



CPT/Inf (2012) 1

## **Report**

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

**from 19 to 27 January 2011**

The Government of Greece has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2012) 2.

Strasbourg, 10 January 2012



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

Mr Athanassios Dendoulis  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of Greece  
to the Council of Europe  
21 place Broglie  
67000 Strasbourg

Strasbourg, 23 March 2011

Dear Ambassador,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I enclose herewith the report to the Government of Greece drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visit to Greece from 19 to 27 January 2011. The report was adopted by the CPT at its 74<sup>th</sup> meeting, held from 7 to 11 March 2011.

The recommendations, comments and requests for information formulated by the CPT are listed in Appendix I of the report. The CPT requests the authorities of Greece to provide within **three months** a response giving a full account of action taken to implement the Committee's recommendations as well as reactions and replies to the comments and requests for information. In respect of the recommendations contained in paragraphs 21 and 26, the CPT requests to be provided with a response within **two months**, and thereafter to receive bi-monthly updates on the situation pertaining in the facilities referred to in these recommendations.

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

Yours sincerely,

Latif Hüseyinov  
President of the European Committee for the  
Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment



## **I. INTRODUCTION**

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

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT carried out a visit to Greece from 19 to 27 January 2011. The visit was one which appeared to the Committee “to be required in the circumstances” (cf. Article 7, paragraph 1, of the Convention).

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

- Mauro PALMA, President of the CPT and Head of delegation
- Marija DEFINIS-GOJANOVIĆ
- Mario FELICE
- Ilvija PŪCE
- Jean-Pierre RESTELLINI
- George TUGUSHI.

They were supported by Hugh CHETWYND (Head of Division) and Marco LEIDEKKER of the CPT’s Secretariat, and were assisted by the following interpreters: Eleonora CAMBAS, Maria Louca HOUVARDA, Haris GHINOS, Ionathan MARKEL, Pantea NOURGOSTAR, Alexander ZAPHIRIOU and Petros ZOMAS.

3. The list of the establishments visited by the CPT’s delegation can be found in Appendix II.

### **B. Context of the visit**

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

These same issues have been pursued in further visits carried out by the CPT to Greece in February 2007, September 2008 and September 2009. In the light of the findings during these visits and the persistent non-implementation of recommendations, the Committee decided to open the procedure under Article 10, paragraph 2, of the Convention<sup>1</sup> and requested the views of the Greek authorities on this matter. Further, with a view to enhancing its dialogue with the Greek authorities, the concerns of the Committee were conveyed to Ministers and senior officials of the current Greek government during high-level talks in Athens on 18-19 January 2010.

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<sup>1</sup> Article 10, paragraph 2, reads as follows: “If the Party fails to co-operate or refuses to improve the situation in the light of the Committee’s recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two-thirds of its members to make a public statement on the matter.”

5. Regrettably, the response of the Greek authorities to the report on the 2009 visit did not allay the concerns of the Committee. Once again, too many of the CPT's recommendations were left either unanswered or the responses did not address the fundamental concerns raised in the report. The Committee considered that it was important to undertake a further visit to examine whether any progress had been made towards implementing its recommendations before considering what action to take in respect of the pending Article 10, paragraph 2, procedure<sup>2</sup>.

### **C. Cooperation between the CPT and the Greek authorities**

6. A list of the persons met by the CPT's delegation in the course of the visit can be found in Appendix III of the report.

7. The CPT's delegation had rapid access to the places of detention visited, was able to speak in private with those persons with whom it wanted to meet and was provided with access to the information it required to carry out its task. The CPT wishes to express its appreciation for the assistance provided to its delegation in the course of the visit by the liaison officers from the Ministries of Citizen's Protection, Foreign Affairs and Justice. Thus, as regards the facilitation of the visit by the Greek authorities, the cooperation can be considered as being on the whole very good.

However, the CPT's delegation found that long-standing recommendations in key areas covered by the Committee's preventive mandate had still not been implemented. Further, even where the Greek authorities had responded to previous visit reports that action had been taken, it turned out that the information provided did not correspond to the reality observed on the ground. The CPT has repeatedly emphasised that the principle of cooperation set out in the Convention requires that decisive action be taken to improve the situation in the light of the Committee's recommendations. Further, for a meaningful ongoing dialogue to be conducted it is self-evident that the information provided in a State's response must be accurate and reliable.

8. It is regrettable that the Greek authorities have not engaged themselves in a full and frank dialogue with the CPT nor taken significant steps to address the recommendations put forward by the Committee, in particular as regards the conditions of detention of irregular migrants and the situation in the prisons. The lack of action taken by the authorities to tackle the systemic deficiencies identified by the Committee in these areas was evident to the delegation which carried out the visit in January 2011. The CPT finds it not only necessary to reiterate many recommendations but even to recall to the Greek authorities that it is imperative for the Committee to be provided with complete and accurate information in relation to the various issues raised in its reports. Responses to the CPT's reports represent a key component of a dialogue designed to identify and remedy any shortcomings in a State's fulfilment of its obligation to prevent torture and inhuman or degrading treatment or punishment. If the information provided to the Committee is unreliable there can be no basis for cooperation.

The CPT trusts that the Greek authorities will provide a full and reliable response to this visit report, detailing the concrete action taken to address the various recommendations put forward by the Committee.

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<sup>2</sup> On 15 March 2011, the CPT made a public statement concerning Greece.



**D. Immediate observations under Article 8, paragraph 5, of the Convention**

9. In the course of the 2011 visit, the delegation made a number of immediate observations under Article 8, paragraph 5, of the Convention<sup>3</sup> relating to the conditions of detention of irregular migrants. The observations were conveyed to the Greek authorities in writing, who were requested to provide the CPT:

- as regards Aspropyrgos Police Holding facility for aliens, by 28 January 2011, with confirmation that a medical screening of all the persons currently detained in this facility had been organised;
- as regards Feres, Soufli and Tycherio police and border guard stations, by 4 February 2011, with confirmation that all detained persons:
  - are provided with at least one hot meal every day, which is of sufficient quantity and nutritious value;
  - are offered a hot drink at least once a day during winter months;
  - are provided with sufficient hygiene products;
- as regards Filakio Special holding facility for illegal immigrants, by 11 February 2011, with confirmation that:
  - all families with children are accommodated in a facility which can offer decent conditions in terms of space, hygiene, lighting and ventilation, adequate food and health care;
  - every detained person is offered at least one hour of outdoor exercise every day, and juveniles are offered even more;
  - the quantity and nutritious value of the food provided to all detained persons is increased, and in particular as concerns young children and juveniles;
  - the toilets are unblocked, and the flushing systems and sewage pipes repaired in order to stop the flooding in the sanitary facilities and in the cells;
  - each detained person is guaranteed his own bed and mattress;
- as regards the Feres, Soufli and Tycherio police and border stations, by 28 February 2011, with confirmation that:
  - a full medical examination is carried out on all detained persons in the three above-mentioned facilities, and in particular at Feres and Tycherio police and border Stations;
  - all juveniles currently held in these three police detention facilities have been removed and placed in an appropriate juvenile institution for as long as they are deprived of their liberty;
  - the sanitary facilities at Soufli and Tycherio stations are sufficient to meet the needs of the number of detained persons held there;
  - the sanitary facilities in the male section of the detention centre at Feres police and border station are being refurbished.

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<sup>3</sup> Article 8, paragraph 5, reads as follows: "If necessary, the Committee may immediately communicate observations to the competent authorities of the Party concerned."

As regards the Feres, Soufli and Tychemo police and border guard stations and the Filakio Special holding facility, by 28 February 2011, with confirmation that the occupancy levels have been radically reduced in order that they offer minimally acceptable conditions of detention.

10. By letters of 8 and 17 February 2011, the Greek authorities informed the CPT of measures taken in response to some of the afore-mentioned immediate observations. This information has been taken into account in the relevant sections of the present report.

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

### A. The detention of irregular migrants

#### 1. Preliminary remarks

11. In the course of the visit, the CPT's delegation visited a range of establishments under the authority of the Ministry of Citizen's Protection (regional police headquarters and stations, transfer centres, border guard stations and detention facilities for irregular migrants<sup>4</sup>). The vast majority of them were holding foreign nationals with a view to their deportation.

12. The CPT recalls that the relevant 2005 Aliens Law was amended in July 2009<sup>5</sup>, increasing the maximum length of detention from three to six months. Further, the detention may be extended by an additional period not exceeding twelve months if an irregular migrant refuses to cooperate with the deportation process or while waiting for requested documentation from the country of origin of the migrant to arrive.

Upon apprehension by the police, an irregular migrant is held in a police or border guard station until the prosecutor decides whether or not the migrant should be prosecuted for the criminal offence of illegal entry or administratively deported.<sup>6</sup> Usually, such a decision is made within a few days. In almost all cases, the prosecutor opts for administrative deportation and the irregular migrant should subsequently be transferred to a dedicated Police Holding Facility or a Special facility for the detention of irregular migrants. However, the CPT's delegation found yet again that huge numbers of irregular migrants were being held in police or border guard stations for the full length of their period of detention.

In addition, migrants who may have been living in the country for a year or more pending their asylum application will be detained at the moment they attempt to renew their "pink card" if their application has been rejected in the meantime. It is also noteworthy that foreign nationals who are arrested on suspicion of having committed a criminal offence (e.g. theft) may be kept under the Aliens Law for a prolonged period in police detention with a view to being deported rather than prosecuted (for example, at Alexander Police Headquarters in Athens, the vast majority of detainees were foreign nationals, who had originally been arrested on suspicion of having committed a criminal offence, but who continued to be held in the police station in totally unsuitable conditions for periods lasting several months).

13. The CPT acknowledges the challenges faced by the Greek authorities in coping with the constant influx of irregular migrants. However, the conditions in which irregular migrants are held would appear to be a deliberate policy by the authorities in order to deliver a clear message that only persons with the necessary identity papers should attempt to enter Greece. Certainly, this is the impression formed by successive CPT delegations ever since the visit in September 2005.

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<sup>4</sup> Up until the end of 2010, the Filakio Special holding facility was under the joint responsibility of the Hellenic Police and the prefecture. However, under the "Kallikratis reform" the prefectures ceased to function as from 1 January 2011 and, at the time of the visit, no body had taken over their functions.

<sup>5</sup> Law 3772/2009 (published on 10 July 2009).

<sup>6</sup> Article 83 (1) of the 2005 Aliens Law.

To begin with, the design of the special holding facilities in which irregular migrants are held does not conform to the standards put forward by the CPT as long ago as 1997<sup>7</sup>. The carceral design of new detention centres such as Aspropyrgos, Petrou Rali and Filakio are totally inappropriate – cells with floor to ceiling bars guaranteeing no privacy, and communication with staff usually taking place through the bars.

Other deficiencies noticeable in most, if not all, places in which irregular migrants are detained include a lack of maintenance of the building (especially the sanitary facilities), poor lighting and ventilation, insufficient personal hygiene products and cleaning materials, inability to obtain a change of clothes, lack of information provided to detained persons, no access to daily outdoor exercise, inadequate food. The situation was further aggravated by the overcrowding prevalent in most facilities, in particular as regards hygiene and access to medical care. In the Evros region, the result was that the conditions of detention in which irregular migrants were held, in at least four facilities, could be described as amounting to inhuman and degrading treatment.

14. On 26 January 2011, Law 3907/2011 on the establishment of a new asylum service, the setting up of screening centres and the transposition of the European Union Return Directive<sup>8</sup> entered into force. The CPT trusts that the law will be fully implemented and that effective cooperation and coordination mechanisms will be put in place between the various ministries and authorities charged with migration matters. In particular, urgent short and medium-term steps need to be taken to address the appalling conditions in which irregular migrants are detained. Failure to act will exacerbate the humanitarian crisis brewing in the Evros region.

## **2. Ill-treatment**

15. The CPT's delegation received many allegations of ill-treatment of irregular migrants by police officers in the Attica and Evros regions consisting primarily of punches and kicks to the head and body. This was particularly the case at Filakio Special holding facility, where the atmosphere in the detention cells was extremely tense and relations between the irregular migrants and the police officers appeared hostile. The alleged ill-treatment in this facility took place in the small visits and telephone room, connecting the detention cells to the medical unit. One person met displayed a purplish bruise below the right eye which he alleged was caused by a punch from a police officer. In addition, several detainees alleged that they were beaten up in the so-called visits room, and the delegation observed bloodstains on the walls of this room. The Director of the centre initially denied the existence of the bloodstains but when they were shown to him he stated that they were caused by detainees committing acts of self-injury. Such an explanation is not convincing in the light of what the delegation found.

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<sup>7</sup> See CPT/Inf (2001) 18, Part I, paragraph 73.

<sup>8</sup> Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals.

At Athens airport holding centre, allegations were received that some 18 days prior to the delegation's visit five police officers had entered one of the three rooms accommodating asylum seekers at 3 a.m, carrying batons, and made them line up in a row. Subsequently, the officers called the name of each man who had to step forward and take down his trousers. The men alleged that they were verbally insulted and intimidated, and that one person was punched in the chest and another kicked. Apparently, this incident took place in front of several young children and their mothers, who were also being held in the room at the time. Allegedly these five officers regularly acted in an intimidating manner towards detained persons in the facility.

**The CPT recommends that the Greek authorities take rigorous action to counter any acts of ill-treatment being committed; that action should include instigating investigations into all allegations of ill-treatment. Further, all police officers should be reminded that any ill-treatment will be the subject of severe penalties.**

### 3. Conditions of detention

#### a. police detention facilities in the Evros region

16. The CPT's delegation visited the police and border guard stations of Alexandroupolis, Feres, Neo Himonia, Soufli and Tycherio, and the special holding facility of Filakio. All these establishments have previously been visited by the Committee, most recently during the 2009 visit. Regrettably, hardly a single recommendation put forward by the CPT to improve the situation appeared to have been implemented and, at the time of the 2011 visit, the conditions of detention had in all respects deteriorated in the above-mentioned facilities.

17. The Soufli Police and Border Guard Station contained a separate single-storey building used for detention purposes. The building consisted of two narrow dormitories separated by a partition, each containing a raised platform running the length of the room upon which detained persons could sleep. There was a small common area providing access to a shower room and a toilet. The total area of the detention area is 110m<sup>2</sup>. On the day of the delegation's visit, 146 men (including some male juveniles) were being held in the facility; access to the dormitories required walking over bodies as every square centimetre of floor space was occupied. A few detained persons were even sleeping in the space between the ceiling of the shower and the roof structure<sup>9</sup>. The smell of stale body odour was overwhelming<sup>10</sup>. There was only one functioning toilet and one shower with cold water for the 146 occupants (many persons told the delegation that in the morning they urinated in bottles or in plastic bags); artificial lighting and ventilation were very poor; no access to outdoor exercise was provided; the food was insufficient and the delegation received allegations that groups of strong detainees prevented some irregular migrants from eating their allotted portions of food. Some 65 persons had been held in the facility for more than four weeks and 13 for longer than three and a half months.

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<sup>9</sup> Access was gained through clambering up the shower door and entering the space through a missing wall panel.

<sup>10</sup> Irregular migrants did not have access to their belongings and could not change their clothes – see also paragraph 28.

The delegation was informed that women were regularly placed in the detention facility together with men with no special arrangements being made for them; the delegation heard that one week prior to its visit three women had spent at least one night huddled together in a corner of the detention area.

18. The situation in Tychero Police and Border Guard Station was similarly bad. The concrete warehouse structure adjoining the station contained two closed rooms and a third room which was exposed to the elements but which, despite freezing temperatures and snow, was still used to hold people overnight (for example, seven women from the Dominican Republic had slept on sheets of cardboard there the day before the delegation's visit). At the time of the visit, 139 persons were being held in the facility, nearly 100 of whom were crammed into a room measuring some 35m<sup>2</sup> (many persons slept on a two-metre high raised platform area at the back of the room or on the roof of the sanitary annexe)<sup>11</sup>. The annexe containing the three toilets and single shower possessed no lights and was in a filthy state.

Further, three juveniles (two of whom were unaccompanied minors) continued to be held with adults despite a prosecutorial order of November 2010 stating that they should be transferred to the Arsis juvenile facility in either Makrynitsa or Thessaloniki.

19. As for Feres Police and Border Guard Station, at the time of the visit more than 70 men were crammed into a cell of some 45m<sup>2</sup> while 37 women contorted themselves in order to be able to lie down in the other official cell<sup>12</sup> measuring some 30m<sup>2</sup>. A further 30 women and two men were accommodated in a room of some 40m<sup>2</sup>; access to natural light was minimal and artificial lighting poor (one artificial strobe light had been installed the morning of the delegation's visit). All detained persons had limited access to one of two small yards during the day. The female sanitary facilities had been recently refurbished and were in a decent state of repair; however, the male sanitary facilities were dilapidated and filthy and required urgent refurbishment (only one of the two toilets functioned). The manner in which the food was distributed was totally inappropriate; for example, at 11 a.m., a large cardboard box containing breakfast (a bread roll and a small carton of juice) was placed on the floor of the women's sanitary facilities from which the female detainees had to help themselves. None of the cells possessed call bells. Also, the delegation noted that when staff wanted to call a detained person they would shout down through the bars above the walking area rather than approaching the detainee directly.

20. In all three of these stations, many detained persons complained about the cold, the insufficient quantity and quality of the food, the fact that they had been wearing the same clothes for a month or more (despite having a change of clothes among their possessions which had been taken from them upon arrival), and the lack of heating and of hot water. Further, there was a common complaint regarding the lack of information about the future and how long they would be detained.

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<sup>11</sup> The overcrowding was so extreme that when the delegation opened the door to enter the room, the sheer mass of numbers pushed one person out of the door. Further, the platform area was unsafe in that there were no stairs to access it, nor any barriers to prevent persons from falling down. One irregular migrant had recently broken his leg after falling down from a platform.

<sup>12</sup> The cell contained a concrete plinth along two and a half of its sides and a one metre high concrete plinth in the middle. Women were also crammed into the small entrance area, separated from the rest of the cell by floor to ceiling bars.

21. By letter dated 8 February 2011 from the head of the Police Directorate of Alexandroupolis, the Greek authorities responded to the immediate observations made by the CPT's delegation in respect of Feres, Soufli and Tycherio Police and Border Guard Stations, stating that:

- the contracts of medical personnel had expired at the end of 2010 and new ones were pending;
- all necessary measures were taken to transfer remanded criminal suspects to a prison and to place unaccompanied minors in Social Welfare Institutes (which were under the responsibility of the Ministry of Health and Social Welfare);
- Feres police station could not be renovated as there was no facility to which the detained persons could be transferred;
- the contract for food had been signed by the former prefectural authorities so the Police Directorate could not know whether the meals met the minimum nutritional requirements;
- hygiene products had ceased to be distributed since October 2010 due to the financial problems faced by the former prefectural authorities of Evros;
- efforts were continually being made to reduce the number of persons held in these facilities.

The only aspect of the immediate observations in respect of these facilities which the authorities have implemented concerns the provision of a hot drink every day during winter months. In respect of all the other - more fundamental - requests, the Greek authorities are in effect stating they are powerless to act. This attempt to avoid responsibility is totally unacceptable considering, in the CPT's view, the inhuman and degrading conditions of detention that the irregular migrants have to endure in the above-mentioned facilities.

**The CPT calls upon the Greek authorities to take the necessary steps to ensure that the specific measures enumerated in the immediate observations (see paragraph 9) are implemented in these three police and border guard stations.**

22. The Filakio Special holding facility is a purpose-built establishment. It consists of a row of six large cells, each with floor to ceiling bars along the front and back. A seventh room used for accommodating women is located near the control room along a different corridor. Each cell consists of a number of sets of bunk beds and an adjoining sanitary facility. At the time of the visit, the Filakio facility was accommodating 488 persons, which was far above its already inflated official capacity of 374.

The inmate population included 110 juveniles (most of whom were unaccompanied minors) and ten families. Four young children were less than six years old (including a baby of eight months), three of whom had been held for over four weeks at the time of the visit. Among the juveniles, there were 33 children between the ages of 12 and 14 years, most of whom had been detained in Filakio for more than two months.

23. The conditions of detention in the juvenile cell were deplorable, with 83 boys crammed into a cell measuring not much more than 100m<sup>2</sup>. The delegation observed five boys having to share two beds and many juveniles slept on the floor. Access to natural light was limited, artificial lighting and ventilation were poor, and the back of the cell was exposed to the cold outside temperatures. The cell was dirty and the juveniles were not provided with the necessary products or brushes to keep the cell clean. Many of the juveniles were wearing the same clothes as those with which they had entered the facility a couple of months earlier and yet they stated that they possessed a change of clothes in their belongings; some did not even possess footwear. The three toilets were all blocked, and the sanitary facilities were flooded with water and sewage, which was overflowing into the sleeping area. The necessary hygiene products were not provided.

Juveniles were provided with no activities at all and were rarely offered access to outdoor exercise; from the information gathered, it transpired that the last time they had been let outside was more than a week prior to the delegation's visit and then only for some 20 minutes.

24. The situation in the other cells was equally deplorable. It should be noted that the sanitary facilities in the cell holding the families, baby and young children were in an execrable state: toilets filled with faeces as the flush systems were broken; floors flooded with water and sewage; the bottom half of the shower door missing, thus exposing mothers and children to the view of other persons. The separate female cell which accommodated 27 women in some 40m<sup>2</sup> was also in a state of dilapidation with damp walls and flooded washrooms.

25. The delegation was struck by the fact that no special measures were taken as regards the care of babies, young children and juveniles – no milk, no added nutrition, no activities – to alleviate the appalling conditions. Everyone was treated the same - like caged animals.

26. By letter of 17 February 2011, the Ministry of Citizen's Protection responded to the immediate observations made by the CPT's delegation in respect of Filakio Special holding facility, stating that:

- no other facility existed in which to hold families with children;
- the lack of police officers (eight per shift) meant that it was not possible to offer outdoor exercise every day when the centre was full;
- the contract to provide food was put out to international tender and the manager of the catering company had been "notified to strictly abide with his contractual obligations"; it was also stated that young children were offered milk;
- efforts were constantly made to maintain the sanitary facilities; however, the detainees deliberately destroyed them in order to be released early;
- all detainees were provided with a mattress and sleeping bag when the facility exceeded its capacity;
- efforts are continually made to reduce the occupancy level.

The CPT notes that none of the six points on which it requested action have resulted in changes to the current approach towards the detention of foreigners at Filakio. As described above, the conditions of detention in this centre are totally unsuitable for holding families with young children and unaccompanied minors. Alternative arrangements must be found. Further, lack of staffing cannot be a justification for not providing appropriate treatment for irregular migrants.



**The CPT calls upon the Greek authorities to take the necessary steps to implement the specific measures enumerated in the immediate observations as regards Filakio Special holding facility (see paragraph 9). In particular, it wishes to receive detailed information on the actions being taken to ensure that families with young children and unaccompanied minors are accommodated in special centres capable of catering to their specific needs.**

27. At the time of the delegation's visit a number of facilities for holding irregular migrants, particularly on the islands in the eastern Aegean, were not in use. **The CPT would like to be informed of the reasons why it was not possible to transfer some of the persons detained in the above-mentioned facilities in the Evros region to special holding centres in other parts of the country.**

28. The CPT's delegation noted at both the Soufli and Filakio facilities that the belongings of irregular migrants were thrown on the ground or onto the trailer of a truck where they were left exposed to the elements (rain, snow); many items had been ruined. No efforts were made at either facility to record the possessions of the irregular migrants or to keep them in a safe place. As already indicated, nor were the detained persons able to access their belongings to obtain a change of clothes. Further, irregular migrants were not provided with any receipt for their possessions, even as regards valuables such as money, jewellery or wrist watches.

**The CPT recommends that the Greek authorities permit irregular migrants to have access to a change of clothes. Further, the authorities should put in place a clear system for recording the belongings of all detained irregular migrants and should give them a receipt for all items which they must hand in before entering the detention areas.**

29. Neo Himonio Police and Border Guard Station, just south of the town of Orestiada, is used to accommodate persons brought in by the FRONTEX RABIT<sup>13</sup> patrols, usually for only one night before they are transferred to the Filakio Special holding facility. The conditions in the largest of three cells were appalling – dirty, malodorous, with a blocked toilet and sink. The night before the delegation's visit, 22 men and women had slept on the floor and, without the cell being cleaned, the delegation observed six newly arrived irregular migrants being placed in this cell, for the following night.

30. As regards Alexandroupolis Police Station, the conditions of detention have not improved since previous visits in 2008 and 2009. At the time of the visit, eight persons were being kept in the detention area which consisted of two small cells (measuring respectively 6m<sup>2</sup> and 8.5m<sup>2</sup>), a corridor (5m<sup>2</sup>) and a toilet. None of the cells had access to natural light and neither the larger cell nor the toilet had artificial lighting; ventilation was poor and the place was dirty. Two persons had been formally remanded to Komotini Prison but due to lack of space in the prison were being kept in the police station; one person had been held in these conditions since 7 December 2010.

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<sup>13</sup> FRONTEX is the European Agency for the management of operational cooperation between Member States in the field of border security. On 2 November 2010, the first ever deployment of a Rapid Border Intervention Team (RABIT) under the coordination of FRONTEX occurred in the Evros region of Greece to strengthen external border security and prevent undocumented immigration. The RABIT operates under the authority of the Greek police.

b. police detention facilities in the Attica and other regions

31. The CPT has repeatedly criticised the conditions of detention at Piraeus Holding Facility for Aliens since it was first visited by the Committee in 1997<sup>14</sup>. Following the September 2009 visit, the Greek authorities informed the CPT by letter of 23 November 2009 that the Piraeus facility was scheduled for demolition at the beginning of 2010, and that a new building would be constructed. However, when the CPT's delegation visited the facility in January 2011, it was evident that it continued to be used to hold irregular migrants, for up to six months or longer, in dilapidated, gloomy and dirty conditions. Detained persons (37 at the time of the visit) were not medically screened, nor were they provided with any personal hygiene products or offered access to outdoor exercise. Such a state of affairs is not acceptable. Further, it calls into question the reliability of the responses of the Greek authorities to the Committee.

32. The situation in Aspropyrgos Police Holding facility had not improved since previous visits in 2007 and 2008<sup>15</sup>, apart from the refurbishment of the sanitary facilities on one floor. At the time of the 2011 visit, 131 irregular migrants were being held in eight large cells on two floors; the average stay was two to three months but stays longer than six months (even 11 months) were not uncommon. The cells were dirty and detained migrants were not provided with hygiene products or clean blankets when they entered the establishment; the delegation noted an infestation of cockroaches. Detained migrants continued to have difficulties accessing a toilet, in particular at night, and resort to plastic bottles was common. Many detainees stated that police officers either did not respond to calls or, if they did, they were verbally abusive. Further, there was still no access to outdoor exercise.

In response to the immediate observation referred to in paragraph 9 above, on 26 January 2011, officials from the Ministry of Citizen's Protection orally informed the CPT's delegation that a mobile unit from the Ministry of Health would be sent to the facility that day. However, **the CPT would like to receive a written response to the immediate observation made in respect of medical screening for persons detained at the Aspropyrgos facility.**

33. The Athens Airport Centre continued to operate along the lines described in the report on the CPT's 2009 visit<sup>16</sup>. At the time of the 2011 visit, the unit for male irregular migrants<sup>17</sup> was severely overcrowded: the nine "single-occupancy" cells (each 9m<sup>2</sup>) were in fact holding a total of 49 men and four women. Many detained persons had to sleep on mattresses, or just blankets, placed directly on the floor. The average length of detention was said to be one to two weeks but the delegation came across persons who had been held in the centre for over 50 days. Further, detained persons were not offered any outdoor exercise and were only let out of the cells for a few minutes in the morning and the evening in order to clean themselves, and the delegation heard many complaints that detainees were not let out of the cells when they requested to go to the toilet.

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<sup>14</sup> See CPT/Inf (2001) 18, paragraph 68. In the response to the 2007 visit report, the Greek authorities stated that the capacity of the Piraeus facility would not exceed 30 persons (see CPT/Inf (2008) 4, page 10).

<sup>15</sup> See, respectively, CPT/Inf (2008) 3, paragraph 22 and CPT/Inf (2009) , paragraph 39.

<sup>16</sup> See CPT/Inf (2010) 33, paragraph 65.

<sup>17</sup> The three rooms accommodating asylum seekers were holding 24 persons at the time of the visit.

34. As for the Athens police stations of Omonia and Alexander Street Headquarters (7<sup>th</sup> floor), the conditions of detention remain totally unacceptable. At Omonia Police Station, 33 persons were being held in four cells<sup>18</sup> containing 27 concrete plinths; access to natural light was minimal and there was no artificial lighting in the cells, only in the corridor. The one functioning toilet and shower were insufficient for the needs. As was the case in the past, many persons had been held in these conditions for more than three months and several as long as seven or eight months without ever having left the detention area; there was no access to outdoor exercise. Similarly poor conditions prevailed at Alexander Street Headquarters where 46 persons were being detained, many of whom had been held for three or four months at the time of the visit, in nine cells (each measuring approximately 12m<sup>2</sup>)<sup>19</sup>. The sanitary facilities were in a state of disrepair and hygiene was poor.

The delegation also found that at Omonia Police Station, persons were being detained for periods of up to three weeks in the second floor holding cell (a room of some 20m<sup>2</sup> containing only a narrow wooden bench running the length of three walls). Such a state of affairs should be ended forthwith.

At Athens Elefsinas Police Station, six irregular migrants were held in a cell equipped a single plinth for three persons; three detainees were sleeping on mattresses on the floor. The cell was dark, with minimal access to natural light, poor ventilation and artificial lighting; no activities were provided and there was no access to outdoor exercise. One person had been held in these conditions for five months at the time of the visit.

35. The Amfissa and Lamia police transfer holding centres were both being used to hold irregular migrants for prolonged periods lasting several months, when they had been designed for layovers of a few hours for criminal suspects being brought to court. Both detention areas were located in a converted garage space. As elsewhere, problems of hygiene were in evidence with a lack of cleaning products available, as well as no access to outdoor exercise, no activities and no information on how long the detention would last. No improvements had been made to the Amfissa centre since the CPT's previous visit in September 2009.

At Tripoli police station, the delegation met 15 Afghans, ten of whom were minors, who were being held in a cell measuring 38m<sup>2</sup>. The children had not been provided with a change of clothes since their rescue at sea a week earlier; several did not possess any footwear and most were visibly suffering from the cold. The cell in which they were being held was filthy and malodorous; no hygiene products were provided. Further, no time out-of-cell was offered. Two of the juveniles were sick but they had not received any medical care. In addition, the detainees complained that they had not been provided with any information on their situation or permitted to access their belongings. Such lack of care for a vulnerable group of unaccompanied minors is totally unacceptable.

36. As regards the Sparta Special holding facility, the CPT was surprised to find this notified 40-bed, fully equipped centre (beds made up with sheets and blankets) was consistently not in use, when irregular migrants were being held in appalling conditions in other parts of Greece, including in the nearby town of Tripoli. **The CPT would like to be informed of the reasons why this centre was not in use despite the overcrowding in other centres.**

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<sup>18</sup> One of the four cells was apparently fumigated the day before the delegation's visit, during which time the detainees were re-located to the adjoining three cells, which were only separated by bars.

<sup>19</sup> The registers showed that numbers often went above 70 and in early December 2010 had risen to above 120.

c. assessment and action to improve conditions of detention

37. The CPT has already it made clear that police and border guard stations do not offer suitable accommodation and appropriate conditions for lengthy periods of detention.<sup>20</sup> In the course of the 2011 visit, it became apparent that the situation had deteriorated further, with these facilities continuing to accommodate persons for weeks and even months in deplorable conditions. The assurances provided to the CPT by letter of 23 November 2009 and in the course of the January 2010 high-level talks, that administrative detention of irregular migrants in police and border guard stations would be ended, and that in the future administratively detained irregular migrants would only be accommodated in dedicated detention facilities, clearly remain unfulfilled.

The current warehousing approach cannot be maintained. The Greek authorities must urgently address the structural deficiencies as regards the special holding facilities for irregular migrants. In order to create acceptable conditions for lengthy periods of detention, substantial investments will have to be made, not only as regards the accommodation, but also in respect of staffing, maintenance, medical care, regime and hygiene.

**38. The CPT recommends that the Greek authorities ensure that irregular migrants are only detained in centres specifically designed to meet the requirements of this population, having due regard to the Committee's criteria for places of detention for irregular migrants, as formulated in its 7<sup>th</sup> and 19<sup>th</sup> General Reports. Particular care should be taken to cater to the specific needs of minors and other vulnerable groups.**

**In addition, with respect to the facilities visited in 2011, the CPT calls upon the Greek authorities to ensure that:**

- **all detainees are offered a bed or plinth, bedding and mattress, all clean;**
- **all detainees have ready access to toilet facilities, including at night;**
- **all detained persons staying longer than 24 hours are provided, on a regular basis, with a basic sanitary kit (including adequate rations of soap, washing powder, toilet paper, shampoo, shaving utensils and toothpaste, and a toothbrush) free of charge;**
- **sufficient quantities of detergent and products for personal hygiene are made available at all times to detainees;**
- **all detained persons staying longer than 24 hours have access to a shower and to hot water;**
- **detainees are permitted to change their clothes;**
- **detention areas (including sanitary facilities) are maintained in an adequate state of repair and cleanliness;**
- **family units are kept together;**
- **female detainees are held in an area which is separated from that accommodating male detainees, and that their privacy is guaranteed;**
- **all detainees are offered at least one hour of outdoor exercise a day;**
- **the provision of food for detained persons is adequate and appropriate;**
- **call bells are installed in all detention areas where staff are not continuously present;**
- **occupancy rates are respected, and where necessary revised, so as to offer a minimum of 4m<sup>2</sup> of space per detainee in multi-occupancy accommodation.**

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<sup>20</sup> See for instance CPT/ Inf (2006) 41, paragraph 31; CPT/ Inf (2008) 3, paragraph 21; CPT/ Inf (2009) 20, paragraph 34.

**The CPT would also like to receive confirmation that the Piraeus centre has been definitively closed, as well as details on the capacity and layout of any facility replacing it. Further, it would like to be informed of the measures being taken to ensure that police stations are no longer used to hold persons for prolonged periods.**

#### **4. Regime**

39. The CPT has been reiterating the need to develop a purposeful regime for irregular migrants held in detention since its report on the 1997 visit<sup>21</sup>. However, nearly six years after the adoption of the 2005 Aliens Act, there is still no specific regulation in place detailing the minimum operating standards for special facilities for irregular migrants as required by Article 81<sup>22</sup>. Consequently, these facilities continue to be run like large police stations, and detainees are not offered any activities. Instead, they are left to languish, with detainees spending their time either sleeping or in a state of idleness; they are not even given access to reading material, board games, radio or television. Further, in many of the facilities described above, the detention areas are so packed with people that they cannot even move around the room in which they are held. Moreover, they are not offered access to outdoor exercise.

More than ever there is an urgent necessity to adopt standards guaranteeing a diversified regime, with activities and recreation. In addition, norms with respect to the provision of appropriate medical and social care should be included in the operating standards, as well as issues related to the maintenance of order and discipline. Similar operating standards should be introduced for the police holding facilities.

**The CPT calls upon the Greek authorities to take the necessary steps to draw up and implement, as soon as possible, operating standards for both the special facilities for irregular migrants and police holding facilities, guaranteeing, inter alia, a regime offering activities and recreation.**

#### **5. Health care**

40. As regards access to medical care, the CPT's delegation found that access is still not effective in practice. In general, the system in police detention facilities remains that for detained persons to see a doctor or nurse, they must make a request to the police officers responsible for their custody whose task it is to inquire whether a vehicle and staff are available to transport the person concerned to hospital. In many places, detained persons continued to claim that staff filtered requests for a consultation by an external doctor. Only the centre at Filakio had a daily medical presence. The non-governmental organisation, *Médecins Sans Frontières*, had started to provide a medical service to the Soufli and Tychero police and border guard stations since early December 2010. However, in all the other police detention facilities in which persons were being detained for up to six months, there was no medical presence.

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<sup>21</sup> See CPT/Inf (2001) 18, Part I, paragraph 73.

<sup>22</sup> See CPT/ Inf (2009) 20, paragraph 45.

As a safeguard against ill-treatment, as well as for reasons of public and individual health, the CPT has repeatedly advocated that the Greek authorities establish a system of regular visits by doctors to police (and border guard) stations to screen new arrivals and enquire whether there are detainees with potential medical problems. It has also stated that, at a minimum, a person with a recognised nursing qualification must be present on a daily basis at all centres for detained irregular migrants. However no action has been taken to date to put in place such a system.

**The CPT calls upon the Greek authorities to take adequate measures to ensure medical care is provided on a regular basis at all facilities where irregular migrants are held.**

## **6. Staffing**

41. In the past<sup>23</sup>, the CPT has advocated the establishment of posts of specialised custodial staff for persons detained by law enforcement agencies, with full responsibility for detained persons, including medical and legal oversight. In order to be fully effective, such custodial officers should have both the authority and the responsibility to verify whether basic rights of detained persons, such as notification of deprivation of liberty, access to a lawyer, etc., have been respected, and to take appropriate action if this is not the case. **The CPT reiterates its recommendation that the Greek authorities give due consideration to the proposal to establish posts of specialised custodial staff for persons detained by law enforcement agencies.**

42. Further, as regards staff working in centres for immigration detainees, the CPT attaches particular importance to the careful selection and appropriate training of supervisory staff in such centres. As well as possessing well-developed techniques of interpersonal communication, the staff concerned should be familiarised with the different cultures of the detainees and at least some of them should have relevant language skills.

Regrettably, no efforts have been made either to assign specially trained and dedicated staff to work with irregular migrants or to increase staff numbers. Consequently, the only role left to the police officers is one of control and enforcing a “warehousing” policy. The staff complement attached to the facilities visited remained totally insufficient; for example at the time of the visit, the Filakio centre had only eight police officers on duty during the day for 488 irregular migrants.

**The CPT once again calls upon the Greek authorities to review the staff complement attached to each special facility for irregular migrants and police holding facility. Further, the Committee recommends that the Greek authorities provide adequate training for staff working in dedicated detention facilities for irregular migrants.**

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<sup>23</sup> See for instance CPT/ Inf (2009) 20, paragraph 18.

## 7. Other issues

43. The CPT has repeatedly raised the importance of informing irregular migrants about their situation in a language that they understand. However, in none of the facilities visited were detained persons provided with clear information on their situation; indeed, the only document they possessed was in Greek, which stated that they could be held in detention for up to six months. **The CPT reiterates its recommendation that all detained persons be provided with clear information on their situation, in a language that they understand.**

44. The CPT has recommended in previous visit reports that the Greek authorities establish an independent inspectorate of police detention facilities<sup>24</sup>; the Greek authorities have responded that any new body would duplicate the work of the Ombudsman Office.<sup>25</sup> However, as the CPT has already stated, the Greek Ombudsman does not carry out such a task, nor does it aspire to do so. The CPT remains convinced that a dedicated structure should be established to carry out inspections of police detention facilities.

**The CPT reiterates its recommendation that an independent inspection system for law enforcement detention facilities be established. In this context, it encourages the Greek authorities to ratify the Optional Protocol to the United Nations Convention Against Torture (OPCAT).**

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<sup>24</sup> See for instance CPT/Inf (2002) 31, paragraph 22; CPT/Inf (2006) 41, paragraph 21; CPT/ Inf (2008) 3, paragraph 44; and CPT/Inf (2010) 33, paragraph 41.

<sup>25</sup> See for instance CPT/Inf (2002) 32, page 16; CPT/Inf (2010) 34, pages 28 and 29.

## **B. Prison establishments**

### **1. Preliminary remarks**

#### a. prisons visited

45. In 2011, the CPT visited for the first time Domokos Prison. The CPT's delegation also carried out a follow-up visit to Amfissa Prison and targeted visits to Korydallos Men's, Korydallos Women's Remand, Thessaloniki and Thiva Prisons to examine the progress made in implementing the Committee's recommendations contained in the report on the 2009 visit, notably, as concerns persons placed in segregation areas, staffing, the provision of health care and overcrowding.

#### b. overcrowding and other structural deficiencies

46. In the 16 months since the CPT's previous visit to Greece in September 2009, the prison population has increased from 10,950 to 12,349, while the official capacity of the prison system stands at 9,000. The delegation was informed that the three new prisons of Serres (Nigrita), Drama and Chania with a combined capacity of 1,800 should become operational in the course of 2011. However, the staffing of these new prisons was dependent on transferring staff from existing prisons, which were themselves already understaffed.

The effects of overcrowding were evident in most of the prisons visited by the CPT's delegation. At Korydallos Men's Prison, the situation remains dire with up to five inmates sharing cells originally designed for single-occupancy. In other prisons, such as Amfissa, inmates still have to share beds or resort to sleeping on the floor. The situation in these prisons may be extreme but the deleterious effects of overcrowding were apparent in other prisons visited by the delegation.

47. The CPT recognises that investing in new prisons may be necessary both to increase capacity as well as to replace prisons which do not serve the stated purpose of holding inmates in a secure and safe environment<sup>26</sup>. However, as acknowledged by the Greek authorities, the building of additional accommodation is unlikely, in itself, to provide a lasting solution to the problem of overcrowding. Legislation has been adopted to limit the use of remand custody to serious offences and, in addition to provisions to enable the early release of prisoners, a law was adopted in December 2010 to increase resort to use of community service. **The CPT has noted these measures and would like to be informed of their impact upon the prison population.**

**The CPT recommends that the Greek authorities actively pursue their efforts towards eradicating overcrowding as a chronic feature of the prison system.**

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<sup>26</sup> As set out in the 1999 Prison Law (N° 2776).



48. Overcrowding is not the only problem afflicting the prison system. The observations made by the CPT in its report on the 2009 visit - unsuitable material conditions, the absence of any appropriate regime and the poor provision of health care - remain valid. Further, the CPT's delegation noted once again that due to the totally inadequate staffing levels, effective control within the accommodation areas of the prisons visited had been ceded in many instances to prisoners (this was particularly evident in Amfissa and Korydallos Men's Prisons).

The structural issues identified in the report on the 2009 visit continue to be of major concern. They include a lack of any strategic plan to manage complex institutions such as prisons, the absence of an effective system of reporting and supervision, and inadequate management of staff, exacerbated by low staff-prisoner ratios. There is no doubt that many prison staff across the Greek prison system are attempting to fulfil their duties to the best of their ability. However, it is also clear that there is a need for fundamental reform; the Ministry of Justice must recognise that the prison system as it is currently operating is not able to provide safe and secure custody for inmates, nor fulfil the objectives set down in law.

**The CPT reiterates its recommendation that, following a period of in-depth consultations with all interested parties, the Ministry of Justice produce a strategic plan for the recovery of the prison system that addresses the following areas:**

- **the mission of prisons and the values to which prison staff should work;**
- **the size of the prison estate and the range of the prison types that it will include;**
- **the range of activities that will be provided and the amount of access that persons detained, including those on remand, will have to them;**
- **the human resource requirement needed to run the prisons professionally, including competence profiles for the key roles;**
- **financial projections over a 5 to 10 year period, showing how the planned provision will be met within the resource levels available;**
- **clearly defined short, medium and long term goals.**

## **2. Ill-treatment**

49. The delegation received practically no allegations of deliberate physical ill-treatment of prisoners by prison staff. Nevertheless, relations between prison staff and inmates were, in general, distant due to their minimal contact and, in a number of the prisons visited, inmates told the delegation that in the interests of maintaining a modicum of order it would not be in the interests of prison staff to ill-treat prisoners. However, the delegation did receive allegations of harsh treatment by law enforcement officials brought in to quell a disturbance at Amfissa Prison a couple of days prior to the delegation's visit, on 20 January 2011. Prisoners claimed that following the use of tear gas by law enforcement officials to end the disturbance, they were kept locked in their cells for two days. Further, one prisoner, suspected of being involved in the disturbance, was transferred to Amfissa police station at 12h30 on 20 January. He was apparently kept in an interrogation room until late in the afternoon when he was taken to the local hospital. The following morning he was returned to Amfissa police station for several hours before being transferred to Maladrino Prison. **The CPT would like to receive a copy of any report drawn up into the disturbance and to be informed as to the reasons for the above-mentioned prisoner being brought to hospital.**

50. The CPT's delegation learned that at Korydallos Women's Remand Prison vaginal searches of female prisoners, who were suspected of smuggling drugs into the prison, had in theory not been performed since May 2010. However, the delegation received at least two allegations from women inmates that they had been subjected to a vaginal as recently as December 2010.

At Thiva Women's Prison, vaginal searches were on occasion still performed on female prisoners by a visiting gynaecologist (who was also the general practitioner at Korydallos Women's Remand Prison) but the information provided to the delegation as to the frequency and conduct of such examinations was not clear. If a prisoner refuses a vaginal search, she will be transferred to the segregation unit for several days where she will be placed under CCTV surveillance or accompanied by a prison officer whenever she goes to the toilet<sup>27</sup>. The CPT remains concerned that vaginal searches continue to be practiced at Thiva Prison and not always on the basis of absolute necessity. Further, in neither Korydallos Women's nor Thiva Prisons was a special register kept recording each instance a vaginal search was made, the reasons for it and reference to the prosecutor's order.

**The CPT calls upon the Greek authorities to ensure that vaginal examinations of female prisoners are only carried out when absolutely necessary and upon the required order of the prosecutor, and that each examination is properly recorded in a special register.**

51. The Committee has already stated that obliging prisoners, whether male or female, suspected of bringing drugs into a prison to take laxatives is a dangerous practice that should be ended forthwith. The type of laxatives used in the prisons visited (irritant<sup>28</sup> rather than lubricant) could cause the lining on any ingested drugs to burst and result in death. A prisoner for whom there are reasonable grounds to suspect of attempting to smuggle drugs into the establishment could be placed in a separate cell for 48 to 72 hours, which is sufficient time for all foreign objects to pass through the body naturally. This point was clearly communicated to the Directors of those establishments, such as Domokos Prison, where the practice of issuing laxatives continued.

**The CPT reiterates its recommendation that the practice of obliging prisoners suspected of smuggling drugs to take laxatives be ended forthwith.**

52. The CPT remains concerned that appropriate action is often not taken in respect of persons admitted to prison on remand with visible injuries. The delegation again found examples of failure by the prison authorities to bring such cases to the attention of the relevant prosecutor, notably at Korydallos Men's and Thessaloniki Prisons. This inaction undermines the very safeguard against ill-treatment and impunity that a thorough medical examination of all newly admitted inmates can represent.

**The CPT calls upon the Greek authorities to put in place procedures to guarantee the systematic recording of injuries and, when appropriate, the provision of information to the relevant authorities, in line with previous CPT recommendations<sup>29</sup>.**

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<sup>27</sup> In such cases at Korydallos Women's Remand Prison laxatives may be administered to the prisoner upon a doctor's order.

<sup>28</sup> Trademark Dulcolax®.

<sup>29</sup> See inter alia, CPT/Inf (2010) 33, paragraph 94.

Further, it was noticeable that at neither Korydallos Men's nor Thessaloniki Prisons had action has been taken to introduce a special register for cases of injuries identified by the medical examination on admission<sup>30</sup>. Such a register would constitute an important tool both for prison management and those responsible for external supervision. **The CPT reiterates its recommendation that such a register be introduced at each prison.**

53. The Committee's delegation observed once again that inter-prisoner violence was a significant phenomenon in the various prison establishments visited. In many of them, notably Amfissa, Korydallos Men's and Korydallos Women's Remand, there was evidence of stronger groups of inmates being able to impose their will upon other prisoners.

As was the case in 2009, prisoners noted the absence of prison officers in the wings, observed the actions of the stronger groups of prisoners, and concluded that the prison management was not in a position to offer inmates effective protection. Some prison staff openly stated their inability to prevent inter-prisoner violence. Further, despite the emphatic denials of the Greek authorities in their response to the report on the 2009 visit, it was again clear that prison management was willing to cede control of certain wings to particular groups of prisoners in return for maintaining a degree of order.

54. The prison authorities must act in a proactive manner to prevent violence and intimidation by inmates against other inmates. Addressing the phenomenon of inter-prisoner violence requires that prison staff be alert to signs of trouble and both resolved and properly trained to intervene when necessary. The existence of positive relations between staff and prisoners, with a balance between security and a duty to care, is a decisive factor in this context. This will depend greatly on having an adequate number of staff present in detention areas (see paragraph 65 below).

**The CPT calls upon the Greek authorities to develop a national strategy concerning inter-prisoner violence and intimidation, taking into account the above remarks.**

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<sup>30</sup> At Thiva Prison, a register existed for injuries sustained within the prison but not those identified upon admission to the establishment.

### 3. Conditions of detention

#### a. material conditions

55. Amfissa Prison, was holding 238 inmates for an official capacity of 80. The conditions of detention have deteriorated further from those observed in September 2009<sup>31</sup>. In all six dormitories, it was not uncommon to observe three inmates having to share two beds and many inmates had to sleep on a dirty mattress on the floor or even in a toilet area.

As was the case in 2009, the dormitories were generally decrepit, in a state of disrepair and appalling hygiene. Floors were grimy, mattresses and bedding were infested with bed bugs, cockroaches were evident everywhere and a number of windows were broken, leaving certain inmates exposed to the winter elements. The sanitary facilities were inadequate for the number of inmates, and there were complaints that one of the two toilets in each dormitory often did not function properly. Inmates complained that they were provided with insufficient quantities of hygiene products and had no means with which to wash their bedding and clothes. They also possessed no personal lockable space.

Domokos Prison, located on an expanse of terrain outside the town, was opened in 2007. Inmates are housed in 10 identical two-storey units set off two parallel corridors. The official capacity of each unit is 60 inmates (i.e. an overall capacity of 600); at the time of the visit, the prison held 634 prisoners. Each of the two-storey units is composed of 20 triple-occupancy cells. The cells had adequate lighting and ventilation, were appropriately furnished and contained an annex with a toilet, shower and sink. Cells were of an acceptable size (13m<sup>2</sup>) for three inmates; however, a number of cells were holding a fourth person who had to sleep on a mattress on the floor.

Korydallos Men's Prison was holding 2,345 inmates for an official capacity of 700. The CPT has been highlighting the necessity for the authorities to take action to drastically reduce the occupancy levels in the prison since 1993<sup>32</sup>. Despite repeated recommendations by the CPT for the numbers held in each single-occupancy cell (9.5m<sup>2</sup>) to be reduced to no more than two prisoners, the authorities have taken no action to date. At the time of the 2011 visit, the delegation observed once again that the cells continued to accommodate three, four or even five inmates.

Korydallos Women's Remand Prison was holding 187 inmates for an official capacity of 270. The material conditions had not changed since the 2009 visit<sup>33</sup>; overcrowding remained considerable as two of the three accommodation wings were still not being used.

Thiva Women's Prison was described in the report on the 2009 visit<sup>34</sup> and, at the time of the 2011 visit, was accommodating 326 inmates, including 21 juveniles for an official capacity of 410. The various accommodation units remained bleak.

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<sup>31</sup> See CPT/Inf (2010) 33, paragraph 97

<sup>32</sup> See CPT/Inf (1994) 20, paragraphs 105 to 110.

<sup>33</sup> See CPT/Inf (2010) 33, paragraph 100.

<sup>34</sup> See CPT/Inf (2010) 33, paragraph 104.

56. In short, there has been no progress in addressing the shortcomings highlighted by the CPT over the years. Clearly, the provisions in the 1999 Prison Law, setting down the standards of accommodation and the norms for a safe environment, including health and hygiene, to be provided to each prisoner, were still not being complied with. Not only were hardly any positive developments observed since the September 2009 visit but, in the CPT's view, the conditions of detention at Amfissa Prison in particular could still be described as amounting to inhuman and degrading treatment.

57. **The CPT calls upon the Greek authorities to:**

- **reduce the occupancy levels in the dormitories of Amfissa Prison to ensure that each prisoner is provided with at least 4m<sup>2</sup> of living space;**
- **devise a phased programme to reduce the occupancy levels in Korydallos Men's and Women's Remand Prisons from the current three or more prisoners per 9,5 m<sup>2</sup> cell to no more than two per cell;**
- **make concerted efforts to maintain the establishments visited in a good state of repair and to ensure that the accommodation areas in all prisons are kept clean and basic hygiene levels are guaranteed;**
- **ensure that inmates in all prisons have access to hot water both for reasons of personal hygiene as well as for washing bedding, clothes and dishes, and that they are allocated lockable space for their personal belongings.**

b. regime

58. The legal basis governing the general daily routine was described in the report on the 2005 visit<sup>35</sup>. However, in spite of the clear legal provisions regulating the entitlement of all prisoners to inter alia educational and vocational training, work, organised physical exercise, cultural and recreational activities<sup>36</sup>, in none of the prisons visited was there a purposeful regime in place for the majority of prisoners.

59. The approach to work was described in the report on the 2009 visit<sup>37</sup>. It remains in essence a remission scheme (for example, a cleaner would obtain 23 days remission for every month worked) rather than a means by which to engage prisoners in a purposeful activity or to form part of a personal development plan or preparation for release. It is also a primary incentive for good behaviour.

At Domokos Prison, for example, there were potentially 256 jobs available (for more than 600 prisoners), including 30 kitchen staff, 11 assistant nurses, 15 canteen workers and 125 cleaners. Work was allocated on a 'first come first serve' basis without any assessment of a prisoner's needs. Prisoners would usually be granted work for three months at a time after which they would have to wait approximately six months before they were offered another job.

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<sup>35</sup> See CPT/Inf (2006) 41, paragraph 93.

<sup>36</sup> See Articles 34 to 50 of the Prison Law (Law 2776) of 22 December 1999.

<sup>37</sup> See CPT/Inf (2010) 33, paragraph 105 and 106.

60. For the vast majority of inmates in all the prisons visited, there was absolutely nothing with which to occupy their days other than watching television and walking in the yards. None of the prisons visited had any sort of organised sports activities or gyms. Only at Thiva Prison were efforts being made to develop a range of activities for prisoners, which is positive and should be encouraged.

61. The authorities must take proactive measures if they want to avert the prison system from becoming an even greater breeding ground for criminality. As prisoners approach release into the community they need to be prepared for that step, to possess a degree of self-worth and to feel capable of leading a life away from crime. A regime which provides for varied activities is a vital component in the preparation for release, as well as being beneficial for the running of the prison.

**The CPT calls upon the Greek authorities to improve substantially the programmes of activities on offer to inmates (both remand and sentenced), including educational opportunities, in all the prisons visited.**

#### **4. Female juvenile unit at Thiva Prison**

62. The CPT considers that female juveniles deprived of their liberty ought to be held in detention centres specifically designed for persons of this age, offering regimes tailored to their needs and staffed by persons trained in dealing with the young. Further, special attention must also be paid to the specific medical needs of female juveniles in detention.

The CPT's delegation noted that certain measures had been taken to improve the regime offered to female juveniles at Thiva Prison, notably, access to school, dance classes and a painting workshop. Further, the yard had been renovated and equipment installed to enable basket ball and volley ball to be played. Efforts should be made to build on these developments. Further, the juvenile unit should have staff specifically assigned to it; at the time of the visit this was not the case and the young persons were left completely to their own devices.

**The CPT reiterates its recommendation that the Greek authorities put in place a properly resourced facility or unit for female juvenile prisoners; it should have a child-centred approach, offer a purposeful regime and be staffed by a multi-disciplinary team of professionals.**

## 5. Prison staff

63. The CPT has stressed in the past that an inadequate staff/prisoner ratio not only renders the provision of an acceptable regime well-nigh impossible, but also generates an insecure environment for both staff and prisoners. In addition to creating a potentially dangerous situation for vulnerable prisoners, it also poses dangers for staff, whose position can be compromised by their inability to exert proper control over - and develop a constructive dialogue with - prisoners.

The chronic understaffing found in all the prisons visited in 2011 represents a further deterioration in the situation observed in 2009, let alone that of 2005. It concerns not only prison officers but also other categories of staff such as social workers.

64. A brief survey of the situation of staff with direct supervisory responsibilities in the prisons visited illustrates the problem clearly.

At Amfissa Prison, the situation remains the same as that observed in September 2009 with five prison officers on duty during the day and two at night. No prison officers were present in the main part of the prison where more than 200 prisoners were accommodated, milling around on the stairs and in the courtyards. Prison officers had no idea what was going on in the dormitories or communal areas and appeared only to enter the accommodation areas to count the prisoners.

At Domokos Prison, there were 22 officers on duty every shift for a prison population of over 600; more specifically, one prison officer was assigned to each wing of 60 prisoners, and was located in a control office outside the wing from which he could electronically open and close the cell and unit doors. Contact with prisoners was minimal.

At Korydallos Men's Prison, the situation was even more dire than that observed in September 2009; for example, one of the three "prison officers" responsible for a wing of some 400 prisoners was in fact an inmate. Prison officers remained at the gate and did not actually enter the wings except when additional staff arrived to oversee the midday head count.

At Thiva Women's Prison, the staffing situation had also deteriorated, with the complement now 13 fewer than in 2009. In general, there was only one prison officer on duty in the control room overseeing two wings (i.e. up to 120 prisoners). Such low staffing numbers meant there was minimal interaction between prisoners and staff.

To sum up, such a state of understaffing is totally unacceptable and is manifestly not conducive to the effective management and control of a prison.

65. As the CPT stated in its report on the 2009 visit, it is not surprising that with such low levels of staffing, prison officers have little control over what is occurring within the cell blocks. The present situation places a grossly excessive burden upon prison officers. The CPT maintains that certain wings of the prisons visited are effectively being ceded to groups of strong prisoners and the State is abdicating its duty of care in respect of many prisoners. The Ministry of Justice in Athens cannot continue to turn a blind eye to this state of affairs.

**The CPT calls upon the Greek authorities to carry out immediately a review of the current staffing levels in the prisons visited and, in the light of that review, make provision to recruit additional staff.** In carrying out this review, regard should be had to the role and duties of prison staff as they relate to the purpose of sending people to prison.

66. To obtain personnel of the right calibre, the authorities must be prepared to invest adequate resources into the process of recruitment and training. However, no action has been taken to implement the CPT's recommendation in this domain. Prison officers are on the frontline in terms of managing, controlling and supporting inmates; not only should there be sufficient numbers of prison officers present on the wings but they should be provided with the necessary skills and support to guarantee the implementation of the declared objectives of imprisonment, as set down in the Prison Law of 1999.

**The CPT reiterates its recommendation that the Greek authorities review the initial training programme for prison officers, in the light of the above remarks. Further, the follow-up training for all prison officers should be developed.**

67. The CPT is fully aware of the economic constraints facing the Greek Government, which renders increasing the cost of the prison administration extremely difficult. Nevertheless, the State has an irrevocable duty of care to those in its custody. Making the necessary investment to provide a safe, and secure environment in the prisons will be money well spent in terms of reducing recidivism, not to mention what could happen should control of the establishments ever be lost<sup>38</sup>. **The CPT trusts that this message will also be brought to the attention of the Greek Government, including the Minister of Finance.**

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<sup>38</sup> Reference is made to the recent disturbances at Amfissa Prison on 20 January 2011 (see paragraph 49) and at Korydallos Men's Prison on 15 February 2011.



## 6. Health care

### a. introduction

68. The findings of the CPT's delegation during the 2011 visit illustrate that health care services in many of the prisons visited are still unable to meet the basic health care needs of prisoners. It would appear that previous recommendations by the CPT on issues such as staffing, access to health care, medical screening upon admission, medical confidentiality and health-care policy concerning drug abuse have not been implemented by the Greek authorities. A review of the provision of health care services in prisons should be carried out immediately and a more rigorous inspection of the manner in which health care is provided to prisoners instituted. **The CPT reiterates its recommendation that the Greek authorities urgently re-examine the general state of health care services in prison establishments.**

### b. health care in general

69. The number of health care staff in Korydallos Men's Prison has increased since the visit in 2009. There is now the equivalent of three full-time general practitioners and a duty doctor of any one of a number of specialities present seven days a week between 15h00 and 23h00. There are also a number of visiting specialists who visit between two and four times per week for a couple of hours at a time.

The health care centre has three fully qualified nurses, an assistant nurse as well as six prison officers working as medical orderlies, one of whom is always on duty. A number of inmates also worked in the health care centre performing a variety of duties including the triage of prisoners and the distribution of medication.

The number of nursing staff remains inadequate for a remand prison of such a size.

70. At Amfissa Prison, a rural doctor<sup>39</sup> attended the prison three days a week from 08h00 to 14h00. He is supported by one fully qualified nurse and three assistant nurses, two of whom are prison officers with two years of training at nursing school; at least one nurse is present between 07h00 and 21h00, and at night one of them is on call. Three inmates assist the nurses in recording the medication in the register and with its distribution, as well as with cleaning duties. Efforts to overcome the problems previously identified by the CPT were visible, with prisoners being seen either by the doctor or by being transferred to hospital for a consultation.

At Domokos Prison, there was no full-time doctor for a prison population of more than 600; instead, the prison doctor from Larissa Prison (800 inmates) visited the prison for two hours every week. Such an arrangement is totally inadequate. The nursing staff consisted of two fully qualified nurses and two assistant nurses who were prison officers. Two dentists, one of whom was retired, were present five days a week.

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<sup>39</sup> That is, a recently qualified doctor undertaking a one year residency outside of a major urban area.

At Korydallos Women's Remand Prison, there is no full-time doctor but a system of duty doctors working in shifts between 16h00 and 07h00 every day. A variety of specialists visit the prison two times every week for approximately three hours (dentist, dermatologist, cardiologist, gynaecologist, urologist, orthopaedic surgeon, psychiatrist). There are, however, still no trained nurses; nursing duties are performed by a number of prison officers acting as medical orderlies and a couple of inmates.

At Thiva Prison, the health care team was limited to one qualified nurse and five prison officers with some nursing qualifications, all of whom worked 12 hour shifts; in addition, a general practitioner and a gynaecologist visited twice a week. As was the case in 2009, a number of specialists visited the prison once a week for a couple of hours (dentist, surgeon, paediatrician, psychiatrist, etc.). In sum, the situation had hardly improved since the 2009 visit.

71. The CPT must stress once again that the provision of adequate levels of qualified health care staff is a prerequisite for implementing a proper health care strategy in prison, capable of catering to the specific medical needs present within a prison population.

The CPT has already recommended that the general state of health care services in prisons be reexamined (see paragraph 68 above). **As regards more specifically the prisons visited, the Committee recommends, as an initial measure, that steps be taken immediately to reinforce health care staffing levels in order to ensure:**

- **at Domokos Prison, the recruitment of a full-time general practitioner to oversee the delivery of health care services;**
- **at Thiva Prison, the recruitment of the equivalent of a full-time general practitioner;**
- **at all the prisons visited, apart from Amfissa Prison, the recruitment of additional qualified nurses, at least one of whom should be a qualified mental health nurse.**

**Further, as regards Korydallos Women's Remand Prison the Committee requests to be informed as to the reasons for the presence of doctors between 16h00 and 07h00; access by prisoners to the health care service is extremely difficult during these times.**

72. In all prisons, inmates were to varying degrees working in the health care services. In the CPT's view, prisoners should never carry out triage functions, distribute medication, be present during consultations, have access to medical records or deliver care to other prisoners. **The CPT reiterates its recommendation that the necessary steps be taken to replace prisoners performing such nursing duties with qualified health care staff.**

73. The findings of the delegation in the course of the visit highlighted, once again, the fact that in all the establishments visited there was a lack of coordination and consultation among the various medical staff. The lack of coordination was particularly evident at Korydallos Women's Prison where the organisation of the medical service was chaotic, with each specialist recording their findings in a separate register without any consultation among the medical staff on an individual prisoner's health care. The smooth operation of a health care service presupposes that doctors and nursing staff are able to meet regularly and to form a working team under the authority of a senior doctor in charge of the service.

**The CPT reiterates its recommendation that in each prison a senior doctor or nurse manager be appointed as the head of health care, with responsibility for managing the health care service and ensuring there is a regular consultation process among the staff.**

c. medical screening on admission

74. The importance of medical screening of prisoners on admission, especially at establishments which represent points of entry into the prison system, cannot be overstated. Such screening is indispensable, in particular in the interests of identifying those at risk of self harm, screening for communicable diseases and the timely recording of any injuries.

Prisoners entering the prison system for the first time were generally interviewed on the day of, or day after, their arrival by a nurse and thereafter by a doctor. However, this brief interview (anamnesis) was aimed at discovering whether there were any drug or other medication issues; no physical examination was carried out. Usually a blood test (for HIV, hepatitis, glucose) and an x-ray of the chest would take place at a later date. Further, approximately 25% of newly-admitted inmates apparently “refused” to undergo a medical examination (i.e. did not turn up to be examined at the allotted time); however, the CPT remains concerned that many of these prisoners were not properly informed about the possibility of being medical screened upon admission. As for those inmates transferring from another prison, they would usually have to wait several days or longer before being seen by a doctor.

**The CPT recommends that the Greek authorities pursue their efforts to ensure that every newly-arrived prisoner is properly interviewed and physically examined by a medical doctor or by a fully qualified nurse reporting to a doctor, as soon as possible after his admission.**

d. drug-related issues and deaths in custody

75. There was still no coherent and comprehensive drugs policy in place. Drugs appeared to be accessible in all the prisons visited and many prisoners admitted openly to using them. The comments made in the reports on the 2001, 2005 and 2009 visits remain pertinent.<sup>40</sup> In particular, immediate steps should be taken to introduce a harm-reduction policy in prison. **The CPT calls upon the Greek authorities to draw up a comprehensive strategy for the provision of assistance to prisoners with drug-related problems and to institute a harm-reduction policy.**

76. The Committee remains concerned that, in the wake of serious incidents such as a death, no action or inquiry is undertaken aimed at establishing the cause of death and at identifying possible means to improve the system of prevention in place. The Greek authorities’ response to the report on the 2009 visit in which they state that an autopsy is systematically carried out on every death in custody appears to be directed at establishing criminal responsibility only. In the CPT’s view, an autopsy into a death in prison should form just one part of an inquiry into whether lessons can be learned to avoid future deaths in custody.

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<sup>40</sup> See CPT/Inf (2002) 31, paragraph 97; CPT/Inf (2006) 41, paragraphs 114 and 115; and CPT/Inf (2010) 33, paragraphs 138 and 139.

**The CPT recommends that the authorities institute a practice of carrying out thorough inquiries into deaths in custody to ascertain, *inter alia*, the cause of death, the facts leading up to the death, including any contributing factors, and whether the death might have been prevented. Further, whenever a person dies in prison (or soon after transfer from prison), an autopsy should be carried out<sup>41</sup> and the prison's management and medical services should be informed of the outcome.**

**In addition, an analysis should be undertaken of each death in prison to consider what general lessons may be learned for the prison in which the death occurred and whether in the case of self-inflicted death there are any systemic, nationwide measures that need to be taken.**

Further, as regards the three deaths in custody referred to in paragraphs 129 and 140 of the report on the 2009 visit, **the Committee is still waiting to receive the outcome of any inquiries (including the autopsy reports) into these deaths.**

## **7. Other issues**

77. In addition to medical screening on arrival, the reception and first night procedures as a whole have an important role to play; performed properly, they can identify at least certain of those at risk of self-harm and relieve some of the anxiety experienced by all newly-arrived prisoners. Regrettably, no action had been taken to introduce rigorous admission procedures in the prisons visited further to the CPT's recommendation in the report on the 2009 visit<sup>42</sup>.

**The CPT reiterates its recommendation that the Greek authorities introduce proper reception and first night procedures as well as an induction process for all prisoners being admitted to a prison, with a priority placed on those establishments which are points of entry to the prison system.**

78. The CPT has repeatedly emphasised the importance for all persons deprived of their liberty to maintain good contact with the outside world. However, despite the Prison Law of 1999 (see Articles 51 to 58) recognising the importance of such contacts, little action appears to have been taken to implement the Committee's recommendations in this area as regards visits. The general rule remains a weekly visit of 30 minutes or less under closed conditions (i.e. allowing no physical contact between the prisoner and the visitor); at Korydallos Men's Prison, inmates were only permitted one visit every month.

**The CPT calls upon the Greek authorities to review the arrangements for visits, with a view to increasing the amount of visiting time offered to at least one hour every week, and allowing ordinary visits to take place under less restrictive conditions. The use of closed booth-type facilities should be the exception rather than the rule.**

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<sup>41</sup> The Committee acknowledges that there may be highly exceptional cases in which, as prescribed by law, an independent authority may decide that an autopsy is not required.

<sup>42</sup> See CPT/Inf (2010) 33, paragraph 141.

79. The CPT has made it clear in its report on the 2009 visit that it is vitally important that the system of home leave be properly managed<sup>43</sup>. The prospect of home leave is a major incentive for good behaviour and remains an important factor in the maintenance of order within Greek prisons. However, the lack of social workers in each prison (in Domokos Prison there was no social worker for 600 prisoners) meant that it was not possible to fully analyse the family arrangements of each applicant nor properly evaluate their behaviour in prison. The CPT's delegation also received complaints that prisoners were not properly informed about the criteria governing home leave.

**The CPT recommends that prisons be granted the necessary resources to ensure that applications for home leave are evaluated in a rigorous manner.**

80. In most of the prisons visited there was limited resort to the use of segregation for disciplinary reasons, and the segregation units were primarily used to accommodate prisoners seeking protection from other prisoners.

In *Amfissa Prison*, the segregation unit consisted of two minute cells (2.5m<sup>2</sup>), a corridor area of 3m<sup>2</sup> and a toilet. At the time of the visit, the unit was holding four prisoners for protection reasons, one of whom had been there for five months; in the recent past, the unit had held up to eight prisoners. The prisoners had to sleep on blankets placed on the floor. Further, these prisoners had no access to outdoor exercise, and spent 21 hours or more every day locked up in the unit. Such a state of affairs is totally unacceptable both as regards material conditions of detention and regime. As regards the former, the CPT must stress that cells of less than 6m<sup>2</sup> should be withdrawn from service. **The CPT recommends that alternative facilities be found for prisoners on protection.**

In *Domokos Prison*, the segregation unit consisted of ten cells (each measuring approximately 10m<sup>2</sup>). At the time of the visit, the unit held four prisoners, three of whom were there for their own protection and one for administrative reasons. The inmates had no access outdoor exercise and were not offered any activities (including access to a television).

**The CPT recommends that every prisoner placed in segregation be guaranteed at least one hour of outdoor exercise every day. Further, for prisoners placed in segregation for non-disciplinary reasons, they should also be offered purposeful activities.**

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<sup>43</sup> See CPT/Inf (2010) 33, paragraph 146.

**C. Treatment of criminal suspects detained by the police**

**1. Preliminary remarks**

81. The CPT reviewed the treatment of criminal suspects detained at the moment of apprehension and subsequently while they were being detained in police stations, including as regards the effectiveness of the safeguards in place to prevent ill-treatment. For this purpose, the CPT's delegation visited a number of police establishments in the regions of Attica, Central Greece, Evros, Macedonia and Peloponnesus and also went to several prisons (such as Thessaloniki and Tripoli) to interview inmates recently remanded in custody (see Appendix II for the list of establishments visited).

**2. Ill-treatment**

82. The CPT's delegation received many allegations of ill-treatment of criminal suspects detained by the police, particularly in the Thessaloniki area. A few persons alleged that they had been ill-treated at the moment of apprehension after having been brought under control. However, the vast majority of persons met by the delegation alleged that the ill-treatment took place while they were being interrogated by members of the Security Police (i.e. criminal investigation officers). The allegations mostly concerned slaps, kicks and punches and some of them were supported by medical findings. For instance, a man interviewed at Thessaloniki Monasteriou Police Station alleged that he had been punched in the face during an interrogation a few days prior to the delegation's visit; he displayed a dark blue bruise around the right eye.

83. The CPT's delegation also received some allegations of ill-treatment of a particularly severe nature involving blows with sticks, baseball bats and batons to the body including the soles of the feet. Two specific allegations concerned one detained person being struck with a heavy one-metre long metal cutter while being held in Polygiros Police Station a few months before the visit, and of another person receiving shocks from an electric prod during police interrogation at Hania Police Station in 2009. Further, one detained person met by the delegation at Korydallos Prison alleged that he had been asphyxiated by means of a manual hold until he lost consciousness, while being interrogated by police on the 12<sup>th</sup> floor of Athens Alexander Street Police Headquarters, in April 2010. In this connection, the CPT's delegation has been made aware of reports in the Greek media of a similar incident of police ill-treatment, which took place on 13 January 2011 and also concerned police officers based on the 12<sup>th</sup> floor of Athens Alexander Street Police Headquarters.

In most of the above cases, the alleged victims claimed to have sustained visible injuries. However, the CPT's delegation was unable to substantiate these claims as the time of alleged ill-treatment pre-dated the delegation's visit by several weeks or more, and any lesion which might have been caused would almost certainly have healed in the meantime. Further, as the medical screening upon admission to prison is still not being carried out rigorously, the files in the prisons visited were of little value in assessing treatment received at the time of police custody. For example, at Tripoli Prison the record keeping was scant and at Thessaloniki Diavata Prison there was a lack of proper recordings of injuries upon admission to prison. For instance, as concerns the latter prison, in the case referred to in paragraph 85 (1) below, the prisoner's medical file did not contain any reference to injuries upon arrival. However, the photo of the prisoner taken at admission clearly showed a laceration underneath the right eye.

84. In this context, it should be noted that in several of the police stations visited, the CPT's delegation found a large number of non-standard and unlabelled objects in the offices and interview rooms of the security police, such as a crowbar (at Argos Police Station), a rubber baton (at Athens Elefsinas Police Station), large wire cutters and other metal utensils (Athens Acropolis and Omonia Police Stations).

There is no legitimate reason for such objects to be kept in rooms used for interviewing suspects. Apart from inviting speculation about improper conduct on the part of police officers, objects of this kind are a potential source of danger to staff and criminal suspects alike. All items seized for the purpose of being used as evidence should always be properly labelled, recorded and kept in a dedicated property store, as indicated by the relevant regulation. **The CPT recommends that the Greek authorities ensure that the above precepts are implemented.**

### **3. Complaints against the police and investigations into allegations of ill treatment**

85. In the course of the visit, the CPT's delegation only came across two detained persons who had filed a complaint of alleged police ill-treatment.

#### Case 1

A prisoner interviewed by the delegation at Thessaloniki Diavata Prison claimed to have been severely punched on the head and body during interrogation by members of the Thessaloniki Security Police at Monasteriou Police Station on 7 June 2010. This prisoner further alleged that a cigarette butt was stubbed out on his leg and that his genitals were pulled and squeezed.

He explained that one day after the alleged ill-treatment took place, his lawyer filed a complaint with the internal affairs department of the Thessaloniki Police, and members of this department interviewed the prisoner the following day. Immediately after the interview, the man was taken to a forensic doctor who examined him, the result of which was unknown to him. Apparently, the findings of the internal affairs department have been forwarded to the prosecutor. In parallel, upon the order of the Commander of the Thessaloniki Police Force, a senior police officer belonging to a different administrative entity within the Thessaloniki Police Force was charged with carrying out an internal Sworn Administrative Investigation against three police officers involved in the alleged ill-treatment<sup>44</sup>. However, some seven months after the alleged incident took place both proceedings remained pending.

**The CPT would like to be informed, in due time, of the outcome of the ongoing criminal and administrative proceedings in respect of this case.**

### Case 2

During the visit to Korydallos Women's Prison, a 63 year old prisoner told members of the CPT's delegation that she had filed a complaint concerning police ill-treatment with the prosecutor on 18 March 2010, who confirmed its reception on 6 June 2010. This woman claimed to have been beaten on several occasions while being interrogated at Alexander Street Police Headquarters between 2 and 6 March 2010.

Her initial request for a medical forensic examination was said to have been dismissed by Alexander Street police officers and she was only seen by a doctor at Korydallos Women's Prison on 17 March 2010. After complaining of a headache, pain in both of her shoulders and difficulties to walk, she was referred to hospital; between 18 and 30 March 2010, she underwent several medical examinations, all of which proved inconclusive.

From discussions with the prosecutor, the CPT's delegation understands that an investigation into the allegation of ill treatment had been initiated.

**The CPT would like to be informed, in due time, of the outcome of any proceedings (criminal or administrative) in respect of this case.**

86. The apparent contradiction between the number of allegations of police ill-treatment received by the CPT's delegation and the low number of complaints filed by individuals against the police may well be explained by the barriers which deter persons from making such complaints. In interviews with both alleged victims and criminal lawyers, the CPT's delegation was told that the fear of retribution dissuaded many persons from filing a complaint. In particular, the lawyers stated that they would advise against their clients filing complaints against the police as this might have a negative impact on their client's case (i.e. a harsher prison sentence).

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<sup>44</sup> As the CPT has stated on several occasions, the way in which allegations of police ill-treatment are, at present, investigated in Greece do not satisfy the requirements of an effective investigation as reflected in the case law of the European Court of Human Rights. Nor do they meet the international standards laid down, inter alia, in the 1999 United Nations Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ('Istanbul Protocol'). See in particular CPT/Inf (2010) 33, paragraph 27.



Further, foreigners who alleged ill-treatment by the police stated that they were either unaware of the possibility to file a complaint or did not know with whom it should be lodged. In this connection, it was noted that the D-34 complaints form was not given to all detained persons, contrary to the instructions of the Head of the Hellenic Police of 12 October 2010. Also, it should be noted that in Greece, an investigation into allegations of police ill-treatment is a complex legal procedure and difficult to follow, or even to understand, without legal advice; yet, few alleged victims were able to afford a lawyer to assist them during the investigation.

87. In the report on the 2009 visit, the CPT highlighted the flaws in the current system of investigations into allegations of ill-treatment by law enforcement officials. In particular, mention was made of the lack of promptness and expeditiousness in carrying out investigations; the poor quality of the forensic medical examinations; the passive role of prosecutorial or judicial authorities as regards instigating an investigation into allegations of ill-treatment; and the lack of independence of the investigative authorities.

In their response, the Greek authorities made reference to Circular No 1/10 of 23 March 2010 by the Public Prosecutor to the Supreme Court ordering all complaints of police ill-treatment to be forwarded to the competent prosecutor in order to be investigated by the appropriate body. Further, it was stated that the investigation should not be carried out by a police officer serving in the same police station as the alleged perpetrators of the ill-treatment. However, from the information gathered during the 2011 visit, such as the case referred to in paragraph 85 (1) above, it would appear that the Circular has not been followed in all cases. Further, lawyers interviewed by the delegation claimed that prosecutors who are made aware of allegations of police ill-treatment rarely undertake any follow-up action. It was also said that judges tended to dismiss any allegations of ill-treatment without examining the substance of the claims.

88. Following the persistent criticism by, inter alia, the CPT on the manner in which alleged human rights violations by the Hellenic Police are investigated, the Greek authorities announced the intention to establish the Office for Incidents of Police Misconduct<sup>45</sup>. According to the draft legislation provided to the CPT, the Office will be tasked with the collection, recording and evaluation of complaints against personnel of the Hellenic Police, the Port Police, the Hellenic Coastguard and the Fire Brigade<sup>46</sup>.

The Office will consist of a decision-making three member Committee (a honorary Supreme Court Judge, the State's Legal Counsel and a honorary Prosecutor at the Supreme Court or Court of Appeal) and supporting staff, seconded from the four services under its mandate.

89. As mentioned above, the Office will be tasked with the collection of complaints against the police and the subsequent assessment whether a complaint is "credible". In case of the affirmative, the complaint will be referred to the relevant service, which will investigate. Surprisingly, it appears that the Office plays no role in monitoring the quality of the investigation; it will only receive the outcome of the investigation.

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<sup>45</sup> In earlier correspondence with the CPT, the Office for Incidents of Police Misconduct was referred to as the Arbitrary Incidents Office.

<sup>46</sup> The Office will also be tasked with the investigation of complaints which have led to a decision against Greece by the European Court of Human Rights.

**90. The CPT trusts that the Greek authorities will establish a police complaints body, which is fully independent and is sufficiently resourced to carry out effective investigations into allegations of police ill-treatment.**

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

91. As regards the safeguards against ill-treatment advocated by the CPT (the rights of detained persons to inform a close relative or another third party of their situation, to have access to a lawyer, and to have access to a doctor), the situation had not changed since the CPT's 2009 visit.

The CPT's findings suggest that the enjoyment of the right of *notification of the deprivation of liberty to a third party* is dependent of the possession of a telephone card or, alternatively, the money to buy such a card, which was frequently not the case. In this context, it should be noted that so far no legal provisions have been adopted spelling out the circumstances when the exercise of the right to inform a third party of one's custody can be delayed and making any such delay subject to appropriate safeguards (e.g. any delay to be recorded in writing along with the reason, and to require the approval of a prosecutor or judge) and strictly limited in time.

As regards *access to a lawyer*, many criminal suspects claimed to have met their lawyer for the first time in court, after a few days of detention. This delay in access in many cases appears to be related to the lack of financial means of the detained person. The CPT recommended in its 2009 report that the Greek authorities engage with the Greek Bar Association, in order to extend access to legal aid scheme to the stage of police investigation, which is apparently at present not covered . Only in this way will the right of access to a lawyer during police custody be rendered effective in practice.

*Access to a doctor* outside the context of a medical urgency continues to be looked up on as a favour to a detained person, and not as a right . Access to a doctor remained therefore dependent on police staff.

In addition, many persons detained by the police claimed that they not received information on the above-mentioned rights or were unable to understand the information provided.

**The CPT calls upon the Greek authorities to make additional efforts to render fully effective in practice the rights of detained persons to inform a close relative or another third party of their situation, to have access to a lawyer, and to have access to a doctor, including by means of the establishment of an adequately empowered police inspectorate.**

## **APPENDIX I**

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

#### **The detention of irregular migrants**

##### **Ill-treatment**

###### **recommendations**

- the Greek authorities to take rigorous action to counter any acts of ill-treatment being committed; that action should include instigating investigations into all allegations of ill-treatment (paragraph 15);
- all police officers to be reminded that any ill-treatment will be the subject of severe penalties (paragraph 15).

##### **Conditions of detention**

###### **recommendations**

- the Greek authorities to take the necessary steps to ensure that the specific measures enumerated in the immediate observations referred to in paragraph 9 are implemented in respect of Feres, Soufli and Tycherio Police and Border Guard stations (paragraph 21);
- the Greek authorities to take the necessary steps to implement the specific measures enumerated in the immediate observations referred to in paragraph 9 as regards Filakio Special holding facility (paragraph 26);
- the Greek authorities to permit irregular migrants to have access to a change of clothes. Further, the authorities should put in place a clear system for recording the belongings of all detained irregular migrants and should give them a receipt for all items which they hand in before entering the detention areas (paragraph 28);
- the Greek authorities to ensure that irregular migrants are only detained in centres specifically designed to meet the requirements of this population, having due regard to the Committee's criteria for places of detention for irregular migrants, as formulated in its 7<sup>th</sup> and 19th General Reports. Particular care should be taken to cater to the specific needs of minors and other vulnerable groups (paragraph 38);

- with respect to the facilities visited by the CPT in 2011, the Greek authorities to ensure that:
  - all detainees are offered a bed or plinth, bedding and mattress, all clean;
  - all detainees have ready access to toilet facilities, including at night;
  - all detained persons staying longer than 24 hours are provided, on a regular basis, with a basic sanitary kit (including adequate rations of soap, washing powder, toilet paper, shampoo, shaving utensils and toothpaste, and a toothbrush) free of charge;
  - sufficient quantities of detergent and products for personal hygiene are made available at all times to detainees;
  - all detained persons staying longer than 24 hours have access to a shower and to hot water;
  - detainees are permitted to change their clothes;
  - detention areas (including sanitary facilities) are maintained in an adequate state of repair and cleanliness;
  - family units are kept together;
  - female detainees are held in an area which is separated from that accommodating male detainees, and that their privacy is guaranteed;
  - all detainees are offered at least one hour of outdoor exercise a day;
  - the provision of food for detained persons is adequate and appropriate;
  - call bells are installed in all detention areas where staff are not continuously present;
  - occupancy rates are respected, and where necessary revised, so as to offer a minimum of 4m<sup>2</sup> of space per detainee in multi-occupancy accommodation.

(paragraph 38).

#### comments

- the CPT would like to receive a written response to the immediate observation made in respect of medical screening for persons detained at the Aspropyrgos police holding facility (paragraph 32).

#### requests for information

- the action being taken to ensure that families with young children and unaccompanied minors are accommodated in special centres capable of catering to their specific needs (paragraph 26);
- the reasons why it was not possible to transfer some of the persons detained in the facilities in the Evros region visited by the CPT's delegation to special holding centres in other parts of the country (paragraph 27);
- the reasons why the Sparta Special holding facility was not in use despite the overcrowding in other centres (paragraph 36);
- confirmation that the Piraeus centre has been definitively closed, as well as details on the capacity and layout of any facility replacing it (paragraph 38);
- the measures being taken to ensure that police stations are no longer used to hold persons for prolonged periods (paragraph 38).

## **Regime**

### recommendations

- the Greek authorities to take the necessary steps to draw up and implement, as soon as possible, operating standards for both the special facilities for irregular migrants and police holding facilities, guaranteeing, inter alia, a regime offering activities and recreation (paragraph 39).

## **Health care**

### recommendations

- the Greek authorities to take adequate measures to ensure the provision of medical care on a regular basis at all facilities where irregular migrants are held (paragraph 40).

## **Staffing**

### recommendations

- the Greek authorities to give due consideration to the proposal to establish posts of specialised custodial staff for persons detained by law enforcement agencies (paragraph 41);
- the Greek authorities to review the staff complement attached to each special facility for irregular migrants and police holding facility (paragraph 42);
- the Greek authorities to provide adequate training for staff working in dedicated detention facilities for irregular migrants (paragraph 42).

## **Other issues**

### recommendations

- all detained persons to be provided with clear information on their situation, in a language that they understand (paragraph 43);
- an independent inspection system for law enforcement detention facilities to be established (paragraph 44).

### comments

- the Greek authorities are encouraged to ratify the Optional Protocol to the United Nations Convention Against Torture (OPCAT) (paragraph 44).

## **Prison establishments**

### **Preliminary remarks**

#### recommendations

- the Greek authorities to actively pursue their efforts towards eradicating overcrowding as a chronic feature of the prison system (paragraph 47);
- the Ministry of Justice, following a period of in-depth consultations with all interested parties, to produce a strategic plan for the recovery of the prison system that addresses the following areas:
  - the mission of prisons and the values to which prison staff should work;
  - the size of the prison estate and the range of the prison types that it will include;
  - the range of activities that will be provided and the amount of access that persons detained, including those on remand, will have to them;
  - the human resource requirement needed to run the prisons professionally, including competence profiles for the key roles;
  - financial projections over a 5 to 10 year period, showing how the planned provision will be met within the resource levels available;
  - clearly defined short, medium and long term goals(paragraph 48).

#### requests for information

- the impact upon the prison population of the measures referred to in paragraph 47 (paragraph 47).

### **III-treatment**

#### recommendations

- the Greek authorities to ensure that vaginal examinations of female prisoners are only carried out when absolutely necessary and upon the required order of the prosecutor, and that each examination is properly recorded in a special register (paragraph 50);
- the practice of obliging prisoners suspected of smuggling drugs to take laxatives to be ended forthwith (paragraph 51);
- the Greek authorities to put in place procedures to guarantee the systematic recording of injuries and, when appropriate, the provision of information to the relevant authorities, in line with previous CPT recommendations (paragraph 52);
- a register for cases of injuries identified by the medical examination on admission to be introduced at each prison (paragraph 52);
- the Greek authorities to develop a national strategy concerning inter-prisoner violence and intimidation, taking into account the remarks in paragraph 54 (paragraph 54).

#### requests for information

- a copy of any report drawn up into the disturbance of 20 January 2011 at Amfissa Prison (paragraph 49);
- the reasons for the specific prisoner referred to in paragraph 49 being brought to hospital from Amfissa police station (paragraph 49).

#### **Conditions of detention**

##### recommendations

- the Greek authorities to:
  - reduce the occupancy levels in the dormitories of Amfissa Prison to ensure that each prisoner is provided with at least 4m<sup>2</sup> of living space;
  - devise a phased programme to reduce the occupancy levels in Korydallos Men's and Women's Remand Prisons from the current three or more prisoners per 9,5 m<sup>2</sup> cell to no more than two per cell;
  - make concerted efforts to maintain the establishments visited in a good state of repair and to ensure that the accommodation areas in all prisons are kept clean and basic hygiene levels are guaranteed;
  - ensure that inmates in all prisons have access to hot water both for reasons of personal hygiene as well as for washing bedding, clothes and dishes, and that they are allocated lockable space for their personal belongings(paragraph 57);
- the Greek authorities to improve substantially the programmes of activities on offer to inmates (both remand and sentenced), including educational opportunities, in all the prisons visited (paragraph 61).

#### **Female juvenile unit at Thiva Prison**

##### recommendations

- the Greek authorities to put in place a properly resourced facility or unit for female juvenile prisoners; it should have a child-centred approach, offer a purposeful regime and be staffed by a multi-disciplinary team of professionals (paragraph 62).

#### **Prison staff**

##### recommendations

- the Greek authorities to carry out immediately a review of the current staffing levels in the prisons visited and, in the light of that review, make provision to recruit additional staff (paragraph 65);
- the Greek authorities to review the initial training programme for prison officers, in the light of the remarks in paragraph 66. Further, the follow-up training for all prison officers should be developed (paragraph 66).

comments

- the CPT trusts that the message contained in paragraph 67 will also be brought to the attention of the Greek Government, including the Minister of Finance (paragraph 67).

**Health care**

recommendations

- the Greek authorities to urgently re-examine the general state of health care services in prison establishments (paragraph 68);
- steps to be taken immediately to reinforce health care staffing levels in order to ensure:
  - at Domokos Prison, the recruitment of a full-time general practitioner to oversee the delivery of health care services;
  - at Thiva Prison, the recruitment of the equivalent of a full-time general practitioner;
  - at all the prisons visited, apart from Amfissa Prison, the recruitment of additional qualified nurses, at least one of whom should be a qualified mental health nurse (paragraph 71);
- the necessary steps to be taken to replace prisoners performing nursing duties with qualified health care staff (paragraph 72);
- a senior doctor or nurse manager to be appointed in each prison as the head of health care, with responsibility for managing the health care service and ensuring there is a regular consultation process among the staff (paragraph 73);
- the Greek authorities to pursue their efforts to ensure that every newly-arrived prisoner is properly interviewed and physically examined by a medical doctor or by a fully qualified nurse reporting to a doctor, as soon as possible after his admission (paragraph 74);
- the Greek authorities to draw up a comprehensive strategy for the provision of assistance to prisoners with drug-related problems and to institute a harm-reduction policy (paragraph 75);
- the authorities to institute a practice of carrying out thorough inquiries into deaths in custody to ascertain, *inter alia*, the cause of death, the facts leading up to the death, including any contributing factors, and whether the death might have been prevented. Further, whenever a person dies in prison (or soon after transfer from prison), an autopsy should be carried out and the prison's management and medical services should be informed of the outcome (paragraph 76);
- an analysis to be undertaken of each death in prison to consider what general lessons may be learned for the prison in which the death occurred and whether in the case of self-inflicted death there are any systemic, nationwide measures that need to be taken (paragraph 76).



requests for information

- the reasons, at Korydallos Women's Remand Prison, for the presence of the doctors between 16h00 and 07h00 (paragraph 71);
- the outcome of any inquiries (including the autopsy reports) into the three deaths in custody referred to in paragraphs 129 and 140 of the report on the 2009 visit (paragraph 76).

**Other issues**

recommendations

- the Greek authorities to introduce proper reception and first night procedures as well as an induction process for all prisoners being admitted to a prison, with a priority placed on those establishments which are points of entry to the prison system (paragraph 77);
- the Greek authorities to review the arrangements for visits, with a view to increasing the amount of visiting time offered to at least one hour every week, and allowing ordinary visits to take place under less restrictive conditions. The use of closed booth-type facilities should be the exception rather than the rule (paragraph 78);
- prisons to be granted the necessary resources to ensure that applications for home leave are evaluated in a rigorous manner (paragraph 79);
- alternative facilities to be found for prisoners on protection in Amfissa Prison (paragraph 80);
- every prisoner placed in segregation to be guaranteed at least one hour of outdoor exercise every day (paragraph 80);
- prisoners placed in segregation for non-disciplinary reasons should be offered purposeful activities (paragraph 80).

## **Treatment of criminal suspects detained by the police**

### **Ill-treatment**

#### recommendations

- all items seized for the purpose of being used as evidence always to be properly labelled, recorded and kept in a dedicated property store, as indicated by the relevant regulation (paragraph 84).

### **Complaints against the police and investigations into ill treatment**

#### comments

- the CPT trusts that the Greek authorities will establish a police complaints body, which is fully independent and is sufficiently resourced to carry out effective investigations into allegations of police ill-treatment (paragraph 90).

#### requests for information

- the outcome of the ongoing criminal and administrative proceedings in respect of case 1 referred to in paragraph 85 (paragraph 85);
- the outcome of any proceedings (criminal or administrative) in respect of case 2 referred to in paragraph 85 (paragraph 85).

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

#### recommendations

- the Greek authorities to make additional efforts to render fully effective in practice the rights of detained persons to inform a close relative or another third party of their situation, to have access to a lawyer, and to have access to a doctor, including by means of the establishment of an adequately empowered police inspectorate (paragraph 91).

**APPENDIX II**

**LIST OF THE ESTABLISHMENTS VISITED BY THE CPT'S DELEGATION**

Establishments under the authority of the Ministry of Citizen's Protection

*Attica Region*

Agio Pantaleimons Police Station, Athens  
Acropolis Police Station, Athens  
Alexander Street Police Headquarters, Athens  
Aspropyrgos Holding Facility for Irregular Migrants, Athens  
Athens Airport Holding Areas  
Elefsinas Police Station, Athens  
Omonia Police Station, Athens  
Piraeus Holding Facility for Irregular Migrants

*Central Greece Region*

Amfissa Police Transfer Centre  
Lamia Police Transfer Centre

*Evros Region*

Alexandroupolis Police Station  
Feres Border Guard Station  
Filakio Special holding facility for illegal immigrants  
Neo Himonio Border Guard Station  
Orestiada Police Station  
Soufli Police and Border Guard Station  
Tycherio Border Guard Station

*Macedonia Region*

Dodecanesis Street Police Station, Thessaloniki  
Monasterou Police Station, Thessaloniki  
Menemene Police Station, Thessaloniki

*Peloponnesus Region*

Argos Police Station  
Sparta Police Station  
Sparta Special Holding Facility for irregular migrants  
Tripoli Police Station

Establishments under the authority of the Ministry of Justice

Amfissa Prison

Domokos Prison

Korydallos Men's Prison (targeted follow up visit)

Korydallos Women's Remand Prison (targeted follow up visit)

Thessaloniki Prison (to interview inmates on remand)

Thiva Women's Prison (targeted follow up visit)

Tripoli Prison (to interview inmates on remand)

**APPENDIX III**

**LIST OF THE NATIONAL AUTHORITIES AND OTHER ORGANISATIONS  
MET BY THE CPT'S DELEGATION**

Ministry of Citizen's Protection

Ambassador AMIRIDIS  
Vasileios KOUSOUTIS

Office of the Minister of Citizen's Protection  
Brigadier General, Director of the Aliens Division of  
the Hellenic Police Head Quarters.

Anastasios LASKARIS  
Sotirios PANOUSIS  
Andreas KARAGEORGOS

Colonel  
Lieutenant Colonel, Division of Police Personnel  
Captain, Aliens Division and CPT Liaison Officer

Ministry of Foreign Affairs

Louis-Alkiviadis ABATIS  
Theofilos ZAFEIRAKOS

Director, OSCE and Council of Europe Directorate  
First Political Secretary, OSCE and Council of Europe  
Directorate and CPT Liaison Officer

Ministry of Justice

Marinos SKANDAMIS

Special Secretary for Correctional Policy and Forensic  
Services

Christina PETROU

Head of Penitentiary Policy

Eirini KOUZELI

Head of the Division for Adult Penitentiary Treatment

Glikeria MAUROMATI

Head of the Department for detention conditions

Vasiliki ARVANITOPOULOU

Head of Human Resources

Eftichia KATSIGARAKI

Head of the Department for juvenile justice, crime  
prevention and social inclusion and CPT Liaison  
Officer

Office of the Ombudsman

Vasilis KARYDIS  
George MOSCHOS

Deputy Ombudsman for human rights  
Deputy Ombudsman for children

Other organisations and persons met

United Nations High Commissioner for Refugees' Office in Greece  
Médecins sans Frontières Mission in Greece

Criminal lawyers from the Bar Associations of Athens and Thessaloniki