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

**from 23 September to 5 October 2001**

The Government of Greece has requested the publication of the CPT's report on the Committee's visit to Greece in September/October 2001 (see CPT/Inf (2002) 31) and of its response. The response of the Government of Greece is set out in this document.

Strasbourg, 20 November 2002



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**MINISTRY OF PUBLIC ORDER  
GREEK POLICE HEADQUARTERS  
SECURITY AND ORDER BRANCH  
DIRECTORATE OF ALIENS**

**R E P O R T**

**On the observations drawn up by the European Committee  
for the Prevention of Torture and Inhuman or Degrading  
Treatment or Punishment**

**ATHENS SEPTEMBER 2002**





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**MINISTRY OF PUBLIC ORDER                      Athens, 1 September 2002**  
**GREEK POLICE HEADQUARTERS**  
**SECURITY AND ORDER BRANCH**  
**ALIENS DIRECTORATE**

## **FINAL REPORT**

**ON THE OBSERVATIONS DRAWN UP BY THE COMMITTEE IN  
PURSUANCE OF ARTICLE 1 OF THE EUROPEAN CONVENTION FOR THE  
PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT  
OR PUNISHMENT (C.P.T.) FOLLOWING ITS VISIT TO OUR COUNTRY FROM  
23 SEPTEMBER TO 5 OCTOBER 2001.**

### **A. INTRODUCTION**

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment carried out, within the framework of its competence, its fifth periodic visit to our country in the period from 23 September to 5 October 2001.

Following the visit of the above-mentioned Committee, there were laid down, both by its President at the end of the visit, as well as by a relevant letter dispatched to the Ministry of Public Order, certain recommendations, concerning the taking of immediate or medium-term measures designed to improve the material conditions of detention. In this connection, we proceeded to take various steps towards improving these conditions and we intimated the Committee thereon by our Progress Report dated 30 January 2002.

In consequence thereof, the Committee formulated in detail the results of its visit by way of findings and remarks contained in its report, dated 17 April 2002, and requested the Greek Authorities to provide a uniform and comprehensive response in regard to the contents of this report.

**B. RESPONSE ON THE OBSERVATIONS DRAWN UP BY THE COMMITTEE, AS THE SAME ARE INCLUDED IN APPENDIX I TO ITS REPORT**

**1. PHYSICAL ILL-TREATMENT OF DETAINEES**

**i. Legal texts prescribing sanctions to be imposed on law enforcement officers in case of physical abuse of detainees.**

**(comments on the recommendation contained in paragraph 16 of the Committee's Report).**

As it is known, the protection of human rights and freedoms is being secured, both by the basic provisions of the constitutional charter of our country, as well as through a series of other laws, whereby relevant international conventions or procedure such as the ECRI (European Committee on Racism and Intolerance) or the CPT (European Committee for the Prevention of Torture etc) have been ratified or incorporated, as well as through a series of new legislative interventions that are associated with the application of the UN Convention Against Torture (CAT).

By way of specification:

a) The provisions of articles 6 and 7 of the Constitution provide major safeguards relating to the respect and protection of human dignity. Article 6 determines the mode and the requirements for the treatment of persons arrested and detained, as well as satisfaction for the moral damage they have sustained, whilst article 7 prohibits torture and any form of degrading treatment.

b) On the basis of the aforementioned constitutional dictates, torture as well as any affront against human dignity, are accorded the status of a criminal offence and are thus liable to criminal prosecution; They are likewise characterized as an independent crime under article 137A of the Penal Code, in pursuance of which:

“Any civil employee or military officer in whose duties there lie the prosecution or the investigation or the examination of indictable acts or disciplinary offences or the execution of penalties or the custody or care of detainees, shall be punishable by imprisonment , if he/she subjects to torture, in the course of the performance of his/her duties, any person under his authority, with a view:

- To wrest from him/her or any other person a confession, deposition, information or statement, especially that of renouncement or acceptance of a political or other ideology.
- To punish him/her.
- To intimidate him/her or any third person.

By classifying torture and its penal punishment as a self-sustained criminal offence, on the one hand, the danger of violence being changed into a means of exercising state power is dealt with, and on the other, the very substance of the State is protected.

c) In regard to the aforesaid acts, a person may recover damages by the State by virtue of article 105 of the Introductory Law to the Civil Code according to which:  
“ With regard to the unlawful acts or omissions committed by organs of the State at the exercise of the state power assigned to them, the State shall be liable to pay damages, unless the act or omission was effected in breach of a provision that exists for the sake of the general interest. Along with the State, there shall be liable in full the person accountable for the acts aforesaid, under the express reservation of the special provisions relating to the liability of Ministers”.

By the aforesaid provision, a special tort pertaining to public law is enacted with respect to the organs of the State at the exercise of the power entrusted to them, out of which tort there is borne the obligation of the State to pay damages, so long as, by the act and omission of the organ and irrespective of his/her criminal liability, a private right or a private interest protected by the violated provision has been attacked.

d) In pursuance of law 2667/98, the National Committee for the rights of man, having as an object the investigation of allegations concerning violations of fundamental and personal rights, has been set up and rendered operational in our country ( it is ranked 51st on a global scale in terms of time registration).

The agencies represented in the aforesaid Committee with a decisive vote constitute non-governmental organizations, such as, organizations which are active in the field of human rights.

The Committee is being assisted in its task by representatives of State agencies which are however deprived of the right to vote.

e) The Department of Refugees-Political Asylum of the Directorate of Aliens of the Greek Police Headquarters is the competent department, pursuant to article 8 of Presidential Decree 14/2001 (Govt. Gaz. A1-12) on the “Organization of Services of the Greek Police”, for the handling of issues relating to racism and xenophobia, as well as for providing instruction to the regional police services for the tackling of above issues in cooperation with the co-competent Directorates of the Police Headquarters. It must be stressed that the acts of racism and xenophobia are now prosecuted ex officio by virtue of article 39 of Law 2910/01.

**ii. Measures for the elimination of the phenomenon of violence exercised by police officers against citizens  
(comments on paragraph 16 of the Committtee's Report).**

The matter of physical ill-treatment, the occasioning of torture or the display of disrespectful and unbecoming conduct, by and large, on the part of police officers against persons apprehended and detained by Police Departments, is of primary importance for the Greek Police and the Ministry of Public Order. It is for this reason, actually, that the display of such conduct has been envisaged in the disciplinary regulation as a specific disciplinary offence entailing the penalty of cashiering (reference is made to the case of two police officers of the police precinct of Aghios Stefanos Attica on whom there was imposed the penalty of cashiering for the first of them and the penalty of a six-month suspension to be followed by discharge for the other, by decision of the competent First Instance Service Council for having, on 8 Feb 2001, violently beaten the underaged Albanian citizen, .....) (\*).

Further, apart from the training received by the staff and the commanding officers in regard to the object in question and the issuance of a series of circulars in order for the staff to realize that any violation of the fundamental rights of citizens, irrespective of race, language or religion, cannot be tolerated, whenever there is evidence that police officers have resorted to such acts, the statutorily prescribed disciplinary measures are taken against them and the cases are referred to Greek Justice.

In this context, by Orders of the Chief of Greek Police Nos 0014/10/21 D.P), dated 12 July 2001 and 6014/4/21 dated 19 June 2002, entitled "Conduct of Police officers against persons checked-apprehended or detained - measures for the stamping out of the phenomenon of violence exercised by police officers against citizens", all non-commissioned and commissioned police officers were called upon to rise up to the standard of the mission expected of them and, within the framework of the laws, regulations and service orders, contribute so that incidences of violation of individual rights of citizens and the physical abuse of persons checked, apprehended or detained by police authorities, which

diminish the authority and standing of the Greek Police and mar their image, may be completely eliminated. It was further intimated that, care of the commanding Police Officers, the activation-sensitization of all commissioned officers, for the purpose of having the above phenomenon altogether eliminated, through admonitions, training of Police Staff, as well as of Border Guards and special Guards, imposition of strict penalties, and speedy disposal of such cases, should be vigorously pursued in such manner, so as to become conscience that the staff of Greek Police is committed to protect and safeguard the dignity and physical integrity of citizens in general and not to offend them in any way, and that it is inconceivable to observe incidences of physical abuse or humiliating treatment of citizens which in any case should be mercilessly punished.

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(\*). In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, personal data have been omitted.

It was stressed that the unjustified laxity and inactivity of non-commissioned police officers in general and specifically of commissioned officers, with respect to the supervision and disciplinary control of persons held accountable, as well as the ill-conceived comradeship that virtually borders on the cover-up of their disciplinary wrongdoings, bears testament to the inadequate management of their disciplinary jurisdiction; the relevant consequence is the loss of control, the increase of the cases of counter-disciplinary and unbecoming conduct of their subordinates and the resulting lodging of complaints on account of it. These cases of lack of discipline should be instantly punished with the severity due to them for the sake of the special and general prevention as well as for the upgrade of the provided Police work.

Moreover, special emphasis has been laid on the austere provisions that have been enacted in respect to the disciplinary law, according to which, the infliction of torture or the exercise of psychological violence and any other act or conduct that entails a flagrant affront to human dignity in the performance of service or outside of it, constitute for the police officers involved, not only criminal offences, but also gross disciplinary faults bearing as a consequence the penalty of dismissal from the Police Corps. Finally, above provisions must be the subject of faithful and unwavering implementation as well as of continuous training of the staff for the attainment of the goal pursued.

### **iii. Training of Police Officers in relation to human rights.**

**(comments on the recommendation of paragraph 17 of the Report of the Committee).**

1. In the context of the continuous streamlining of the education of the persons trained in Police officers' Schools, by making them privy of the developments that are taking place worldwide, by stressing to them new problems, as well as by recommending ways and methods akin to their combating, the Headquarters of the Greek Police have embarked upon innovative interventions in the programs of education, laying particular emphasis and gravity on the respect and safeguarding of Human Rights.
2. The most important innovations that have been introduced in this sector are summarily set out as follows:

#### **Innovations introduced in Police Officers' School**

A painstaking analysis of the constitutional provisions in force concerning human rights is conducted during the B and C year, with emphasis to those provisions with which trained officers will occupy themselves in the future at the performance of their duties.

Particular emphasis is also laid on the following subjects:

- Worth of Man
- Equality
- Administrative Protection
- Judicial Protection
- Ombudsman and Body of Inspectors–Auditors of Public Administration.
- Declaration for the protection of people from torture and any other cruel, inhuman and degrading treatment or punishment.
- Basic rules relating to the treatment of detainees.
- Declaration of deontology rules concerning the Police.

- 12-points Programme for the Prevention of torture.
- Racism –Xenophobia.
- Police Jurisdiction concerning Asylum.
- Police interventions.
- Obligations of organs of the Greek Police (Legal joint actions).
- Requirements concerning the use of weapons.
- Organs and their jurisdictions in the course of using violence.
- Control of Police authority.
- Criminal, disciplinary and civil liability of Greek Police Officers.

The extraordinary programme of the School for the month July of the years 2001 and 2002 contained the following events:

- Lecture entitled “the Historical and social structuring of Roma-Differences between the Roma and the Gypsies.
- Visit, in cooperation with the Aghia Varvara Information and Support Center for Roma, of the group of twenty (20) cadets (Police Captains) headed by an officer who is teaching the subject “Social and Cultural Matters” for the purpose of their participation in a meeting.

The aforementioned events that took place within the framework of the educational program of the School, have as their object, apart from the knowledge provided, to cause the trained Police cadets to hammer out a specific view on matters touching the Roma, as well as to find a way to tackle them .

- The programme for the meeting included the following:
- Presentation of the functions of the Roma Centre for Information and Support and of the services rendered by it.
  - > Introductions on matters pertaining to the State and Socio-Economic situation of the Roma today-Necessary steps towards their participation and dynamic presence along with the indigenous population.
- Stereotypes existing between the Roma and the Tkatzes and ways leading to their revision.
- Introduction made by the Roma Association of Aghia Varvara entitled “The history of the Association, its activities, its present operation and trade union movement”.
- It was specifically emphasized that the cooperation forged between the Centre of Information and Support and the Greek Police was excellent, exemplary and particularly valuable in the face of difficult situations that the Centre had to go through.

### **Innovations introduced in Police Constables’ School.**

Apart from the matters referred to above, cases deriving from news reports and police reportage are being studied and analysed with a view to the teaching of individual and social rights. News from the political reportage are also being studied for the teaching of issues pertaining to the organisation and function of the state.

Within the framework of the subject of the lectures given in the aforementioned schools there are included:



- The mandate and the task of the UN High Commissioner for refugees.
- The prevention of cruel treatment in the course of detention.
- Immigrants, racism and xenophobia- Greek and European experience stemming from discrimination.

The foregoing aside, in progress is the translation of the guide of the Council of Europe entitled “Policing in a Democratic Society”.

Recently a book was also published entitled “Victimology Matters”, where the possibility of its disposal to students of Police Schools in the form of an additional educational aid in matters touching Human Rights is examined. The book includes key issues relating to “Victimology”, a branch of the Penal Science that examines crime from the viewpoint of the victim and aims at educating the public so as not to fall victim of criminal acts.

Some of the matters that are included in the aforementioned book have as follows:

- General viewing of abuse of power specifically affecting victims.
- The victims of violence within the family.
- Old age as a victim and its legal protection.
- Handling of victims of vehicular accidents that have been abandoned by the perpetrators.

In Police Cadets’ curriculum of training, and particularly in regard to the subject of sociology, there has been taught, up to this day, the general cognitive theme entitled “Theory of society” contained in chapter titled “social Groups and classes”, in the context of which reference was made to the problem of Roma.

In the new programme of education for the years (2002-2003) and in the lesson of sociology, new special thematic subjects have been introduced bearing the title “Society of Consensus and conflict- Social Exclusion (Roma, economic migrants, persons freed from drug- addiction, persons released from prison etc)”.

In the programme of lectures, there was included a lecture entitled “The integration of Roma in Society- The problem of marginalization”.

### **Innovations introduced in the school of retraining and refresher training**

In the educational programmes for the years 1998-1999 and beyond, there have been incorporated, inter alia, cognitive subjects-lectures-dissertations, as follows:

- Roma-Social behaviour and criminality, permanent establishment, protection.
- Lectures of similar content aimed at the social adaptation and counter-criminal behaviour of Roma.

In view of the working out of new educational programmes, lectures and themes are going to be included in them: their subject will be the tackling of the activities of Roma aimed at improving their social relationships in the local population areas of their places of residence.

### **Innovations introduced in the School of National Security**

In the educational programme designed for the year 2002-2003, there have been included, inter alia, the following thematic unities:

- The Muslim Roma and their integration into the greek reality of today.
- Roma and Human Rights on the basis of International Conventions.
- International Conventions of Human Rights and cultural particularities of Roma.
- The Greek legal order vis-à-vis the particularities of Greeks.

Police Functions primarily consist in the safeguarding of Human Rights.

Law Protection, without denying the role played by HUMANISM, will always constitute the axis of the evolutionary course of “things educational”.

#### **iv. Arrest of Roma in Missolonghi**

**(comments on the recommendation specified in paragraph 21 of the Committee’s Report).**

In order to investigate the allegations concerning the ill-treatment of Roma, .....(\*) and (\*), that took place in Missolonghi on 8 May 1998, a sworn Administrative Enquiry was carried out. It was not made possible from the enquiry to ascertain where and by whom the bodily injures observed were caused, mainly because of the contradictions to which the persons making the complaints fell into.

However, disciplinary sanctions were imposed on the commander of the security precinct of Missolonghi because he failed to exercise adequate control and supervision on his staff so as to avert-prevent the physical ill-treatment of the persons arrested.

From a criminal point of view, criminal proceedings were instituted against all three police officers for being in breach of article 137A of the Penal Code; only one police officer was ultimately referred to stand trial (while the other two were acquitted by an order issued by the competent Council of Magistrates); who was acquitted during the hearing of the case at the Appeals court owing to the inability of the persons making the allegations to identify the faces of the perpetrators and the time during which the bodily harm was occasioned.

#### **v. Visits to places of detention by an Independent Authority.**

**(comments on recommendation contained in paragraph 22 of the Committee’s Report).**

Regular and unannounced visits to places of detention are being made by the Ombusman, the representatives of the UN High Commission for Refugees and by Non-Governmental Organisations that are active in the field of Human Rights. All the above draw up their relative reports followed by comments and remarks and submit their recommendations for the improvement of the conditions of detention of those detained.

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(\*) In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, personal data have been omitted.

## 2. CONDITIONS OF DETENTION

1. The improvement of conditions of detention, specifically of foreigners under deportation who are held in Police Establishments, falls into the strategy employed by the Ministry of Public Order. The detention of foreigners awaiting deportation constitutes a problem that is a cause for particular concern to us and, for this reason, every possible effort is being made to eliminate its negative impact. In this context, the minimization of prolonged periods of detention of foreigners falling to the aforesaid category (not exceeding three months) is pursued.
2. If the administrative extradition of the foreigner is for whatever reason rendered impossible, because, in pursuance of the provisions of article 45 of L 2910/2001, his/her temporary residence in the country is allowed, and until impediments are lifted, restrictive terms shall be imposed on him/her (settlement in and travel to certain places, exercise of a certain profession or obligation to appear before Police Authorities).
3. The procedure for the legalization of foreigners who resided in our country, lawfully or unlawfully, for at least one (1) year prior to 2 June 2001, has contributed decisively to the decongestion of police holding establishments. Above decongestion was made possible because foreigners were let free so that they might be given the opportunity to submit the supporting documents required, on condition of course that they had observed the prerequisites of the law.

The regulations of the Greek Police prescribe with clarity and in detail the provisions pertaining to places of detention as well as the duties of police officers and their demeanour towards detainees.

In accordance with these provisions, the holding facilities must meet the necessary conditions of hygiene and safety so that escapes and suicides or self-inflicted injuries may be averted. The places of detention must be spacious and clean and should be disinfected and thoroughly maintained. To this end, continuous inspection must be carried out and explicit orders and instructions should be given to the competent services.

### **i. Orders-instructions given to Police Services concerning the conditions and the terms of detention in Police Establishments.**

**(comments on the recommendations contained in paragraphs 36,38 and 39 of the Committee's Report).**

By Orders bearing reference Nos 4808/4/76-sog dated 1.Rec 1999, 4808/4/76-on/2000, 9100/1-464476, dated 29 May 2001 and 6634/1-479206, dated 15 Sept 2001, specific orders-instructions were given to regional services with a view to eliminating unfavourable situations and creating the best possible conditions of hygiene and decent living of detained persons.

More particularly, orders were given to the Services:

- a) To carry out an inspection of all places of detention of their subordinate services, and if shortcomings were observed, to make provision for their immediate settlement in cooperation with the subject-matter competent Directorates of our Ministry, where necessary, taking at the same time the statutorily prescribed disciplinary measures against the persons held accountable for inaction and irresponsibility.

- b) To further provide stringent orders and explicit instructions with a view to the constant and unwavering observance of the obligations of their subordinate services with respect to the cleanliness, appearance, decorum, disinfection and outfitting of holding facilities and of conditions of hygiene in general, the provision of food at appropriate hours, the securing of the prescribed medical supervision and care, the impeccable conduct of all parties involved against detainees and the absolute respect of the above-stated rights within the framework of the Constitution, the Laws and the International Conventions.
- c) To follow-up on a continuous basis and with due diligence the materialization of all that have been ordered and to control in the future without hesitation any deviation from the stipulated instructions.

However, despite our repeated orders the situation in the places of detention had barely improved, and following the ascertainments-remarks of the Committee during its visit here as well as the ascertainments of the Ombudsman who conducted an ad hoc inspection of the holding facilities of the Security Directorate of Attica in May 2001, there was issued Order No 9009/20/847/9-a, dated 28 January 2002; said order was dispatched to the regional services in order for the unfavourable situations to be limited to the minimum or to be entirely eliminated if possible and in order for the proper conditions of hygiene and living of the detainees to be created.

By way of specification, above services were ordered:

- To commission their Deputy-Director, who is senior in rank, to make provision, on his own personal responsibility and within a prescribed time frame, for the conduct of an ad hoc inspection of indiscriminately all places of detention concerning foreigners awaiting deportation and of all services to which these premises belong, so that a detailed recording of the existing situation from the viewpoint of the pendencies, shortcomings, observance and implementation of all the statutorily prescribed terms and conditions of detention be made.

Likewise, according to ascertainments made, above services were ordered to promptly issue specific orders and instructions to be sent to the competent Departments for the purpose of settling, on the one hand, all existing pending matters, remedying shortcomings observed and effecting improvements through interventions, and on the other, upholding on a continuous basis and by analogy, all terms and conditions of detention referred to in the Corrections Code (Statute 2778/99), and more particularly:

- The legal protection of detainees and their right of reference to the authorities (article 6 of the Code of Corrections).
- The personal hygiene and cleanliness of detainees (article 25, par.1 of the CC).

- The health control of holding facilities by the competent Medical Board of the Prefecture (art. 26 par.1 of the CC).
- The medical and pharmaceutical care of detainees (art 27, par. 1 of the CC).
- Admission of detained patients in therapeutic establishments of detention or medical institutions (art 32, par.1 of the CC).
- The appropriate provision of food to the detainees (art.32 par. 1 of the CC).
- The clean and hygienic condition of mattresses, blankets, clothing and towels of the detainees (art.33 of CC).
- The elementary outdoor physical exercise in adequately protected premises lying outside detention wings).
- The communication of detainees with their broader social environment, to be effected through the acceptance of visits (art 52 of the CC) and telephone communication, telegraphs and letters (art, 53 of the CC).

rendering the Commanders and Deputy Commanders of these services responsible for upholding the above orders.

> It was also stressed that the aforementioned Deputy Commanders in charge should watch over the application of this Order, as well as the implementation of all our previous orders, by carrying out continuous inspections for the purpose of ascertaining the materialization of what has been ordered and their observance, on a permanent basis, by further checking those responsible through the imposition of disciplinary sanctions in respect to any deviation observed.

- Finally, instructions were given to the general Police Directors to exercise strict supervision and control aimed at the precise observance of the aforementioned Order, so that we won't have to address the same issue again.

For the tackling of the problems existing in the holding premises of the services abovementioned, clear orders and institutions have been provided with respect to their maintenance and general state of repair so that the conditions of detention for the detainees be improved.

Thus, within the framework of our potentialities, efforts are being made towards the improvement of the conditions of detention and residence in the law enforcement Agencies that are housed in public buildings.

However, as regards the hired buildings housing our services, there are difficulties in redressing the problems encountered, on the one hand because many of these buildings cannot withstand improvement works, and on the other, because many owners are reluctant to incur the cost of the outlay involved.

The overall tackling of the problems will be attained only through the construction of public buildings at the seat of Police Directorates. Holding cells will, inter alia, be erected in these buildings meeting the necessary requirements for the safe and hygienic custody of the detainees.

In cooperation with the Public Real Estate Company, a programme for the update of the building infrastructure of the Greek Police is in progress; we hope that by the materialization of this programme the problem of the holding facilities will be successfully tackled.

Buildings have already been erected in the Police Directorates of Kilkis and Serres; within the year, buildings erected in the premises of the Police Divisions of Arta and Rodopi, which also provide for the construction of modern holding facilities, are nearing completion. At the same time, procedures have been set in progress for the construction of a building intended for the Police Directorates of Achaia, Iraklion, Corfu, Magnesia, Larissa, Kozani and Kastoria.

The foregoing aside, the Housing Programme provides for the following:

> The purchase of a building measuring 9000 square metres designed to house the Aliens Services and the Transfer of Detainees Department of the Attica Basin. This housing project also provides for the construction of holding cells of overall capacity of 468 persons. The construction of the aforementioned building is estimated to commence during the current year.

> The purchase of a building intended to house the General Police Division of Thessaloniki. This building, which is in the process of erection and whose construction will be completed at the beginning of 2004, provides for the creation of holding facilities of overall occupancy rates of 130 persons.

The construction of a centre of detention for illegal migrants in Malakassa, measuring an area of 8 stremmas, which is anticipated to be handed over in the course of next year, for the tackling of problems arising from the stay of detained foreigners awaiting extradition up to the completion of the requisite legal formalities.

The refurbishment-creation of places of detention (the necessary works have already begun) in the Police stations of Kypseli, Patissia, Kolonos, Glyfada and Exarcheia, of overall official capacity of 110 persons.

The refurbishment-creation of places of detention of 70-person occupancy in the Police Stations of Kallithea and Phaliron.

**ii. Provision of food to persons under police custody  
(comments on the recommendation set out in paragraph 35 of the Committee's Report).**

In pursuance of Legislative Decree 116/14.2.1969 (T.A. 28) and decision No 2062661/7617/0022(T.B. 980), dated 22 November 1995, detainees are provided with food as soon as they are arrested and not after the elapse of 24 hours following their arrest.

With a view to the improvement of the quality and quantity of the food provided to detainees, food allowance per diem has, as of 1 August 2001, been increased by 100%, to wit from 1000 drs to 2000 drs.

The provision of food to detainees takes place on a regular basis and invariably includes a full meal and supper and in most of the cases a drink. Food is provided at the expense of the State in accordance with the provisions in force. In the majority of cases, mess is provided by the service clubs and is the same both qualitatively and quantitatively with that offered to Police staff.

Detainees have at any time direct access to drinking water.

### **3. SAFEGUARDS AGAINST THE PHYSICAL ILL-TREATMENT OF DETAINEES.**

By orders issued by the Greek Police Headquarters and dispatched to all police services, there has been repeatedly stressed the importance that the Ministry of Public Order attributes to the implementation of the legislation and of circulars setting out the rights of detainees (right of access to a lawyer and doctor, right of communication with the consular authorities of the aliens' countries, right to visit and communication with their close relatives, organizations and authorities, right to information about their rights), as well as to the severe punishment (both penal and administrative) of the police officers who are likely to stand in breach of these rights in whichever way.

Nevertheless, in case it has been affirmed that certain police officers have not espoused among themselves, to the degree required, the need for the absolute implementation of the measures that aim to the exercise by the detainees of their rights in practice, or that their commanders and heads of the relevant departments have failed to exercise the due preventive and suppressive hierarchical control for the full application of the legislation in force, the regulation and the other orders concerning the specific subject in question, then the provisions of the Disciplinary Law and of the Penal Legislation shall be applicable.

#### **i. Information provided to relatives of the detainee.**

**(Comments on the recommendation set out in paragraph 41 of the Committee's Report).**

From the contents of circular No 4803/22/14a, dated 3 November 1995, and more particularly, from paragraph 2 of the information sheet given to detainees, it follows that the arrested person has the right to inform his relatives of his arrest, as well as the consulate of his country if he is a foreigner. Consequently, police officers are obliged to allow and facilitate communication of the detainee directly with his relatives, so that the latter may inform them of the place and the grounds of his arrest.

Special reasons enforcing the delayed information of the relatives of the detainee are not provided for in the aforementioned order.

However, by analogous application of article 105 of the Code of Criminal Procedure, which prescribes in certain cases the deprivation of the rights of the defendant, whenever there is danger of putting the task of the interrogation for the discovery of truth in jeopardy, pertinent restrictions may be placed to the exercise by the detainee of his right to communication with the relatives of the detainee in question.

#### **ii. Right of access to a lawyer**

**(comments on the recommendations set out in paragraphs 36, 38 and 39 of the committee's report)**

The right of access to a lawyer is inviolable for every defendant in pursuance of the Code of Criminal Procedure (articles 96-108 ). The same right is invariably accorded to foreigners during the process of their administrative extradition. Above right should be notified to the foreigners at the time of their arrest and referral to the police establishment.

**iii. Information sheets setting out the rights of detainees and of foreigners awaiting extradition.**

**(comments on the recommendations contained in paragraphs 46 and 51 of the Committee's Report).**

Repeated Orders have been issued and relevant reminders have been made in respect to the implementation of the pertinent circular prescribing the issuance, distribution and application of the rights set out in the relevant information sheets. Likewise, pertinent control is being exercised to affirm that this measure is applied in practice. By our Circular No 9100/1-464476, dated 29 May 2001, we emphasised to our Regional Services that in the event of a foreigner awaiting extradition is arrested, they shall be bound to draw up all these reports that record the activities of Police Officers and aim at realising their extradition (ie arrest, search and seizure report), by respectively applying the relevant provisions of Criminal Procedure. Above services should also inform the foreigner of the reason of his detention, provide him/her with the information sheet that concerns foreign detainees under extradition in his/her language or in a language they understand and draw up the relevant Certificate of Service.

Moreover, whereas by statute 2910/2001 on the "Entry and residence of aliens in Greek territory etc", the arrangements concerning administrative deportation have been changed and the obligation to notify foreign detainees awaiting deportation of their rights has been statutorily established (art 44 par. 3), the Directorate of Organisation and Legislation of the Greek Police, by Order No 4803/22/14-rig issued on 11 March 2002, proceeded to the publication of new information sheets in 14 languages and in special dimensions. Said sheets were ordered to be placed by the services on conspicuous points so that they may be visible by the detainees (attached herewith are copies of these forms, as well as a book by the International social service which is dispensed to foreigners requesting political asylum).

**iv. Appointment of a lawyer in case of economic inability of the detainee  
(comments on recommendation of par. 49 of the committee's Report)**

The standing legislation (art 96 a of the CCP, as it was supplemented by article 17 of L 2721/3.6.1999, envisages the appointment of a lawyer, even though the defendant against whom criminal proceedings have been instituted to a misdemeanour degree cannot afford to appoint one. Lawyers, who have been picked up from the respective list and have been appointed ex officio, shall be paid the minimum fee prescribed by the Code on Lawyers if they have exercised the task of a defence council. The President of the court or council or the investigating magistrate or the investigating official may appoint, by a summarily justified act of theirs, an increased fee in view of the duration of the defence council's work that he has brought to completion. It will be stressed that in case the foreigner cannot communicate with his/her lawyer, the services of an interpreter must be sought in order for above communication to become feasible.



**v. Health care Services.**

**(comments on the recommendations set out in paragraph 44 and 45 of the Committee's Report)**

In case it is affirmed by the person performing health-care services for the Greek Police that a certain detainee has during his/her custody, fallen ill or has stated illness, and provision of health-care to him or her is not possible, care must be taken for his/her prompt transfer to and admission into a nearby medical institution, to the care and accompaniment of staff provided by the service. The detained person admitted to hospital should undergo the relevant tests and if he/she is in need of hospitalization, he/she shall remain there under police guard, otherwise he/she shall be returned and held at the place of his/her detention where he/she shall receive the medication that has been prescribed and recommended to him/her.

**vi. Individualized Custody Records.**

**(comments on the recommendation set out in paragraph 48 of the Committee's Report).**

Every arrest of a foreigner under extradition will be entered by the Service making the arrest to a computer system which will automatically render a file number (distinct for every foreigner). The relevant correspondence will then be placed in the detainee's personal file and will be kept in the records of the service making the arrest and in those kept with the Headquarters of the Greek Police. The date of the arrest or execution of the extradition or the release of the detainee shall also be recorded in the computer registers.

**vii. Code of Ethics and Conduct.**

**(comments on the recommendation set out in paragraph 47 of the Committee's Report).**

The Directorate of Organization –Legislation of the Greek Police Headquarters has already worked out a draft Code of Ethics and Conduct with regard to Police Officers; said code should be especially complied with during interrogations. Said draft code is in the process of being approved by the Higher Authority and contains relevant rules that concern impartiality and objectivity in the application of laws and respect for human dignity and personality.

**viii. Use of detainees' rights by illegal migrants arrested at border crossings.**

**(comments on recommendation of paragraph No 50 of the Committee's Report).**

In the context of their duties, Border Guard Authorities, are taking the necessary measures to guard the borders and to obstruct the entry of illegal migrants into our country. Thus, the foreigners who are tracked down and traced in border zones, and who have entered our country without using recognized border crossings, shall immediately be surrendered to the Authorities of the countries they come from (to wit Albania, FYROM {Skopje}, Bulgaria) after they have been notified that they are temporarily held in custody pending refoulement and that they can make use of their rights concerning foreigners awaiting extradition.

**ix. Readmission Agreement with Turkey  
(comments on the recommendation set out in paragraph 53 of the Committee's Report).**

An Agreement between Greece and Turkey was signed in Ankara, on 20 January 2000, on cooperation in the combating of crime, especially terrorism, organized crime, illicit drug trafficking and illegal migration. Said Agreement was ratified by Law 2926/01 (Govt Gaz A' 139).

In pursuance of article 8 of the aforesaid agreement, and with a view to the better cooperation leading to the implementation of its provisions, a relevant protocol was signed on 8 November 2001. This Protocol, having already been ratified by the Parliaments of the two countries, sets out as a basic obligation of the contracting parties the readmission of their subjects, as well as the subjects of third countries who enter into or find themselves illegally in the territory of one contracting party while coming from the territory of another contracting party. Above Protocol also refers to the documents etc by which the nationality of the subjects of the parties under readmission is proved or imputed (art. 2 and 3), as well as to the likely procedures resulting in their recognition. It also refers to the documents and the ways by which the entry of subjects of third parties into their country is proved or imputed (articles 4 and 5), as well as to the procedures which will be followed by the contracting parties for the readmission of persons (art. 6).

In accordance with the aforesaid protocol, two procedures are statutorily prescribed, namely:

**>Readmission by means of a simplified procedure.**

This procedure is followed in the case of the arrest of a person in a border zone, where the one contracting party notifies the border guard authorities of the other contracting party in regard to the arrest of the person and asks for his/her readmission.

The party to which the petition is directed shall be bound to readmit the person in question within one week after notification of his/her arrest.

Readmission will be effected by the staff of the border guard posts of the parties and an official report will be drawn up thereon (Appendix I of the Protocol).

**> Readmission by means of the ordinary procedure.**

The procedure will be followed in the cases where the requirements for the application of a simplified procedure need not apply (arrest in the interior of the country) or in case this procedure is turned down.

In the instances abovestated, the petitioning party files a relevant petition of readmission to the competent authorities of the other party in accordance with annex 2 of the protocol.

As soon as petition is received, a relevant certification shall be made in writing. Readmission will be certified by the drawing up of an official report in accordance with Appendix 3 of the Protocol.

Certain other details are made reference to in the protocol. These details concern transit aimed at readmission (art 7), time limits for the submission, acceptance or not of the petition on readmission, as well as time limits within which the readmission of foreigners is realized once petition thereon has been accepted (art.6). The protocol also relates to the expenditures incurred for the readmitted persons's transfer (art.9), the relevant authorities of the parties who are authorized to submit or approve readmission petitions (article 10), as well as the designation of the border guard posts that will be used for the return-transfer of the readmitted persons (art.12).

### **Practical application of the procedures concerning readmission.**

Irrespective of the readmission procedures described in the Protocol, the readmission procedure shall be implemented on our part following an agreement of the two parties and until further notice, as follows:

In the cases where there are traced and apprehended illegal migrants coming from Turkey or where there is reasonable doubt to believe that they come from the abovementioned country, the services in charge of the affair will submit:

>Immediate reference to the Directorate of Aliens of the Greek Police Headquarters in which the number of apprehended illegal migrants is noted, their nationality, the time and place of arrest, the time and manner of their entry, the means employed, as well as all that transpired about them originating in travel documents on in stated particulars of their identity.

Let it be noted that special reference is made if the so apprehended illegal migrants were arrested within the border zone, and in the case of our sea borders, whether their arrest was made within our territorial waters prior to their embarkation on land or after their disembarkation.

>Any travel documents possessed, entry visas existing on them or seals of entry into Turkey.

>Statements by the illegal migrants in regard to their illegal entry into our country, the time of their departure from the country of their origin, the itinerary they followed, to wit whether they entered Turkey lawfully or unlawfully, the identity particulars of persons with whom they came into contact, the place or places where they stayed in Turkey (residence addresses of possible), whether they stayed lawfully or unlawfully before their departure to our country, the places where they were possibly employed in Turkey, the telephone numbers they used, both of mobile or conventional telephones, the vehicles as well as the sums they paid for their being transported to our country.

If their illegal entry into our country was facilitated by illegal traffickers, an effort is being made for the collection of more particulars of them as possible (namely, nationality, I.D. particulars, description of the person etc) as well as the means that was employed for their transportation.

It is hereby stressed that the detailed description of all data concerning the mode of traffic-entry into our country constitutes the safest criterion for the acceptance or not of the readmission petitions on the part of Turkey. The Alien's Department of the Greek Police Headquarters, which according to etiquette, is the agency responsible for submitting petitions for readmission, will file the same after receiving the relevant reports.

In case our petition becomes admissible by the Turkish side, there will be notified the mode and the place of the transfer of foreigners for their surrender to the Turkish authorities (Kipi border crossing, port of Smyrna).

Upon the surrender of the illegal migrants, a relevant certificate of service will be drawn up in the English language (Appendix 3 of the Protocol).

It is understood that for all the above persons, and until the process of their readmission is completed, a decision relating to their extradition-detention will be issued after their fingerprints have been taken.

Any petition for asylum likely to be lodged by some of them will be examined according to the stipulations of the law in force.

In case the motion concerning readmission is turned down by Turkey, and so long as the immediate extradition to the country of their origin is not possible, the foreigners will be let free and the temporary residence of them in the country will be allowed in accordance with article 45 of L. 2910/2001.

## **C. ESTABLISHMENTS OF DETENTION VISITED BY THE COMMITTEE**

### **I. Security Directorate of Attica**

The competent Services of the Security Division of Attica, which have been assigned the responsibility for the operation of the holding cells visited by the Committee, make every effort possible on a continuous basis in order for these cells, despite any difficulties encountered *ex objecto*, to meet the requirements pertaining to the safe custody and hygiene of detainees.

The efforts that have been made so far though, cannot on their own cover in absolute numbers the needs arising with respect to the orderly operation of these holding facilities because external factors and causes put a brake to the effort.

More particularly:

- > All holding facilities (save that of Amygdaleza) are the result of repairs being made to already existing structures and have not been constructed from scratch, in accordance with a building study specifically designed for places of detention. The relevant consequence is that any actions taken for the purpose of improving the existing situation of the holding facilities, by and large, can go as far as a certain point.
- > The normal wear and tear of the buildings, the lack of specific specifications and their existing situation put an obstacle to their orderly operation.
- > Any corrective measures likely to have been taken are of a temporary character and simply protract the solution of the problem, while any substantive improvement on them, according to the stipulations of the *aforecited* report, runs against the absence of relevant allocations.

In every case, however, the conditions of detention have improved substantially and continuous efforts are being made so that they may be maintained on a satisfactory level with each passing day.

To this end:

- >The holding cells are cleaned twice a day by private cleaning crews and are regularly disinfected.

Detainees are provided with clean blankets, towels, soaps and other sanitation items concerning their daily hygiene.

- > Any form of medical and pharmaceutical care is provided to them, if so requested. It will be noted that following a relevant commitment undertaken by the Minister of Public Order towards the Commissioner of Human Rights of the Council of Europe, the holding facilities on the 7<sup>th</sup> floor of the Attica Security Directorate located at Alexandras Avenue will be withdrawn entirely from active service within the month of December of the current year.

## **II. Athens Police Directorate**

### **i. Places of detention in the Athens transfer centre housed in the Court premises**

As of 12 April 2002, there have been withdrawn from service the detention facilities located in the basement (operating at an official capacity of 18 places), and three (3) brand-new holding facilities of an overall occupancy of 28 persons have been operating on the 1<sup>st</sup> floor. All above facilities have been designed with state - of - the art specifications (natural light, ventilation etc) and have been constructed in accordance with specification No 8038/23/3, dated 24 May 1999, issued by the Ministry of Public Order and entitled "special places of detention". A specific place of communication between the detainees and their lawyers has been secured in these facilities.

All holding cells are regularly painted and disinfected , are cleaned daily by a private crew which has been hired for this purpose, and there is always a supply of hot water as well as a portable card-phone device to cover the needs of communication of the detainees at any time on a 24-hour basis. Steps have been taken to ensure that the blankets and mattresses of the holding cells are kept clean.

In general, every possible effort is being made with a view to the shortest possible period of stay for the detainees in the holding cells, which, except in a scant number of cases, tends to last from a few hours to two (2) days.

There are no outdoor exercise installations. The situation cannot be improved as to this fact due to the very little space in the possession of the service.

The layout of the interior premises of the holding cells and the existing corridors between the cells allow freedom of movement to the detainees. Above layout of the spaces mentioned, in conjunction with the limited time of stay of the detainees in them, does not bring to prominence the aforementioned shortage.

### **ii. Places of detention of the Kypseli Police Station**

In order to improve the existing situation, in-service steps have been taken, and as it follows from order No 8039/18879/23/24 April 2002 issued by the Directorate of technical Means of the Greek Police Headquarters addressed to the Police Station of Kypseli, repair works have been planned but have yet to be started.

## **III. Piraeus Police Directorate**

### **i.Piraeus Holding Transfer Centre for Aliens.**

It is a fact that the building in which the aforementioned service is housed cannot be characterized as being the most suitable in terms of spaces provided due to the wear and tear of it as well as to the number of detainees held in it.

The renovation of the building has proved to be unfeasible owing to its being antiquated. For this reason, the Services of our Ministry have moved towards the direction of finding a new building which has already been found. The building is located at 46 Salaminos str, Piraeus, is measuring 1970 square metres in area and, after it has been laid out to accommodate suitable places of detention etc, in accordance with the recommendations of the competent authorities, shall be put into active service.

It must be emphasized that all places of detention in the premises of the Piraeus Police Directorate have been cleaned and disinfected and the detainees have been supplied with blankets-towels-bedcovers-pillows and disinfected blankets. There is already a steady supply of cold-hot water and the detainees have been provided with regular food, soft drinks, newspapers, books and reading material, as well as with medical health-care services. Information sheets-pamphlets are available to detainees setting out their rights.

#### **IV. Police Directorate of Athens Airport**

In order to tackle the problem of the holding cells and the undesirable persons' hall not having access to an outside court-yard, the competent service is in touch with the International Athens Airport Company for the implementation of this recommendation.

#### **V. Police Directorate of Thesprotia**

**(comments on the recommendation set out in paragraph 7 of the Committee's Report)**

During the time at which the delegation of the European Committee carried out a visit to the holding facilities of the abovementioned Service, it also visited the region of Drepanon-Igoumenitsa lying some five (5) kilometres outside the seat of the Service. A camping site has been found in the region, with the assistance of the Municipality of Igoumenitsa and the Prefectural Self-Administration of Thesprotia, for the purpose of providing hospitality and custody to approximately a hundred (100) economic illegal migrants of various nationalities (Kurds, Iraqis, Afghanis, Pakistanis, etc); these illegal migrants will stay in it under police guard until the formalities for their deportation have been completed.

This place was not initially intended as a place of detention, but was temporarily being used to meet the extraordinary needs that had been created as a result of the mass inflow into the country of massive numbers of illegal migrants; for this reason, it had not been included in the lists we had sent to the committee designating places of detention.

On 29 September 2001, when the committee visited the holding premises of the Police Station of Igoumenitsa, there were held there two (2) persons (one local person and one foreign Albanian subject) who had been charged with violating the Law "on Narcotics".

More particularly, the aforecited persons had been arrested on 28 September 2001, near the Greek-Albanian border zone, and had been charged with smuggling into our country a quantity of narcotic substances. They had been walking for many hours during the night, traversing a rough and inaccessible terrain, marking the border region, and had been arrested whilst in possession of the narcotic substances they had been carrying.

The aforecited persons did not file a complaint with our service alleging physical ill-treatment by Police Officers during their arrest and subsequent interrogation. They also failed to do so in the presence of the Prosecutorial and Judicial authorities they were referred to, and in furtherance, they were remanded in custody as they themselves maintained during their examination by the Committee in question.

The tenability of the allegations made to the Committee were not ascertained by the relevant investigation that was carried out.

## **VI. Florina Police Directorate**

### **i. Kristalopigi Border Guard Post**

As regards the holding facilities of the aforesaid Service, a procedure for the execution of maintenance and repair works has started, as a budgetary allocation to this effect has been approved to the tune of a thousand and nine-hundred euros (1900 E).

Furthermore, the existing artificial lighting of the holding establishment has been reinforced and every effort is being made on a day - to - day basis in order to secure satisfactory conditions of hygiene and cleanliness of the detention places.

The holding establishment of the Kristalopigi border guard post never accommodates more than twelve (12) persons; all arrested illegal immigrants are readmitted to the country of their origin either immediately or after a few hours of stay.

## **VII. Iraklion Police Directorate**

### **i. Security Sub-Directorate of Iraklion**

Maintenance works were of late carried out in the place of detention. More especially, the holding facility was thoroughly painted and disinfected and a ventilation system was installed in the context of creating better conditions of hygiene and decent living for the detainees held in it.

### **ii. Chersonissos Police Station**

Of late, maintenance works were carried out in the place of detention of the Police Station, to wit the place was repainted, the washbasin of the lavatory fixed, the ventilation system maintained and the mattresses and blankets replaced.

## **D. EMERGENCY MEASURES THAT HAVE BEEN TAKEN IN ACCORDANCE WITH THE COMMITTEE'S (CPT) RECOMMENDATION DATED 12 OCTOBER 2001**

### **I. Kozani Police Division**

#### **i. Kozani Traffic Police Department**

An order was given to the Traffic Police Department of Kozani to the effect that the holding establishments of it should be used for the custody of persons.

As regards interventions and in relation to the remedy of the observed shortcomings in the aforesaid places of detention, we apprise you of the following:

>The Traffic Department of Kozani was given instructions to the effect that it should not use its holding cells until it had secured lighting and ventilation to be installed in it; in case of an emergency, it was ordered to make use of the Kozani Police Station holding facilities.

> The Police Station of Kozani was ordered to take various improvement measures which were implemented.

In addition, as regards the course of implementing the aforementioned ordered measures, we hereby mention the following:

> The regular painting and disinfection of the places of detention, the regular change of mattresses, as well as the keeping of the number of detainees at the statutorily prescribed maximum level is unwaveringly applied.

> The construction of in-between railings, air-ducts, lighting networks, filing cabinets etc, has not been realized so far because the owner of the building does not consent to it owing to the fact that the existing moratorium of rents falls under the regime of forced lease.

## **II. Iraklion Police Directorate**

### **i. B' Iraklion Police Station**

The abovementioned Service also performs detainees' transfer duties having territorial jurisdiction encompassing the whole of the island.

Its holding facilities are housed in the semi-basement space of the Judicial Building of Iraklion serving the needs (as far as places of detention are concerned) of all Central Services and at times of Services of the province, when these needs surpass in capacity those of the extant holding facilities. Frequent maintenance and repair works are taking place at the building. These works concern cleaning and painting, reinforcement of railings, replacement of hydraulic installations and expansion of detention places.

> The gravest problem akin to the operation of the holding facilities is caused by the special characteristics and particularities of the spaces' lack of natural lighting-ventilation (for most of the building lies partly below grand level) and by the large number of detainees remaining in them, almost on a daily basis, since the existing bunk beds are not sufficient and the mattresses are placed directly on the floor, with the result of their being easily torn and soiled. The situation is aggravated by the fact that the detainees receive food in the same accommodation place due to the absence of a special mess hall. As a result, the steps taken are conducive to restricting the consequences and to creating, as far as possible, the best possible conditions of hygiene and decent living of persons detained, for these shortcomings cannot objectively be remedied and therefore, the requisite replacement, almost on a weekly basis, of the bedding items is considered impossible.

The aforementioned Service, immediately after the visit of the Committee and in view of the remarks made, proceeded to taking the following measures:

> It promptly replaced all bedding items with new and clean ones supplied in sufficient numbers; these bedding items are being cleaned at regular intervals and irrespective of not of their dirtiness.

> It proceeded to whitewashing anew certain parts of the walls that had been soiled, despite the fact that the repainting works of the holding facilities had been completed in September 2001.

> It restored every sort of damages and wear and tear effected on the hydraulic and drainage installations, on the ventilation system etc.

> It gave specific instructions-orders to police custodial staff and to commissioned officers on active duty concerning the insufficient surveillance of the holding facilities so that the damage and soiling of the bedding items to be restricted as far as possible.

> The Technical Services Directorate of the Prefectural Administration of Iraklion has already drawn up a study pertaining to the refurbishment of the holding establishment (Technical description and indicative budget) and a relevant authorization of the outlay has been asked for.



On the basis of the study, the following works are envisaged:

- > Peeling off of plasterings in a room and on the external surface of the building, as well as their resetting.
- > Replacement of tiles and sanitary items in W.C.
- > Colouring renovation using plastic colours as well as repainting of iron surfaces.
- > Installation of two solar heaters.
- > Installation of iron doors.
- > Replacement of water pipes and plumbing installations.
- > Furthermore, strict orders and clear instructions have been given to the aforesaid service (B' Iraklion Police Station) by the Iraklion Police Directorate for the continuous and pedantic meeting of its obligations with respect to cleanliness, appearance, tidying up and fitting out of its holding facilities, so that in each particular case better conditions of hygiene and decent living of detainees in them should be ensured as far as possible.

## **E. CONCLUSIONS**

Our Ministry, guided by a spirit of cooperation and responding promptly, places at the disposal of the Committee, by present final report, all data relating to remarks, proposals and recommendations with objectivity and impartiality.

This report, once again reconfirms our dedication to the principles of humanism and the unwavering observance of the international conventions and laws pertaining to the protection and safeguarding of the rights and freedoms of all persons residing in the Greek State, irrespective of their nationality, descent, religious or ideological beliefs and economic or social condition.

From the data set out, it follows that:

> The existing legal framework on the protection of human rights and freedoms is judged as sufficient for the purpose of excluding whichever form of inhuman treatment or punishment; it responds fully to the spirit of the UN declarations and of the International Conventions in force.

> Any likely reprehensible conduct is checked both criminally and disciplinarily. Said conduct, however, cannot tarnish the overall image imparted by the police Corps, which image refers us to a modern socio-political conception of things, particularly to things which have to do with Human Rights.

> An overriding cause leading to the creation of problems is the great number of detainees which is sometimes observed. Our Ministry is tackling the whole issue with particular sensitivity and is timely manifesting the steps taken, to the degree possible, towards the elimination of disadvantages.

> The principle of Non-Refoulement, which is enshrined in article 33 of the Geneva Convention of 1951, is applicable to the cases where the country of descent or origin is considered as being unsafe or where the person requesting asylum may, in case he is returned to his country, be subjected to unfavourable treatment.

Concluding, the whichever disadvantages highlighted by the Committee with regard to the places of detention are attributable, to a certain extent, to the existing building infrastructure. However, every effort is being made for these places to acquire the functionality required and serious steps have been taken to this end, either through the creation of new places of detention or the repair of the existing ones.



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Ref. No: 4803/22/14 ρΥ

Athens, 11 March 2002

**SUBJECT- MATTER: Information sheets setting out the rights of detained persons available at Police Establishments.**

**REF No:** Our circular No 4803/22/14a, dated 3 November 1995.

1. As it is known, by the aforementioned reference there have been standardised, among other things, information sheets setting out the rights of foreigners under administrative extradition who are detained in Police Establishments (specimens KA-141) and there has been established the procedure for their granting with a view to the formal strengthening of the safeguards of legality, impartiality and objectivity exercised during police action, as well as of openness and transparency in the treatment of detainees by Police Authorities.
2. By virtue of the provisions of Law 2910/2001 on "Entry and residence of aliens in the Greek territory..." (Gov Gaz. 91/A'), the arrangements concerning administrative extradition have been changed and the obligation to provide information to the foreign detained persons awaiting extradition has been statutorily enacted.
3. For the purpose of bringing in line the information sheets concerning foreign detainees awaiting extradition with the provisions of L. 2910/01, new specimens bearing the indication KA-141 have been standardized for use by the Services of the Greek Police.
4. In view of the foregoing, we dispatch herewith pages 13 (1) to 16 κη (1), as well as pages 29 (2) to 30β and we request that corresponding pages of the above-mentioned reference be replaced.
5. These pages include specimens KA-141 to KA-141γ on "Information sheets designed for the detained foreigners under deportation "written" in the Greek, French, English, Italian, German, Spanish, Arabic, Turkish, Albanian, Russian, Bulgarian, Romanian, Serbian and Polish language, as well as the provisions of articles 44 through 48 of L. 2910/2001 concerning the administrative extradition and detention of foreigners.

6. The Department of the Printing Office of the Directorate of Technical Applications is requested to print present circular and the pages attached therewith in 3500 copies and dispatch the same to the Services in accordance with the appended table of distribution.
7. Printing should be effected on the basis of the type of the relevant circular (dimensions: 21X28 cm – perforation of sheets) and in accordance with the specimen attached therewith.
8. The Directorate of Economic Affairs of the Greek Police Headquarters is requested to authorize the outlay for the printing of the copies.
9. The Logistics Department of the Directorate of Internal Functions of above Police Headquarters is requested to distribute them to the departments of the Ministry of Public Order and to the in-House Services according to the distribution table.
10. The Directorates of the GENERAL POLICE DIRECTORATES of Athens and Thessaloniki, as well as the Police Directorates of the Prefectures, are requested to distribute the copies to their subordinate Services and to make known to the Printing Office Department of the Directorate of Technical Applications – by making a relevant notification to the Directorate of Economic Affairs of the Greek Police Headquarters- the number of the new specimens of the type KA-141 which are required for the coverage of their needs on a yearly basis.
11. The competent Services are requested to take steps for the implementation of this circular.

COPIES TO:

1. DIRECTORATE OF ALIENS / GPH
2. DIRECTORATE OF ECONOMIC AFFAIRS/ GPH
3. DIRECTORATE OF INTERNAL FUNCTIONS/GPH

For the transcription  
Athens, 11 March 2002  
Sealed and signed  
G.Paliouras  
Police Captain A'

THE CHIEF OF GREEK POLICE  
FOTIOS NASIAKOS  
LIEUTENANT GENERAL OF POLICE

HELLENIC REPUBLIC  
MINISTRY OF PUBLIC ORDER  
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Ref No: 4803/22/14 πτ

Athens, 5 April 2002

To: All Services of the Greek Police

**SUBJECT-MATTER: Update of detainees by police Authorities.**

**REF:** a. Circular No 4803/22/14a issued by the Chief of Greek Police, dated 3 November 1995.  
b. Our Order No 4803/22/14μ, dated 24 October 2000.  
c. Circular No 4803/22/14 πτ issued by the Chief of Greek Police, Dated 11 March 2002.

1. The effective protection of the rights of detainees by Police Authorities constitutes the permanent and long-standing goal of the Greek Police; in order to accomplish this end, systematic supervision of the implementation of the legal and practical safeguards concerning their treatment is being exercised.
2. In order to secure these safeguards, information bulletins (sheets) setting out the rights of detained persons to be upheld by Police Authorities have been standardised by means of reference (a) above; likewise their posting in places of detention in police establishments has been ordered.
3. By reference ( c ) above recently sent to us, new information sheets concerning foreign detainees under extradition have been dispatched. These sheets are fully in line with the provisions of L. 2910/2001 pertaining to “the entry and residence of aliens in Greek territory” (official Gazette, 91/A’).
4. In this connection, we request that the special dimensions information sheets concerning foreign detainees under extradition, which are posted in places of detention of your Services, be replaced by new sheets written in the Greek and English language; these sheets must be fully in step with the provisions in force and will be sent via the Printing Office of the Greek Police.

5. Let the Directorate of Technical Applications/Printing Office Department print and dispatch present circular to all Services concerned. Above Directorate is also requested to print the enclosed specimen of the information sheet, concerning foreigners under deportation, in dimensions measuring 50X 33 cm and in rough bristol-type paper, and dispatch copies of it to the Services, according to the table of distribution attached therewith.
6. The Directorate of Economic Affairs of the Greek Police Headquarters is hereby requested to approve the outlay for the printing of the copies.
7. The Directors of the subject-matter competent Directorates of the General Directorates of Attica and Thessaloniki, as well as the Police Directors of Prefectures are requested, in the course of the inspections carried out with respect to their subordinate Services, to check, inter alia, the application of all practical measures concerning information provided to detainees about their rights by the relevant Police Authorities.

Copies to:

MINISTRY OF PUBLIC ORDER

THE HEAD  
OF THE ADMINISTRATIVE BRANCH  
ATHANASIOS PAPAVALIIOU  
MAJOR GENERAL OF POLICE

For the transcription  
Athens, 5 April 2002  
Department of Planning and  
Organization  
Directorate of Organization and  
Legislation of the Greek Police  
Headquarters  
Sealed and signed  
George PALIOURAS  
Police Captain 1<sup>st</sup> class



ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ  
ΕΛΛΗΝΙΚΗ ΑΣΤΥΝΟΜΙΑ

**ΠΛΗΡΟΦΟΡΙΑΚΟ ΔΕΛΤΙΟ**

(Για τους υπό απέλαση κρατούμενους αλλοδαπούς)

1. Όπως, ήδη, σας γνωστοποιήθηκε, η παραμονή σας στη χώρα μας δεν είναι νόμιμη. Η νόμιμη παραμονή αλλοδαπού στη χώρα μας, προσδιορίζεται από τη νόμιμη είσοδο στην ελληνική επικράτεια, βάσει έγκυρου ταξιδιωτικού εγγράφου ή την κατοχή έγκυρης άδειας παραμονής από την αρμόδια Ελληνική Αρχή και εφόσον δε συντρέχει νόμιμος λόγος άρσης του δικαιώματος παραμονής (Ν. 2910/2001).

2. Κρατείστε, ήδη, νόμιμα και προσωρινά στο αστυνομικό μας κατάστημα, μέχρι να ολοκληρωθεί η διαδικασία απέλασής σας. Πρέπει να συμπεριφέρεστε με ήσυχο τρόπο και να παραδώσετε το διαβατήριό σας ή άλλο ταξιδιωτικό έγγραφο ή οποιοδήποτε στοιχείο δηλωτικό της ταυτότητάς σας ζητηθεί.

3. Κατά τη διάρκεια της κράτησής σας, δικαιούστε:

α. Να προσλάβετε, με δαπάνη σας, δικηγόρο της επιλογής σας. Η Αστυνομική Αρχή θα σας εξυπηρετήσει. Να δέχεστε τις επισκέψεις του και να τον συμβουλευεσθε.

β. Να ζητήσετε να ενημερωθεί η Προξενική Αρχή της χώρας σας στην Ελλάδα. Να δέχεσθε επισκέψεις εκπροσώπων της και να επικοινωνείτε μαζί τους.

γ. Να δέχεστε επισκέψεις οικείων σας προσώπων. Λεπτομέρειες για το χρόνο και τη συχνότητα των επισκέψεων είναι στη διάθεσή σας.

δ. Να προβάλετε αντιρρήσεις, ενόψει έκδοσης της απόφασης απέλασής σας, εντός προθεσμίας τουλάχιστο 48 ωρών.

ε. Να ασκήσετε προσφυγή κατά της απόφασης απέλασης, εντός προθεσμίας 5 ημερών από της κοινοποίησής της, ενώπιον του Γενικού Γραμματέα της Περιφέρειας.

στ. Να προβάλετε αντιρρήσεις κατά της απόφασης κράτησής σας, ενώπιον του Προέδρου του Διοικητικού Πρωτοδικείου.

4. Επίσης, δικαιούστε:

α. Να ζητήσετε την εξέτασή σας, αν αντιμετωπίζετε πρόβλημα υγείας, και από γιατρό της επιλογής σας, με δαπάνη σας. Η Αστυνομική Αρχή μεριμνά για την παροχή ιατρικής βοήθειας μέσω κρατικού θεραπευτικού ιδρύματος. Σε περίπτωση σοβαρής ασθένειας, σοβαρού ατυχήματος ή εισαγωγής σας σε οποιοδήποτε θεραπευτικό ίδρυμα, ειδοποιούνται τα οικεία πρόσωπα της επιλογής σας στη χώρα μας και η Προξενική Αρχή.

β. Να ζητήσετε με δαπάνη σας, την προμήθεια ιδιαίτερης τροφής. Η Αστυνομική Αρχή θα διευκολύνει για την, κατά το εφικτό, εξυπηρέτησή σας.

5. Η δαπάνη απέλασής σας επιβαρύνει, εν όλω ή εν μέρει, ανάλογα με το χρηματικό ποσό που κατέχετε.

6. Ελπίζουμε στη συνεργασία σας για την ταχεία και άνετη ολοκλήρωση της διαδικασίας απέλασής.

7. Περισσότερες διευκρινίσεις για τα δικαιώματά σας μπορείτε να ζητήσετε από τον αρμόδιο για την υπόθεσή σας.

Ζητήστε πληροφοριακό δελτίο στη γλώσσα που γνωρίζετε.  
ΕΛΛΗΝΙΚΑ, ΑΓΓΛΙΚΑ, ΑΡΑΒΙΚΑ, ΒΟΥΛΓΑΡΙΚΑ, ΓΑΛΛΙΚΑ,  
ΓΕΡΜΑΝΙΚΑ, ΙΣΠΑΝΙΚΑ, ΙΤΑΛΙΚΑ, ΠΟΛΩΝΙΚΑ, ΡΟΥΜΑΝΙΚΑ,  
ΡΩΣΙΚΑ, ΣΕΡΒΙΚΑ, ΤΟΥΡΚΙΚΑ

\* Σημειώθηκε από τη Διεύθυνση Οργανώσεως - Νομοθεσίας του Αρχηγείου ΕΛ.ΑΣ



HELLENIC REPUBLIC  
HELLENIC POLICE

**INFORMATION BULLETIN**

(For foreigners/aliens being detained for deportation)

1. As we have already informed you, your stay in our country is not legal. Legal residence of a foreigner (alien) in our country is determined by the legal entry into Hellenic territory, on the basis of a valid travel document or the possession of a valid residence permit issued by the competent Hellenic Authority, and provided that there are no legal grounds for the restriction of the right to residence. (Law 2910/2001).

2. You are already being detained legally and temporarily at our Police Station, until the process for your deportation is completed. You must behave calmly and hand over your passport, or other travel document or any identification information requested of you.

3. During your detention, you have the right:

a. To engage, at your own expense, a lawyer of your choice. The Police Authority will assist in this. To receive his/her visits and to consult him/her.

b. To request that the Consulate of your country in Hellas be informed, to receive visits from its representatives, and to communicate with them.

c. To receive visits from members of your family. Details concerning the time and frequency of these visits are at your disposal.

d. To raise objections in view of the issue of the decision for your deportation, within a time limit of at least 48 hours.

e. To lodge an appeal against the decision for your deportation within a time limit of 5 days as of its notice, with the General Secretary of the District.

f. To raise objections against the decision about your detention before the President of the Administrative Court of First Instance.

4. You also have the right:

a. To request a medical examination, if you have a health problem, by a doctor provided by the Police, but also, if you wish, by a doctor of your choice at your own expense. The Police Authority will provide medical care through a state medical institution. In the case of serious illness, a serious accident or your admission into any medical institution, family members of your choice in our country, as well as the Consulate will be notified.

b. To request, at your own expense, the provision of special food. The Police Authority will assist in this as far as possible.

5. You will be charged with the expenses of your deportation, either totally or partially, according to the funds that are in your possession.

6. Your cooperation is requested to ensure that the process for your deportation is completed as quickly and smoothly as possible.

7. More information concerning your rights can be requested from the official responsible for your case.

Ask for an information bulletin in the language you know.  
ALBANIAN, ARABIC, BULGARIAN, ENGLISH, FRENCH, GERMAN,  
GREEK, ITALIAN, POLISH, ROMANIAN, RUSSIAN, SERBIAN,  
SPANISH, TURKISH

\* Μετάφραση στην Αγγλική γλώσσα: Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών.





MINISTRY OF JUSTICE  
DIRECTORATE GENERAL FOR CORRECTIONAL POLICY  
DIRECTORATE OF ADULT PENITENTIARY TREATMENT

**REPORT**

On the observations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

ATHENS, SEPTEMBER 2002



## Prisons

### 1. Preliminary Remarks

54.

55. The Prison Service Drug Treatment Centre at Eleonas, Thebes, has already started to operate. Its capacity is 300 inmates and it currently holds 30 male inmates, 7 of which are minors.

56. The problem of overpopulation has been tackled and inmates have been reduced to a monthly average of 8,467 ( current number : 8,328 ). Specifically, efforts are continuously being made to transfer detainees to the appropriate type of prison ( closed, rural ) according to the length of their sentences, and a considerable number of inmates will be transferred to the Inmates' Detoxification Centre of Thebes. Today's statistics are as follows : Capacity: 5,620 inmates, actual total population : 8,328 inmates.

57. The building programme is rapidly progressing as announced. Specifically :

a) Under construction : The new prison at Trikala, to be completed in October 2004 ; the new prison at Chania, to be completed in December 2004 ; and the new closed prison at Kasavetia, at the site of the rural prison for minors ( which will continue to operate ), also to be completed in December 2004. The Inmates' Detoxification Centre of Northern Greece at Kassandra, Halkidiki will be ready in 2003, as the final building stage is currently in progress.

b) 6 new prisons are going to be built, geographically distributed as follows, for which lands have been offered and the final selection stage is currently in progress :

- Corfu ( Ionian Islands )
- Neapoli ( Crete 2 )
- Grevena ( Western Macedonia )
- Central Macedonia 2
- Eastern Macedonia – Thrace
- Central Greece

In the last three cases only the geographical regions are given, because the precise sites have not been selected yet.

c) Lands are being sought for 8 more new prisons, to be geographically distributed as follows :

- 3 in Attica
- Andritsena ( Western Greece )
- Sylimna ( Peloponnese – re-examined as final site )
- Thessaloniki ( Central Macedonia 1 )
- Epirus
- Central Macedonia 3

For the last two prisons the precise sites have not been selected yet.

Furthermore, lands are being sought for 2 more new Detoxification Centres, one in Continental Greece (perhaps in Peloponnese) and one in Crete.

The time limit for the completion of the construction of the above prisons ( except for those already under construction ) is the year 2008.

As regards the measures adopted by the Greek authorities on the issue of alternative sanctions in lieu of custodial sentences, the Correctional Code currently in force already provides for alternative ways of serving custodial sentences in Chapter 8.

Specifically :

- a) Halfway houses : Inmates who have obtained special permit live in residential correctional facilities or similar divisions of conventional facilities. They are allowed to take up a professional or other occupation outside prison without particular surveillance, with a view to their gradual return to a state of full freedom.
- b) Partial service of sentence ( which has been commuted into a pecuniary penalty ) : It is served in weekends or holidays, provided that the convict works or studies, or in working days in all other cases, by decision of the Sentence Execution Court.
- c) Community service : Instead of partial service of the sentence, the convict may request the Sentence Execution Court to allow him to provide community service, the provisions of the Penal Code being applied by analogy.

Finally, major contributions to the decongestion of prisons are made by : the institution of leave (regular, extraordinary, educational) and work outside the detention facility ( combined with the aforementioned provisions on halfway houses ).

## 2. Physical Ill-Treatment

58. In the matter of an inmate's ill-treatment at Malandrino facility, which he complained of before the Delegation, the inquiry conducted by the service did not result in any allegation by inmates against the staff of the prison and, consequently, no investigation was carried out, nor any disciplinary action was taken. In any case, all the prison staff is regularly given orders to fully avoid any physical or verbal ill-treatment.

59. The Malandrino employees were reminded of the relevant issues recommended by the Delegation. The kind of training recommended by the Delegation is offered both to correctional employees ( inside the prison ) and external guards ( a new institution concerning the guarding of prisons, in replacement of policemen ).

Finally, the formal qualifications of guards are high ( school leaving certificate ) and they definitely undergo the statutory training before assuming their duties. Thus, very good interpersonal relations have largely been established between employees and inmates, as ascertained by the Commission during its visit.

60.

61. Quarrels among inmates have been considerably reduced, at least on a massive scale. Conflicts are rarely noticed and they mainly occur among few inmates who usually had disputes outside prison and before meeting therein. In such cases, the prison administration, in co-operation with the Ministry of Justice, ensures that inmates that are not in good terms do not stay in the same area and, as a last resort, arrange for their transfer to another prison so as to protect them.

62. The current statistics concerning Alikarnasos Closed Prison are as follows : Capacity : 105 inmates, actual number of inmates : 209.

63. With respect to the comment about the age of the building and the worn out state of the furniture, we inform you that the erection of a new building has been included in the building programme of the Ministry of Justice, but the time limit for its completion has not yet been fixed.

64. The showers have been repaired, which happens whenever any damage is ascertained.

The premises made available to the 20 Albanians will be replaced within this year, so that the inmates will have access to outdoor space, with greenery and benches. The relevant study has been prepared and the required building and decorative materials have been procured.

Finally, the Ministry of Justice construction company, THEMIS S.A., which is responsible for the building programme of the Ministry, has undertaken to build a shelter at the point where meals are distributed, so that the area will be roofed, as there is no available room in the existing premises, as ascertained by the Commission.

65.

66. The current statistics concerning the Judicial Prison of Chania are as follows : Capacity: 67 inmates, actual number of inmates : 88. Extensive repairs have been carried out throughout the prison and tiles have been placed in all areas. There are now 2 showers per dormitory.

The beds in dormitories have been permanently fixed to the floor by order of the Ministry of Justice, because in conflicts and riots they were dismantled and employed as weapons against inmates and the personnel. As a result, when they are vacant, it is impossible to remove them. Besides, the prison itself is going to be replaced within the next two years with a new modern building with a capacity of 280 inmates, comprising workshops, halls etc. All external works have been completed ( walls, enclosures etc.) and the erection of the main premises will start in December ; therefore, the conditions referred to in the last sentence of this paragraph will cease to exist.

67. The current statistics of the Judicial Prison of Korydallos are : Capacity : 648 inmates, actual number of inmates : 1,968.

68. Today 8 one-person cells have been added, newly built according to state-of-the-art specifications, with a courtyard, to host the arrested persons who are accused of being members of “November 17” terrorist organisation.

69. The wings of the Judicial Prison of Korydallos are continuously and consecutively repaired. Repair crews consisting of inmates with various specialities have been formed, which carry out all building repairs upon the occurrence of any damage. The days of work count in favour of such inmates, i.e. one day of work is equivalent to 2½ days of sentence service.

70. As already indicated, the population of the Judicial Prison of Korydallos has considerably decreased and further reduction is anticipated, pending the completion and commissioning of the new correctional facilities (3 in Attica).

71. The current statistics concerning the Malandrino facility are as follows : Capacity : 280 inmates, actual number of inmates : 273.

72.

73. Today the situation in Malandrino has been normalised in terms of water supply, as 2 drillings for potable water have been made, exclusively for the prison’s use.

b. Regime

74. All jobs (cooking, cleaning, building etc.) are established by the Labour Council of the prison according to the needs of each facility and the number of prisoners and pursuant to the relevant provisions of the Correctional Code (Articles 40 et seqq.), always according to the principle of voluntary work. Jobs are occasionally increased following any changes in the above factors, by a decision of the Ministry of Justice on a recommendation from the said Council.

Inmates who wish to work are appointed to the above jobs, following an application to the Council, which is headed by a judicial functionary. They are appointed to auxiliary jobs (cleaning etc.) for three months, such appointment being renewable once, so that more inmates may rotate in such jobs, under the conditions set forth in the Correctional Code.

75. As regards vocational education and training, a computer training laboratory is about to start operating in Malandrino, with an instructor provided by the Prefectural Committee for Popular Education (NELE) of Fokida Prefecture, for 11 inmates (200 training hours), and a woodcarving and ceramics workshop will start to operate as soon as an instructor is provided by the said NELE.

76. New programmes subsidised by the European Union through the Third Community Support Framework have already been scheduled, whose implementation will extend to inmates, within the framework of the programme to combat social exclusion from the labour market. Moreover, in a recent meeting between competent officers of the Ministries of Justice and Education, it was decided that instructors from the General Secretariat for Adults of the Ministry of Education will be allocated in an effort to ensure the operation of the existing prison laboratories and workshops and, where possible, to build new ones.

c. Assessment

77.

78.

79. As already indicated, the efforts made by the Ministry of Justice to tackle the problem of overpopulation are continuous and sustained. Within the context of these efforts, it will carry out to the fullest possible extent the Commission's instructions given in the last paragraphs in the time period pending the transfer of Alikarnasos Prison to a new building and the decongestion of Korydallos Prison following the gradual completion of the new facilities.

80. Continuous efforts are also being made to comply with the instructions given in this paragraph. Specifically, in all the facilities there are libraries operating and in most of them, where out-of-cell space so allows, there are sport and entertainment spaces.

All adult inmates who wish so and meet the conditions set forth in the Correctional Code are entitled to access to tertiary education (i.e. technological and university education) and to educational leave and subsidies out of the Special Account entitled "Inmates' Labour Funds".

A "Second Chance School", established by the Ministry of Education to give a second chance for access to education to the inmates concerned who did not have any such opportunity in the past, is to start operating this academic year in the Judicial Prison of Larisa.

81.

82. The Ministry of Justice is also considering seriously the Commission's instructions concerning the development of programmes of educational, sport and entertainment activities in the prisons of Alikarnasos, Chania and Korydallos, after the effective tackling of the problem of overpopulation, which certainly hinders the development of such programmes.

83. Equally serious consideration will be given to the Commission's instructions about Malandrino and the other facilities where prisoners serving long sentences are detained, in collaboration with other competent agencies (Ministry of Education, General Secretariat for Adults' Education, Prefectural Committees for Popular Education etc.).

84. The Ministry of Justice will carefully examine the Delegation's denunciation in this paragraph, but it considers that it may be malevolent and inaccurate. This is so because, on the one hand, according to the Correctional Code, there is absolutely equal treatment of the inmates on the part of the ministry and the competent correctional authorities ( Article 3 ) and, on the other hand, it is the Code that sets the conditions of any inmate's entitlement to work, and one of such conditions is the completion of a minimum term of service of his sentence.

The allegation to the Delegation was possibly made by a person who, due to his long sentence, had not completed the minimum term of service. In the case of this allegation, the Ministry of Justice could provide further information to the Commission if it had specific details at its disposal ( e.g. in which prison the allegation was made ).

### 3. Health care services

#### a. Introduction

85. The Ministry of Justice will, in the near future, employ qualified health-care staff ( doctors, nurses, psychologists, social workers etc. ).

86. 25 prisons in Greece have a rural surgery, furnished with equipment and staffed by doctors provided by the Ministry of Health and Welfare.

Finally, telemedicine connection has been established between the Inmates' Hospital and the General State Hospital of Nikaia, which enables immediate access ( in a case of an emergency involving an inmate ) to information available in the units and departments of the said hospital.

#### b. Health care in the prisons visited by the CPT

##### i. Resources and access to health care

87. As already indicated, a considerable number of scientific personnel is going to be employed by the Ministry of Justice, including doctors of various specialities, who will staff prisons with low access to major medical units, such as Malandrino. For this prison a post of resident internist has been put to tender twice, but no one expressed interest due to the remoteness of the area. Thus, a procedure for appointing a rural doctor to this facility was commenced in collaboration with the Ministry of Health, which will soon be completed. The prisons mentioned in this paragraph are situated very close to major hospitals ( including university hospitals ), where inmates are forthwith transferred whenever they present a health problem and no doctor is present at the prison. The Judicial Prison of Korydallos is adjacent to the Inmates' Hospital ( actually it is located in the same site ), which has the elementary infrastructure to address emergencies, as well as medical personnel on a round-the-clock basis. Ailing inmates of the Judicial Prison of Korydallos are forthwith transferred to state hospitals with doctors on call, always through the Inmates' Hospital.



88.

89. The Ministry of Justice will seriously consider the Commission's recommendations contained in these paragraphs.

ii. Medical screening on admission

90. Medical screening of newly-admitted prisoners is definitely carried out within the first days ( if not on the day after admission ) for the reasons mentioned in this paragraph, as expressly prescribed by the Correctional Code.

91. The Committee referred to in this paragraph will be fully established as soon as the medical personnel aforesaid has been employed.

iii. Medical files and confidentiality

92. By consecutive circulars, the Ministry of Justice has instructed all Prison Wardens to carefully maintain each inmate's file and to ensure that it accompanies the inmate in every transfer. It will further arrange for the control of their proper maintenance.

93. The requirement to strictly observe the confidentiality of the inmate's medical history will be re-iterated in a relevant circular.

94. The "competent organs" of the facility that have access to, and take cognisance of, the inmate's medical file and health card are, in addition to those referred to in the Correctional Code, the 3 Councils ( three-member Prison Council, five-member Labour Council and three-member Disciplinary Council ), which decide on issues concerning inmates' transfers (to hospitals, rural prisons and the bakery facility, where inmates are required to be healthy), appointment to jobs and granting of leave.

iv. HIV-positive patients

95. The settlement of HIV patients in the Inmates' Hospital does not constitute confinement, but an effort to provide better living conditions, both in medical terms and in terms of detention conditions. This is so because, on the one hand, their stay in the Hospital ensures direct access to medical care in case of any health problem and, on the other hand, their detention conditions and nutrition are better and, finally, they live among comrades who sympathise with them, rather than among third prisoners who are healthy and would probably refuse to live with them when informed about their disease and would create a serious problem in the prison where they are detained.

v. Health care policy with respect to abuse of drugs

96. The relevant investigation carried out by our service has revealed that attempts at importing narcotic drugs into prisons can take about 30 forms. In the majority of cases imports are revealed due to the thorough checks conducted on inmates, visitors and any other person entering the prison, as well as on all objects and foods ; however, partial import and, as a result, use by inmates are always achieved.

This holds true for the Judicial Prison of Korydallos, too. As the Commission has ascertained, there are support groups, like those mentioned in this paragraph. Moreover, a pilot project has been launched in the Prison Service Drug Treatment Centre of Thebes with 24 adult and 7 minor inmates, and 3 more Detoxification Centres are expected to become operational ( one of them within one year ). Therefore, we hope that the aforementioned Centres will provide drug users with valuable assistance. The Prison Service Drug Treatment Centre of Thebes can already admit up to 300 inmates in whole, who are chosen by a special committee in each prison, subject to voluntary participation. Besides, the Judicial Prison of Korydallos has been equipped with various devices for checking visitors and objects ( to detect drugs, explosives etc. ), such as 5 magnetic gates, portable detectors and X-Ray devices for checking hand luggage. Another 10 facilities have been furnished with the said devices and, in a recent meeting, it was decided to fully equip all the prisons of Greece.

The prison staff, during their study at the School of Correctional Employees, receive elementary instruction in issues relating to narcotics, HIV and various other transmissible diseases such as hepatitis etc., methods for prevention and avoidance of infection and other related matters.

The investigation mentioned by the Commission in this paragraph was initiated by the then chief guard of Korydallos Prison ( meanwhile he was transferred ), but it has not been completed and no official findings have yet been issued.

c. The Prisons' Hospital

99. The Inmates' Hospital will be very soon staffed with scientific personnel ( doctors and nurses ) out of the newly-employed scientific personnel mentioned above ; however, as the Commission has ascertained, the Hospital mainly operates as a centre for the transfer of patients, as access to major state hospitals is immediate, since they lie adjacent to it.

d. Psychiatric unit

100. The current statistics of the psychiatric unit are as follows : Capacity : 160 inmates, actual number of inmates : 238 ( monthly average : 210 ).

101. The administrative director of the unit is included in the “competent organs” referred to in Article 28 of the Correctional Code as the organs that may have access to the medical data of every inmate, in his capacity as a member of the Prison Councils. The Ministry will seriously consider the recommendations of the Commission on the observance of confidentiality of the inmates’ data, as well as their employment.

4. Other issues relating to the CPT’s mandate

a. Prison personnel

102. As regards the increase in the prison staff, a provision establishing 1,500 new posts of external prison guards has been published in the Official Gazette, which will be filled in the next few months, and a request for employment of 350 new correctional employees (guards) has been submitted to the Ministry of Finance.

Efforts are continuously being made to improve the training of the correctional personnel and to upgrade such training to continuing education status, as provided for by the Civil Servants’ Code, and all employees are encouraged by being facilitated, granted leave etc. Training of detention facility governors is currently being planned by the Personnel Directorate of the Ministry, to be provided in the near future.

103. An experienced and successful chief guard transferred from Patras has replaced the deputy chief guard of Malandrino and the Ministry considers that the necessary balance between experienced and new personnel has been struck.

104. As already indicated, in the next few months 350 posts of prison staff, 50 posts of scientific personnel and 1,500 posts of external prison guards will be announced. The persons selected will be appointed to various facilities, priority being given to those that have the relevant vacancies.

105. The Commission’s recommendation given in this paragraph will be seriously considered in the efforts to tackle prison overpopulation and to increase the personnel through the aforementioned appointments.

106. The prisons mentioned in this paragraph have already been ordered to improve the visiting conditions and, if necessary, to rebuild the visiting hall if the relevant funds are allocated.

107. There are no other prisons in Greece presenting the peculiarities of Malandrino Prison, as all other prisons are situated in residential areas, inside big cities or very close to them. The recommendation may possibly be taken into consideration after the completion of the erection of any other remote prisons, so that a comprehensive solution will be given to any such issue, which, in any case, has not been raised to date, since from the commencement of the operation of Malandrino Prison no inmate or relative of his has complained about visiting conditions ( hours, access to the prison etc. ). Besides, several applications for transfer to Malandrino have been submitted to date by inmates, obviously because of its modern facilities.

b. Solitary confinement

108.

109.

110. The Ministry has given the necessary instructions for the improvement of detention conditions in the confinement cells and for their equipment according to the Correctional Code and the Commission's instructions; however, such cells are rarely used and they are not equipped, so that self-destruction tendencies and suicides will be prevented.

c. Information to prisoners.

112. Many years ago prisoner information leaflets were published in 10 foreign languages, which will be re-published in the near future because they concerned the provisions of the Correctional Code previously in force, so that they will be aligned with the Code currently in force. Draft bylaws of prisons have already been prepared by the Central Scientific Council of Prisons, providing for the distribution of such leaflets to new entrants, and are expected to take effect soon. The new version of the leaflets will be based on the provisions of the new Correctional Code and the Bylaws.

MINISTRY OF NATIONAL DEFENCE  
MINISTER'S STAFF  
DIRECTORATE FOR HUMAN RESOURCES  
DEPARTMENT A'  
Tel : 655-3859  
Ref. No : 400/5/5222  
Draft No : 530

Athens, 3 October 2002

TO : MINISTRY OF FOREIGN AFFAIRS  
DIRECTORATE FOR OECD – COUNCIL OF EUROPE

Attention of Mr Karabalis  
Fax No : 010-3684146

RE : CPT working group on the promotion of co-operation between Greece and the European Commission for the Prevention of Torture and Inhuman or Humiliating Treatment or Punishment

1. Concerning the recommendations, comments and inquiries by CPT, we inform you as follows so far as the Ministry of National Defence is concerned :

a. All the military personnel dealing in any way with immigrants has been informed that abuse is illegal and we inform you that no cases of abuse of immigrants by military personnel have been noticed to date.

b. The military personnel dealing with immigrants has been given specific instructions concerning their rights and it has been stressed that they enjoy the same rights as the immigrants arrested by the Hellenic Police and the Hellenic Coast Guard.

c. The places where immigrants who are arrested are temporarily detained meet all the statutory conditions and are provided with any facility required. No case of negligence has been noticed.

TRUE AND EXACT COPY  
( signature – seal )  
C. Christopoulos

Emmanuel Barnias, Brigadier  
Director



HELLENIC REPUBLIC  
MINISTRY OF MERCHANT MARINE  
PORT POLICE DIVISION  
SECURITY DIRECTORATE  
1<sup>ST</sup> DEPARTMENT  
Address: 150 G. Lambraki St., 18518 Piraeus

Piraeus, 2-10-2002  
Ref. No : 2212.30/06/02

Tel : 4191140

Fax : 4191244

TO : Ministry of Foreign Affairs

E-mail : [da@ven.gr](mailto:da@ven.gr)

D3 Directorate for OECD – Council of Europe

RE : Comments by the European Commission for the Prevention of Torture and Inhuman or Humiliating Treatment or Punishment – CPT Agreement

REF : (a) Our document with Ref. No. 2217.100/56/02/4-9-2002.  
(b) Our document with Ref. No. 2212.30/05/02/10-9-2002.  
(c) Your fax dated 24-9-2002.

1. Further to the documents referred to above, we inform you that our Service is conducting a comprehensive survey on the treatment of detainees, which will lead to the submission of a recommendation for review of the overall issue. The conditions for an effective solution to this issue are as follows :

- Improvement of the existing detention facilities or erection of new ones by the Port Authorities of the country according to the appropriate standards, which is connected with the need for comprehensive improvement of the building infrastructure of the Regional Port Authorities.

- Training of the Hellenic Coast Guard ( HCG ) personnel on human rights issues and the relevant legislation :

- basic training ( at the HCG schools of officers )
- regular further training ( seminars, lectures ).

There is a need to modify the relevant educational and training curricula.

- Formation of a framework of administrative procedures and measures ( supplementary to the provisions of the Code of Criminal Procedure, the Correctional Code, International Treaties, UN Declarations etc. ) that will enshrine the rights and dignity of detainees.

2. In order to achieve a comprehensive review of the issue and to improve the detention conditions and treatment by the Port Authorities, proper planning and co-ordination of action between the Directorates of the Ministry of Merchant Marine is required, according to an implementation time schedule. At the same time, considerable expenses are expected to be incurred by the budget of the Ministry of Merchant Marine. Accordingly, a reasonable time period will be required for the creation of the new conditions according to the comments of the Commission of the Council of Europe.

3. Regardless of the foregoing, the Ministry of Merchant Marine has given instructions and orders to the Port Authorities to respect the dignity of all persons arrested and to faithfully comply with the current criminal procedure provisions concerning the rights of detainees ( information on their rights, access to a lawyer, communication with relatives and/or the consular authorities of their country, provision of medical and pharmaceutical care, sustenance, hygiene – living conditions ).
4. At all events, in the rare cases of denunciations of violation of fundamental human rights and offence to human dignity internal inquiries are always conducted, disciplinary action is taken and criminal proceedings are instituted against the officers involved. For example, in the case of bodily abuse of Kurds by port officers on 5 and 6-6-2001 an internal inquiry was conducted and disciplinary action was taken against one officer and five port guards for undue abuse of violence, while the internal inquiry findings were submitted by Ministry of Merchant Marine document No. 1127/255/01/24-8-2001 to the Public Prosecutor's Office of the Admiralty Court of Chania for criminal investigation of the case.
5. Finally, the implementation of the Re-admission Protocol between Greece and Turkey falls within the authority of the Ministry of Public Order, but, according to our information, it has not been implemented to date because Turkey dismisses almost all Greek applications for re-admission of aliens.
6. Please be informed about the foregoing.

True and Exact Copy

N. Voulgaris, Captain, HCG

( signature-seal )

Director

Georgios Dritsas, HCG Warrant Officer



HELLENIC REPUBLIC  
**MINISTRY OF HEALTH AND WELFARE**  
**GENERAL DIRECTORATE OF HEALTH**  
**MENTAL HEALTH DIRECTORATE**

**ATHENS, 25 /9/2002**

**19, Aristotelous Str.**  
**101 87 Athens, Greece**

**Tel : 00301 82.51.834**  
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SUBJECT- MATTER: Annual Report on topics of interest of CPT.

Following our Y5b/1525/10.9.2000 document, we inform you of developments, problems and perspectives on topics of interest of the CPT.

1. In pursuance of the Law 2716/99 “ On the development and modernization of mental health services” the following Ministerial Decrees were published:

- a. Ministerial Decree on determining the conditions, the method and the process in providing **hospitalization at home services and special mental health home care services**.
- b. Ministerial Decrees on determining the operational method and the manning of Mental Health Mobile Units.
- c. Ministerial Decree on determining the conditions and the organization of the operation of the Foster Families programs.
- d. 26 Ministerial Decrees on the establishment of an equal number of mental health sectors and mental health sectors for children and adolescent in various areas of the country.

2. The first phase of the “Psychargos” program, co-financed by the EU, was completed with the introduction of 55 hostels of psychosocial rehabilitation all over Greece, where approximately 600 chronic patients of mental hospitals were transferred. Approximately 600 mental health professionals (psychologists, social workers, occupational therapists and nurses) have been employed for the operation of these hostels. The new professionals attended a 300-hour educational program immediately after their appointment.

3. 10 Psychosocial Rehabilitation Units were established by national resources, in which 100 chronic patients of “Dromokaitio” Mental Hospital were transferred. They operate in Attica and in other prefectures with a personnel of 130 mental health professionals of various specialties.

4. In the Attica State Mental Hospital (Dafni), which suffered serious damages during the 1999 earthquake resulting in the demolition of 9 buildings, 5 brand new buildings were inaugurated in October 2001. Each one of these buildings has 25 double rooms and 2 of them operate only with new admissions. In addition, the execution of a series of improvements concerning the environment, the water supply, the sewerage and the electricity supply is in progress with a view to the operational restoration of the Hospital’s services for the period that it will operate, given that, according to plan, the Hospital is to be gradually withdrawn from active service while its services will be replaced by modern community mental health services.

5. In the context of WHO’s Mental Health Year a) the conference of WHO for the countries of south and south eastern Europe was held in Athens from 8 to 9 July 2001 and concluded in adopting the “Athens Declaration for Mental Health and Man-made Disasters, Stigma and Community Mental Health Care.” The Athens declaration was adopted by the 51<sup>st</sup> European Assembly of WHO was held in Madrid from 10 to 13 September 2001, b) a campaign is in process aiming at the information and sensitization of the public on mental health issues, especially on the stigma and discrimination faced by mental health patients. For this purpose, a series of actions is being programmed and materialized including, inter alia, entries in the printed and electronic press, production of educational material to be used by University Departments relevant to mental health etc.

6. As far as the remarks which were submitted by the committee on the living conditions of mental patients in Mental Hospitals in Greece are concerned, it has to be noted that according to the available data:

a) 3 allegations of patient abuse by personnel members of Mental Hospitals were submitted in 1998. In two of them no evidence emerged and consequently no penalties were imposed, whereas the third case was brought to justice. The Court acquitted the defendant.

There were no allegations in 1999.

6 allegations for abuse or/and indecent behavior by personnel against patients were submitted in 2000. In all the cases disciplinary procedure was commenced. In one case a fine of 10 days salary cut was inflicted, in three of them no evidence emerged, while the two remaining cases are still in process.

b) All Mental Hospitals operated programs of support and provision of consultative services for the personnel. In addition, during the year 2000 operated educational programs were operated for the personnel as it is shown on the table below.

	<b>PROGRAM TITLE</b>	Duration	Participants Speciality	Number of Participants
1	Psychiatric Nursing	670 hours	Nurses	16
2	Alzheimer Disease Treatment	50 hours	Nurses	2
3	Treatment at home for psychiatric patients	120 hours	Nurses	16
4	Psychosocial and Psychiatric Problems of the Elderly	150 hours	Nurses	10
5	Training of Auxiliary Health Personnel in the treatment of psychiatric patients	120 hours	Auxiliary Personnel	14
6	Psychiatric Nursing	120 hours	Nurses Visiting Nurses	11 1
7	Substance Dependency Treatment (Part A)	150 hours	Nurses	12
8	Substance Dependency Treatment (Part B)	150 hours	Nurses	13
9	Psychiatric Nursing. Sensitization and best treatment of psychiatric patients	200 hours	Nurses	15
10	Psychiatric and Psychosocial Problems of chronic patients and patients treated under art. 69 of Penal Code	200 hours	Nurses	17
11	Advances of the Psychiatric Reform	150 hours	Nurses	30

It is worth noticing that a significant number of educational programs of the Attica State Mental Hospital were not put into actual practice due to the destruction of its buildings following the 1999 earthquake.

c) Criminally irresponsible patients took part indiscriminately in the vast majority of Mental Hospitals' therapeutic and other activities.

d) The methods used to immobilize patients were in line with the directives of the Committee (doctor's instruction, registration in personal medical record). The average of immobilized patients per day was 1-2/100 patients for an average of 2 hours.

e) The personnel ratio per 100 patient varies from Hospital to Hospital. The medical personnel ranges from 1.8/100 to 14/100, with an average of 5/100. Nursing staff ranges from 27/100 to 75/100, with an average 50/100, while psychologists, occupational therapists, and social workers ratio is around 1.5/100.

f) The number of developed beds in Mental Hospitals dropped by 12.5%, from 5711 in 1998 to 4940 in 2000.

g) Despite the fact that there are still dormitories with 12 or even 20 beds, the great majority of patients (60%) is accommodated in dormitories of 1-4 beds. Moreover, in all Mental Hospitals there is an effort to obtain personal items for the patients (p.ex.: cupboards, bedside tables, clothing and footwear items, personal sanitary articles e.t.c.).

h) All Hospitals operated rehabilitation, occupational therapy, socialization and prevocational training programs. Patients' participation rate shows an increase, although it didn't exceed 20% in 2000. The Hospitals report that the severe psychogeriatric and organic syndromes that many chronic patients suffer from is the main reason for low participation.

## **PROBLEMS**

There are still reactions from citizens and local communities against the establishment of Hostels and Boarding Houses of Psychosocial Rehabilitation in their areas albeit to a lesser extent compared to last year. To this contributed the fact that in five cases that were brought to justice the Court rejected the claims of the protesting citizens. We believe that the campaign we are promoting to inform the public will help to reduce such reactions.

## **PERSPECTIVES**

A 10-year program, entitled “Psychargos” was announced. This programme was a central political decision in order to plan and reorganize the country’s mental health services. Based on the principles of the Psychiatric Reform, the project aims at

- the gradual but total closure of all asylums
- the therapeutic treatment of mental patients at the psychiatric units of general hospitals, for as long as it is necessary.
- The development of primary care services in the Mental Health sector.
- the development of business ventures by mental patients and their integration in the labour market

In this context it is planned, *inter alia*, to create

- 75 integrated Psychiatric – Child Psychiatric Units in General Hospitals. Each Unit includes Inpatient Unit, Short Term Inpatient Unit, Acute Incidences Unit and Crisis Intervention Center
- 100 Mental Health Centers and Child Guidance Centers
- 224 Psychosocial Rehabilitation Units (Boarding Houses, Hostels, Sheltered Apartments)
- 55 Social Cooperatives of limited Liability.
- about 150 other Mental Health Units (Day Centers, Mobile Units, Crisis Intervention Centers for Alcoholics and users of dependency causing substances, Alzheimer Disease Treatment Centers etc).

With the creation of the above Units 4 Mental hospitals will be withdrawn from active service..

In order to materialize the program it is estimated that more than 10,000 mental health professionals will be employed and the budget exceeds 1.5 bn Euros. The overall picture of the program has been presented in a publication the CD-ROM version of which is being attached.

For the years 2002-2006 the creation of the following structures were included in the co-financed programs of the Third Community Support Framework.

<b>"Deinstitutionalisation"</b>	<b>2002</b>	<b>2003</b>	<b>2004-2006</b>
<b>Hostels</b>	35	4	1
<b>Boarding Houses</b>	55	39	
<b>Sheltered Apartments</b>	75	14	
<b>Total</b>	165	57	1

<b>"Prevention-Enhancement of Social Solidarity and Socio-Economic Reintegration"</b>			
	<b>2002</b>	<b>2003</b>	<b>2004-2006</b>
<b>Psychiatric Units in General Hospitals</b>	9	24	8
<b>Child-Adolescent Psychiatric Units in General Hospitals</b>	1	3	2
<b>Mental Health Centers</b>	16	7	15
<b>Child Guidance Centers</b>	7	10	6
<b>Day Centers</b>	2		6
<b>Short-term Hostels</b>	10	13	20
<b>Integrated Centers for Autistic Persons</b>	5		11
<b>Crisis Intervention Centers for Substance Dependent Persons</b>		6	14
<b>Crisis Intervention Centers for Alcoholics</b>		6	1
<b>Alzheimer Disease Treatment Centers</b>	4		1
<b>Mobile Units</b>		4	17
<b>Total</b>	54	73	101

For the operation of the 2002-2003 structures it is estimated that 2,200 mental health professionals will be employed.

K. Mavratzotou

Athens, 10 October 2002  
The translator  
of the Ministry of Foreign Affairs

Director,  
Mental Health Directorate

Stelios KONDYLIS