) scratches in the palm of his left hand, and 2. scratches in the lower third of the inner part of his right and left legs, concluding that he had suffered light injury caused by a contusive instrument, which had occurred approximately 12 days previously;

(iv.)- that Iraqi national S. M. bore: 1. two parallel scratches in the outer part of his left shin, 2. multiple small scratches in the heel and outer side of his left foot, 3. multiple small scratches in the heel and outer side of his right foot, concluding that said detainee has suffered light injury caused by a contusive instrument, which had occurred approximately 12 days previously.

The injuries described in the Forensic Reports, as established in connection with each of the foreign nationals involved in the case are absolutely consistent with the circumstances of the incident, as these are described by themselves and the officers in charge of guarding the facility, both with regard to the points where they suffered these injuries (*palms – shins – abdomen*) as well with regard to the instrument which causes such injuries (*barbed wire on the surrounding fence*).

As to the injuries of Iraqi national S. M., it is clear that these were caused as a result of his walking shoeless on the gravel and dry bushes covering the grounds.

**d.-** When the above-named foreign nationals were interviewed in the framework of the Sworn Administrative Investigation, they stated that they had not suffered any ill-treatment by the police officers.

As the Sworn Administrative Investigation into the case established that the officers had not ill-treated the detainees, and had acted as was proper and recommended, the case was terminated from the disciplinary point of view.

From the criminal point of view, the Public Prosecutor of the Orestiada First Instance Court ordered an urgent Summary Investigation into the case and assigned it to the Orestiada Security Sub-Directorate. Then, upon an order issued by the Public Prosecution Office of the Court of Appeal of Thraki, a preliminary examination was also conducted by the Public Prosecution Office of the Orestiada First Instance Court, which terminated the case because there were no suspicions about the commission of a criminal offence; the termination of the case was approved by the Public Prosecution Office of the Court of Appeal of Thraki.

Paragraph 20: Request for information regarding the case of Iraqi national (last name:) C. a.k.a. O. (first name:) M..

(1) Iraqi national C. a.k.a. O. M. was arrested by the Alexandroupolis Security Sub-Directorate on 26.07.2009 for violation of Articles 83 para.1 and 87 para.5, Law 3386/2005 in the area of the Central Railway Station, because upon being checked by the police he was found to hold (4) railway tickets for the ride Alexandroupolis-Didimoticho, intending to give them to (3) other Iraqi irregular migrant workers, who were also arrested, and to help them board the train, after they had entered the Greek territory from an unspecified point and walked to the Railway Station following the instructions of their facilitator, a Turkish national, with the ultimate intention of traveling to Bulgaria in order to get false documents.

(2) The Public Prosecutor of the Alexandroupolis First Instance Court, by virtue of his order No 135/27.07.2009, decided that no criminal proceedings should be instituted and referred the above-named foreign national to the Alexandroupolis Police Directorate in order to be returned to the place that he came from or the place of his origin.

(3) On 31.07.2009 he was transferred to the Feres Border Guard Station awaiting deportation and on 02.09.2009 due to the overfilling of the holding facility of the Feres Border Guard Station he was transferred to the Soufli Border Guard Station.

(4) On 14.09.2009 he was transferred to the Alexandroupolis General Prefectural Hospital because of a health problem (leg fracture), while on 17.09.2009 he was released by virtue of the decision of 16.09.2009 of the Deputy General Police Director of the General Police Directorate of Eastern Macedonia and Thraki, whereby his deportation decision was suspended and he was given one (1) month in order to leave the country.

(5) Note is made that the above-named had been fingerprinted twice in the past under different data, as follows:

a.- On 10.06.2002 he had been arrested by the Thessaloniki Illegal Immigration Department for violation of Article 50, Law 2910/2001, under the name (last name:) M. (first name:) Z., son of A. and A., born on 01.01.1973 in Iraq;

b.- On 27.10.2002 he had been arrested by the Tycherio Border Guard Station for violation of Article 50, Law 2910/2001, under the name (last name:) A. (first name:) M., son of Z. and A., born on 01.01.1975.

(6) No complaint was made to the Alexandroupolis Police Director that the above-named had been subjected to ill-treatment by the police.

On the basis of the C.P.T. Report, the Alexandroupolis Police Directorate ordered a **Preliminary Administrative Investigation into this case. After the conclusion of this investigation we will inform you about its findings.**

**Paragraph 21: Recommendation for the drawing up of a protocol regulating deportations, in particular as regards the use of coercive measures:**

(1) The above recommendation has been implemented by virtue of Joint Ministerial Decision No 4000/4/46-a dated 22.07.2009, **a copy of which you will find hereto attached.**

(2) To this end, police personnel training courses have already taken place on deportation-related issues, co-financed through the Return Fund, in order for the actions to be more effective.

**Paragraphs 22 and 23: Recommendation for re-examination of the manner of making and recording ill-treatment complaints:**

(1) According to Article 23 para.1, Presidential Decree 120/2008 'Police Personnel Disciplinary Law', the examination of disciplinary offences allegedly committed by police officers at the expense of civilians takes precedence of the examination of any other disciplinary offences they may have committed.

(2) Apart from the case where the competent instrument in charge of instituting disciplinary proceedings deals in person with the case, disciplinary offences are also established **upon receiving a report by another police officer** or a document issued by a Public Agency or Judicial Authority or a report by a natural or legal entity or notified in any other legal manner, such as for instance through stories or reports published in the press (*Article 21 para.1, P.D. 120/2008*). Also, according to the definitions of Article 23 para.2 and 3 of the same Presidential Decree, **a complaint against a police officer may be made by written report or orally to an Officer, in which case a relevant report is drawn up**. Moreover, any anonymous or oral complaints against police officers, for which the complainant does not accept to sign a report, cannot constitute the basis for the institution of disciplinary proceedings; however, if these complaints are concrete and constitute, if found to be substantiated, a disciplinary offence producing an aggravated disciplinary sanction, then a Preliminary Administrative Examination is ordered. In every other case anonymous complaints are filed without any further action.

(3) In addition to the police personnel's obligation to report officially any fact or event of police interest, which comes to their knowledge or of which they are informed in any manner whatsoever (*Article 3 para.5, Presidential Decree 538/1989 'Obligations and rights of the police personnel of the Ministry of Citizen Protection'*), the Chief of the Hellenic Police decided, with the purpose to achieve the further enhancement of detainee rights by Police Authorities, to incorporate in the 'informational leaflets on the rights of detainees' (*see in this connection circular No 4803/22/14-a of 03.11.1995*), as a 'right', the submission of a written complaint regarding any improper detention conditions, mistreatment, ill-treatment or other violation of their rights by filling in the relevant Form. This Form was translated into (16) languages. Their standardization is now pending in order for them to be dispatched to all Hellenic Police Agencies (*see Forms D-33/11 and D-34 in the Greek language, and the relevant forms in the English language, as well as the list of languages to which these forms have been translated, photocopies of which are hereto attached*).

**Our comments on PARAGRAPH 31 are also related to this issue.**

**Paragraphs 23 and 24:** Complaints regarding the Thessaloniki Security Directorate's Duty Officer's failures:

The General Police Directorate of Thessaloniki has ordered a Preliminary Administrative Examination in connection with this case, **after the conclusion of which you will be informed of its findings**.

**Paragraph 24:** Recommendation for reminding police officers that it is crucial to take effective action when any information indicative of possible ill-treatment comes to light:

This recommendation has been implemented by virtue of Order No 6004/12 /48-a of 21.07.2010 of the Head of Staff of the Hellenic Police Headquarters, **a copy of which is hereto attached**.

**Furthermore**, it was determined by virtue of Circular No 1/10 dated 23.03.2010 of the Public Prosecutor of the Supreme Court that in cases of complaints filed by detainees against police officers with regard to ill-treatment in the framework of their preliminary interrogation or arrest by the police, by violation of their duties, the competent Public Prosecutor of the First Instance Court must be immediately notified in order for such complaints to be investigated depending on their graveness either by himself or by a Deputy Prosecutor of the First Instance Court or by other judicial investigation authorities, such as Police Court Magistrates and Justices of the Peace, instead of by other officers serving in the same police station, in order for the principle of impartiality which governs our juridical system to be applied at all stages.

Moreover, as also noted by the Public Prosecutor of the Supreme Court, this does not restrict the authority of the Internal Affairs Directorate of the Hellenic Police to investigate relevant complaints, because this Directorate deals with complaints regarding officers which are not part of its organization.

This circular has been forwarded to all Police Agencies by virtue of Order No 1016/23/37-a dated 07.04.2010 of the Head of Staff for implementation and compliance.

**Paragraph 25: Request for information regarding the case of the alleged ill-treatment of Iraqi national (last name:) A. (name:) A.:**

On 23.09.2009 from 20:25 to 22:00 hours, five (5) members of the CPT's delegation, headed by its Head Mr. MARIO FELICE, visited the holding facility of the Omonia Police Station where they interviewed all the detainees. At approximately 21:15 hours, the Head of the delegation reported to the Police Station's Commander that detainee A. A., an Iraqi national, was complaining of a headache and an injury to his genitals (enlarged testis). The police doctor and the supervising authority, the Police Directorate of Athens, were notified, and the patient was transferred to the 'LAIKON' Hospital, where the delegation's members also went. Following a detailed examination of the detainee, the medical report states the following findings:

- ✓ Reducible nonincarcerated scrotocele (L);
- ✓ Fracture of the distal phalanx of the ring finger (R);
- ✓ Bruising of the right-side cheekbone;
- ✓ Bruising of the periorbita (L);
- ✓ Requires surgical assessment. Surgical treatment depending on the scrotocele.
- ✓

The detainee, after his examination, was transferred to the 'KAT' Hospital, where he was admitted in the Maxillofacial Surgery Clinic.

He had been arrested at 14:20 on 23.09.2008 by the Omonia Security Department for possession of heroine and put in the holding facility at 17:15 hours.

A Sworn Administrative Investigation was conducted for the examination of the case from the disciplinary point of view by a high-ranking Officer of the Attica General Police Directorate, which showed that the above-named detainee had been injured when he fell while climbing the stairs at the time he was brought in the Security Department, either because he slipped or because one of the escorting officers pushed him (*his own statements are contradictory, and while in the framework of the Sworn Administrative Investigation he claimed that he was pushed, then in the framework of the criminal proceedings he claimed that he had slipped*).

However, the administrative investigation attributed disciplinary responsibility to (4) officers and one Special Guard for official failure, and they received the minor disciplinary sanction of a reprimand and a fine.

**Specifically:**

The Commander of the Omonia Police Station was punished with a disciplinary financial penalty of (€300.00 fine), which upon his appeal was converted to a reprimand, because he did not take the action that he ought to have taken upon being informed that the detainee was in need of medical care to have him immediately examined by a police doctor or, if no doctor was available, to have him transferred to a hospital for medical tests. The detainee was transferred to the hospital belatedly and only following the C.P.T.'s intervention.

Two (2) police officers and one (1) Special Guard were punished with the final disciplinary financial penalty of (€150,00), because even though they had been entrusted with the task of bringing the foreign national to the Omonia Security Department for his processing, they did not take care, as they ought to have done, to ensure conditions of detention and transfer capable of guaranteeing the detainee's health and physical integrity, taking into account the fact that he was handcuffed, with the result that he fell while climbing the stairs and sustained injuries [*fracture of the right-side cheekbone*].

One (1) police officer was punished with the final disciplinary financial penalty of (€150.00), because he did not take the action he ought to have taken upon being informed that the foreign detainee was in need of medical care to have him immediately examined by a police doctor or, if no doctor was available, to have him transferred to a hospital for medical tests. The detainee was transferred to the hospital belatedly and only following the C.P.T.'s intervention.

**From the criminal point of view, a criminal summary investigation was carried out in connection with the incident, which has been concluded and the file has been submitted to the Public Prosecutor's Office of the Athens First Instance Court where it remains pending, without any notice of criminal proceedings instituted against any police officers having been given to us.**

Note is made that we have also submitted information to you regarding this case in our documents Ref.No 6634/1-239625 of 31.01.2008, 6634/1-1218969 of 26.02.2009 and 6634/1-1222646 of 14.07.2009.

**Paragraph 31: Request for information regarding the establishment of the Arbitrary Incidents Office:**

With regard to the establishment of an Arbitrary Incidents Office, a provision to this effect has been included in a bill which is now in the stage of being processed.

The provision in question provides for the establishment of an Arbitrary Incidents Office at the Ministry of Citizen Protection, subordinate to the Minister. This office's mission is to gather, record, assess and investigate or forward to the competent Agencies or Authorities for further investigation of complaints regarding acts of the uniformed officers of the Greek Police, the Port Police and the Fire Service in the course of the exercise of their duties or by abuse of their official status.

It is also provided that a Three-Member Committee will operate at this Office, formed by an honorary Supreme Court Judge chairing the Committee, by the Legal Councilor of State to the Ministry of Citizen Protection and an honorary Public Prosecutor of the Supreme Court or a Court of Appeal as members, which will assess every complaint as to its credibility and as to the Office's competence to deal with it and will issue acts deciding either the investigation of the complaint by the Office, entrusting it to a member of its scientific personnel, or its forwarding for further investigation to the competent Agencies or Authorities, or its rejection on the grounds of its being inadmissible.

Note is made that we have also submitted information to you regarding the establishment of this Office in our documents Ref.No 6634/1-849014 of 17.02.2010.

**Our comments on PARAGRAPHS 22 and 23 are also related to this issue.**

**3.- Safeguards against the ill-treatment of detained persons:**

**Paragraph 34: Recommendation for the taking of steps to ensure that all persons deprived of their liberty have effective access to a lawyer.**

(1) The presence of a **lawyer** is established by statute (*Articles 96 et seq. of the Code of Criminal Procedure*) at all stages of the criminal and administrative proceedings.



Contact with defense attorneys and with the representatives of the consular Authorities takes place without fail every day of the week. For the purposes of the uniformity of the procedure, decisions have been issued by the local Directors of Aliens regulating the relevant details.

Moreover, detainees may contact in person the lawyers of various programs, where these are in place, who visit the detention facilities on a daily basis providing legal support to them (e.g. the 'AEGEAS' program which is active in the Orestiada Police Directorates etc.)

This recommendation is being implemented with the provision of informational forms setting out the rights of persons brought into police custody and detainees under deportation in -14- languages<sup>1</sup> (a copy of which is hereto attached).

(2) Moreover, we would like to inform you that the transposition of Directive 115/2008/EC for the provision of legal assistance free of charge to foreign nationals under deportation is under way.

(3) Especially with regard to the provision of services at the reception of **asylum seekers**, in addition to the contents of the Draft Presidential Decree to which we refer (*see chapter on ASYLUM ISSUES, pp.35-36*), we would like to inform you the following:

The issue of legal assistance is covered by Article 11, Presidential Decree 90/2008 and is fully consistent with the provisions of the Asylum Procedures Directive (Directive 85/2005/EC). More specifically:

- Asylum seekers are entitled to seek legal or other advise at their own expense on issues pertaining to their application;
- If an application for annulment is filed against a rejection decision issued under Article 29, the asylum seeker is granted free legal assistance in the procedure of Law 3226/2004 (Official Journal Issue No 24/A), provided the judge considers that the application is not manifestly inadmissible or manifestly groundless.
- The lawyers representing asylum seekers have access to information contained in their files, provided this is related to the examination of the application. Exceptionally, access is denied to confidential information in the file, provided the ruling authority, in a reasoned decision, finds that the disclosure of this information or its sources might place at risk national security, the security of the organizations of persons providing the information in question or the security of the persons to whom the information refers, or if the investigation regarding the examination of the applications by the submission and examination competent authorities or our country's international relations might be prejudiced. The Council of State, upon the examination of the applications for annulment of Article 29, has in any case access to the confidential information or sources of this paragraph.
- Legal and other advisors representing or assisting asylum seekers have access to secure zones, such as detention facilities and transit zones, so that they can communicate with the asylum seekers in a specially laid out area. The competent application reception and examination authorities may restrict the access of legal or other advisors to the secure zones, only if these restrictions are deemed objectively necessary in terms of security, public order or the administrative running of the zone or for the purposes of securing the effective examination of the application, provided that the legal and other advisors' access is not excessively restricted or made impossible.
- Legal and other advisors may provide all lawful assistance to asylum seekers during all the stages of the procedure and may accompany the asylum seekers they represent during their personal interview. The absence of the legal or other advisor does not prevent the above-named authority to hold the personal interview.

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<sup>1</sup> The issue of new informational leaflets on the rights of persons arrested and detainees under deportation is in the final processing stage (standardization). These will be available in -16- languages.

A significant role in this connection is played by the specialized **NGOs** which are active in this area in the recent years. Even though their size and lack of resources make it impossible for them to substitute the State, still they may support the State in its work providing their expertise and proposing various pilot models to be adopted as the case may be.

In the framework of free legal assistance actions aimed at asylum seekers, financing is provided to NGOs, International and National Organizations and other Agencies active in this area in the recent year, either voluntarily or through EU financing (e.g. *European Return Fund etc.*)

At the same time, in the framework of the improved provision of information to asylum seekers regarding their rights, provision has been made for such information not to be given only in the languages spoken by persons who will probably qualify as refugees, but also in the languages of those who have statistically submitted the larger numbers of, possibly 'abusive', asylum applications. Information may be provided to foreign nationals either with the use of leaflets – publications, or through a grid of meetings with key representatives of the foreign nationals' organizations, or with the foreign nationals themselves in the framework of open informational events, and it will be financed through a synergy among the Refugees, Returns and Integration Funds, considering that the target groups of these Funds are the same.

(4) Regarding the recommendation for the provision of legal assistance to detainees (*and consultation with the Greek Bar Association*), we would like to inform you that it is anticipated that solutions to this issue will be provided with the establishment of the Screening Centers (see chapter on the establishment and organization of Screening Centers – PARAGRAPH 72).

**Paragraphs 35 & 36: Recommendation for the organization of health care for persons held in police stations.**

(1) In any **medical incident**, where a detainee (whether Greek or foreign national) is in need of medical attention, our subordinate agencies proceed to the necessary actions in order for the detainee in question to be transferred and examined at the nearest medical unit. In this connection, our cooperation with the Ministry of Health and Social Solidarity.

In particular, foreign nationals arrested in the Greek territory, are preventively examined:

- ▶ by doctors at the head offices of the arresting police agencies, and if they are found to have health problems then they are immediately transferred for first aid to the nearest Health Center of Hospital and then, if there is need for further hospitalization, to a University Hospital;
- ▶ by the doctors of the nearest Health Centers or Hospitals where they are transferred by their arresting agencies.

Also, with the initiative of Police Directorates, chest examinations are performed in cooperation with the Ministry of Health and Social Solidarity, by mobile medical units which visit for that purpose the detention facilities.

Finally, in the Special Detention Facilities for Irregular Migrants (SDFIMs), there are permanent medical personnel [doctors, nurses (working full-time)] and psychologists and social workers employed in order to provide primary medical services, mental health programs and to improve the living conditions.

This recommendation, on the part of this Ministry, is being implemented with the provision of 'informational leaflets' setting out the rights of persons brought into police custody and detainees under deportation, drawn up in -14- languages<sup>2</sup> (a copy of such a form is hereto attached).

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<sup>2</sup> The issue of new informational leaflets on the rights of persons arrested and detainees under deportation is in the final processing stage (standardization). These will be available in -16- languages.

(2) In the framework of actions aiming at providing medical and pharmaceutical care to asylum seekers, actions organized by NGOs, International and National Organizations and other Agencies active in this area in the recent past are financed, either voluntarily or through EU financing, so that primary medical care and mental health services may be provided to detainees and their living conditions may be improved.

Also, in the framework of the implementation of the financial program of the European Return Fund, a program is in process for the creation of a tank of **Psychologists**, with the employment of (35) professionals under seven-month work contracts, at a cost of (600,000.00), which may be renewed if necessary. The place of performance of this program will be Athens; however, the psychologists will provide their services in the following locations of detention of foreign nationals: Orestiada, Lesvos, Samos, Chios, Dodecanese and Achaia.

Finally, it is anticipated that solutions to this issue will be provided with the establishment of the Screening Centers (see chapter on the establishment and organization of Screening Centers – PARAGRAPH 72).

**Paragraph 37: Recommendation for the taking of steps to ensure that persons deprived of their liberty have an effective right to notify a close relative or third party of their choice of their situation, as from the very outset of their deprivation of liberty/Interpretation – Translation:**

(1) With regard to the ‘detainees’ rights to notify a close relative etc’, contact is not prevented, on the contrary the Authorities try to facilitate communication subject to the provisions of the Code of Criminal Procedure, the Correctional Code and the confidentiality of talks.

Also, according to the regulations of detention facilities, alien detainees may see visitors in an area which is specially laid out in order to satisfy the prescribed security terms and conditions, while at the same time permitting comfortable communication between the detainee and his visitor.

This recommendation is being implemented with the provision of ‘informational forms setting out the rights of persons brought into police custody and detainees under deportation, drawn up in -14- languages (a copy of such a form is hereto attached).

(2) Interpretation/Translation:

The issue of interpretation is decisive for the overall asylum procedure. Every Agency that is responsible for receiving asylum applications and holding interviews employs the services of interpreters, who are mainly located with the use of the list of interpreters used by criminal courts. In the Attica Directorate of Aliens there is a list of interpreters, who can be used by other police agencies for the same purpose (*e.g. the Athens Airport Security Department*). Additionally, any problems which may arise in certain cases with regard to the provision of an interpreter are solved with the assistance of NGOs. Programs are in place, both at the Athens Airport Security Department as well as in the Attica Directorate of Aliens and in various regional Agencies, as a result of the cooperation between the various competent authorities and the UNHCR and various NGOs, which contribute to the improvement of the asylum procedure. An effort is moreover made to finance other interpretation-related programs and the further training of interpreters through the European Refugee Fund.

In the framework of the implementation of the financial program of the European Return Fund, a program is in process for the creation of a tank of interpreters-translators, with the employment of (35) interpreters-translators in the following languages: Arabic, Farsi, Urdu and Pashto, under seven-month work contracts, at a cost of (600,000.00), which may be renewed if necessary. The place of performance of this program will be Athens; however, the interpreters will provide their services in the following locations of detention of foreign nationals: Orestiada, Lesvos, Samos, Chios, Dodecanese and Achaia.

**Paragraph 38: Recommendation on 'Information Sheets':**

**Our comments on PARAGRAPHS 22 and 23 are also related to this issue.**

Additionally, in connection with the delegations note to the effect that the information sheet '*does not refer to the right of access to a doctor*', we are hereto **attaching a copy of that information sheet** (which is issued in -14- languages). As we have mentioned, the relevant Forms have been translated in -16- languages now, and their final standardization is pending in order to be dispatched to all the Hellenic Police Agencies.

**Paragraph 39: Case of Romanian national (last name:) M. (first name:) A.-M.:**

The above named, while detained at the Serres Police Station, was carried on August 16, 2008 by an emergency ambulance to the General Prefectural Hospital of Serres (complaining of numbness of the upper and lower extremity) and was then returned to the detention facility on August 18, 2009. The fact that August 16 instead of the correct August 18, 2009 was entered in the Serres Police Station Custody Register as date of return is obviously the result of a clerical error and it was not intentional as the CPT's delegation appears to imply, considering that the brief hospitalization report issued by the Neurological Clinic of the General Prefectural Hospital of Serres clearly indicates that the detainee remained in the hospital until August 18, 2009. During his hospitalization an ECG, microbiological and X-Ray testing and a CT scan were performed without the exact cause of his condition being identified, and he was released without medication. His claim that he had been subjected to ill-treatment if found to be manifestly false, and therefore the case was not investigated from the disciplinary point of view.

**Paragraph 40: Recommendation for an individualized custody record.**

The individualized records of each foreign national placed under detention are kept at the arresting agency's establishment, and the arresting agency is responsible for handling them.

If the detainee is transferred to another detention agency, then only his medical file accompanies him.

Medical files are kept by the SDFIM medical staff in connection with persons detained in these facilities, and these are protected by medical confidentiality.

This recommendation has been implemented by virtue of the provisions of Presidential Decree 141/1991, which regulate analytically the prescribed procedures for the recording of all stages of detention, as well as all the necessary measures adopted with the key criterion of safeguarding the security of police personnel and detainees alike.

Additionally, Police Regulation Order No 18/2006 has been issued, determining in more detail these procedures.

**Paragraph 41: Recommendation for the establishment of an independent agency for the control and inspection of detention facilities.**

The issue of the establishment in our country of an independent detention facility control and inspection agency has been repeatedly raised in the last ten years by international protection Organizations and NGOs.

The establishment of an independent police inspectorate is not recommended, because a new agency would be thus added to the existing ones with tasks which are already performed by other authorities or which could be brought within the scope of power of other authorities which offer increased credibility. It is well-known that the Greek Ombudsman makes in the framework of its authority visits to Greek Police detention facilities, even though this task is not explicitly set forth. Consequently, we believe that the assignment of this task, by way of an express provision, to the Greek Ombudsman, being a constitutionally established Independent Authority, would constitute the recommended solution, without particular side-effects.

**Paragraph 43: Recommendation about 'Information Sheets'.**

**Our comments on PARAGRAPHS 22 and 23 are also related to this issue.**

**Paragraph 44: Recommendation regarding the review of the policy of confiscating mobile phones/enabling persons without a mobile phone and with insufficient means to make a free phone call to inform a family member or third party of their situation.**

With regard to the issue of the communication of foreign nationals arrested by the police in the Greek territory with their lawyers and family, both in the police holding facilities (Police Stations) and in the Special Detention Facilities for Irregular Migrants (SDFIMs), telephones have been installed by the Greek Telephone Company operating with telephone cards. The confidentiality of their conversations is protected and no maximum time is applied. Detainees may contact their lawyers at any time during the day or night, and to meet with them in the premises.

Only very few of the foreign nationals in detention have card phones. These remain in the possession of their traffickers. However, after their time has been exhausted, then they willingly surrender them for safeguarding and receive them again upon their discharge.

**Paragraph 45: Recommendation for free legal aid to non-registered irregular migrants who have been deprived of their freedom.**

**Our comments on PARAGRAPH 34 are also related to this issue.**

**Paragraph 46: Recommendation for taking the necessary steps to ensure daily medical care and regular visits of doctors at the Athens Airport holding facility.**

There are medical monitoring – pharmaceutical coverage and transmissible diseases prevention programs in place through the Ministry of Health and Social Solidarity for the irregular migrant workers who are held at the 'Eleftherios Venizelos' Athens Airport holding facility, in order for incidents necessitating medical care to be treated and for prevention medical checks to be performed.

**Paragraph 47: Recommendation for taking measures so that all newly arrived detainees in police and border guard stations should be screened by a doctor.**

**Our comments on PARAGRAPHS 35 and 36 are also related to this issue.**

**4.- Conditions of detention in establishments under the Ministry of Interior, Decentralization and E-Governance:**

**Paragraph 51: Recommendation for the transfer of criminal suspects placed on remand to a prison without delay.**

There are problems in the transfers-admission of criminal detainees, despite the repeated submission of written applications to the Police Directorates of the regions where Court Prisons are located as well as oral daily requests to the Governors of these Court Prisons, who invoke reasons of overpopulation.

This is a real problem with significant side-effects in the smooth operation of the departments involves, which can only be solved with the immediate admission of criminal detainees in the Court Prisons.

**Paragraph 51: Response to recommendations:**

Next to our document Ref.No 6634/1-1225474 dated 12.11.2009, we would like to inform you the following:

(1) On the issues of irregular migration there is a statutory framework in place which is fully harmonized with the European law. Specifically, deportation decisions are issued pursuant to Article 76, Law 3386/2005 (administrative deportation) and Articles 74 and 99 of the Criminal Code (*court deportation*).

In the context of respect for human rights, the **detention** of foreign nationals in police holding facilities which do not meet the requirements for lengthy periods of detention has stopped and we are making efforts to house foreign nationals of this category (*irregular migrants*) in Special Detention Facilities for Irregular Migrants (SDFIMs), which are more suitable for long periods of detention. Only irregular migrants whose repatriation is possible are transferred to SDFIMs, while vulnerable groups and groups of irregular migrants whose repatriation is not possible are released<sup>3</sup>, after their identity data are recorded and a fixed date is set for their departure.

Under **Law 3772/2009**, if a deportation decision is issued, the person concerned remains in custody until the deportation can be carried out, but under no circumstances for a period of more than six (6) months. If the deportation is delayed because the foreign national refuses to cooperate or because the necessary documents are delayed from the country of origin, then the detention period may be extended up to a total period of no more than twelve (12) months.

In practice, irregular migrants whose repatriation is possible are held for 15-20 days<sup>4</sup> until the relevant administrative deportation procedure may be concluded.

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<sup>3</sup> At the time of the issue of a decision for the deportation without detention of a person, special note is made to the effect that the person in question has been notified in his/her language or in a language that he/she comprehends that they are offered the possibility, within the set thirty-day time limit, to return voluntarily to their country and that the Greek State will cover their expenses.

This procedure is only applied in connection with persons brought into custody or detained because of their illegal entry or presence in our country and not in relation to any other offences and provided in general there are no reasons of public order and security to be considered.

<sup>4</sup> This period of time may be extended if a travel document has to be issued by the relevant Consular Authorities in Greece.

If an asylum application is submitted by a foreign national who is detained for illegal entry and presence in our country, then the court may lift his detention, placing that person under the political refugee qualification procedure.

(2) PARAGRAPH 51 is also related to the issue of the **transfer without delay to a prison of criminal suspects placed on remand.**

(3) As to the possibility of the detainees' daily outdoor exercise for at least one (1) hour, please be informed that outdoor exercise (*sports activities*) is indeed offered to detainees in those detention establishments which are provided with the relevant infrastructure, within the framework of police capacity.

**Paragraph 57: Response to recommendations:**

**(1)- Access to proper toilet facility, including at night.**

Provisionally detained foreign nationals have access to toilet facilities not only during the time that they are let out in the outside courtyard, but also during the time they are let out of their wards inside the premises, in the hallways between the wards, 24 hours a day, upon their request. For that purpose, there is a police officer on duty in the hallways around the clock in order to satisfy these requests.

**(2)- Installation of call bells in all detention areas where staff are not continuously present.**

The CPT has called for the installation of bells in every detention area, in order for the guards to be notified, after its previous visit as well. The presence of a guard in the holding facility around the clock, who is in direct visual and audio contact with the detainees, means that this guard is in a position to receive immediately any request. Moreover, it is very possible that if bells are installed they will be abused, with negative consequences.

**(3)- Separate areas for female and minor detainees.**

The Police Directorates all over the country inform the Ministry of Health and Social Solidarity in order for minor foreign nationals to be transferred to any available special center for the reception of unaccompanied minors (which are open centers), where they are transferred in order to be protected from living in restricted premises with adults and where they have access to mental health programs and programs aimed at improved living conditions.

Any lengthy detention in SDIFMs and police stations (*they are always held in special premises separate from the adult detainees, on the basis of the special holding and protection-separation status afforded to them, depending on the capacity of each facility*) is due to the delay in the appointment of a guardian by the Public Prosecution Authorities of the country, pursuant to Article 19, Presidential Decree 220/2007.

Additionally, a separation policy is also applied in connection with individuals belonging to other vulnerable groups (*e.g. women, single parent families, the elderly etc.*), provided they have special needs and require special treatment by trained and qualified personnel.

Additionally, attention to this issue is given by the competent Ministry agencies.

Also, instructions have been issued to all Hellenic Police agencies to facilitate the work of Organizations and NGOs that contribute to the legal assistance and psycho-social support of minors.

(4) Provision of a basic sanitary kit – Other issues raised by the delegation:

On the issue of respecting the rules of the detainees' hygiene, cleanliness and safe detention in the police holding facilities, clear instructions-orders have been issued to all police departments to the effect that the commanding officers must make a continuous effort and show unrelenting care to comply meticulously with their obligations in the areas of general cleaning – disinfection (of grounds, clothes, linen and bed covers), the detainees' personal hygiene and cleanliness, properly equipping holding facilities and sanitary installations, providing food at the proper times, providing the required medical care and being in general impeccable in their conduct towards the detainees, for the purpose of improving as much as possible the detention conditions.

Additionally, orders have been issued for the adoption of all the necessary measures in order to lift the risk of suicides, bodily harm, fights etc. in the holding facilities.

**In connection with these major issues, the competent Directorates of the Hellenic Police Headquarters have stressed to all police departments the necessity of monitoring on a continuous basis the implementation of the relevant orders, so that any cases of ill-treatment or improper conduct, coming as a result of apathy, carelessness or irresponsibility, at the expense of detainees, may be investigated directly and with the proper care, and disciplinary responsibility, in addition to criminal responsibility, may be established as the case may be.**

**Paragraph 59: Recommendation for the establishment of posts of specialized custodial staff for persons detained by law enforcement agencies:**

In the Special Detention Facilities for Irregular Migrants (SDFIMs), there are permanent medical personnel [doctors, nurses (working full-time)] and psychologists and social workers employed in order to provide primary medical services, mental health programs and to improve the living conditions.

Additionally, it is anticipated that solutions to this issue will be provided with the establishment of the Screening Centers (see chapter on the establishment and organization of Screening Centers – PARAGRAPH 72).

**Paragraph 60: Recommendation on care of children remaining in detention with a parent**

On the conditions of detention of minor foreign nationals, see our comments on PARAGRAPH 57 point 3.

In practice, when a minor remains in detention together with one or both of his/her parents, then they are released after their data are recorded and a fixed date is set for their departure from the country.

**Paragraph 71: Response to recommendations:**

In addition to our comments on PARAGRAPH 57, we would like to provide the following information:



(1) In connection with the Special Detention Facilities for Irregular Migrants (SDFIMs), the following apply in general lines:

- ✓ Special Detention Facilities for Irregular Migrants (SDFIMs) operate under the responsibility and care of the relevant Prefectural Authorities, in the framework of the 'POSIDONIO' and 'BALKANIO' plans, which aim at securing appropriations for the accommodation, transfer, medical care and food of irregular migrants.
- ✓ The agencies of the Hellenic Police, under Article 81 para.2, Law 3386/2005, are responsible for guarding SDFIMs, in order to prevent detainees from escaping and, in general, to maintain order in accordance with the provisions of Presidential Decree 141/1991 and the other regulations of the Force.
- ✓ The relevant Police Directorates of the regions where SDFIMs operate, have set visiting hours, during which detainees may be visited by relatives, while their attorneys may visit and talk to them at any time, without the presence of police officers.
- ✓ Additionally, the relevant Police Directorates, in order to deal with problems arising at the SDFIMs, hold meetings-conferences and talks with the competent authorities (*relevant Prefectural authorities etc.*), mainly on issues pertaining to the provision of primary medical care, mental health and improved living conditions programs, which the Hellenic Police Headquarters views as particularly significant.

(2) With regard to issues falling within the scope of authority of the Technical Division of the Hellenic Police Headquarters, **studies have been made for the improvement of detention conditions in the Hellenic Police establishments.**

In particular:

a) Order dated 07.10.2005 was issued to all Hellenic Police agencies, specifying the specific conditions applicable to detention facilities.

Since the date of issue of said order and to this date, repair and layout works have been taking place in police detention facilities in State-owned and rented premises housing police agencies.

**A necessary prerequisite for any new leases concluded is the existence of suitable detention premises.** Specifically, appropriations have been approved for the creation of modern detention facilities in the following police agencies:

Police Directorate of Xanthi, Security Sub-Directorate of Patras, Police Station of Pangrati, Police Station of Ambelokipi, Police Station of Zographou under the Police Directorate of Athens, Police Station of Deskati, Grevena Prefecture and Police Station of Agathonissos.

b) Draft specifications have been prepared, setting forth the terms and conditions applicable to holding facilities for foreign nationals awaiting deportation (Article 81, Law 3386/2005), **in order for the necessary provisions on security and hygiene to be met.**

Additionally, assistance is provided for the establishment of the prescribed conditions at the local agencies involved.

**All this is carried out with the intention of improving detention conditions, on the basis of showing respect for and ensuring the detainees' human rights.**

(3) In connection with the CPT's report about the Piraeus SDFIM, place be informed that from time to time the Attica Directorate of Aliens have carried out repair works there, however the premises have not qualified from the point of view of the applicable building regulations for the detention of irregular migrants. For that reason, following a study carried out by the Technical Division, a police hall will be built in the grounds of the SDFIM.

(4) In addition to the above comments, please see also our comments on PARAGRAPH 72, pertaining to the establishment and organization of Screening Centers.

**Paragraph 72: Recommendation for the establishment and organization of Screening Centers.**

The current situation renders absolutely necessary the establishment of more facilities for irregular migrants all over the country, in order to secure the living conditions prescribed by respect for human rights and our country's international undertakings.

For that purpose, the establishment of a well-structured first reception procedure is necessary, with the focus on Screening Centers, which will solve a multitude of problems associated with the problematic operation of SDFIMs with the current legal framework.

For that reason, on the initiative of the leadership of the Ministry for Citizen Protection, a Committee of Experts submitted a proposal for the establishment and organization of Screening Centers for migrants irregularly entering Greece. To this end, the SDFIM of Pagani, Lesbos was shut down, a significant number of immigrants were released from the police holding facilities, and the establishment of a model Screening Center is promoted within the year 2010.

There is a will to gradually establish more such centers in the areas facing the problem of increased migration flows, meaning mostly the islands and Evros. In these centers the migrants will be recorded, identified and medically examined and then classified and transferred accordingly to the interior of the country. Asylum seekers will be transferred to the infrastructures recommended by the Asylum Experts Committee, unaccompanied minors to open reception centers etc.

The construction, repair and leasing of recording and management establishments for migrants will be financed by the European External Borders Fund. Resources are sought from European Funds, such as the Refugees Fund and other European Programs similar to the 'Aegeas' project in order to cover the operational costs of the centers. Our objective is to respond and fulfill in the best possible manner our obligations to migrants, on the basis of the requirements of our Republic and our timeless civilization.

**Paragraph 73: Recommendation for the adoption of adequate measures in order to ensure the provision of regular medical care at all centers where illegal migrants are held.**

**Our comments on PARAGRAPHS 35 and 36 are also related to this issue.**

**Paragraph 74: Recommendation for medical screening at the 'Eleftherios Venizelos' Airport of Athens.**

**Our comments on PARAGRAPH 46 are also related to this issue.**

**Paragraphs 75 and 76: Recommendation for the review of the Hellenic Police staff complement attached to each special facility for irregular migrants and police holding facility/provision of adequate training.**

With regard to the issue of the police officers' conduct, it should be stressed that this Ministry is particularly sensitive where the police officers' impeccable behaviour in their relations with citizens, both Greeks and foreigners, and the strict performance of their duties are concerned, particularly in connection with the absolute respect for the citizens' civil rights, right to be different, and decency, and in accordance with the requirements of our laws. For that reason, police personnel have been issued specific orders and instructions, and any violation of these obligations carries the strictest sanctions.

To this end, the design of new training systems, both at the basic level as well as at the post-graduate level, aims to ensure conditions such as to allow students of the Police Academy Faculties to develop their personality, with strong self-concept, sentimental stability, responsibility and respect for the humanitarian principles, free from cultural preconceptions.

Finally, in the regions of Police Directorates where Special Detention Facilities for Irregular Migrants (SDFIMs) are located, seminars are organized for the officers who serve daily in these centers, with the cooperation of various NGOs, the UNHCR etc.

**In this framework, training courses – actions were carried out in the year 2008 (ending in June of this year), co-financed through the European Returns Fund, on the following subjects:**

- **Deportation procedures (*in general*).**
- **Deportation procedures under escort.**
- **Guarding of persons brought into police custody and irregular migrants to be deported, with respect for their human rights.**
- **Treatment of vulnerable groups (*minors, women*) and asylum seekers.**

**Indeed, representatives from the UNHCR, the Greek Ombudsman etc. were invited to teach the relevant courses.**

**Respectively, similar actions will continue to take place (actions of the year 2009) aimed at the continued training of police personnel dealing with migrants.**

**Paragraph 77: Recommendation for the non-restriction of the movement of irregular migrants in their detention facilities by police officers performing guard duties for fear of their escape.**

Note is made that the Public Prosecutor of the Supreme Court in his opinion Ref.No 2327/Γv.7 of 28.06.2000, ruled that irregular migrant workers held in Special Detention Facilities for Irregular Migrants, are held there by order of the Authorities and therefore are deemed to be detainees in the broader meaning of the term, and in the event of an escape the relevant provisions of the Criminal Code shall be applied on the escapees (*provisions on the escape of detainees and the release of detainees etc*).

Therefore, in the detention of immigrants held in the framework of the administrative procedure (*expulsion – refoulement*), particular attention is given to compliance with the security measures-rules, as these are laid down in the Police Regulations and the official orders issued from time to time.

Therefore, detainees are allowed access to the outdoor yard (*outdoor exercise*) whenever such yards exist, according to the capacity of each police establishment, and is not ‘restricted’ out of fear that the detainees may escape.

Additionally, it is anticipated that a solution to this issue will be provided with the establishment and organization of Screening Centers (see PARAGRAPH 72).

**Paragraph 78: Recommendation for regular inspections of hygiene in police detention facilities, including dedicated detention facilities for irregular migrants.**

**Our comments on PARAGRAPH 41 are also related to this issue.**

**Paragraph 79: Recommendation for improved organization and enhanced cooperation between the main actors responsible for managing accommodation and care for irregular migrants.**

**Our comments on PARAGRAPH 71 point (1) are also related to this issue.**

**ADDITIONALLY:**

In addition to the above-described actions, we would like to note the following:

**(1) ASYLUM ISSUES:**

(1.1)- It is the intention of this Ministry to deal with mixed migration flows at the points of entry into the Greek territory in such a manner as to safeguard both the need to control our borders against irregular migration and the need to provide protection to refugees and special vulnerable groups, and to secure living conditions consistent with respect for human rights and our country's international undertakings.

(1.2)- The effort to reform the national asylum system, which has been under way since November 2009, forms an integral part of the rational and effective management of the immigration phenomenon, with particular emphasis on the incorporation of migrants into the social, political and cultural life of the country of their reception, and is indissolubly linked to the planning and application of a modern, coherent, integrated and decentralized policy which will fully respect human rights. Both the European experience from countries with greater tradition in the receipt of immigrants, as well as the failings and voids which came to light in the course of our efforts to deal with this phenomenon in the past ten years, give proof to the fact that fragmentary and uncoordinated immigration management policies not only fail to ensure the migrants' rights but moreover lead nowhere.

(1.3)- For that reason, and upon order of the Minister of Citizen Protection, Working Groups were established by the General Secretary of Public Order, which submitted an integrated proposal on the amendment of the current national asylum procedure.

This proposal was transmitted to the competent legal preparatory committee, which came up with a draft Presidential Decree abolishing the provisions of Presidential Decrees 61/1999, 90/2008, 81/2009 and Article 5, Presidential Decree 220/2007, as well as all other general or specific provisions which may be contrary to its contents or may regulate differently issues falling within its scope. At this stage, the draft Presidential Decree has still to be signed by the competent Ministers, approved by the Council of State and finally signed by the President of the Republic. It will come into effect as of the date of its publication in the Official Journal.

This draft Presidential Decree:

- ✓ Was drawn up with the ultimate objective of dealing with existing outstanding issues, which have accumulated in the past years both at the central and at the regional levels, by way of specific transitional provisions.
- ✓ Improves the provisions on the asylum seekers' guarantees and obligations.
- ✓ Re-introduces expedited and regular procedures, to the end of managing effectively abusive asylum applications and providing protection to applicants who are truly in need of asylum.
- ✓ Provides for a new interview procedure prior to the first instance decision, which is more flexible than the current procedure involving the Refugee Committees.
- ✓ Redefines the Independent Refugee Committees at second instance, establishing access to a fair and effective remedy, in accordance with Council Directive 85/2005/EC.
- ✓ Is supplemented with the granting of humanitarian protection for health reasons (*Article 8, P.D.61/1999*).

Additionally, the law that will govern the establishment and operation of the new independent Asylum Agency has already been drafted. The relevant file is now being compiled in order for the Bill to be submitted to the Parliament.

Another legal preparatory committee is working on the drafting of a Presidential Decree which will lay down the asylum procedure in the framework of the Asylum Agency.

At the same time, and prior to the commencement of effect of the new legislative framework, an Action Plan has been established in order to combat the chronic problems encumbering the asylum procedure in relation with the lack of the necessary numbers of staff and interpreters.

(1.4)- The following are notes in general lines:

**a.- Transitional Asylum Procedure/First and Second Instance procedures:**

The Government is determined to change the asylum procedure in Greece, with the final objective of establishing a new independent Asylum Agency, staffed with civil personnel recruited from outside the Hellenic Police.

The Asylum Agency will be responsible for the whole Greek territory and will consist of a Central Agency and the Regional Asylum Offices.

In the framework of the new procedure under the new Asylum Agency, both the first assessment as well as the examination of an application and, of course, the taking of a decision are made by specially qualified scientific civil personnel.

The objective is for the law on the new agency to be passed before the end of this Fall and for the new Agency applying the new Asylum procedure to be fully operational inside the year 2011.

b.- The transitional procedure established by virtue of the Presidential Decree that is now ready for signing has a triple objective:

- ✓ To reintroduce the second instance asylum application examination procedure (*appeal in the second instance*), which was abolished by P.D.81/2009,
- ✓ To settle backlog applications, and
- ✓ To redefine and improve the first instance procedure in the so-called transitional phase.  
Specifically, the Presidential Decree with the transitional period:
- ✓ Maintains the decentralized location of the examination instruments of the applications for international protection not in -52- Police Directorate, as was dictated in P.D.81/2009, but instead in only -13- (*Security Sub-Directorates etc.*), following approximately the geographical distribution of the future Regional Asylum Offices.
- ✓ Lays down that interviews should be taken by a reporting officer, who in this transitional period will be a police officer.
- ✓ It provides for an 'expedited' and a 'regular' procedure (*final second instance decision upon appeal to be issued within six (6) months in the 'expedited' procedure and within twelve (12) months in the 'regular' procedure*).
- ✓ It names as the competent decision-making instrument in the first degree in the regular procedure the General Secretary of Public Order and in the expedited procedure the Police Directors supervising the examination authorities. The objective here is to remove the involvement of the police from the regular procedure and to improve the examination speed particularly with regard to manifestly groundless applications, which will be processed in an expedited manner.
- ✓ Reintroduces the stage of the appeal to second instance Committees, which:
  - Will examine the appeals,
  - Will have the authority to rule on the matter, and
  - Will be independent of the first instance committees, considering that no police officers will participate, thus fulfilling the effective appeal guarantee.

- ✓ Members of the Second Instance Committees and the backlog committees shall be:
  - One civil employee of the Ministry of the Interior or the Ministry of Justice, from the legal functionaries division, acting as Chairman;
  - One UNHCR representative, and
  - One legal functionary, specialized in refugee law and in human rights law, whose name will be selected by the Minister from a list prepared by the National Commission for Human Rights. The Committee members will provide their services full-time and will be appointed by the Minister of Civil Protection, thus being legalized to issue administrative acts.

(2) **Note is made**, moreover, that the Ministry of Citizen Protection and the Hellenic Police Headquarters are determined not to allow the development of a climate of xenophobia or the manifestation of racist phenomena inside the Hellenic Police Force, and to check all unlawful, irregular or improper police conduct. It should be stressed, nevertheless, that the investigation of the reported cases has established that none of them had racist or xenophobic motives.

Despite the fact that the Hellenic Police Headquarters have issued repeatedly circular orders and manuals on the protection of human rights and the general conduct of police personnel in this connection, it still monitors without fail the implementation of these orders and if any additional measures appear necessary then these measures are immediately adopted.

At the same time, precisely because we comprehend the problems facing the immigrants living permanently in Greece, a major effort must be made for their incorporation into the Greek society, with all the rights and freedoms afforded by the Greek Constitution and the Convention on Human rights, as well as the obligations of every Greek citizen.

To this end, this Ministry, in addition to the above-mentioned actions, has been implementing a new immigration management policy (*with regard to both legal and irregular immigrants*<sup>5</sup>), which pursues, in addition to the adoption of further actions which are now in the consultation and talks stage with the other co-competent Ministries and Agencies (*for instance, incorporating immigrants into the social security system etc.*), continued effort making and improvement in the handling – solving of the causes of any problems occurring, and which has a clearly anthropocentric nature in connection with the immigrants.

The new immigration management policy is incorporated in the broader national strategy aiming at the consolidation of social convergence and cohesion, in the spirit also of the Stockholm strategy and the initiatives that will be undertaken by the Belgian Presidency in the European Union.

An **action plan** has already been drawn up and on 15.09.2010 it was presented to the European Commission, outlining the planned actions aiming to deal with irregular immigration in the next three years.

Of course, we continue and intensify our efforts towards an improved institutional framework – inter alia – especially through consultations and dialogue with the migrants' representatives and all the agencies involved.

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<sup>5</sup> Our country, considering its geographical position in the external boundaries of the European Union, receives strong immigration flows and according to FRONTEX data 75% of the arrests of irregular migrants attempting to enter into Europe takes place at the Greek borders.

**B.-** Please act according to this information.

**C.-** The notified Offices of Physical and Political Leadership receiving copies of this report are required to be informed.

**ATTACHMENTS:**

- a)** Forms D-33[1] and D-34 in the Greek language, the same forms in the English language and a list of languages into which these forms have been translated.
- b)** Form KA-141 in the Greek language, which is distributed to detained migrants.
- c)** Order Ref.No 6004/12/48-a dated 21.07.2010 of the Hellenic Police Headquarters Head of Staff.
- d)** Joint Ministerial Decision No 4000/4/46-a dated 17.09.2009.

**THE HEAD OF THE SECURITY AND ORDER BRANCH  
ADAMANTIOS STAMATAKIS, POLICE MAJOR GENERAL**

True copy of the original certified in Athens by the Police.  
(Signature and Seal of the Ministry of Citizen Protection).

**LIST OF ADDRESSEES**

**COPIES TO:**

**1) a. MINISTRY OF CITIZEN PROTECTION**

- Minister's Office (REF: Letters 35,873/15.04.2010, 35,873 (συσχ.)/ 09.06.2010, 35,873 (συσχ.)/03.08.2010 & 35,873(συσχ.)/06.09.2010)
- Deputy Minister's Office
- Office of General Secretary of Public Order (REF: Letters 28,223/08.06.10 & 29,229/06.09.2010)

**b. HELLENIC POLICE HEADQUARTERS**

- Office of the Chief of Police (REF: Letters 36,770/15.04.2010 & 36,770 (συσχ.)/10.06.2010)
- Office of Assistant Chief of Police
- Office of Head of Staff (REF: Letters 1583/16.04.2010, 1583 (συσχ.)/ 11.06.2010 & 1583Δ (συσχ.)/07.09.2010)
- Offices of the Hellenic Police Inspectors for Northern and Southern Greece
- Office of Head of Security and Order Branch (REF: Letters 20,532/20.04.10, 20,532 (συσχ.)/15.06.2010, 20,532 (συσχ.)/04.08.2010 & 20,532 (συσχ.)/ 08.09.2010)
- Office of Head of Organization and HR Branch
- Press Office
- Divisions:
  - ▶ Police Personnel
  - ▶ General Policing
  - ▶ Technical
  - ▶ Financial
  - ▶ Public Security
  - ▶ State Security
  - ▶ International Police Cooperation/1<sup>st</sup> Dept.of EU, Intl.Relations & Delegations
  - ▶ Organization of Legislation
  - ▶ Training
  - ▶ Internal Affairs

**2) PORT POLICE/SECURITY DIVISION/1<sup>ST</sup> DEPT.**

150, Gr.Lambraki Street, Piraeus 18518

**3) MINISTRY OF FOREIGN AFFAIRS**

- ▶ C4 Directorate of Justice, Internal Affairs & SCHENGEN
  - ▶ D4 Directorate of Human Rights
- 3, Akadimias Street, Athens 10671

**ATTACHMENT A. INFORMATIONAL FORMS ON THE RIGHTS OF DETAINEES**

<b>S/N</b>	<b>Form Description</b>	<b>Language</b>
1.	Form D-33(1) Form D-34	Greek
2.	Form D-33a(1) Form D-34a	French
3.	Form D-33b(1) Form D-34b	English
4.	Form D-33c(1) Form D-34c	Italian
5.	Form D-33d(1) Form D-34d	German
6.	Form D-33e(1) Form D-34e	Spanish
7.	Form D-33f(1) Form D-34f	Arabian
8.	Form D-33g(1) Form D-34g	Turkish
9.	Form D-33h(1) Form D-34h	Albanian
10.	Form D-33i(1) Form D-34i	Russian
11.	Form D-33j(1) Form D-34j	Bulgarian
12.	Form D-33k(1) Form D-34k	Romanian
13.	Form D-33l(1) Form D-34l	Serbian
14.	Form D-33m(1) Form D-34m	Polish
15.	Form D-33n(1) Form D-34n	Chinese
16.	Form D-33o(1) Form D-34o	Georgian

(Attached are Forms D-33(1) and D33b(1) – Information Leaflet for Detainees in Greek and in English, and D-34 and D-34b – Complaint for Detainee in Greek and in English)



**FORM: Information Leaflet for detained foreign nationals under deportation**

**HELLENIC REPUBLIC  
HELLENIC POLICE**

.....  
(Name of Service)

**INFORMATION LEAFLET**  
**(For detained foreign nationals under deportation)**

1. As you have been already informed, your residence in this country is not legal. The legal residence of a foreign national in this country is determined by legal entry into the Greek territory on the basis of a valid travel document or the possession of a valid residence permit issued by the competent Greek authority and provided there are no legal grounds for the withdrawal of the right of residence (Law 2910/2001).
2. You are now detained legally and temporarily in this police establishment, until the completion of your deportation procedure. You are to behave quietly and to deliver your passport or other travel document or any other identity document as requested.
3. The officer in charge of your case is ..... (rank and full name of the police officer), who is required to explain your rights to you. You may report any complaints to the Commanding Officer of the Police Authority.
4. During the period of your detention you are entitled to:
  - a. Hire, at your own expenses, an attorney of your choice. The Police Authority will assist you. To have him visit you and to consult him.
  - b. To request that the Consular Authority of your country in Greece be notified of your detention. To have them visit you and to contact them.

-2001-

✂ -----

**CONFIRMATION OF HAVING BEEN INFORMED**

I have received the information leaflet for detained foreign nationals under deportation and an explanation of my rights.

Signed as follows: .....

Date: ...../...../20..... Time: .....

THE POLICE OFFICER

THE DETAINEE

.....

.....  
(Signature-Name-Service)

.....  
(Signature-Name-Nationality)

c. To be visited by your relatives. The details regarding visiting times and frequency are at your disposal.

d. To submit objections, in view of the issue of your deportation decision, within a time limit of no less than 48 hours.

e. To appeal against your deportation decision within a 5-day time limit from the date of its notification before the General Secretary of the Region.

f. To submit objections against your detention decision before the Chairman of the Administrative First Instance Court.

**5.** You are also entitled:

a. To ask to be examined, if you are having a health problem, also by a doctor of your choice, at your expense. The Police Authority cares for the provision of medical assistance through a state medical institute. In case of serious illness, grave accident or your admission into any health institute, the relatives of your choice in our country and your Consular Authority will be informed.

b. To request, at your expense, the provision of special food. The Police Authority will facilitate the provision of such food to the extent possible.

**6.** You are to bear your deportation expenses, either in total or in part, depending on the amount of money you possess.

**7.** We hope to have your cooperation for the fast and smooth conclusion of the deportation procedure.

**8.** You may request additional information about your rights from the officer in charge of your case.

-2001-

✍️-----

\*The detainee named in the front page has been informed that he has been transferred to ..... (name of Police Service), as well as of the title and name of the undersigned officer.

Date: ...../...../20..... Time: .....

THE POLICE OFFICER

.....

(Signature-Name-Service)

\*To be filled in only if the detainee is transferred from the Police Establishment of his initial detention to another Police Establishment.

Drawn up by the Organization & Legislation Division of the Hellenic Police.

**Response of the Ministry of Citizen Protection relating to paragraph 85 of the CPT's visit report (Port Authorities)**

HELLENIC REPUBLIC  
MINISTRY OF CITIZEN PROTECTION  
GENERAL SECRETARIAT FOR MARITIME AND NAVIGATION SAFETY  
HELLENIC COAST GUARD  
BRANCH OF COAST GUARD POLICE  
SECURITY DIVISION  
1<sup>ST</sup> DEPARTMENT

Mail Address: Vasileiadis Coast  
185 10 Piraeus  
Telephone: 210-4191280  
Fax: 210-4191244

Piraeus, 30<sup>th</sup> July 2010  
Reference no. 2212.30/09/2010

To: Ministry of Foreign Affairs/OSCE – CE

CC: Ministry of Citizen Protection/Hellenic Police Headquarters/1<sup>st</sup> Division of Foreign Nationals

SUBJECT: Report by the Council of Europe Committee on prevention of tortures and inhuman or degrading treatment or punishment (CPT) for 2009 – Provision of information

REFERENCE: Your document under Ref. no 71778/10/447896/16-07-2010

1. In reply to your document and in relation to your requests for information of the abovementioned report (par.85 and Annex 1) on issues falling under the competence of the Coast Guard, you are hereby advised as follows:

(a) As Mr. Thomas HAMMARBERG, Commissioner for Human Rights of the Council of Europe, realized during his visit in the city of Patra on 08/02/2010, the two metal containers are not used anymore as detention facilities and the detainees of the Coast Guard of Patra remain within the detention facilities of the Hellenic Police.

(b) In view of the completion of the construction works for the new port in the city of Patra, the construction of appropriate detention facilities, which shall meet international standards, is also under consideration. Completion of translocation of the Central Port Services of Patra and, thus, construction of new detention facilities, is anticipated by the end of this year. Until then, detainees shall remain within the detention facilities of the Hellenic Police.

Service de Traductions du Ministère des Affaires Etrangères de la République Hellénique,  
Athènes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS Translations Service

(c) As regards the detention facilities that are currently under construction and according to the draft drawings made by the Technical Service of the Port Authority of Patra, their total surface shall be 202.50 sq.m. and shall consist of three (03) cubicles of 67.50 sq.m. each, with a capacity of approximately 37 persons (26 men and 11 women in separated chambers), while there will be a sufficiently sized yard area.

2. Please be informed as appropriately.

A. THEOFILOU, Coast Guard Commander  
Director

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Certified exact translation of the attached original in greek  
Athens, 04/08/2010  
The translator  
Elena Asimaki

Service de Traductions du Ministère des Affaires Etrangères de la République Hellénique,  
Athènes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS Translations Service

**Response of the Ministry of Citizen Protection relating to the Port Authorities section of the  
CPT's visit report**

**HELLENIC REPUBLIC**

MINISTRY OF CITIZEN PROTECTION  
GENERAL SECRETARIAT FOR SHIPPING  
& NAVIGATION SAFETY

HELLENIC COAST GUARD

Piraeus, Aug.31 2010

BRANCH OF PORT POLICE

Ref.No. 2212.30/11/2010

DIRECTORATE OF SECURITY

1<sup>ST</sup> DIVISION

To : Ministry of Foreign

Postal Address : Akti Vasileiadi Affairs/D3 OSCE – CoE

185 10 Piraeus

Tel. 210 4191280

cc : Aliens Directorate

Fax 210 4191244

Subject : Additional Information about the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (C.P.T.) for the year 2009.

RE : Your document No 6602.3.38/AS 205/14-04-2010

Our document No. 2212.30/09/2010/30-07-2010

1. In response to re(a) and additionally to re (b) above, we hereby submit our Service's response with the opinions/comments of our Service regarding the recommendations included in the above Report (page 7 – Appendix I) and paragraphs 80-82 of the Comments.
  - (a) The recommendations of the Committee have already been transmitted to the Central Port Police Authority of Chios, in order to, following an arrangement with the port's administration agency, determine any additional action to be taken in order to ensure better holding conditions (suitability for overnight staying, amount of persons depending on the space) for detainees. It is noted that the detainees remain in the facilities of the Port Police Authority for as long as the flagrant proceedings will last, while, if further detention is required, they are transferred to the facilities of the Police Directorate of Chios.
  - (b) As far as the small detention house for illegal immigrants is concerned, it has an area of 42.5 square meters with three rooms, WC and air-conditioning. Illegal immigrants remain in this house for as long as it takes for the procedures provided by the national law to be completed, such as medical examinations, recording, photos and completion of the preliminary interrogation proceedings. Upon completion of these procedures, illegal immigrants are being transferred immediately to the detention facilities which are under the supervision of the police Authorities. It is also noted that every possible effort is paid so that the detainees remain in the above facility as less as possible.
  - (c) As far as the overall conditions of detention of persons and their rights are concerned, our Service has issued to the Port Authorities proper directions for:
    - Informing the detainees of their right to notify their close relatives or to have access to a lawyer.
    - In case of foreigners, notification of the corresponding embassy,

- Ensure the best possible detention conditions in co-operation with the port administration authorities.
- Interview the illegal immigrants for identifying any likely victims of torture and trafficking.
- Transmission of the political asylum requests to the competent police Authorities with parallel notification to the competent Prosecutor of the area.

(d) Finally, we would like to stress that the Port Authorities operate at all times under the supervision of the local Prosecuting Authorities, while the competent Services of the Ministry of Citizen Protection are always at the disposal of every agency or interested party for any assistance or clarification in particular in the field of “first-hand” information regarding matters of violation of human rights and human dignity in order to deal with any isolated cases immediately and effectively and with the utmost strictness.

2. We kindly request that you be advised accordingly.

The Director  
ATH. ATHANASOPOULOUS H.C.G.

=====

*True translation of the original Greek document.*

*Maria Vrana, Translator*

**Response of the Ministry of Citizen Protection relating to paragraph 153 of the  
CPT's visit report**



**VERY URGENT**

Athens, 22nd of October 2010

**HELLENIC REPUBLIC  
MINISTRY OF CITIZEN PROTECTION  
HELLENIC POLICE HEADQUARTERS  
SECURITY AND ORDER BRANCH  
GENERAL POLICING DIVISION  
1<sup>ST</sup> DPT. OF POLICING MEASURES  
4 P. Kanellopoulou – 101 77 Athens**

Contact person: Police Major Christos MANOURAS  
Tel: 210 6980747, Fax: 210 6977374  
File number: 4808/4/76 – σνβ

**SUBJECT:** 2009 C.P.T. Report.

**1.** In reply to your document, please be advised of the following regarding paragraph 153 of the aforementioned report:

**a.** The Hellenic Police Headquarters pay particular attention to the absolute respect for individual rights and the compliance with the regulations governing the sanitary conditions and the safe accommodation and transfer of detainees.

Within this framework, Regulatory Order 18/2006 on the «Transfer of Detainees» was issued to address all relevant issues, as well as to modernise the transfer of detainees and render it safe.

The provisions of this Order, in particular Article 30, stipulate the obligations of escort police officers during transfers.

According to this Article, the police personnel carrying out the transfers must, inter alia, protect the detainees' personality and respect fundamental human rights during the execution of their duties.

The Article also refers to the prohibition of adverse and discriminatory treatment of detainees, especially on the grounds of race, colour, sex, national origin, religion, property and ideology.

**b.** Our Division has repeatedly issued general and special orders, as appropriate, to all regional Services regarding the strict observance of their obligations, as stipulated in the regulations and international conventions in force, which are intended to provide direct and continuous information, to raise awareness and to activate, to the maximum extent possible, every police officer involved, in order to render the detention conditions in police lock-ups and the transfer of detainees safe, as regards safety and sanitary conditions.

**c.** At the same time, all transfers are monitored and supervised in order to ascertain the observance of the aforementioned.

THE DIRECTOR  
Stavros DIAMANTAKOS  
Police Brigadier General



**Response of the Ministry of Health and Social Solidarity relating to paragraphs 45, 46, 47 and 74 of the CPT's visit report**

GREEK MINISTRY OF HEALTH AND SOCIAL SOLIDARITY

**Concerning Paragraph 45**, it should be noticed that notable improvement has been made concerning legal aid and interpretation services in the region of Athens and at several entry/exit points through programs of the Ministry of Health and Social Solidarity run by n.g.o.'s and co-financed by the European Refugee Fund and the state budget.

Specifically, two projects concerning free legal counselling and interpretation services for people in need of international protection were run by n.g.o.s<sup>6</sup> in the region of Athens and one in the region of Patras<sup>7</sup>. These projects were implemented throughout the year 2009.

In addition, 4 projects concerning legal aid and interpretation services were implemented at the entrance points (*Thrace, Samos<sup>8</sup>, Lesvos<sup>9</sup> & Leros<sup>10</sup>*) and one in the region of Patras<sup>11</sup> from 01/04/2009 until 31/05/2009.

The Ministry of Health and Social Solidarity has already planned to implement such programs throughout 2010 within the framework of the European Refugee Fund.

**Concerning Paragraphs 46 and 74**, it should be noted that a project concerning health care services for people in need of international protection was implemented in the detention centre of the Athens International Airport from 15/09/2009 until the end of 2009, funded by the state budget<sup>12</sup>.

The Ministry of Health and Social Solidarity has already planned to implement such programs throughout 2010 within the framework of the European Refugee Fund.

**Concerning Paragraphs 47 and 74**, it should be noted that a project concerning health care services for people in need of international protection in the major detention centre of Athens was implemented throughout 2009<sup>13</sup>, within the framework of the European Refugee Fund.

In addition, a project concerning health care services was implemented at the entrance points (*Thrace, Lesvos, Leros*)<sup>14</sup> from 01/04/2009 until 31/05/2009, within the framework of the European Refugee Fund.

The Ministry of Health and Social Solidarity has already planned to implement such programs throughout 2010 within the framework of the European Refugee Fund.

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<sup>6</sup> One project was implemented by the Greek Council for Refugees & the other by the Ecumenical Refugee Program.

<sup>7</sup> The project was implemented by the Hellenic Red Cross.

<sup>8</sup> The projects in Thrace & Samos were implemented by PRAKSIS.

<sup>9</sup> The project in Lesvos was implemented by the Ecumenical Refugee Program.

<sup>10</sup> The project in Leros was implemented by the Greek Council for Refugees.

<sup>11</sup> The project was implemented by the Citizens of Patras in Action.

<sup>12</sup> This project was implemented by the Hellenic Center for Infectious Diseases Control.

<sup>13</sup> This project was implemented by MedIn.

<sup>14</sup> This project was implemented by the Hellenic Center for Infectious Diseases Control.

**Response of the Ministry of Justice, Transparency and Human Rights relating to the prisons  
section of the CPT's visit report**

**HELLENIC REPUBLIC  
MINISTRY OF THE INTERIOR  
HELLENIC POLICE HEADQUARTERS (A.E.A.)  
ORGANIZATION & HR BRANCH  
POLICE PERSONNEL DIVISION  
2<sup>ND</sup> DEPARTMENT OF IMMIGRATION – 4<sup>TH</sup> OFFICE**

Address: 4, P.Kanellopoulou St., Athens 10177  
Info: Sotirios PANOUSSIS, Police Lieut.Colonel  
Tel: +30-210-6913065 (P.O.L. 10-31240)  
Ref.No: 6004/12/48-a

Athens, July 21, 2010

- TO:** 1. Attica General Police Directorate  
Athens 11522  
2. Thessaloniki Gen.Police Directorate  
Thessaloniki 54121  
3. Regional Police Directorates  
4. Police Academy  
101, Thrakomakedonon Avenue  
Amygdaleza 13671  
5. General VIP Security Division  
Athens 13671
- CC:** 1. Branch Divisions & Independent  
Central Services/A.E.A.  
2. National Intelligence Agency  
Athens  
3. Prison & Correctional Establishment  
Guarding Division  
96, Messogion Avenue,  
Athens 11527  
4. Security Officers' Supplementary  
Insurance Fund  
48, Veranzerou St., Athens 10438  
5. Police Personnel Division/1<sup>st</sup> Dept  
6. ΦAK.7100/15/5

**SUBJECT: Recommendations of the European Committee for the Prevention of Torture and  
Inhuman or Degrading Treatment or Punishment (C.P.T.). Obligations of Hellenic  
Police personnel (police officers, special guards and border guards).**

**REF:** a) Presidential Decree 120/2008 'Police Personnel Disciplinary Law'  
b) Our Order Ref.No 6004/12/33-a dated 27.12.2007  
c) Our Order Ref.No 6004/12/35 dated 27.12.2007  
d) Our Order Ref.No 7100/15/9-στ dated 08.12.2007 (D.O.N.)

1. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (C.P.T.), in its recent 2009 Report which was drawn up after the official visit of its delegation to our country, stresses again that it is crucial to take effective action when any information indicative of possible ill-treatment comes to light, in order to avoid any sense of impunity. Moreover, note is made in the same Report that it is also well established through the case-law of the European Court of Human Rights that whenever a person was injured while in the hands of public officials, there is a strong presumption that the person concerned was ill-treated and the duty not only of the authorities but also of the personnel is to provide a satisfactory and convincing explanation of how the injuries were caused, failing which a clear issue arises under Article 3 of the European Convention of Human Rights [Legislative Decree 53/1974 (Official Journal Issue No A/256/20.09.1974)], according to which 'No one shall be subjected to torture or to inhuman or degrading treatment or punishment'.

2. In the light of the above, recalling also paragraphs (a) to (n) of our Order of point (b) which refer to the obligation to protect life, the respect for human dignity, the prohibition of discrimination, torture and any inhuman or degrading treatment and punishment, and paragraphs 25-41 of our Order of point (d) (pages 93-102), whereby an instruction and guidance manual issued by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (C.P.T.) was forwarded to all Services, you are requested to address the necessary and proper orders and instructions to your subordinate Services, so that all personnel may be informed and give signed acknowledgement of such information, regarding the obligation to provide satisfactory and convincing explanations of how any injuries were suffered by persons under their responsibility and regarding the implementation of the CPT's recommendations and to monitor the personnel's continuous and material compliance with these obligations for the avoidance of attribution of responsibility.

3. Your orders issued in connection with the issues raised herein are to be notified to the Police Personnel Division of the Police Headquarters within ten (10) days of receiving the present.

4. On this occasion, we recall our Order of point (c) and in particular paragraph 3(c) thereof, on the requirement to record and assess in the reports of the findings of administrative inquiries (Preliminary Administrative Investigations and Sworn Administrative Investigations) any medical reports or forensic reports, this requirement having been established in the case-law of the European Court of Human Rights and para.47 of said court's Judgment in the BEKOS and KOUTROPOULOS v.GREECE case of 13.12.2005, which was notified to all Services under Order Ref.No 4803/22/210-κ dated 26.06.2006.

THE HEAD OF STAFF  
NIKOLAOS PAPAGIANNPOULOS  
POLICE LIEUTENANT GENERAL

Issued in Athens on that same date.  
(Signature and Seal of the Hellenic Police Headquarters)

**OFFICIAL JOURNAL OF THE HELLENIC REPUBLIC**  
**ISSUE No B/1535/JULY 27, 2009**

**DECISIONS**

Decision No 4000/4/46-a

Determination of details pertaining to the enforcement of administrative and court decisions ordering the deportation of foreign nationals.

**THE MINISTERS OF**  
**THE INTERIOR – ECONOMY AND FINANCE – JUSTICE**

Taking into account:

1. The provisions of Article 80 para.1 to 3 and Article 82 para.5, Law 3386/2005 ‘on the entry, residence and social inclusion of third country nationals into the Greek Territory’ (A/212);
2. The provisions of Article 90 of the Code of Legislation on the Government and government instruments, which has been ratified by the only Article of Presidential Decree 63/2005 ‘on the Codification of the laws on the Government and government instruments’ (A/96);
3. Prime Minister’s Decision No Y357 dated 07.01.2009 ‘on the abolishment of the post of Deputy Minister and the establishment of the post of Assistant Minister of the Interior’ (B/3);
4. The fact that the provisions of this Decision do not produce any expenditure chargeable to the State Budget, we decide:

***Article 1***

***General Regulations***

1. During the period of effect of a court and administrative deportation decision, more acts aiming at their implementation may be issued in accordance with the provisions in effect. If a foreign national is arrested in the framework of the enforcement of a deportation decision for which he has already been detained in the past and if the maximum detention period prescribed by the law has been exhausted, then the foreign national may be detained again only for the absolutely necessary time required for the conclusion of the legal removal formalities.

2. Foreign nationals are informed in a language of their understanding of the reasons for their detention and a printed information leaflet is given to them describing the deportation procedure and listing their rights in this connection. A certification is drawn up to the effect that such information leaflet has been given to the foreign national in question, which is signed by him and kept in the files of the relevant detention service.

3. Deportations of foreign nationals which have been decided by a court under Articles 74 and 99 of the Criminal Code are enforced by order of the competent public prosecutor, who orders the competent police authority to remove the foreign national under deportation from the establishment of his detention or treatment and carry out immediately his deportation.

***Article 2***

***Suspension of Deportation or Penalty. Conditional Release.***

1. If the administrative deportation of a foreign national is suspended under Articles 77 and 78, Law 3386/2005 or upon a provisional order or decision issued by an administrative court, then the foreign national is required to declare to the police authority which has local jurisdiction his address, telephone number and all other information which may facilitate his location by the authorities. The administrative suspension decision of Article 78, Law 3386/2005 may also impose on the foreign national restrictive conditions mainly in connection with his settlement and residence, the prohibition of visiting certain places and exercising certain professions, his obligation to report at fixed intervals to the police authorities. This suspension decision is deemed to have been automatically revoked when the foreign national’s deportation is made possible.

2. A foreign national’s administrative deportation and detention decision is automatically revoked upon him being granted a residence permit, if he is recognized as a victim of trafficking in human beings under Article 46, Law 3386/2005.

3. If a foreign national’s penalty is conditionally suspended pursuant to Article 99 para.1 and 2 of the Criminal Code, than his detention may be extended depending on the needs of the deportation enforcement procedure for a period which may not be longer than one month.

4. If a foreign national's deportation cannot be carried out after he has served his penalty in any manner, then the provisions of Article 99 para.5 of the Criminal Code shall apply. When granting a suspension the court may impose the conditions laid down in Article 100A para.2 of the Criminal Code.

The deportation suspension decision is forwarded to the police authorities in order for effective control to be ensured and the deportation to be immediately carried out as soon as the relevant obstacles are lifted, without need for a new order to be issued by the public prosecutor.

5. Where the conditional release of a detained foreign national is ordered pursuant to Article 105 of the Criminal Code, the correctional officers shall not release the foreign national immediately upon the issue of the relevant decision; instead, they must prolong the detention for the purposes of the enforcement of the deportation for a period which may not be longer than one month. The director of the detention or treatment establishment is required to duly inform the competent police authority of the foreign national's possible conditional release.

### ***Article 3***

#### ***Obligations of Foreign Nationals***

1. Foreign nationals under deportation must obey the instructions of the officers ordered to carry out their transfer and not make their work difficult.

2. Foreign nationals against whom administrative deportation decisions have been issued under the provisions of Article 76 para.1,2 and 4, Law 3386/2005 are required to leave the country as soon as possible and certainly prior to the expiration of the deadline laid down in the deportation decision. If the detention of a foreign national has been ordered in parallel with his deportation under Article 76 para.3, Law 3386/2005, then he is required to deliver to the Director of the Special Detention Facility for Irregular Migrants or the Commanding Officer of the relevant police service or any other specifically authorized for that purpose officer his identity card, passport or other travel document and any money he may carry. The police service shall remove said document and money if the foreign national fails to comply with his above obligations. In this connection, a delivery or removal report is drawn up and signed by two interrogation officers and the foreign national. This report is kept in the records of the service in charge of the deportation and a copy is given to the foreign national.

3. Foreign nationals under court deportation (Articles 74 and 99 of the Criminal Code) are required to deliver the documents and money of paragraph 1 of this Article to the director of their detention or treatment establishment, who shall issue a receipt (Article 23, Law 2776/1999, A/291). If a foreign national fails to comply with these provisions, then the above items shall be removed by the officers responsible for carrying out body search at the relevant establishment (Article 23, Law 2776/1999), and a report shall be drawn up and signed by the Director of the establishment, the officers who carried out the body search and the foreign national in question.

### ***Article 4***

#### ***Enforcement of Deportation***

1. If a foreign national does not have any travel documents, then the police service responsible for carrying out his deportation shall proceed to the necessary actions before the diplomatic or consular authorities of that national's country of origin or permanent residence or nationality in order for a travel document to be issued. If the diplomatic or consular authorities refuse issuing a travel document or if the relevant country does not have a diplomatic or consular authority in Greece, the police service shall inform the Ministry of Foreign Affairs. When the timely issue of a travel document is impossible, the foreign national shall be issued a special type of travel document in accordance with the provisions of Presidential Decree 124/1997 (A/112).

2. The police officers guarding and escorting a foreign national under deportation shall take all the legal measures in order to prevent an escape or self-inflicted injury or any damage or injury inflicted by the foreign national on another person. Deportation is carried out in such a manner as to ensure the foreign national's safe transfer without insult to his decency and without use of unnecessary violence.

3. The simultaneous deportation of men and women must be avoided. The deportation of women is carried out in any case with the escort of, among others, a female police officer. Minors under deportation are accompanied to the extent possible by police officers specially qualified to handle the needs of minors.

4. If a foreign national under deportation refuses to board the relevant means of transport in order to leave the country, then his removal may take place under the escort of police until the place of his destination, upon a decision of the General Secretary of Public Order of the Ministry of the Interior and provided all the requirements for the safe travel, stay and return of the police escort are met, in accordance with Article 80 para.4, Law 3386/2005 (A/212).

#### ***Article 5***

##### ***Detention of Foreign Nationals***

1. Foreign nationals whose deportation has been decided by the courts are held in special premises in the relevant detention or treatment establishments (Article 74 para.4 of the Criminal Code) and the provisions of Law 1776/1999 (A/291) apply to their general treatment.

2. Foreign nationals whose deportation has been administratively decided are held in Special Detention Facilities for Irregular Migrants (Article 81, Law 3386/2005), or in the absence of such facilities, temporarily in the holding facilities of police stations. Minor foreign nationals and women are held in separate premises, unless reasons related to the protection of minors or keeping the family together impose the contrary. A certification is drawn up by the Commanding Officer of the relevant service in connection with the period of detention of a foreign national in a police holding facility.

#### ***Article 6***

##### ***Obligations of Detention Services***

1. The money belonging to foreign nationals under court deportation which is delivered or removed under the provisions of Article 3 shall be deposited to accounts in their names pursuant to Article 45, Law 2776/1999. Money belonging to foreign nationals under administrative deportation, including any remittances made to them during the period of their detention, is kept in a safe space in the Special Detention Facility for Irregular Migrants or the police establishment of their detention under the care of the Director or Commanding Officer of the relevant service.

2. A specially authorized officer of the detention or treatment establishment or the Special Detention Facility for Irregular Migrants issues to the police authority in charge of the deportation a copy of the deportation decision, the documents of paragraph 1 and the money in the detained foreign national's personal account (Article 45, Law 2776/1999) as well as any personal items belonging to him. A return report is drawn up and signed by the police officer, special guard or border guard in charge of the transfer, the officer of the detention or treatment establishment or the SDFIM and the foreign national.

3. If a foreign national does not have a passport or other travel document, then the Director of the detention or treatment establishment or SDFIM informs by way of an urgent document the police authority in charge of the deportation, in order for them to see that the foreign national is issued a travel document in a timely manner in accordance with the provisions of Article 4. If the detention establishment is located in a place outside the region of the offices of the consular authority responsible for the issue of the travel document, the Director of the establishment may request the transfer of the foreign national to the detention establishment which is nearest to the offices of the competent consular authority.

#### ***Article 7***

##### ***Costs of Deportation Procedure***

1. The costs associated with the acquisition of tickets for a foreign national under deportation and his escorting police officers, and his food, are initially covered by the money belonging to that foreign national under deportation which is kept in accordance with the provisions of Article 6 para.1. The amount corresponding to any expenses which cannot be immediately settled is deposited payable to the State at the relevant Public Fiscal Service (Revenue Code Number KAE 3919 'Unforeseen Revenues'). The remaining amount, after these costs have been covered, shall be delivered to the foreign national and a report shall be drawn up to that effect and signed by the foreign national and the investigating officer of the Service carrying out the deportation.

2. If a foreign national's money is not enough to cover his deportation and food costs, the missing amount shall be paid by the State (Special Fund 07-210) and shall be charged to the foreign national or his employer in accordance with the provisions of Article 80 para.1 and 3, Law 3386/2005, by virtue of an act drawn up by the Service responsible for carrying out the deportation using Form I or II of Article 8, respectively. This act shall be forwarded to the Public Fiscal Service (DOY) of the place of domicile or residence of the obligor foreign national or his employer and shall constitute a legal collection title under Legislative Decree 356/1974 'Code of Collection of Public Revenues'. The relevant charge assignment act shall be forwarded to the competent Public Fiscal Service in order for the relevant amount to be confirmed as public revenues, provided the conditions of Article 2, L.D.356/1974 (Code of Collection of Public Revenues) and Article 55, P.D.16/1989 (A/6) are met.

3. The ticket receipts, the certification of Article 5 para.2 regarding the foreign national's period of detention in a police holding facility, the delivery, removal and return reports of this Decision and the copy of the collection receipt issued by the relevant Public Fiscal Service shall remain in the files of the Service carrying out the deportation.

4. If the foreign national's entry into our country has been permitted upon payment of a bond by a third party, then the amount of the bond deposited with the Deposits and Loans Fund shall be forfeited to the State, in accordance with Article 80 para.2, Law 3386/2005 following the issue of a document in this connection by the Finance Division of the Hellenic Police Headquarters. The Aliens Division of the Hellenic Police Headquarters shall duly inform the Finance Division of the deposit of the bond and of the deportation of the foreign national for whom such bond had been deposited.

*Article 8*  
*Forms*  
FORM I

TITLE OF SERVICE

**FOREIGN NATIONAL'S**  
**DEPORTATION AND FOOD COSTS CHARGE ASSIGNMENT ACT**

Number: .....

Taking into consideration the provisions of:

1. Article 80 para.1, Law 3386/2005;
2. Legislative Decree 356/1974 'Code of Collection of Public Revenues';
3. Joint Ministerial Decision No ..... dated ..... 'on the determination of details pertaining to the enforcement of administrative and court decisions ordering the deportation of foreign nationals' (Official Journal Issue No B/...)
4. Joint Ministerial Decision No 2/30866/0022 dated 03.08.2001 'on the determination of the per diem cost of catering in connection with persons under legal restriction' (Official Journal Issue No B/1022);

5. ....

We assign to:

LAST NAME	
FIRST NAME	
FATHER'S NAME	
MOTHER'S NAME	
DATE OF BIRTH	
PLACE OF BIRTH	
NATIONALITY	
PASSPORT NUMBER	
IDENTITY CARD NUMBER	
TAXPAYER'S REG.NUMBER	
PLACE OF DOMICILE/RESIDENCE	
ADDRESS	
TELEPHONE	

whose deportation has been ordered by virtue of decision No ..... dated ..... issued by ..... (administrative authority or court), the following amounts:

Ticket price	
Cost of food of foreign national detained in a SDFIM or police holding facility (days of detention X prescribed per diem amount)	
Amount already withheld from the foreign national under deportation pursuant to Article 80, Law 3386/2005 which is deducted from the above expenses	
TOTAL	

The Public Fiscal Service (DOY) of ..... is requested to collect the above amount and sent to our Service the relevant receipts.

In testimony of the above, this act was drawn up in duplicate and signed as follows:

THE OBLIGOR

THE DIRECTOR OR HEAD OF SERVICE

INFORMATION FOR THE OBLIGOR:

1. The amount may be paid at any Public Fiscal Service.
2. In the event that the amount charged is not paid by any obligor, then the procedure of Legislative Decree 356/1974 (Code of Collection of Public Revenues) shall be followed.



FORM II

TITLE OF SERVICE

**FOREIGN NATIONAL'S  
DEPORTATION AND FOOD COSTS CHARGE ASSIGNMENT ACT  
TO EMPLOYER**

Number: .....

Taking into consideration the provisions of:

1. Article 80 para.3, Law 3386/2005;
2. Legislative Decree 356/1974 'Code of Collection of Public Revenues';
3. Joint Ministerial Decision No ..... dated ..... 'on the determination of details pertaining to the enforcement of administrative and court decisions ordering the deportation of foreign nationals' (Official Journal Issue No B/...)
4. Joint Ministerial Decision No 2/30866/0022 dated 03.08.2001 'on the determination of the per diem cost of catering in connection with persons under legal restriction' (Official Journal Issue No B/1022);
5. ....

We assign to:

	FOREIGN NATIONAL'S EMPLOYER
LAST NAME	
FIRST NAME	
FATHER'S NAME	
MOTHER'S NAME	
DATE OF BIRTH	
PLACE OF BIRTH	
NATIONALITY	
PASSPORT NUMBER	
IDENTITY CARD NUMBER	
TAXPAYER'S REG.NUMBER	
PLACE OF DOMICILE/RESIDENCE	
ADDRESS	
TELEPHONE (home)	
TELEPHONE (work)	

who was found on ....., day ....., time ..... by ..... an officer serving at the ..... service, to employ the following foreign national/s in violation of Article 86 para.1, Law 3386/2005:

	FOREIGN NATIONAL UNDER DEPORTATION
LAST NAME	
FIRST NAME	
FATHER'S NAME	
MOTHER'S NAME	
DATE OF BIRTH	
PLACE OF BIRTH	
NATIONALITY	
PASSPORT NUMBER	
IDENTITY CARD NUMBER	
TAXPAYER'S REG.NUMBER	
PLACE OF DOMICILE/RESIDENCE	
ADDRESS	
TELEPHONE	

whose deportation has been ordered by virtue of decision No ..... dated ..... issued by ..... (administrative authority or court),

	FOREIGN NATIONAL UNDER DEPORTATION
LAST NAME	
FIRST NAME	
FATHER'S NAME	
MOTHER'S NAME	
DATE OF BIRTH	
PLACE OF BIRTH	
NATIONALITY	
PASSPORT NUMBER	
IDENTITY CARD NUMBER	
TAXPAYER'S REG.NUMBER	
PLACE OF DOMICILE/RESIDENCE	
ADDRESS	
TELEPHONE	

whose deportation has been ordered by virtue of decision No ..... dated ..... issued by ..... (administrative authority or court),

the following amounts:

Ticket price	
Cost of food of foreign national detained in a SDFIM or police holding facility (days of detention X prescribed per diem amount)	
Amount already withheld from the foreign national under deportation pursuant to Article 80, Law 3386/2005 which is deducted from the above expenses	
TOTAL	

The Public Fiscal Service (DOY) of ..... is requested to collect the above amount and sent to our Service the relevant receipts.

In testimony of the above, this act was drawn up in duplicate and signed as follows:

THE OBLIGOR

THE DIRECTOR OR HEAD OF SERVICE

INFORMATION FOR THE OBLIGOR:

1. The amount may be paid at any Public Fiscal Service.
2. In the event that the amount charged is not paid by any obligor, then the procedure of Legislative Decree 356/1974 (Code of Collection of Public Revenues) shall be followed.

*Article 9*

*Abolished Provisions*

As of the commencement of effect of this Decision, Decision No 4803/13/7-a dated 18.06.1991 of the Ministers of Foreign Affairs, Justice and Public Order (B/407) and Decision No 137954 dated 12.10.2000 of the Ministers of Foreign Affairs, Justice and Public Order (B/1255) shall be abolished.

*Article 10*

*Commencement of Effect*

The present Decision shall enter into effect as of the date of its publication in the Official Journal of the Hellenic Republic.

This decision is to be published in the Official Journal of the Hellenic Republic.

Athens, July 22, 2009

**THE MINISTERS**

THE ASSISTANT MINISTER OF THE INTERIOR – CHRISTOS MARKOYIANNAKIS

THE MINISTER OF ECONOMY AND FINANCE – IOANNIS PAPATHANASSIOU

THE MINISTER OF JUSTICE – NIKOLAOS GEORGIOS DENDIAS

**HELLENIC REPUBLIC**  
MINISTRY OF JUSTICE, TRANSPARENCY AND HUMAN RIGHTS

DIRECTORATE OF ADULT PENITENTIARY TREATMENT

DEPARTMENT OF PENITENTIARY AND THERAPEUTIC INSTITUTES' FUNCTION

Postal address: 96 Mesoghion Ave.

Postal code: 115 27

Tel: 213 1307237

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Information: G. Arhoididis

Email: [garhoididis@justice.gov.gr](mailto:garhoididis@justice.gov.gr) Athens, 3 Sep 2010

Ref.No: 88240

TO:

Ministry of Foreign Affairs

D' General Directorate of International Organisations and International Security and Cooperation

Directorate D3 OSCE-COE

Subject: Response of the Ministry of Justice, Transparency and Human Rights to the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) for 2009

Ref: Your document 6602.3/38/AS 205/14 April 2010

In reference to the above document, we would like to make the following points in relation to the observations made by CPT:

Regarding the more general matters of penitentiary policy, we would like to inform you as follows:

- 1) Concerning the problem of overcrowding of Greek prisoners (**paragraphs 88 and 111**), you already know that the Prisons of Nigrita (Serres), Drama and Chania will be delivered soon; with a total capacity of 2500 persons, they are expected to significantly help mitigate the problem. Moreover, in very crowded prisons, efforts are being made to reduce overcrowding by transferring prisoners to other detention facilities.

On the other hand, we agree that increasing the capacity of the system is one of the aspects leading to the solution of the problem. The other – and perhaps the most substantial – aspect relates to institutional interventions to differentiate and contain the cases for which a custodial sentence is imposed. In this context, the Ministry of Justice, Transparency and Human Rights has already passed Law 3860/2010 (Government Gazette A 111/12 July 2010), with lenient arrangements for juvenile delinquents. Moreover, by virtue of Law 3811/2009 (Government Gazette A 231/18 Dec 2009), about 500 prisoners have been released to date, while prisoners with a custodial sentence of up to five years are entitled to apply for the conversion of the sentence to community work. In addition, cases for which detention in remand is imposed are significantly contained.

- 2) As regards the elaboration of a strategic plan for the recovery of the penitentiary system with clear reference to its mission and values, the size and number of prisons and the required financial projections that will support the staff policy and any activities taking place within prisons (**paragraph 59**), we would like to inform you that we intend to assign the elaboration thereof to the Central Scientific Board for Prisons as soon as possible. The main mission of this collective body is, inter alia, to recommend the overall penitentiary policy, make suggestions for anti-crime policy and recommend measures to improve the operating conditions of detention facilities.

We would also like to inform you that the same direction is also followed by the law-drafting committee that studies the reform of the Penitentiary Code.

- 3) As regards your observations about verbal abuses and intimidation of prisoners by penitentiary staff, the Ministry of Justice, Transparency and Human Rights has already forwarded strict recommendations to the management of detention facilities for the prevention of such phenomena, making clear that there would be zero tolerance to such behaviour in the future.
- 4) We are committed to study in depth your proposal on replacing physical surveillance of the exterior areas of prisons with electronic systems (**paragraph 123**).
- 5) Moreover, we are committed to proceed to the reevaluation of procedures for receiving new prisoners in order for the latter to adapt in the best and safest possible manner to their new environment (**paragraph 141**).
- 6) As regards the matter of vaginal search of female prisoners in the women's detention facilities of Korydallos and Thiva (**paragraph 92**), all intra-body search not conducted on the basis of article 23, paragraph 6, of Law 2776/99 (Penitentiary Code) has been prohibited by order of the Deputy Minister of Justice, Transparency and Human Rights. On the basis of the Deputy Minister's order, any practices that do not comply with the said provision and directly prejudice human dignity shall be explicitly and categorically prohibited. In any event, we are willing to review your proposal on alternative methods of prisoner search by ultrasound devices (**paragraph 93**).
- 7) As regards your proposal on the establishment of a register of lesions and injuries for new prisoners to be systematically updated (**paragraph 94**), the Ministry of Justice, Transparency and Human Rights is already examining its implementation and has asked the law-drafting committee involved in the reform of the Penitentiary Code to include this matter in its proceedings.
- 8) We would like to assure that, in principle, access to hot water has been ensured for all prisons of the country (**paragraph 111**). We would like to inform you that isolated instances of breakdown in water supply relate to wider problems of the water supply network and affect both the general and the prison population. Immediate and continuous efforts are made by competent local authorities to solve these problems, if and when they arise.
- 9) Regarding the matter of prisoners' education (**paragraphs 113 and 114**), as you already know from previous communications, a series of educational programmes are implemented in Greek prisons and Second Chance Schools operate (see attached Table 1). Their goal is to provide prisoners with knowledge and skills that will help them smoothly reintegrate in society.

On the other hand, the Ministries of Justice, Transparency and Human Rights and of Education and Lifelong Learning are in continuous cooperation to improve and expand such programmes.

We would also like to inform you that, in this context, a Second Chance School will operate in the detention facility of Grevena, while such schools already operate in the detention facilities of Korydallos, Thessaloniki (for men and women), Larissa, Patras, Domokos, Trikala and Eleonas-Thiva (for women).

Finally, we would like to inform you that, following concerted actions of the competent Ministries, the term “prison” was removed from the certificates of learning issued to prisoners.

- 10) As regards the elaboration of specialized and personalized education and free-time management courses for long-term prisoners in Greek prisons (**paragraph 114**), having accepted the observations of CPT, we would like to inform you that we are already moving towards this direction, to the extent permitted by the difficult financial conjuncture of the country. Specifically, we are already collaborating with the Ministry of Labour and Social Security for the creation of specialized vocational training courses for prisoners.

Moreover, a programme is under way for the construction of small sports facilities in the prisons of the country, while the pilot operation of a psychosocial support programme for prisoners who have infringed the legislation on sexual exploitation and abuse has begun in the detention facility of Grevena.

Finally, as you already know, the Ministry of Justice, Transparency and Human Rights is already closely collaborating with the Addict Treatment Centre with the purpose of providing the best possible correction and reintegration to addicted prisoners. Specifically, treatment consulting programmes and a special treatment programme for addicted female prisoners by the competent addiction treatment centre (KETHEA) operate in the detention facilities of Korydallos, Korydallos for Women, Korydallos Prisoner Mental Clinic, Aghia, Alikarnassos, Neapoli, Chania, Kassavetia, Kassandra, Thessaloniki, Komotini, Volos, Avlona, Grevena and Patras. Other involved bodies include Drug and Alcohol Addiction Treatment Centre “18 Ano” and Social Support Organisation for Young People “Arsis”. Moreover, a wing in the detention facility of Trikala has been converted into an addiction treatment unit, operating under the responsibility of KETHEA.

We aim at continuously upgrading this collaboration with citizen society organisations (OKANA, KETHEA, 18 Ano) in order to provide the best possible solution to the problem of addicted prisoners, through the know-how and specialisation of such organisations (**paragraph 139**).

- 11) Concerning the matter of communication of prisoners with their family and social environment (**paragraphs 144 and 145**): In all prisons of the country, prisoners are entitled to visits pursuant to the provisions of the Penitentiary Code. On the other hand, the number of visits of prisoners cannot be uniform for the entire penitentiary system, since it depends on the number of prisoners, the number of staff and other programmes run daily in each prison.

Particularly for prisons with objectively difficult access, instructions have been given to allow visits on holidays as well.

As regards your other observations (free visits, personalized security arrangements for free visits), the law-drafting committee for the reform of the Penitentiary Code has been informed accordingly and will recommend pertinent legislative arrangements if necessary.

- 12) We would like to inform you that prisoners in guardhouses have outdoor activities as prescribed by the time schedule of each facility (**paragraph 149**). No phenomena of deprivation of outdoor activities for prisoners in guardhouses have been observed in any detention facility.
- 13) The Ministry of Justice, Transparency and Human Rights is committed to proceed in the near future to processing and printing a leaflet, in order for prisoners to be informed of their basic rights and obligations in the detention facility in a language as familiar as possible (**paragraph 150**). We would also like to inform you that copies of the Penitentiary Code and the Detention Facility Bylaws, translated into English, French, Russian, Bulgarian and Romanian, have already been distributed to the country’s detention facilities. Certain shortcomings observed in isolated detention facilities will be covered soon.

- 14) Regarding the matter of reviewing the regime for granting leaves to foreign prisoners (**paragraph 146**), we would like to inform you that, on the basis of the Penitentiary Code, no discriminations are allowed in the granting of leaves based on the ethnic origin of the prisoner. Any requirements and specific arrangements under articles 54-56 of the Penitentiary Code concern both foreign and domestic prisoners. The legality of this process is ensured by the participation of a judicial officer in the relevant collective decision-making body.
- 15) Prison management complies with the procedures prescribed by the Penitentiary Code regarding medical examination and interview of new prisoners, pursuant to the provisions of articles 23 and 24 of the Penitentiary Code, by reviewing entry documentation, updating the prisoners register and conducting body search. One day after entry in the facility at the latest, prisoners are informed by the management of their rights and obligations, are examined by the physician of the facility and are interviewed by the social worker (**paragraph 134**).
- 16) As regards your observations that, following the death of a prisoner, no action or inquiry is conducted to establish the cause of death (**paragraph 140**), we are of the opinion that the existing legislation is adequate and the prescribed procedures are implemented by prison management to the letter. We would like to inform you that, in the event of death with a detention facility, the competent prosecutor's office for the first instance court is immediately notified. Such office then orders a medical examination to establish the cause of death and a preliminary disciplinary inquiry to establish any liability of penitentiary staff concerning late intervention.
- 17) In closing, we once again dismiss as unfounded and offending to the penitentiary staff your complaints about effective absence thereof from detention facilities and complete failure to control them, with concurrent assignment of such functions to powerful groups of prisoners, which de facto leads to violence and intimidation among prisoners (**paragraphs 96 and 120**).
- 18) We would finally like to inform you that, in the context of the Operational Programme "Digital Convergence", the Ministry of Justice, Transparency and Human Rights will implement the project "Electronic Services for Detention Facilities".

The implementation of this project is of paramount importance and aims at addressing problems and significantly improving the efficiency and reliability of the Greek penitentiary system by covering a wide range of requirements, including:

- Regional detention facilities' interface with the central service of the Ministry of Justice, Transparency and Human Rights will lead to the provision of improved services to citizens.
- Equal and non-discriminating availability of digital services to all citizens, irrespective of social position or category, aiming at combating the digital gap in all its forms (geographic, age-related, disabled persons, socially excluded groups etc.).
- Development of specialized applications that will simplify citizen transactions through the use of digital services.
- Reinforcement of the social position of prisoners, effective exercise of their rights and provision of integrated, rapid and full information to all bodies and users involved on matters of human rights etc.
- Development of the information system of the Central Service of the Ministry of Justice, Transparency and Human Rights for secure and confidential access to information networks on prisoners/released persons.

Digital services to be provided when the project is implemented include:

- Electronic application for and issuance of detention certificates.
- Electronic application for and issuance of certificates of moral/ disciplinary control.
- Electronic application for and issuance of medical certificates.
- Electronic scheduling of professional visit passes (lawyers).
- Electronic scheduling of citizen visit passes (relatives).
- Electronic exchange of information with the broader public sector.
- Electronic provision of application forms/documents for a more rapid processing of requests by detention facilities to the Central Service and involved bodies.
- Electronic provision of information/ Electronic prisoner files to accredited representatives.
- Announcement of extraordinary incidents.
- Information services to the broader public (prisoners, relatives, lawyers, embassies, consulates etc.) /Publication of information and contact particulars.

In view of the foregoing, it is estimated that potential users and beneficiaries of such electronic services will include prisoners (around 12,000), their immediate family (around 40,000), their potential or active lawyers (around 10,000), social services and associations (such as “Epanodos”, associations of released persons, minor children protection societies) and other bodies (such as embassies, consulates, associations of immigrants, local authorities and NGOs). The number of potential users also includes all persons released from prison (around 200,000).

As regards specific observations made in the Report concerning the operation of specific detention facilities, we would like to make the following points:

1) Korydallos detention facility:

A) As regards the observations about the involvement of penitentiary staff in the process of medical examination and hospitalisation of prisoners, we would like to inform you that prisoners who ask to be examined submit themselves an application to the facility’s medical practice and are summoned for the examination by the competent physician as soon as possible. The same process is followed in the other Greek prisons, while no phenomena of involvement of penitentiary staff in the process of evaluation of the prisoners’ applications for examination have been noted (**paragraph 129**).

B) Unfortunately, the prisoner mentioned in **paragraph 136** cannot be tracked down. We are at your disposal for the provision of a detailed response, if you provide more information in order to establish the identity of the prisoner.

C) Regarding the female prisoner mentioned in **paragraph 137**, we would like to provide the following information: This prisoner is now regularly attended by a permanent physician of the Prisoners’ Hospital, undergoes tests and receives appropriate pharmaceutical treatment (antiretroic drugs). According to the information provided by the medical staff of the Prisoners’ Hospital, her health is clearly improving. She was also given psychological support by a psychologist of the facility, in the context of 15 sessions from 25 September 2009 to 3 August 2010. Finally, concerning her early release, the Magistrate Council of Piraeus, having ordered a special medical report, dismissed her petition for conditional release on the grounds that “for the moment, she does not have the acquired immunodeficiency syndrome ... and following the systematic administration of special antiretroic treatment ... she is in a satisfactory clinical condition”.

D) As regards your observation about the establishment of an admission protocol for women prisoners/HIV carriers (**paragraph 137**), we would like to inform you that they are now subject to the same procedures followed for men prisoners and are admitted in the Prisoners Hospital.



E) As regards the effective access of prisoners to medical services at nighttime (**paragraph 129**), we would like to make the following observations: The detention facility of Korydallos is served by a physician on duty from 23.00 to 07.00 daily. There is also a shift for 15.00 to 23.00. In any event, the facility is located at the same premises as the Prisoners Hospital and the Mental Clinic, which guarantees immediate provision of medical care to patients that cannot be covered by the staff of the detention facility of Korydallos. On the other hand, we accept that there is a problem at the detention facilities of Patras and Amfissa, as well as other detention facilities due to lack of staff and commit to take the necessary initiatives to solve it.

F) Finally, as regards the death of two prisoners (**paragraph 140**), we would like to inform you that the first one was summoned twice for the provision of psychological support, first on 24 July 2009, right after the self-inflicted injury, and secondly on 28 July 2009. The prisoner refused to come to the session both times. Concerning the second death, we would like to note that the time required for the deceased to be transferred from his cell to the medical office of the Korydallos facility and from there to the Prisoners Hospital did not exceed five minutes.

Concerning the information requested by CPT about the results of the autopsy report on the cause of death of the said prisoners, our department has already asked the Prosecutor's Office for the First Instance Court of Piraeus to order a relevant inquiry and provide us with information about its results. We commit to notify you immediately after the results of the medical inquiries become available. We would also like to inform you that the Prosecutor's Office for the First Instance Court of Piraeus is conducting a preliminary disciplinary inquiry for one of the deaths.

G) As regards the prisoner suffering from scrotal hernia, mentioned in **paragraph 129**, we would like to inform you that, after he was transferred to the detention facility of Domokos, he underwent surgery for hydrocele and left bubonocoele at the General Hospital of Larissa on 23 July 2010, received specific pharmaceutical treatment and is now in excellent health.

H) Regarding sterilization of dental tools at the dental clinic of the facility (**paragraph 133**), we would like to inform you that a furnace has been ordered and expected to be delivered in the coming days.

I) Finally, we would like to inform you that a screen has been placed at the toilets inside the cells of the Women's Detention Facility of Korydallos (**paragraph 148**).

- 2) At the detention facility of Amfissa and regarding the absence of documents from the medical record of the prisoner mentioned in **paragraph 129**, we would like to inform you that this prisoner was transferred, by virtue of the medical certificate issued by the physician of the facility, to the General Hospital of Amfissa on 2 August 2009 and 3 August 2009, but was not hospitalized. On 11 August 2009, he was transferred to the Hospital of Athens "Aghia Olga", where he died on 14 August 2009. You rightly observe that, for both admissions, his record does not contain any document certifying that he was examined by a Hospital physician. Instructions have already been sent to the country's prison managements about the strict observance of the rules on maintaining prisoner medical records.

On the other hand, we would like to observe that the record of the said patient contains a certificate by the Director of the Internal Medicine Clinic of Amfissa regarding the patient's severe respiratory failure, by virtue of which he was transferred.

As regards the information you requested about the cause of death (paragraph 140), we commit to provide it in due time, since the prisoner died at the Hospital Aghia Olga, from which we must obtain such information.

4) Women's Prison of Thiva:

A) Instructions were given to the facility's management about the embellishment of the premises and the observance of health regulations in order to function as a place of effective correction, showing respect to human personality.

B) As regards the matter of juvenile prisoners' attendance by specialized staff (**paragraph 117**), CPT must give special weight to the difficult economic conjuncture in which the Greek government must do more things with less funds in all sectors of public policy. However, it is worth noting that a memorandum of understanding will soon be signed, by initiative of the Deputy Minister of Justice, Transparency and Human Rights, with the University and 1<sup>st</sup> Pediatric Clinic of the University of Athens, "Aghia Sofia" Children Hospital, for the free-of-charge examination of the children of prisoner mothers.

Finally, in this objective context, we think it is very positive that special premises have been ensured for minor prisoners, who will be attended by the existing scientific staff of the facility.

C) As regards the instance of insults and intimidation of prisoners that CPT claims to have taken place at the Women's Prison of Thiva (**paragraph 90**), the points made in paragraph 3) above concerning the overall penitentiary policy also apply here.

C) Finally, we commit to provide explicit instructions to the secretariat of the detention facility of Thiva in order to ensure the access of prisoners to documents and information that concern them (**paragraph 151**).

5) As regards your observations about guardhouses and toilets at the facilities of Thessaloniki, Chios, Malandrino and Patras (**paragraph 148**), we would like to inform you as follows:

The Directorate of Adult Penitentiary Treatment made observations and recommendations to the management of the detention facility of Chios about the unacceptable state of the prison's toilets and the situation improved considerably.

Concerning the guardhouse of the Thessaloniki facility, the restriction of natural light inside the guardhouse was due to the protective covers installed by the contractor who constructed the adjacent new wing of the facility, in order to avoid polluting the guardhouses with dust. These covers have been removed, since the polluting works are completed, and there are no problems anymore.

Disciplinary cells of the detention facility of Malandrino have been renovated and are operative, as are the outdoor premises of the guardhouse, where prisoners may take daily exercises.

As regards the guardhouses of the detention facility of Patras, THEMIS construction company has already completed a study, which will be implemented soon.

As regards the observations made by CPT about staff policy, we would like to make the following points:

### **1. Detention Facilities Staff**

In detention facilities, as in other public services, recruitment is scheduled annually on the basis of vacancies at the time of scheduling.

The decision on the number of vacancies to be filled is made by Cabinet Act and the process of calling for applications and selecting staff is conducted by an independent authority, the Supreme Staff Selection Council (ASEP).

Until the passing of Law 3812/2009 on the reform of the system of appointments in central government and other provisions, the ASEP appointment process excluded guarding staff for detention facilities, due to their specific duties. Vacancies were announced and candidates were selected for appointment as guards by the Ministry of Justice, according to objective criteria similar to those of ASEP. Staff was also selected by special committees (health, sports and psychotechnic) that evaluated the ability and suitability of candidates to perform the specific duties of their field.

In the context of the new fiscal policy, no appointments can be scheduled for this year. Any vacancies will be filled by transferring staff from organisations that will be abolished and consolidated, the criterion being to attract staff from all backgrounds. This staff will receive special training in order to perform the special duties of the positions to which they will be transferred. Appointments in central government for the first half of 2010 have been suspended. The appointment of persons included in successful candidate lists will begin in the second half of 2010 and will be completed in 2012.

At the moment, the number of permanent positions and active staff at the detention facilities are as follows:

No.	BRANCH	PERMANENT POSITIONS	ACTIVE STAFF
1	Adult Penitentiary PE	152	101
2	Agronomics PE	9	6
3	Priests PE	2	1
4	Pharmacists PE	5	2
5	Medical Specialities PE	51	11
6	Psychiatrists PE	37	3
7	Dentists PE	19	4
8	Criminologists	16	0
9	Psychologists PE	54	27
10	Sociologists PE	10	8
11	Administration-Accounting PE	50	33
12	Nursing TE	107	54
13	Social Work TE	146	64
14	Agronomy Technologists TE	7	6
15	Mechanics TE	27	10
16	Electricians TE	8	1
17	Graphic Arts TE	3	1
18	Seamen TE	8	8
19	Information Technology TE	38	0
20	Presswork DE	2	0
21	Administration-Accounting DE	272	173
22	Nursing DE	35	26
23	Agriculture-Veterinarians DE	21	3
24	Technical DE	44	19
25	Electronics DE	1	1
26	Bakery Workers DE	1	1
27	Guards DE	3,530	2,344
28	Exterior Guards DE	3,395	1,596
29	Miscellaneous Private-Law Branches	8	8
30	Auxiliary Staff YE	11	6
31	Bakery Workers YE	1	1

PE = University Education, TE = Technical Education, DE = Secondary Education, YE = Compulsory Education

## **2. Health Care:**

In the context of the efforts made by the Ministry of Justice, Transparency and Human Rights to improve and upgrade healthcare services provided to prisoners, the Ministry addresses any needs, for visiting physicians mainly with the operation of 19 regional health centres, at each detention facility in which they have been created and are expanding.

Law 3772/2009 provides for the inclusion of the special treatment detention centres of the Ministry of Justice, Transparency and Human Rights in the National Health System (NHS), i.e. (i) Prisoners' Mental Clinic, (ii) Prisoners' Hospital, (iii) the treatment centre for addicted prisoners at Eleonas-Thiva (KATKETH), and (iv) two new centres that will operate in the future.

A special committee has been established for the said arrangement, which will make recommendations for the issuance of a presidential decree that will determine all necessary steps for the said inclusion. Such committee is expected to conclude its tasks by the end of 2010. This will significantly upgrade the medical services provided and will resolve long-standing problems.

Cooperation programmes are being planned and will be implemented with volunteer organisations. Such programmes include, but are not limited to:

1. Implementation of a pilot cooperation programme between the Greek Cancer Society and the women's detention facility of Eleonas-Thiva for the free-of-charge examination of women prisoners (breast cancer and PAP test), with the purpose of signing a Memorandum of Standing Cooperation.
2. Implementation of a pilot cooperation programme between the Pediatrics and Child Psychiatry Clinic of the University Children Hospital "Aghia Sofia" and the women's detention facility of Eleonas-Thiva for the free-of-charge examination of the children living in prison because of their prisoner mothers, with the purpose of signing a Memorandum of Standing Cooperation.
3. Implementation of a pilot programme at the women's detention facility of Eleonas-Thiva and the women's annex of the detention facility of Korydallos by the Child's Health Institute for prisoner mothers who have left their children behind and pregnant prisoners.
4. Implementation of a cooperation programme with the Hellenic Psychology Association for the creation of special projects relating to the provision of psychological support to prisoners.
5. Cooperation with the 3<sup>rd</sup> Pneumology Clinic of the "Sotiria" Hospital for the free-of-charge spirometry testing of smoking prisoners and the provision of information on chronic obstructing pulmonary disease.

## **3. Prisoners' Issues:**

In cases of abuse or death of prisoners, an order is immediately given for a preliminary disciplinary inquiry to the competent Prosecutor for the First Instance Court or for a Sworn Administrative Inquiry (EDE) in order to establish the causes and any disciplinary liability of the staff.

## **4. Education Issues:**

For the Ministry of Justice, it is very important to ensure training for the staff of detention facilities, so as to provide them with the required knowledge and skills to perform their duties. All staff of detention facilities attend a mandatory induction course during the first two years of their appointment.

This course is addressed to staff of all branches of PE, TE and DE categories, with the exception of guarding staff, and is organised and implemented by the Training Institute of the National Public Administration Centre. The course is attended by all trainee staff of the State and its length is 70 hours.

Because of their special duties, DE guarding staff receive training that is organised and implemented by the Ministry of Justice.

To this end, a Penitentiary Staff School and a Detention Facilities' External Guarding Staff School are in operation.

The above schools comprise departments of:

1. Induction training for DE guarding staff, attended by all trainee staff of this branch.
2. Basic training for detention facilities' external guarding staff, attended by candidates for appointment to DE detention facilities' external guarding staff, who are appointed after their successful graduation from the school.

The length of studies in these departments is 2 months (250 hours) and, according to their curricula, as stated in the attached joint ministerial decisions (22195/1998, "Organisation and implementation of special training programmes for induction training and updating of the detention facilities' external guarding staff" and 119510/2006, "Arrangement of matters of training for detention facilities' external guarding staff"), which determine matters of operation of the departments, trainees attend both theoretical and practical courses defined according to the requirements of the specific training.

3. Promotion training courses with a length of three months, attended by DE external guards in order to be promoted from the entry rank of guard to the rank of deputy warden B. This training is provided to staff that are selected by special process as suitable to perform duties in a position of responsibility in the detention facilities' external guarding service.

It has been established that training provided by the said departments does not meet the current requirements of guarding staff. The period of two months is inadequate and the fact that the training of external guards is provided within two years of their appointment mitigates the anticipated results.

In order to address these problems, an action was included in the Operational Programme "Administrative reform 2007-2013" that will enable the reorganization of the School, the review of the curricula and the books and the establishment of a register of trainers and trainees.

As regards the further training of detention facilities' staff, it is covered by programmes of the National Public Administration Centre and by specialized programmes included as educational actions in the said Operational Programme.

To this end – and in collaboration with the Special Management Service of the said Programme and the Information Society – the following five actions have been recommended and submitted for approval:

1. Promotion training for the detention facilities' external guarding staff of the country;
2. Handling special situations – crisis management;
3. Training of psychologists-psychiatrists of the detention facilities in psychometric-psychodiagnostic tools; and
4. Training programme for trainers in self-defence, self-protection and weapon techniques/shooting.

THE DEPUTY MINISTER  
APOSTOLOS KATSIFARAS

True copy  
The Head of the Department of Staff Administration  
Kyriaki Drouliskou

TABLE 1

No.	DETENTION FACILITY	PROGRAMME	BODIES
1	Psychiatric Hospital	Consulting	18 ANO
2	Women's at Thiva	Recollection of senses	XEN of Thiva
3	Women's at Thiva	Consulting	KETHEA
4	Women's at Thiva	Theatre Cutting-Sewing First aid	NELE of Viotia
5	Women's at Thiva	Traditional dances	Lykeio Ellinidon
6	Women's at Thiva	Consulting	Drug Addicts Anonymous
7	Women's at Thiva	Traditional instruments	NELE of Viotia
8	Women's at Thiva	Theatre Cutting-Sewing First aid	NELE of Viotia
9	Women's at Korydallos	Parent Consulting III	IDEKE
10	Korydallos	Parent Consulting III	IDEKE
11	Amfissa	Traditional dances Hagiography	NELE of Fokida
12	Malandrino	Hagiography	NELE of Fokida
	Thessaloniki	Discourse workshop	ELLINION
13	Chios	Consulting	KEEN of Chios
14	Kassandra	Inside the words 1	KEE of Halkidiki
15	Kassandra	Inside the words 1	KEE of Halkidiki
16	Grevena	Consulting	ITHAKI by KETHEA
17	Hospital	Consulting	KETHEA EN DRASEI
18	Alikarnassos	Traditional musical instruments Computer Use Wood Carving	NELE of Heraklio
19	Malandrino	Computers Ceramics	NELE of Fokida

SECOND CHANCE SCHOOLS	
DETENTION FACILITY	
1	Korydallos Detention Facility
2	Thessaloniki Detention Facility
3	For Women at Thessaloniki Detention Facility
4	Larissa Detention Facility
5	Patras Detention Facility
6	Domokos Detention Facility
7	Trikala Detention Facility
8	Eleonas-Thiva Women's Detention Facility

Athens, 10.09.2010

True translation from Greek

The translator Eleni Dimitriou

### **Response of the Ministry of Justice relating to female prisoners searches**

The "vaginal search" of female prisoners was abolished by decision of Deputy Minister of Justice, Transparency and Human Rights Apostolos Katsifaras. The decision underlines that intra-body searches will be conducted solely pursuant to the provision of article 23, paragraph 6. of Law 2776/99 (Penitentiary Code).

According to the provision, prisoners will be subjected to body search in private premises by at least two officers of the same sex, in a manner that does not prejudice their dignity. Where there are reasonable grounds justifying intra-body or x-ray search, such search will be conducted, by order of the competent judicial officer, solely by a medical doctor.

The decision of the Deputy Minister of Justice, Transparency and Human Rights satisfies a standing request of female prisoners and European Organisations that talked about the humiliating manner of conducting female prisoners' intra-body searches.

As explicitly underlined by the Deputy Minister, practices that were commonplace until now and directly infringed law and human dignity shall be explicitly prohibited. The political leadership of the Ministry of Justice, Transparency and Human Rights express their determination to make respect for human dignity a self-evident fact, especially in the sensitive field of prisons.

**Additional information provided by the Ministry of Justice**

Athens, 26/10/2010

Ref. No. 107123

HELLENIC REPUBLIC  
MINISTRY OF JUSTICE, TRANSPARENCY & HUMAN RIGHTS  
DIRECTORATE OF PENITENTIARY ADULT EDUCATION DEPARTMENT OF  
PENITENTIARY & TREATMENT INSTITUTIONS

SUBJECT: Additional information for CPT 2009 report

Following the reply sent on 3/9/2010 by the Ministry of Justice, Transparency and Human Rights over the issues set forth in the CPT 2009 report and the clarifications required thereupon, please be advised as follows:

1) **Paragraph No. 93:** Under Order No. 89126/2-9-2010 of the Deputy Minister of Justice, Transparency and Human Rights, **no** mandatory or assentive method of laxatives administration is implemented. Applicable legislation provides for radiological or clinical examination which is ordered by the competent court official.

2) **Paragraph 111:** Overpopulation of Greek detention facilities is an issue dealt with as a whole, on the basis of a program of building and institutional interventions, as detailed in paragraph 1 of our recent reply to your 2009 Report. In addition, one week ago, the Minister of Justice, Transparency and Human Rights signed a bill which has been forwarded to the Greek Parliament for passage, whereby prisoners may convert their sentences into community services or buy out parts or remaining sentences and become released. So, it is shortly anticipated that Detention Facilities become sufficiently decongested (including those noted in your Report).

Furthermore, administrations of Detention Facilities are continuously instructed to ensure hygiene rules observation and to make any necessary improvements.



3) **Paragraph 121:** Our Office always strives for the staffing of Detention Facilities with the necessary and specialized personnel that shall ensure their smooth operation. For this year, no new hires may be planned, because of the new Fiscal Policy that is being implemented, so we try to cover any arising needs for personnel, by transferring employees from organizations which are about to be abolished or consolidated. In order for them to become able to fulfill the special tasks appertaining to penitentiary employees, we plan to train them on their new duties.

4) **Paragraph 125:** For the purpose of covering the health care needs of Detention Facilities, new positions of medical doctors have been proclaimed (Proclamation Notice No. 3K/2009) for different specialties. Specifically, the following positions have been proclaimed:

a) 11 positions for Internists, for which only 3 doctors have applied. They have been requested to submit their documentation so that their appointment proceeds;

b) 9 positions for Psychiatrists, for which only 2 doctors have applied. They have been requested to submit their documentation so that their appointment proceeds;

c) 3 positions for Dentists, which have been covered in their entirety and are currently at the stage of appointment.

d) 3 positions for Nursing staff, which have been covered in their entirety. Two of them are currently at the stage of appointment. For the third one, the runner-up candidate has been asked to replace, as the first successful candidate did not accept his appointment.

5) **Paragraph 128:** As already mentioned above, no new hires may be planned, because of the new Fiscal Policy that is being implemented and the needs for personnel shall be covered by transferring employees from other offices, taking due diligence to solicit personnel of all categories.

Nevertheless, Proclamation Notice No. 3K/2009 had called for different specialties of medical doctors, through ASEP (Supreme Council for Civil Personnel Selection).

In particular for the former Women's Detention Facility of Korydallos, currently Women's Detention Facility of Eleonas in Thiva, two positions have been proclaimed, for one Internist and one Psychiatrist. Unfortunately, no interest has been manifested.

Under the same proclamation, a position of a Nurse has been proclaimed for the Detention Facility of Chios, however the first successful candidate did not accept his appointment and the runner-up candidate has been asked to replace him.

Similarly, for the Detention Facility of Malandrinos, a position for an Internist has been proclaimed, for which no interest has been manifested.

At the Detention Facility of Patra, a position for a Psychiatrist has been proclaimed which is currently at the stage of appointment. The same stands for the Detention Facility of Thessalonica.

Finally, at the Rehabilitation Center of Eleonas in Thiva, one position for an Internist and two positions for Psychiatrists have been proclaimed, however no interest has been manifested for them.

After the finalization of the appointments pending under the said Proclamation Notice (3K/2009), our Office intends to re-proclaim the vacancies remained during any future hiring planning, together with any new positions that may be required, depending always on the arising needs for the personnel of detention facilities.

6) **Paragraph 130:** It is true that, because of the insufficient staffing of Detention Facilities in nursing staff, some detainees have been assigned with the assistance of personnel in specific duties, always under the supervision of employed nurses. As already said, our Office has at all times strived and shall always ask for nursing staff, however this has not become possible so far on the grounds that have been mentioned.

7) **Paragraph 131:** The by-laws of the Ministry of Justice that are currently applicable (Presidential Decree 36/2000) make no provision for the existence of medical heads in all detention facilities. Medical and nursing staff is supervised by Administration Directors, with the exclusion of the Department of Treatment of the Rehabilitation Center of Eleonas in Thiva, which is headed either by a Medical Doctor or a Psychologist or a Social Worker who is experienced in addiction treatment.

8) **Paragraph 132:** Training of Medical Doctors. The medical doctors who are appointed in Detention Facilities through ASEP (Supreme Council for Civil Personnel Selection), have already completed their specialization and have taken special exams before becoming certified for the specialty that they have chosen. Therefore, their training is considered as being completed before their appointment. Nevertheless, our Office avails them with certain facilitations (such as training leaves) in order for them to participate in seminars and training events that are related with their specialty, so that they have their knowledge updated.

9) **Paragraph 135:** At the moment, a circular is being drafted to address the medical personnel and the directors of Detention Facilities, so that personnel and detainees are kept informed over transmitted diseases (such as hepatitis, AIDS, tuberculosis, skin diseases etc).

10) **Paragraph 146:** When granting leaves, the Prison Council undeviatingly observes the provisions of articles 54-56 of the Penitentiary Code, which are well-known to all detainees. Even in the absence of a social worker, the said Council assesses the detainee's behavior, by using the knowledge it has acquired from the everyday contact of guards with detainees (we remind that we have repeatedly rejected your claims for the substantial absence of guards in detention areas, ref. paragraph 17 of our recent reply).

It is true that in certain individual cases of leaves, some problems had been observed in terms of justification and communication of the Prison Council's decisions. Following a recommendation made by the Ombudsman, the General Directorate of Penitentiary Policy has sent the administrations of all detention facilities, a related circular so that full justification is given in the case of any negative decision.

As concerns the matter of the engagement of social workers, you are advised as follows: Today 64 social workers are employed, over a total of 146 regular posts. Under Proclamation Notice No. 3K/2009, ten positions of the said specialty had been proclaimed, which have been covered in their entirety. Eight positions are currently at the stage of appointment. For the other two, the first successful candidates did not accept their appointment and the runner-up candidates have been asked to replace them.

The Ministry of Justice, Transparency and Human Rights intends to ask for the appointment of more employees of such specialty as soon as a new engagement planning becomes possible.

11) **Paragraph 148:** As regards the cells at the Detention Facilities of Patra, you are advised that their size is 2.25X5m. Each disciplinary cell has a WC and an individual yard with a size equal to the cell's.

As regards the women detainees in the Women's Detention Facility in Thiva who have injured themselves or are emotionally disturbed, they are treated with special medication and hospitalization when required.