

## **Report**

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

**from 14 to 23 April 2015**

The Greek Government has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2016) 5.

Strasbourg, 1 March 2016

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

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

Strasbourg, 15 July 2015

Dear Ambassador,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I have the honour to enclose herewith the report drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visit to Greece from 14 to 23 April 2015. The report was adopted by the CPT at its 87<sup>th</sup> meeting, held from 29 June to 3 July 2015.

The various recommendations, comments and requests for information formulated by the CPT are highlighted in bold in the body of the report. As regards more particularly the CPT's recommendations, having regard to Article 10, paragraph 1, of the Convention, the Committee requests the Greek authorities to provide within **three months** a response giving a full account of action taken to implement them. As regards the action taken in respect of paragraphs 44, 63, 79 and 81, the Committee requests that the response be provided within **six months**.

The CPT trusts that it will also be possible for the Greek authorities to provide, in the above-mentioned response, reactions to the comments and requests for information formulated in this report.

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

Yours sincerely,

Mykola Gnatovskyy  
President of the European Committee for the  
Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment

## EXECUTIVE SUMMARY

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

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

### **Police custody**

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

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

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

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

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

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

### **Prison establishments**

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

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

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

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

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

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

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

### **Children deprived of their liberty**

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

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

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

### **Foreign nationals held under aliens legislation**

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

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

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



## I. INTRODUCTION

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

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT carried out a visit to Greece from 14 to 23 April 2015. The visit was one which appeared to the Committee “to be required in the circumstances” (cf. Article 7, paragraph 1, of the Convention).

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

- Lətif HÜSEYNOV, Head of delegation
- Djordje ALEMPIJEVIĆ
- Celso DAS NEVES MANATA
- Mark KELLY
- Ilvija PŪCE.

They were supported by the following members of the CPT’s Secretariat:

- Hugh CHETWYND (Head of Division)
- Sebastian RIETZ

and were assisted by:

- Alan MITCHELL, former Head of Healthcare, Scottish Prison Service, United Kingdom (expert).

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

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

4. In the ten years since the CPT's periodic visit of August/September 2005, the Committee has engaged in an intensive dialogue with the Greek authorities with a view to addressing structural deficiencies in the prison service and the facilities used for holding irregular migrants. A further issue of concern relates to the continued absence of effective action when allegations of ill-treatment by police officers are brought to the attention of the authorities, leading to a climate of impunity within the Hellenic Police.

The periodic visit of April 2013 represented a stock-taking of the situation two years after the Committee had issued a public statement on the situation in Greece. The findings from that visit again pointed to the existence of serious deficiencies within the prison system, with prison establishments merely serving as warehouses for holding prisoners pending their release and a chronic shortage of staff. Conditions for irregular migrants in police detention also remained appalling and the newly created pre-departure centres, despite representing a step forward, continued to be run like police holding cells. Moreover, the problem of ill-treatment by police officers and more particularly the lack of effective investigations into allegations of ill-treatment appeared more acute than in the past.

The response of the Greek authorities to the 2013 visit report neither addressed the fundamental issues raised by the Committee nor did it provide reassurance that persons deprived of their liberty would be held in appropriate conditions and treated decently.

Therefore, the CPT decided to organise an ad hoc visit to assess for itself the implementation of its previous recommendations. In particular, the CPT's delegation examined the treatment of persons deprived of their liberty by the police and the practical application of safeguards surrounding their detention. A specific focus of the visit was to look into the effectiveness of investigations concerning allegations of ill-treatment by law enforcement officials. It also examined the treatment and conditions of detention of inmates in several prison establishments, including Korydallos Prison Hospital, and reviewed the situation of juveniles and foreign nationals deprived of their liberty.

## **C. Consultations held by the delegation and cooperation encountered**

5. In the course of the visit, the delegation held consultations with Nikolaos Paraskevopoulos, Minister of Justice, Transparency and Human Rights, and Ioannis Panousis, Alternate Minister of Citizen Protection.

It also met Eftychios Fytrakis, Secretary General for Crime Policy, Kostis Pappaioannou, Secretary General for Transparency and Human Rights, Ioannis Stalikas, General Director for Crime and Correctional Policy and other senior officials from the Ministry of Justice, Transparency and Human Rights (hereafter "Ministry of Justice"), as well as with officials from the Ministry of Foreign Affairs and the Ministry of Health and Social Security (hereafter "Ministry of Health"). Discussions were held with Police Major General Zacharoula Tsirigoti, Head of the Aliens and Border Protection Branch, and other senior officers of the Hellenic Police. The delegation further met representatives from the Legal Council of the State and the Athens Public Prosecutor's Office. In addition, it met Calliope Spanou, the Ombudsman, and staff of the National Preventive Mechanism, as well as representatives of civil society.

A list of the national authorities and organisations met by the delegation is set out in Appendix II to this report.

6. The cooperation received during the visit by the CPT's delegation from the Greek central authorities, as well as from the management and staff in the establishments visited was, with a few exceptions, very good. The delegation had rapid access to the places of detention visited, was able to speak in private with those persons with whom it wanted to meet and was provided with access to the information it required to carry out its task.

The CPT wishes to express its appreciation for the assistance provided to its delegation in the course the visit by the liaison officers from the Ministries of Foreign Affairs, Justice and the Interior and Administrative Reconstruction (hereafter "Ministry of the Interior").

7. As regards the few exceptions, it was regrettable that on two occasions (18 and 23 April) law enforcement officials working on the 11<sup>th</sup> and 12<sup>th</sup> floors of the Hellenic Police Headquarters at Alexander Street (GADA) in Athens attempted to mislead the CPT's delegation and impede it from gaining access to 15 small holding cells. On the first occasion, it took more than one hour to gain access to the detention area, which was concealed and labelled as a toilet ("WC").

The delegation also came across a specific request made by the Prison Board of Nafplio Prison concerning the transfer of 69 prisoners "in view of the CPT's planned visit to our prison". The transfer was approved by the Ministry of Justice and supervisory prosecutor. The prisoners identified for transfer were, according to the Director of the Prison, the most problematic, with long sentences and generally considered a threat to the good order of the prison. Consequently, in the week prior to the delegation's visit to this establishment, 29 prisoners from that list left the prison. The CPT considers that the main reason for the precipitous transfer of these prisoners was to mislead its delegation or conceal the real situation at Nafplio Prison from it.

**The CPT trusts that the Greek authorities will take the necessary steps to ensure that in future no attempts will be made to impede access to detention facilities or mask the real situation by transferring detained persons out of an establishment due to the Committee having notified in advance of its intention to visit that particular establishment.**

8. Reference should also be made to the initial impediments put forward by the Athens Public Prosecutor's Office in enabling the delegation to consult and take notes on specific files relating to the investigation of allegations of ill-treatment by police officers. However, once the scope of the Committee's mandate under Article 8 of the Convention was clearly explained, access was granted to the files and cooperation improved.

Examining the effectiveness of investigations into allegations of ill-treatment of persons deprived of their liberty is an important aspect of the Committee's work and it is necessary for prosecutors and judges to be fully aware of the CPT's mandate and of their duty to cooperate with the Committee.

**The CPT trusts that the Greek authorities will ensure – through the appropriate channels – that prosecutors and judges fully understand the Committee's mandate and their duty to cooperate with the CPT.**

9. The CPT has repeatedly emphasised that the principle of cooperation set out in the Convention requires that decisive action be taken to improve the situation in the light of the Committee's recommendations.

However, the findings of the 2015 visit demonstrate clearly that the situation in respect of prisons has become critical and that urgent action is required for their recovery starting with tackling the excessive overcrowding and chronic understaffing in most establishments. Further, the serious problem of ill-treatment by the police needs to be fully recognised and an effective mechanism put in place to ensure that allegations of ill-treatment are investigated promptly and thoroughly. At present, many police officers believe – not without reason – that they can act with impunity.

10. The CPT recognises the significant challenges faced by Greece in dealing with large numbers of irregular migrants entering the country, and that its ability to deal with this influx is compounded by the current economic crisis. Tackling this phenomenon requires a coordinated European approach. The CPT welcomes the recent policy change by the Greek authorities to no longer rely on a policy of long-term detention. On the other hand, the CPT is extremely worried by the way in which persons apprehended by the Hellenic Police are treated and the situation in which remand and sentenced prisoners are held. The findings of the CPT's delegation highlight once again the necessity to review the operation of the criminal justice system in order to ensure that all persons, especially foreigners, are afforded all the legal safeguards that should surround apprehension, arrest and detention. As to conditions of detention, it goes without saying that all persons deprived of their liberty should be treated with dignity and provided with humane living conditions.

**The CPT trusts that the Greek authorities will take concrete action to address the very serious concerns raised in this report, notably in relation to prisons<sup>1</sup> and police ill-treatment. In doing so, consideration might be given to tackling some of the issues raised through substantive cooperation programmes, as discussed with the Minister of Justice, Transparency and Human Rights and the Alternate Minister of Citizen Protection at the end of the visit.**

To this end, the relevant departments of the Council of Europe including the CPT would be willing to contribute, if so requested by the Greek authorities.

#### **D. National Preventive Mechanism**

11. Greece ratified the Optional Protocol to the United Nations Convention against Torture (OPCAT) at the domestic level in January 2014 and deposited the instrument of ratification on 11 February 2014. The law on OPCAT ratification designates the Ombudsperson's Office as the National Preventive Mechanism (NPM); it effectively took up this task in October 2014. The Office has set up a NPM "team" of 13 persons under the Deputy Ombudsman for Human Rights, and additional investigators will be recruited.

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<sup>1</sup> The CPT welcomes the constructive tone of the 30 June 2015 response of the Ministry of Justice to the preliminary observations made by its delegation at the end of the April 2015 visit, as well as by the initial steps taken to address the concerns raised.

In this connection, reference might be made to paragraph 32 of the Guidelines on national preventive mechanisms adopted by the United Nations Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) in November 2010,<sup>2</sup> which specifies that: “Where the body designated as the NPM performs other functions in addition to those under the Optional Protocol, its NPM functions should be located within a separate unit or department, with its own staff and budget”.

**The CPT trusts that the Ombudsman’s Office will continue to be provided with sufficient resources to fulfil its NPM mandate properly.**

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<sup>2</sup> See document [CAT/OP/12/5](#) of 9 December 2010.

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

### A. Treatment of criminal suspects detained by the police

#### 1. Preliminary remarks

12. The treatment of criminal suspects detained by law enforcement officials in Greece has been a long-standing concern of the CPT since its first visit to the country in 1993. Regrettably, despite overwhelming indications to the contrary, the authorities have to date consistently refused to consider that ill-treatment is a serious problem in Greece and have not taken the required action to implement the Committee's recommendations and combat this phenomenon. It is high time for the Greek authorities to acknowledge their responsibilities and to take resolute action to address this matter.

13. In the course of the 2015 visit, the CPT's delegation reviewed both the treatment of criminal suspects deprived of their liberty by the police and the practical application of safeguards in place to prevent ill-treatment. For this purpose, a number of regional police headquarters and stations under the authority of the Ministry of the Interior were visited, certain of them for the first time.<sup>3</sup> It also interviewed recently admitted remand prisoners in relation to their treatment by the police.

A specific focus of the visit was to look into the effectiveness of investigations concerning allegations of ill-treatment by law enforcement officials. To that end, the delegation held consultations with the Internal Affairs Directorate of the Hellenic Police and examined a number of investigative files at the Athens Public Prosecutor's office.

14. The legal framework governing police custody in Greece has remained unchanged since the CPT's last periodic visit in 2013. Criminal suspects were usually presented before a public prosecutor within 24 hours and referred to a judge within the subsequent three-day time-limit required by law.<sup>4</sup> In addition, persons remanded in custody were no longer systematically held for prolonged periods in police stations. This is a positive development.

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<sup>3</sup> Namely Kalamata and Sindos (Thessaloniki) Police Stations, as well as the detention cells on the 11<sup>th</sup> and 12<sup>th</sup> floors of Alexander Street Police Headquarters.

<sup>4</sup> See the report on the CPT's 2013 visit: CPT/Inf (2014) 27, paragraph 13. Upon application by the person, or in exceptional circumstances, this time-limit can be extended by two more days.

## 2. Ill-treatment

15. In the course of the 2015 visit, the CPT's delegation again received a significant number of credible allegations of physical ill-treatment of criminal suspects (including of juveniles)<sup>5</sup> detained by the Hellenic Police. The allegations particularly related to excessive use of force by the police at the time of apprehension, after the person had been brought under control, as well as to the period of questioning by officers of the Security Departments. Alleged ill-treatment generally consisted of slaps, punches, kicks and truncheon blows (but also other objects) to the body and to the head. In a number of cases, the medical evidence – based on a physical examination of the persons concerned and/or consultation of medical files – revealed injuries that were consistent with the allegations of ill-treatment.

16. A number of detained persons interviewed at different police and prison establishments alleged that they had been subjected to excessive use of force during and after their apprehension. For example:

- i. Four young men, interviewed separately at the detention facilities on the 7<sup>th</sup> floor of Alexander Street Police Headquarters in Athens (GADA), alleged that they had been ill-treated by officers of the DELTA rapid response motorcycle police unit in two separate incidents in the area of Exarchia during the night of 16 to 17 April 2015.<sup>6</sup> All four gave credible and detailed accounts of their ill-treatment, which consisted of verbal insults, (hair-) pulling and pushing, but also repeated slaps, punches, truncheon blows and kicks with boots to various parts of the body, including to the head and the genitals.

One of the four had subsequently been admitted to hospital, after repeated requests from his lawyer, where he was X-rayed. He was examined by the delegation's forensic medical doctor on 18 April and displayed multiple blunt traumas (see case 1 of Appendix III). The dorsum of his right hand was considerably swollen and the skin was bruised and bluish violet in colour on an area measuring some 12x8cm. Another of the men also had multiple blunt traumas and reported many points on his scalp that were sensitive to palpation (see case 2 of Appendix III). In both cases, the injuries were consistent with the allegations of ill-treatment.

Video footage recorded by a neighbour at the same location and time as described by the four detained persons appears to support their allegations. The recording shows two Delta motorcycle police officers beating and dragging a young suspect, after he had been brought under control in the area of Exarchia.<sup>7</sup>

**The CPT understands that an investigation has been launched into the recorded incident and would like to be informed about the outcome of this inquiry.**

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<sup>5</sup> See paragraph 97.

<sup>6</sup> These incidents reportedly followed violent clashes between the police and anti-establishment protestors.

<sup>7</sup> The video appeared on the Internet and was subsequently screened in the news on Mega TV on 18 April. In addition, the CPT also received further reports of similar incidents of excessive use of force by police officers of the DELTA motorcycle police unit in the area of Exarchia in November 2014 and February 2015.

- ii. A middle aged Greek man, apprehended on the street in Thessaloniki by the “motorcycle brigade” on 3 April 2015, alleged that he was thrown to the ground, kicked and, after being handcuffed, dragged along the street and subjected to kicks to the body and head by an officer wearing heavy duty motorcycle boots. After his apprehension, he was taken to Sindos Police Station and subsequently to Papanikolaou General Hospital for treatment for his injuries. He was returned to Sindos Police Station and held there until 8 April, when he was brought before an investigating judge. The man stated that he told the judge about the ill-treatment inflicted by police officers and the injuries he sustained but reportedly the judge did not believe him despite his lower right leg and foot being heavily bandaged. Further, he was apparently not granted access to a lawyer at the time of this hearing.<sup>8</sup>

When the person in question was examined by the delegation’s forensic medical doctor in Diavata Judicial Prison on 16 April, he still displayed multiple blunt injuries to his lower limbs, as well as a swollen right ankle with reduced and painful movements in the affected joint (see case 3 of Appendix III for a full description). The injuries were consistent with the allegations of ill-treatment.

- iii. The CPT’s delegation also spoke with a foreign national detained at Corinth Pre-departure centre who alleged that he had been subjected to excessive use of force by motorcycle police officers in Patras. He claimed that, on 13 November 2014, he was chased by police officers with six motorbikes, and subsequently assaulted and subjected to truncheon blows to his body and head, including to his nose, around his forehead and to the back of the head. He further alleged that, as a consequence, he was knocked unconscious and had to be hospitalised for 15 days.

Upon examination by one of the delegation’s medical doctors, six months after the incident, the foreign national displayed a 2cm irregular scar on the right parietal area of his skull, in addition to a 1cm scarred indentation of his left forehead. His nasal bones were deviated externally to the right and he complained of right-sided nasal obstruction.<sup>9</sup> On his lower left leg, he had multiple scars, irregular in nature, measuring 20x5cm in the broadest diameter.

17. The CPT recognises that the apprehension of a criminal suspect is often a hazardous task, in particular if the person concerned resists and/or is someone whom the police have good reason to believe may be armed and dangerous. The circumstances of an apprehension may be such that injuries are sustained by the person concerned (and by police officers) without this being the result of any intention to inflict ill-treatment. However, no more force than is strictly necessary is to be used when carrying out an apprehension and, once apprehended persons have been brought under control, there can be no justification for striking or kicking them.

**The CPT recommends that these basic principles be reiterated on a regular basis to police officers and that the perpetrators of any form of physical ill-treatment be prosecuted in accordance with the relevant provisions of the Criminal Code.**

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<sup>8</sup> An examination of the official records at Sindos Police Station confirmed his movements.

<sup>9</sup> This injury could not be explained simply by the fact that he had accidentally been hit by a ball on the nose the day before the CPT’s visit, for which he had again been taken to hospital.



18. On the basis of the numerous allegations received by the CPT's delegation from detained persons interviewed in several establishments, some of which were supported by medical and other evidence, it seems that officers of the DELTA motorcycle police unit have been repeatedly involved in incidents of excessive use of force during and after apprehension of criminal suspects. Persons claimed that they were exposed to physical and/or verbal ill-treatment, although they did not resist their apprehension or had already been brought under control (e.g. lying handcuffed on the ground).

**The CPT recommends that the Greek authorities urgently undertake a full and effective inquiry into the methods used by officers of the DELTA motorcycle police unit when apprehending persons, taking account of the principles set out in paragraphs 26 and 29 below.**

19. Moreover, the CPT's delegation received several consistent allegations of physical ill-treatment in respect of police officers at the Security Departments of Agios Panteleimonas Police Station in Athens and of Demokratias Police Station in Thessaloniki. It also heard several allegations of ill-treatment by security police officers at the GADA (see paragraph 97) and in numerous other police stations across the country. The allegations concerned mainly slaps, punches, truncheon blows and kicks, but also verbal abuse and threats, including of a racist nature. For example:

- i. As regards *Agios Panteleimonas Police Station*, the delegation interviewed three detained foreign nationals in two different locations who alleged that they were repeatedly slapped, punched and kicked by motorcycle police officers<sup>10</sup> in the elevator of the police station after their arrest in early March and early April 2015 respectively. The ill-treatment, including truncheon blows and kicks to the head, allegedly continued for some 20 minutes in the space used for taking fingerprints next to the lavatories at the premises of the Security Police located on the third floor, apparently for the purpose of trying to obtain a confession. Moreover, they all claimed that they were verbally abused, including insults of a racist nature linked to the colour of their skin.<sup>11</sup> None of them has made a complaint about their alleged ill-treatment for fear of retribution.

One of the three men described how, following his apprehension in early March, his face had been covered by a hood. Subsequently, police officers had stepped on his hand with their boots, struck him for several minutes with an iron stick on various parts of his body and banged his head against the plaster wall.<sup>12</sup> When the CPT's delegation visited the police station on 20 April, it found a large round head-shaped indentation in the wall next to the fingerprint corner located at about 1.5m above the floor which was consistent with this allegation.

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<sup>10</sup> Further allegations of ill-treatment by motorcycle police officers inside different police stations were also received by the delegation.

<sup>11</sup> One of the three persons also alleged that he had already been ill-treated for about one hour by the same four police officers from the motorcycle unit at the same place on the third floor of Agios Panteleimonas Police Station in a previous incident in November 2014. In addition to indiscriminate beatings, truncheon blows and kicks, he alleged that he had been doused with water and made to stand in front of a fan in the corridor at winter temperatures, and that he was forced to drink salt water.

<sup>12</sup> He alleged that he had sustained visible injuries. The CPT's delegation was however unable to substantiate these claims, as the time of the alleged ill-treatment pre-dated the delegation's visit by several weeks, and any lesion which might have been caused would almost certainly have healed in the meantime.

Another of the three displayed several injuries when he was met by the delegation: several small dark bruises on his right arm and on his back as well as a pale bluish hematoma measuring 5cm with a scabbed wound of 2cm in diameter on his left leg. He also claimed that he had pain in his ribs, which was pronounced when inhaling or sneezing. Further, he claimed that police officers also repeatedly kicked him with their boots on an open wound that he was about to seek treatment for when arrested. Subsequently, he did not receive any treatment for it, despite repeated requests to be examined by a doctor. The open wound, located on the posterior of the pelvic region, measured about 5cm in diameter and caused him pain.

- ii. As regards *Demokratias Police Station* in Thessaloniki, a remand prisoner from Bulgaria met by the delegation in Diavata Prison claimed that he had been ill-treated by a Security Police officer in a room on the fourth floor of the police station, following his arrest on 8 February 2015. He alleged that he had been verbally abused and forced to turn to the wall and to raise his hands above his head – slightly bent, stretched and pressed against the wall. He then described that he had received several blows with a wooden stick on the lateral aspects of his torso, mainly to the right side. He claimed that, during that time, he was repeatedly pressed to confess to a certain crime that he said he did not commit. He also alleged that he was not medically examined before his transfer to Diavata Prison, from where he was referred to a hospital for examination, two days after his admission on 19 February. The relevant entry in the trauma register of the prison mentions that he complained of having been beaten by a police officer some two weeks before and about pain on the right side of his chest.

Moreover, he was able to describe in detail the location of the office and the exact place where the wooden stick had been kept. When the delegation subsequently went to the police station, it found two wooden bats behind the door in office number 407, as described by the person. One measured approximately 97cm in length and 3cm in diameter, and the other was about 76cm in length and 3cm in diameter and had the inscription “Schengen – ΔΕΘ” in red-coloured letters on it (see Appendix IV). The operational officers present could not provide a convincing explanation of why such non-standard and unlabelled objects should be kept there.

20. In the CPT’s view, there is no legitimate reason for such objects to be kept in rooms used for interviewing suspects. Apart from inviting speculation about improper conduct on the part of police officers, objects of this kind are a potential source of danger to staff and criminal suspects alike. All items seized for the purpose of being used as evidence should always be properly labelled, recorded and kept in a dedicated property store, as indicated by the relevant regulation.

**The CPT recommends that the Greek authorities ensure that the above precepts are implemented.**

21. In sum, from the evidence gathered by the delegation through interviews with detained persons in different police and prison establishments, it appears that infliction of ill-treatment particularly against foreign nationals, including for the purpose of obtaining confessions, continues to be a frequent practice. This indicates the need for increased efforts and determined action by the Greek authorities to tackle the widespread and deep-rooted problem of ill-treatment by the police. Far too often, ill-treatment is considered as being isolated or even justified to the public as a “necessary” means to deal with security threats. This perception needs to change and the CPT urges the authorities to fully acknowledge the extent of the problem of ill-treatment within the ranks of the Hellenic Police, particularly in relation to certain groups such as foreign nationals.

**The CPT reiterates its recommendation that the Greek authorities actively promote a clear and firm message of zero tolerance of ill-treatment of persons deprived of their liberty. Law enforcement officials should be continuously reminded, including from the highest political level and through appropriate training, that any form of ill-treatment of detained persons – including verbal abuse, racist behaviour, threats, and psychological ill-treatment – constitutes a criminal offence and will be prosecuted accordingly.**

22. Moreover, the Committee reiterates the necessity for the competent authorities to promote a fundamentally different approach towards methods of police investigation. It is self-evident that a criminal justice system which places a premium on confession evidence creates incentives for officials involved in the investigation of crime to use physical or psychological coercion. First and foremost, the precise aim of such questioning must be made crystal clear: that aim should be to obtain accurate and reliable information in order to discover the truth about the matter under investigation, not to obtain a confession from somebody already presumed, in the eyes of the interviewing officers, to be guilty.

Such an approach must involve more rigorous recruitment procedures, improved professional training for police officers and the adoption of detailed instructions on the proper questioning of criminal suspects. Specific training on professional interviewing techniques should be regularly provided to police operational officers and investigators. The training should place particular emphasis on an intelligence-led and physical evidence-based approach, thereby reducing reliance on information and confessions obtained during questioning for the purpose of securing convictions.

A system of ongoing monitoring of police interviewing standards and procedures should also be implemented in order to facilitate the investigation of any allegations of ill-treatment. This would require an accurate recording of police interviews which should be conducted with electronic (i.e. audio and/or preferably video) recording equipment. It should also be required that a record be systematically kept of the time at which interviews start and end, of any request made by a detained person during an interview, and of the persons present during each interview.

**The CPT recommends that the Greek authorities act to ensure that police operational officers and investigators carry out their duties in accordance with the relevant provisions of the Criminal Procedure Code. To this end, the Greek authorities should regularly provide professional training for these officials, which should cover appropriate interview and investigation techniques, as well as the prevention of ill-treatment.**

**Further, it recommends that steps should be taken to monitor police interviewing standards and procedures and introduce electronic (i.e. audio and/or video) recording of police interviews.**

23. In the Committee's view, it is essential to promote a police culture where it is regarded as unprofessional to resort to ill-treatment. There must be a clear understanding that culpability for ill-treatment extends beyond the actual perpetrators to anyone who knows, or should know, that ill-treatment is occurring/has occurred and fails to act to prevent or report it. The CPT considers that proper conduct by members of the police vis-à-vis detained persons should be fostered, in particular by doing more to encourage police officers to prevent colleagues from ill-treating detained persons and to report, through appropriate channels, all cases of violence by colleagues. This implies the development of a clear reporting line to a distinct authority outside of the police unit concerned as well as a legal framework for the protection of individuals who disclose information on ill-treatment and other malpractice.

**The CPT recommends that the Greek authorities actively promote a culture change within the ranks of the Hellenic Police and adopt “whistle-blower” protective measures.**

Moreover, **in order to back up any message of zero-tolerance and to reinforce the training, effective investigations into allegations of ill-treatment must be undertaken to demonstrate that criminal acts by the police will be punished and to counter the current culture of impunity that pervades parts of the police force** (see section 3 below).

### **3. Investigations into allegations of ill-treatment**

24. For many years, the CPT has been highlighting fundamental flaws in the system of investigations into allegations of ill-treatment, such as the lack of promptness and expeditiousness in carrying out investigations and the passive role of prosecutorial or judicial authorities as regards starting an investigation into allegations of ill-treatment.<sup>13</sup> The information gathered in the course of the 2015 visit once more indicates that the current system is characterised by systemic failings by the police and judicial authorities to conduct prompt, thorough, independent and impartial investigations, aimed at bringing the perpetrators of ill-treatment to justice.

The existence of effective procedures for examining complaints and other relevant information regarding ill-treatment by the police is an important safeguard against ill-treatment of persons deprived of their liberty. The credibility of the prohibition of torture and other forms of ill-treatment is undermined each time officials responsible for such offences are not held to account for their actions. If the emergence of information indicative of ill-treatment is not followed by a prompt and effective response, those minded to ill-treat persons deprived of their liberty will quickly come to believe – and with very good reasons – that they can do so with impunity.

To avoid any perception of impunity, it is crucial that effective action is taken whenever any information indicative of possible ill-treatment comes to light. In this regard, it is well established through the case-law of the European Court of Human Rights that, whenever a person was injured while in the hands of public officials, there is a strong presumption that the person concerned was ill-treated and the authorities' duty is to provide a satisfactory and convincing explanation of how the injuries were caused, failing which a clear issue arises under Article 3 of the European Convention on Human Rights.

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<sup>13</sup> See the reports on the CPT's 2009, 2011 and 2013 visits: CPT/Inf (2010) 33, paragraphs 22 to 31, CPT/Inf (2012) 1, paragraphs 85 to 90, and CPT/Inf (2014) 26, paragraphs 20-23.

**The CPT recommends that these procedural obligations be strictly observed by police officers, prosecutors and judges and, to this end, it would like to be informed of the steps taken to ensure that this is the case.**

25. Almost none of the detained persons met who alleged ill-treatment had filed a complaint against the police, citing either a fear of retribution or concern that the crime investigators would add more serious charges to their case. Many stated that they had been expressly advised against making a complaint by their lawyers, as this might have a negative impact on their case (i.e. a harsher prison sentence).<sup>14</sup> The CPT's delegation also found evidence in some prosecution files that complainants had been obliged to pay a fee (up to €100) in order to lodge an official complaint about ill-treatment.<sup>15</sup> This practice is unacceptable and should be changed.

Several alleged victims, particularly foreigners, stated that they were either unaware of the possibility to file a complaint or pointed to the lack of legal advice and/or interpretation services. In this respect, the delegation noted that the relevant complaints form (Δ-34 form) was only handed out upon request and not systematically to all detained persons, as required by the instructions issued by the Chief of Staff of the Hellenic Police of 16 October 2013. Further, the lack of confidentiality in the collection and treatment of the complaints form dissuaded persons from making an official complaint.

**The CPT recommends that the Greek authorities take appropriate steps to ensure that all persons deprived of their liberty by the Hellenic Police are effectively informed about their right to make a complaint against the police (see also paragraph 52). Further, the complaints procedure should be reviewed so as to guarantee the confidential treatment of complaints.**

**It goes without saying that detained persons should always be able to make complaints free of charge and, where necessary, that access to interpretation services be provided.**

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<sup>14</sup> At Korydallos Female Remand Prison, the delegation interviewed a woman who alleged that she had been repeatedly slapped, punched and kicked by police officers during questioning on three consecutive days for the purpose of obtaining her confession. When she told her lawyer about the beatings, he advised her not to complain, as she did not show any visible marks from the ill-treatment.

<sup>15</sup> Apparently, a fee of up to €100 was introduced in 2010 in order to discourage "frivolous complaints". The delegation was told by a public prosecutor that the proceeds of this fee (known as a "*megarosimo*") were used to fund the upkeep of public buildings.

26. In those rare cases where a complaint was made or information otherwise emerged to suggest that police officers had resorted to ill-treatment, the CPT's findings indicate that both the administrative and judicial routes to investigate allegations of police ill-treatment are fundamentally flawed. More specifically, the investigations are characterised by a number of serious shortcomings and often do not satisfy basic requirements of effectiveness as reflected in the case law of the European Court of Human Rights<sup>16</sup> and laid down in the 14<sup>th</sup> General Report on the CPT's activities.<sup>17</sup>

27. The administrative procedure to investigate allegations of ill-treatment is normally initiated *ex officio* and carried out by the local police service to which the suspected police officer belongs, according to the applicable law and notably the 2008 Disciplinary Code.<sup>18</sup> Most investigations routinely take place in the first instance as Preliminary Inquiries, following a written complaint and upon the decision of a superior officer of the law enforcement official in question. They are usually carried out either by the superior officer in person or by another senior officer appointed by him.

In those few cases in which a more formalised Sworn Administrative Inquiry (EDE) is conducted, because of clear indications that a serious disciplinary offence may have been committed, the CPT has learned that, in practice, these investigations may still be allocated to a police officer from the same service as the officer suspected of ill-treatment. The current legal provisions limit the mandatory assignment of such an inquiry to police officers belonging to a different service to cases of allegations of "torture and other offences against human dignity" as provided for in Article 137 A of the Criminal Code.<sup>19</sup> Indeed, such an assignment is discretionary for all other disciplinary offences that do not reach this high threshold, including "violent treatment against citizens".<sup>20</sup>

28. Moreover, the provisions of the Disciplinary Code do not require the mandatory suspension from service of police officers who have allegedly resorted to ill-treatment, pending the outcome of administrative or criminal proceedings against them.<sup>21</sup> This should be particularly the case if there is a risk that they might otherwise be in a position to repeat the alleged act or to obstruct the investigation.

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<sup>16</sup> European Court of Human Rights, judgments in the cases of *Bekos-Koutropoulos v. Greece* (13 December 2005), *Petropoulou-Tsakiris v. Greece* (6 December 2007), *Zelilof v. Greece* (24 May 2007), *Galotskin v. Greece* (14 January 2010) and *Zontul v. Greece* (17 January 2012).

<sup>17</sup> See the section on combating impunity in CPT/Inf (2004) 28, paragraphs 31-36. Reference should also be made to Articles 12 and 13 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – which refers to the need to carry out a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed. Further, the 1999 United Nations Manual on Effective Investigations and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ('Istanbul Protocol') *inter alia* states that such type of investigation should be carried out by investigators who shall be independent of the suspected perpetrators and the agency they serve, in addition to being conducted promptly and effectively.

<sup>18</sup> Adopted by Presidential Decree 120/2008 on "Disciplinary law for police staff".

<sup>19</sup> See Articles 10 (1) (c) and 26 and (4) of the Disciplinary Code. The most serious cases with clear signs of evidence of a disciplinary offence are generally assigned to the Internal Affairs Directorate of the Hellenic Police. In the Attica and Thessaloniki regions, such investigations into allegations of police ill-treatment are being carried out by the Sub-Directorates of Administrative Investigations, i.e. special units which are administratively independent from the departments to which the police officer in question belongs. For the other regions, the administrative investigation is assigned to police officers serving for a police directorate of a different region.

<sup>20</sup> See Articles 11 (1) (k) and 26 (2) and (3) of the Disciplinary Code.

<sup>21</sup> See Article 5 (3) of the Disciplinary Code.

**The CPT recommends that the Greek authorities take the necessary steps to ensure that police officers against whom *prima facie* evidence of ill-treatment exists are suspended from carrying out duties, which place them in contact with the public, until the investigation into the alleged ill-treatment is completed.**

Further, the information seen by the CPT's delegation demonstrated clearly that, in practice, a disciplinary sanction is only imposed in very rare cases, following a decision of a disciplinary board, which is composed of police officers.

**The CPT wishes to receive statistics on disciplinary sanctions against police officers as from January 2013, with a breakdown as regards the type of sanction imposed.**

29. For an investigation into possible ill-treatment by law enforcement officials to be effective, the CPT considers it essential that the persons responsible for overseeing and carrying it out are independent from those implicated in the events. Such investigations should preferably be conducted by a body which is entirely independent from the service to which the police officer suspected of ill-treatment belongs. Further, they should also offer guarantees of being thorough, comprehensive, prompt and reasonably expeditious, and transparent. Prosecutorial authorities must therefore exercise close and effective supervision of the operational conduct of an investigation into possible ill-treatment by public officials. They should be provided with clear guidance as to the manner in which they are expected to supervise such investigations.

**The CPT recommends that the legal provisions governing the conduct of administrative investigations of alleged ill-treatment by police officers be amended, in order to ensure that administrative investigations (both Preliminary Inquiries and Sworn Administrative Inquiries) are always carried out by police officers from a different service, and preferably by a fully-fledged independent investigation body.**

30. Previously, the Committee has firmly advocated the creation of a fully-fledged independent investigation body, which has the power to direct that disciplinary proceedings be instigated. However, the trumpeted establishment of an Office for Incidents of Arbitrary Conduct, which has still not started operating four years after its creation, falls short of meeting this requirement. The CPT recommended that the Greek authorities review the mandate and *modus operandi* of the Office, in order to ensure its institutional independence and to strengthen its investigative and oversight capabilities. In particular, the Committee expressed its strong reservations with regard to the Office's restricted mandate, its limited powers to carry out its own investigations and its inadequate role in monitoring the quality of the investigations into complaints.<sup>22</sup>

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<sup>22</sup> See CPT/Inf (2014) 26, paragraphs 22-23.

The CPT takes note of the recent amendments that were introduced to the provisions governing the functioning of the Office for Incidents of Arbitrary Conduct. The new provisions have extended the competence of the Office,<sup>23</sup> widened the scope of eligible persons and allow the participation of a representative of the Ombudsman in the meetings of the Committee, with the possibility to submit proposals or give an opinion. These modest improvements do not, however, bring the Office closer towards meeting the basic requirements, outlined above.

**The CPT reiterates its recommendation for the creation of a fully independent police complaints body, which is adequately resourced and would lead to allegations of police ill-treatment being investigated effectively.**

31. The instigation of a criminal procedure is normally ordered by the public prosecutor at the police investigator's request or *ex officio* and may be carried out in parallel with the administrative procedure. Further, the file must be referred to the public prosecutor, if the administrative investigation concludes that the police officer suspected of ill-treatment has committed a criminal offence.<sup>24</sup> If the prosecutor finds that there is sufficient evidence, he/she can order a Summary Investigation, which is conducted under his/her supervision by a magistrate or a police officer.<sup>25</sup> Alternatively, the prosecutor can order an ordinary investigation, which is conducted by an investigative judge.

However, the existence of a suitable legal framework for criminal investigations is not of itself sufficient to guarantee that appropriate action will be taken in respect of cases of possible ill-treatment by the police. Due attention must also be given to sensitising the relevant authorities to the important obligations which are incumbent on them.

32. At the end of the April 2013 visit to Greece, the CPT's delegation requested that the Greek authorities "undertake a comprehensive inquiry into the methods used by officers of the Security Departments at Kypseli and Omonia Police Stations in Athens and at the Monasteriou Police Headquarters in Thessaloniki, when detaining and interviewing criminal suspects". In response, the Greek authorities informed the Committee that the Attiki and Thessaloniki Directorates of Police had been ordered to investigate the matter in depth by means of a Sworn Administrative Inquiry (EDE). However, in the course of the 2015 visit, the CPT's delegation discovered that no concrete steps had been taken to investigate the very serious allegations of ill-treatment set out in the Committee's 2013 report.

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<sup>23</sup> The office now can also receive complaints against law enforcement officials concerning unlawful conduct with racist or discriminatory motives and other insulting conduct against the personality of a person. Consequently, non-Greek citizens are also included in the scope of the Office' mandate.

<sup>24</sup> According to statistics provided by the Internal Affairs Directorate, from the 142 complaints about ill-treatment during arrest and/or detention by the police between January 2009 and October 2013, only 30 were handed over to the competent prosecutors for prosecution against the police, while the Internal Affairs Directorate was ordered to carry out further investigations into 55 cases.

<sup>25</sup> Circular No 1165 of 23 March 2010 by the Public Prosecutor to the Supreme Court ordered that all complaints of police ill-treatment be forwarded to the competent prosecutor in order to be investigated by the appropriate body. Further it was stated that the investigations should not be carried out by a police officer serving in the same police station as the alleged perpetrators of the ill-treatment. Summary Investigations can thus also be assigned to the Internal Affairs Directorate or the Sub-Directorates of Administrative Investigations.



Instead, it emerged from an examination of the specific file (reference B13/2184) provided to the delegation that the Athens Public Prosecutor had asked the Internal Affairs Directorate of the Hellenic Police (IAD) to:

“Please conduct a preliminary investigation informing us as to whether you or other services are aware of relevant complaints regarding ill-treatment of detainees at Police Stations or Security Police Stations and, more specifically, at Kypseli and Omonia stations”.

Asking the question in this form enabled the police services to which the Prosecutor’s request was addressed to respond simply that the allegations raised by the CPT had not been the subject of pre-existing complaints of which they were aware.

33. Nonetheless, in its response to the Public Prosecutor’s request, the IAD submitted a 10-page letter to the Public Prosecutor (dated 16 April 2014, reference number 3021/8/1234-n), reminding the Prosecutor of another 34 cases in which similar allegations of serious ill-treatment had been investigated by the IAD and that the investigative files had been returned to the Prosecutor for further action.

In the light of the above information, the delegation decided to further examine the nature and quality of the action taken by the Public Prosecutor in relation to the 34 cases of alleged ill-treatment of which it had been reminded by the IAD.

34. By way of example, reference might be made to case number 4 of 34 (reference number Δ 2013/1995), concerning allegations of assault by police officers on a group of people being transferred from the Amygdaleza Pre-departure Centre to Athens Airport on 27 June 2013. The persons concerned stated that they were held at the airport for around two hours, after which they were returned to another immigration holding centre (“Hellenikon”).

The Public Prosecutor’s file records that the persons concerned alleged that they had suffered “torture and inhuman treatment by police officers” and that they had been “beaten with punches and kicks, very forcefully”. Two of the group claimed that an “electric shock device” had been used on them, and that their religion had been insulted by police officers.<sup>26</sup> When shown photographs, they identified four named police officers whom they alleged were involved in their ill-treatment.

The file contains highly-specific allegations against the police officers that the deportees had identified from official photographs. For example:

DA stated: “Two policemen beat me with kicks and punches. After a while another policeman arrived and hit me with an electric device, including on the genitals. There was blood running from my lips and I was hit on the same eye on which I had received a blow when leaving the Amygdaleza Centre.”

HW stated: “We were beaten for about one and a half hours; I had blood coming out of my mouth.”

WI stated: “My long hair was pulled, and a bunch of my hair was pulled out. He hit me, my nose was broken and I was told to pour water on it. My shirt was full of blood.”

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<sup>26</sup> Phrases such as “you Muslims should fuck off; you and your stupid Ramadan” were used.

35. On 5 July 2013, the Public Prosecutor requested that the Athens Forensic Medical Service carry out a forensic medical examination, which took place on 8 July 2013. It records that the persons concerned had “no obvious macroscopic injuries”, although one of them reported pain in the upper and lower chest. The file also contains the report of a second, more thorough, forensic medical examination of two of the detainees, which records the following findings:

HW: “Round shaped scratches, healing and reddish; left arm painful; this is a bodily injury for which we cannot determine the cause because of the lapse of time”.

WI: “Irregularly shaped bruise, undergoing reabsorption on the right side of upper third of his right arm. Headache, left eye pain, nose pain and pain in the right arm and right side of the chest. Suggest x-ray of the nose”.

36. The Prosecutor, GK, recalls in his decision that, “under article 47(1) and 47(2) of the Criminal Procedure Code, a prosecutor shall examine complaints but if they are manifestly unfounded, may reject them with summary reasoning. If the prosecutor considers that there may have been activity under article 243 or if the prosecutor so decides, a criminal investigation may be ordered”.

In his decision, GK finds that the persons concerned were “detained and to be deported. In an effort to avoid deportation, they refused to leave and they were taken to a waiting area. They asked to see a forensic doctor and were taken to a doctor, who found that “only one of them had a scratch which was healing on the lower third part of the left arm”. However, no reference is made to the findings of the second forensic medical examination and, instead, GK concludes that the “findings of the forensic medical examination reflected the untrue claims of the accused that they were tortured and suffered heavily bodily injuries”.

Consequently, he exercises his discretion under article 47(1) and (2) of the Criminal Procedure Code to summarily dismiss their complaints and to close the file. There is no evidence that any further action has been taken against the police officers implicated in their alleged ill treatment.

37. Having regard to the procedural obligations to prevent ill-treatment incumbent upon Greece under Article 3 of the European Convention on Human Rights,<sup>27</sup> it is self-evident that the actions of the Public Prosecutor GK to investigate the serious allegations of torture and severe ill-treatment made by detainees DA, HW and WI against four named police officers are manifestly insufficient.

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According to the Court, the investigation into serious allegations of ill-treatment must be both prompt and thorough. That means that the authorities must always make a serious attempt to find out what happened and should not rely on hasty or ill-founded conclusions to close their investigation or to use as the basis of their decisions (see *Assenov and Others v. Bulgaria*, 28 October 1998, and *Bati and Others v. Turkey*, 3 June 2004). They must take all reasonable steps available to them to secure the evidence concerning the incident, including, inter alia, eyewitness testimony and forensic evidence (see *Tanrikulu v. Turkey* [GC], 8 July 1999, and *Gül v. Turkey*, 14 December 2000). Any deficiency in the investigation which undermines its ability to establish the cause of injuries or the identity of the persons responsible will risk falling foul of this standard (see *Boicenco v. Moldova*, 11 July 2006).

38. Similarly, in a second case, which concerns allegations of excessive use of force during apprehension and ill-treatment during police custody,<sup>28</sup> the competent prosecutor concluded that there was no evidence to substantiate the complaint. However, the delegation found out that the case file contained a DVD with CCTV footage from the moment of apprehension, which clearly shows the complainant being struck by a pistol-wielding police officer in a shop. Subsequently, the film shows that this officer grabbed and pulled the only witness across the cash-counter, while making threatening gestures at him with his other hand. Not surprisingly, the witness, when making a declaration on the incident, stated that he saw nothing. In addition, the forensic medical report concluded that the described injuries “were caused by a blunt instrument”. Both pieces of evidence were clearly not taken into account by the prosecutor, nor did he even interview the witness or the police officers involved in the incident. It should be standard practice to interview all persons with a link to such an event, even more so when there are clear contradictions between the graphic video evidence and the statements made by the alleged perpetrators and witness.

39. The CPT considers that the manner in which the two above-cited cases were investigated raises serious concerns about the commitment of the Greek authorities to combat impunity within the Hellenic Police. Further, it begs the question as to the manner in which the other 32 cases forwarded to the Prosecutor’s Office by the Internal Affairs Directorate have been investigated. To this end, it is incumbent upon the Greek authorities to demonstrate that cases which involve allegations of serious ill-treatment are effectively investigated, as has been made clear in the case-law of the European Court of Human Rights.<sup>29</sup>

**The CPT recommends that the competent supervisory prosecutorial authorities review the two above-mentioned cases, in the light of the above remarks.**

**Further, the Committee would like to be provided with detailed information on the outcome of the investigations into the remaining 32 cases forwarded by the Internal Affairs Directorate to the Prosecutor’s Office.**

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<sup>28</sup> According to the prosecutor’s final report of 20 January 2014 (reference number A12/2116) the person stated that, when he was taken to the 6<sup>th</sup> floor of the GADA, he was again beaten and forced to take off his trousers and boxer shorts. Thereafter, a stick was inserted between his legs and he was the subject of ridicule by police officers. He was also forced to sign documents without having had the possibility to read them and without having been informed of his rights.

<sup>29</sup> See, for example, *Zontul v. Greece* (17 January 2012), paragraphs 94-98.

40. The concerns from the two examples cited above were substantiated by frequent corresponding allegations from detained persons. In a number of cases, detained persons who alleged ill-treatment by the police during questioning claimed that, although they had clearly visible injuries when being presented before the prosecutor or investigating judge, the latter did not ask them about the origin of these injuries.<sup>30</sup> Other persons alleged that they complained orally to the prosecutor about police ill-treatment, but that the latter did not feel concerned or referred them to the subsequent hearing with the investigative judge. This practice disregards the order issued by the Public Prosecutor of the Supreme Court on 4 June 2008, according to which prosecutors receiving an allegation of ill-treatment are under an obligation to initiate a criminal investigation, including ordering a medical examination by a forensic doctor.

Further, the delegation also received information, according to which judges tended to summarily dismiss any allegations of ill-treatment without examining the substance of the claims.

41. It is self-evident that prosecutors and judges should take resolute action whenever there are indications that ill-treatment by the police may have occurred. In this regard, whenever criminal suspects brought before prosecutorial or judicial authorities allege ill-treatment, those allegations should be recorded in writing, a forensic medical examination should be immediately ordered, and the necessary steps taken to ensure that the allegations are properly investigated. Such an approach should be followed whether or not the person concerned bears visible external injuries.

Further, even in the absence of an express allegation of ill-treatment, the prosecutor/judge should adopt a proactive approach; for example, whenever there are other grounds to believe that a person brought before him or her could have been the victim of ill-treatment, a forensic medical examination should be requested. Similarly, they must conduct the proceedings in such a way that the persons concerned have a real opportunity to make a statement about the manner in which they have been treated.

**The CPT recommends that prosecutors and judges be reminded firmly, through the appropriate channels, that they should act in accordance with the above-mentioned principles. Whenever a detained person alleges ill-treatment, a forensic medical examination should be immediately ordered and the necessary steps taken to ensure that the allegations are promptly and properly investigated.**

42. In the CPT's view, the accurate and timely documenting and reporting of forensic medical evidence will often be crucial for the effectiveness of investigations into allegations of ill-treatment, which in turn will act as a strong deterrent against the commission of ill-treatment in future. From the information gathered during the visit, it is clear that forensic medical examinations of persons who alleged ill-treatment were generally not sought or carried out. In those rare cases where such an examination was done, it was often performed without sufficient promptness and was of poor quality.

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<sup>30</sup> For example, one of the three foreigners who complained about ill-treatment by police officers at Agios Panteleimonas Police Station (see paragraph 19) also claimed that he had visible swellings on his face resulting from his alleged ill-treatment, but that neither the prosecutor nor the investigative judge took any action. Similarly, a remand prisoner interviewed in Korydallos Men's Judicial Prison alleged that he had been punched to his left eye by an officer of the security police, which caused an apparent bruise. Although he did orally complain to the prosecutor about the incident and showed him his visible injury in the left orbital region – an injury that was not present when he first saw the prosecutor earlier – he did not take any action.

**The CPT recommends that the Greek authorities ensure that in all cases where there are grounds to believe that a detained person may have been ill-treated, that the injuries are properly examined and recorded, preferably by a doctor with appropriate forensic training. Such an assessment should be both requested and carried out promptly.**

43. The CPT has also stated that, no matter how effective an investigation may be, it will be of little avail if the sanctions imposed for ill-treatment are inadequate. When there is an identified case of ill-treatment, criminal proceedings should be initiated immediately, followed by the imposition of a suitable penalty. This will have a very strong dissuasive effect. Of course, judicial authorities are independent, and hence free to fix, within the parameters set by law, the sentence in any given case. However, via those parameters, the intent of the legislator must be clear: that the criminal justice system should adopt a firm attitude with regard to torture and other forms of ill-treatment. Similarly, sanctions imposed following the determination of disciplinary culpability should commensurate to the gravity of the case.<sup>31</sup>

According to information provided by the Internal Affairs Directorate in May 2015, from the more than 140 cases investigated during the period between 2009 and 2013, 30 were handed over to prosecutors. Only in eight cases, police officers have been criminally prosecuted under the torture provision of the Criminal Code (Article 137 A); four police officers were acquitted and the remaining four cases were still pending.

One of the reasons for the lack of convictions resides in the current definition of the torture provision, which is not in line with international standards.<sup>32</sup> In particular, Article 137 A of the Criminal Code contains the term “systematic”, which implies the exclusion of single or more sporadic acts of torture. In practice, prosecutors are extremely reluctant to institute criminal proceedings under the torture provision.

**The CPT recommends that the Greek authorities bring the definition of torture provided in Article 137 A of the Criminal Code in line with international standards.**

44. The Greek authorities should be irreproachable as regards their commitment to combat impunity. When law enforcement officials who order, authorise, condone or perpetrate ill-treatment are brought to justice for their acts or omissions, an unequivocal message is delivered that such conduct will not be tolerated. Apart from its considerable deterrent value, this clear message of zero tolerance will reassure the general public that no one is above the law, not even those responsible for upholding it. This is certainly in the interest of the Hellenic Police and will underpin the action being taken at all other levels.

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<sup>31</sup> See also UN Committee against Torture (CAT), Concluding observations of the Committee against Torture: Greece, 27 June 2012, paragraph 10. The Committee raised concern regarding the limited number of cases concerning allegations of torture and ill-treatment by law enforcement officials that have been prosecuted, the low number of final convictions and the lack of sanctions in cases with convictions.

<sup>32</sup> In particular, this definition differs from the definition provided in Article 1 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

**The CPT recommends that the Greek authorities put in place a comprehensive strategy to combat ill-treatment by the police, which addresses the fundamental flaws in the current system of administrative and criminal investigations into allegations of ill-treatment, in the light of the previous paragraphs.**

**To this end, the CPT would like to receive an initial response within three months on the steps planned to address this matter and a further response within six months on the concrete action taken.**

#### **4. Safeguards against ill-treatment**

45. Once again, the CPT has to reiterate the findings from its previous visits: formal safeguards against ill-treatment (including the rights of notification of custody, access to a lawyer and access to a doctor) do not for the most part apply in practice from the very outset of a person's deprivation of liberty and more generally remain ineffective, despite the existence of clear rules.<sup>33</sup>

46. As regards notification of custody, the CPT's delegation received many complaints from persons who were – or had recently been – in police custody, according to which they had not been able to notify promptly their next-of-kin of their detention. A number of persons alleged that, in practice, they were only allowed to inform a relative or another third party of their situation after a first round of police interviews – several hours after having been arrested. Several detained persons claimed that they had not been able to contact anyone during the first 24 hours of their detention or even longer; some because they were prevented by police officers from making a call and others due to the fact that they were unable to purchase a phone card.

**The CPT once again calls upon the Greek authorities to take the necessary steps to ensure that every detained person is granted the right to notify a close relative or third party of their choice of their situation and placed in a position to effectively exercise this right as from the very outset of their deprivation of liberty.**

47. As for the right of access to a lawyer, no progress has been observed since the CPT's 2013 visit. Despite the fact that the presence of a lawyer is institutionalised in most stages of the criminal and administrative proceedings – the notable exception being the lawyer's presence during the interview of their clients (see below) – this right generally remains “theoretical and illusory” for those who do not have the financial means to pay for the services of a lawyer.

The majority of persons interviewed by the CPT's delegation claimed that they did not benefit from the presence of a lawyer during the initial period of their deprivation of liberty – and particularly prior to or during questioning by security police officers – when the risk of intimidation and physical ill-treatment is greatest. This is mainly due to the fact that legal aid is not available at the stage of police investigation or when criminal suspects are questioned by the police. Theoretically, they have the right to consult with a lawyer prior to and during interrogation by the police but, in practice, the unavailability of legal aid at this stage means that this right is ineffective for most people.

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<sup>33</sup> See CPT/Inf (2014) 27, paragraphs 27-32.

In the Committee's view, ensuring the right of access to a lawyer in all circumstances is also in the legitimate interest of law enforcement officials. The existence of that possibility will greatly facilitate the countering of unfounded allegations of ill-treatment and have a dissuasive effect on those minded to ill-treat detained persons.

Moreover, some detained persons alleged that they only met their lawyer during the hearing before the investigative judge, when bail or remand in custody was determined. Several detained persons who were provided with an *ex officio* lawyer complained about the poor quality of their work. The Committee understands that often lawyers are only appointed and informed on the day of the hearing and, in some cases, the delegation was told that *ex officio* lawyers explicitly advised their clients not to make complaints about their alleged ill-treatment or failed to bring the attention of the relevant authorities to the alleged ill-treatment (see paragraph 25).

**In the light of the above, the CPT once again calls upon the Greek authorities to take immediate and effective steps to ensure that the right of access to a lawyer applies for any detained person as from the very outset of deprivation of liberty by the police. This will require the extension of the existing legal aid system to the police investigation stage or when the suspect is questioned by the police, irrespective of whether the person concerned has formally been declared "accused". If necessary, the relevant legislation should be amended.**

**The Committee also recommends that *ex officio* lawyers be reminded, through the Bar Associations, of the importance of their role in preventing and, if necessary, reporting ill-treatment by the police.**

48. In addition, the CPT has serious concerns as regards the respect of confidentiality in the lawyer-client relationship. Few of the police establishments visited offered dedicated facilities to allow detained persons to consult their lawyers; and in those that did, there was scant regard for privacy. For instance, the room on the ground floor of Kypseli Police Station that serves for consultations between criminal suspects and their lawyers had a Perspex screen, through which the conversation was plainly audible.

Detained persons and their lawyers were even more compromised by the set up in the "lawyers' consultation room" in the Sub-directorate for Crimes against Life and Property situated on the 11<sup>th</sup> floor of the GADA, where the CPT's delegation found a concealed video camera, which was linked to audio-visual recording equipment in the office of the Deputy Director of the Homicide and Kidnapping Unit.<sup>34</sup> It goes without saying that this is a serious violation of basic safeguards provided for in Greek criminal procedural law.

The right of access to a lawyer must include the right to meet him/her in private. Any consultation with a lawyer by a person in police custody should take place out of the sight and hearing of police officers. It should certainly never be secretly monitored and recorded by investigating police officers. Over and above to the risk that a person's fair trial rights will be irretrievably prejudiced by this illicit police activity, a detained person may well not feel free to disclose the manner in which he/she was or is being treated.

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<sup>34</sup> The camera was hidden in the speaker grill of the lawyer's room. The camera was connected to a power adapter and a cable, which reappeared in the Deputy Director's office that was located several offices down the corridor from the consultation room. There, it was connected to a fully functional TV, audio and recording set. When asked by the delegation to explain this extraordinary state of affairs, the Deputy Director stated the following: "When lawyers are in private with detained persons they have to be in a monitored area."

Consequently, **the CPT recommends that the Greek authorities take the necessary steps to ensure that persons detained by the police are able to talk to a lawyer in private. Further, an investigation into the secret monitoring carried out by the Homicide and Kidnapping Unit should be conducted. The Committee would also like to receive confirmation that the audio-visual equipment has been removed from the “lawyers’ consultation room” on the 11<sup>th</sup> floor of Alexander Street Police Headquarters in Athens.**

49. As was the case during previous visits, the right of access to a doctor remains ineffective in practice for most persons deprived of their liberty by the police, with whom the CPT’s delegation met. Only in the case of a medical emergency was a detained person transferred to the closest hospital, subject to transport arrangements. Several detained persons – notably those who alleged ill-treatment by the police – claimed that they did not receive the necessary medical treatment while in police custody (see paragraph 19).

For example, a remand prisoner interviewed in Korydallos Men’s Judicial Prison alleged that he had been ill-treated during his apprehension and transfer to a police station. He claimed that, after having been transferred to another police station, he was visibly in a serious medical condition, vomiting and shaking. It took three days during which he presented the same symptoms for him to be taken to a hospital for a first examination.<sup>35</sup> This is not acceptable. Requests to see a doctor must be promptly met; law enforcement officials should not seek to filter such requests.

In addition, the majority of detained persons who claimed that they had health issues highlighted that they did not receive the medication which they required (other than paracetamol). As a rule, medication should be provided free of charge to detained persons who do not have the necessary means to pay for it themselves.

**The CPT again calls on the Greek authorities to ensure that the above-mentioned requirements as regards access to a doctor are met in practice.**

50. The Committee is also concerned as regards the respect of medical confidentiality for persons detained by the police. The CPT’s delegation received a number of allegations indicating that police officers were present during all external examinations in public hospitals. It therefore seems necessary to reiterate the CPT’s long-standing position that all medical examinations of persons in police custody should be conducted out of the hearing and, unless the doctor concerned requests otherwise in a specific case, out of the sight of police officers. Further, under no circumstances should a copy of the medical report be given to the law enforcement officials accompanying the detained person as frequently happened, according to reports received by the delegation.

When visiting Monasteriou General Police Headquarters in Thessaloniki, the delegation found that medical records and prescriptions were kept by police officers who were also regularly distributing medication to detained persons. This is not an acceptable state of affairs.

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<sup>35</sup> His entry in the trauma register of the prison mentions that he had “open wounds on both knees inflicted by police officers”. When examined by the delegation’s forensic medical doctor, he displayed several scars on the anterior aspect of the left knee and left lower leg, ranging from 1.5x1cm to 3.5x2cm in diameter, and another scar on the anterior aspect of the right knee measuring 0.5x1cm, which were consistent with his allegations.



In the CPT's view, information concerning detained persons' health should be kept in a manner which ensures respect for medical confidentiality. Ideally, health-care staff may inform custodial officers on a need-to-know basis about the state of health of a detained person; however, the information provided should be limited to that necessary to prevent a serious risk for the detained person or other persons, unless the detained person consents to additional information being given. Further, non-medical staff should not be involved in the distribution of medication.

**The CPT recommends that the Greek authorities ensure that the principle of medical confidentiality is strictly respected, in the light of the above remarks. If necessary, the relevant legislation should be amended and/or instructions to police officers reviewed.**

51. The Committee has previously advocated that the Greek authorities establish a system of regular visits by doctors and/or nurses reporting to a doctor to police stations to screen new arrivals and adequately deal with potential medical problems (including contagious diseases). In the light of the 2015 findings, the CPT reiterates the need to put in place such a system, in order to ensure that detained persons are allowed to access promptly a health-care professional and that medical confidentiality is respected during police custody. The establishment of such a scheme will serve the interests of both the individual and public health protection.

**The CPT recommends that the Greek authorities review the provision of health care in police stations and consider establishing a system of regular visits by doctors and/or nurses reporting to a doctor.**

52. As for information on rights, a two-page information leaflet (Δ-33 form) detailing the rights of detained persons was available in various languages in most police stations visited. The CPT's delegation noted that, in addition to detained persons' rights of access to a lawyer and notification of custody, the updated document now also refers to the right to request an examination by a doctor provided by the police, but also by a doctor of the detained person's own choice at his/her own expense.<sup>36</sup> It further mentions the possibility to refer any complaints to a superior police officer. This is positive. A copy of the leaflet was usually attached to the wall in the corridor outside the detention space, in the majority of police stations.

However, the CPT's delegation met again a number of detained persons who alleged that they had not been informed of their rights or that they were unable to understand the information provided. Several foreign nationals claimed that they had signed documents in the Greek language without knowing their content. None of these persons had a copy of the information leaflet at hand.

**The CPT reiterates its recommendation that the Greek authorities make additional efforts to ensure that all persons taken into police custody are systematically and without delay informed of all their rights. They should always be given a copy of the information leaflet.**

**Further, effective steps should be taken to ensure that detained foreign nationals who do not understand this information are promptly provided with the services of an interpreter and are not requested to sign any statements or other documents without such assistance.**

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<sup>36</sup> In addition, it mentions that the police authority assists in providing medical help through a state health institution.

53. The custody records consulted by the CPT's delegation in the different police stations visited in the course of the 2015 visit were often poorly kept, with numerous errors, corrections or omissions (e.g. missing entries for arrival or times of transfer or release, etc.). The CPT was informed of the Greek authorities' plans to introduce electronic records of detained persons in police custody, and **would like to be informed of the timeline for their introduction.**

In the meantime, **the Committee recommends that the Greek authorities take effective steps to ensure that custody registers are properly maintained, accurately record the times of actual apprehension, admission, placement in a cell, release or transfer, and reflect all other aspects of custody (precise location where a detained person is being held; visits by a lawyer, relative, or consular officer; taking out of cell for questioning; any incidents related to a detained person, etc.).**

54. When the delegation visited the holding cells on the 11<sup>th</sup> and 12<sup>th</sup> floors of the GADA (see paragraph 57), it was told that neither of the detention facilities were used and that, consequently, neither department possessed custody records. It was also informed that custody records would only contain the data concerning persons who had physically been placed in the central detention area on the seventh floor of the building; on the contrary, no record was kept of criminal suspects who were brought to one of the departments within the GADA for interview (but not placed in a cell). The only information on the time that a person spent under the authority of investigators from the Security Departments would be recorded in the person's criminal file that was exclusively in the hands of the relevant prosecutor.

The placement of a detained person in a specific cell should always be clearly recorded even if the person concerned has already been registered as a detained person elsewhere in the same police establishment. In addition to facilitating control over the observance of the legal provisions concerning police custody, such a recording can protect police officers by countering false allegations made against them.

**The CPT recommends that the Greek authorities take the necessary measures to ensure that, whenever a person is present in a police establishment for investigative purposes (including for interviews), their presence is always duly recorded. It goes without saying that the placement of any person in a cell should always be duly recorded.**

## **5. Conditions of detention**

55. In the past, the CPT has strongly criticised the conditions of detention observed in many police stations, and particularly in the Attica region. It has repeatedly stressed that the detention facilities in most of the police stations visited were totally unsuitable for holding detained persons for periods of longer than 24 hours. The situation was exacerbated as police stations were used to detain irregular migrants and persons on remand or even sentenced prisoners for months on end, resulting in conditions that could easily be considered as amounting to inhuman and degrading treatment.

56. The recent policy change which aimed at no longer holding migrants in an irregular situation in police stations and efforts to no longer systematically keep persons on remand for prolonged periods in police custody have significantly alleviated the situation. By way of example, at the time of the visit, the delegation found 27 detained persons in the 20 cells (not all of which were being used) at Monasteriou General Police Headquarters in Thessaloniki, compared with 81 that were crammed into that detention facility in 2013. The CPT's delegation was also informed that police officers had received instructions from the Chief of the Hellenic Police, stating that overcrowding in the detention facilities of police stations should be avoided.

The CPT's delegation therefore no longer observed severe overcrowding in the police stations visited. Consequently, some cells in several police stations visited by the delegation were not fully occupied or even not occupied at all. This is a positive and encouraging trend. Most persons deprived of their liberty by the police spent several days or weeks in police custody – nevertheless, some people continued to be held for periods of up to two months.

**The CPT recommends that the Greek authorities ensure that police stations are only used for holding criminal suspects for short periods (i.e. no longer than a few days) in police stations and that they pursue their policy to prevent overcrowding and to avoid, as far as possible, holding irregular migrants in police stations.**

57. The delegation also noted positively that the conditions in the main detention facility on the 7<sup>th</sup> floor of *Alexander Street Police Headquarters* in Athens had significantly improved compared to the previous visit.<sup>37</sup> The entire area had been refurbished; both wings and the sanitation facilities had been modernised and fixed, and the electric installations, air conditioning and heating system had also been repaired. Given that only 24 persons were held in the detention area on the day of the visit, conditions were generally acceptable. Most of the mattresses and blankets were clean and the detained persons did not complain about the conditions.

However, the detention areas on the 11<sup>th</sup> and 12<sup>th</sup> floors were totally unsuitable for holding detained persons for periods of longer than a few hours.<sup>38</sup> The detention facility on the 11<sup>th</sup> floor contained five cells, three of which were operational (the other two being used to store evidence), while that on the 12<sup>th</sup> floor contained 10 cells, four of which had cell numbers and were ready for use (the other cells were used to store evidence and old files, etc.).

All cells were of a similar shape, measuring around 3.5m<sup>2</sup> each with a solid metal door. The cells were almost entirely dark, as they had no access to natural light and artificial light could only be switched on from outside the cells. Each of the operational cells contained nothing but a mattress; in two cells the delegation found a grubby blanket. Both detention areas had a separate sanitary facility, each with a toilet, shower and basin, which were in a filthy state. It was evident that both facilities had been recently used, although this was denied by the officials.

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<sup>37</sup> See CPT/Inf (2014) 27, paragraph 38.

<sup>38</sup> The detention facility on the 11<sup>th</sup> floor is under the authority of the Sub-directorate for Crimes against Life and Property and the one on the 12<sup>th</sup> floor is run by the Directorate for Special Crimes of Violence (so-called "Anti-terrorist Department"). On both floors, the entry of the detention area was concealed by normal office doors.

The Committee considers that the present system of having several operational departments within a police establishment, each with its own detention facility, should be discarded. Such a change would prove beneficial from the standpoint of the prevention of ill-treatment, as a central detention facility staffed by trained custodial officers provides better safeguards. This applies not only to the GADA, which possesses a central detention facility for adults on the 7<sup>th</sup> floor, but also to other establishments such as Agios Panteleimonas and Kypseli Police Stations.

In the light of the above remarks, **the CPT recommends that the cells on the 11<sup>th</sup> and 12<sup>th</sup> floors of Alexander Street Police Headquarters in Athens be permanently taken out of service.**

58. The material conditions in the detention areas of most other police stations visited had not improved since the previous visit in 2013.<sup>39</sup> Conditions can generally be characterised as poor due to a manifest lack of hygiene and maintenance. The cells themselves were generally filthy, with dirty and worn mattresses and blankets. Detained persons were usually not provided with hygiene or cleaning products. Moreover, there was no access to outdoor exercise or other occupational activities in any of the police stations visited, despite the fact that persons could be held there for several days or even weeks. As regards food, detained persons were either provided with food from the police canteen or a caterer visited twice a day, or a daily allowance of 5.87 euros was given to detained persons with which to order food. The Committee had already made it clear that the latter system is inadequate.

At *Kypseli Police Station*, the 12m<sup>2</sup> holding room next to the duty office on the first floor was no longer used for detention purposes.<sup>40</sup> However, the two small holding rooms of the Security Department on the third floor were still used to detain more than one person for periods of several days, despite the fact that they are entirely inadequate for this purpose. When the delegation visited the police station, two men had been held for four days in the filthy and unfurnished room, which measured some 7m<sup>2</sup>. They slept on one mattress on the floor and reported that access to the toilet was problematic and that, at times, they had to urinate in a bottle. A woman, who had been kept for one night in the adjacent ante-room, claimed that she had to sleep while balancing between two swivel chairs. The delegation established that, some 17 hours after being placed in this room, she had not been provided with any food.

Similarly, at *Agios Panteleimonas Police Station*, the material conditions in the holding cell adjacent to the duty office of the Security Department on the third floor were totally inadequate to detain persons. The cell was entirely dark, very dirty and infested with cockroaches. The cell measuring some 13m<sup>2</sup> possessed one concrete plinth and several iron benches, but no mattresses or blankets. At the time of the visit, only one person was detained in the cell, but the delegation heard several allegations from detained persons interviewed in different establishments, according to which they had been held together with up to seven other persons for several days (up to four) in this holding cell.<sup>41</sup>

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<sup>39</sup> See CPT/Inf (2014) 27, paragraphs 36-38 and 41, notably in respect of *Agios Panteleimonas, Kypseli and Omonia Police Stations*.

<sup>40</sup> At the time of the 2013 visit, it was being used to hold up to eight persons for periods lasting between several days and one month.

<sup>41</sup> From the registers, it was not possible to determine in which cell of the police station a particular person was detained overnight.

**The CPT reiterates that the Greek authorities stop detaining people for more than a few hours in the two rooms on the third floor of Kypseli Police Station. Further, the holding cell on the third floor of Agios Panteleimonas Police Station should not be used until such time as it has been renovated, including the provision of lighting.**

59. Similarly, the material conditions in the police stations that the CPT's delegation visited outside the regions of Attica were generally very poor. For example:

- i. At *Monasteriou General Police Headquarters* in Thessaloniki, the 20 cells and the sanitary areas of the detention facility on the third floor were not cleaned on a regular basis. Detained persons complained about the lack of natural light and ventilation in the cells and that they were not provided with hygiene and cleaning products. The blankets were dusty and dirty. Remand prisoners continued to be held there for up to two months, without any access to outdoor exercise. Equally, the four cells and the sanitary facilities in the detention area on the first floor at *Demokratias Police Station* were not clean, were insufficiently ventilated and lacked appropriate access to natural light and adequate artificial lighting. The two small cells in the detention area on the basement of *Sindos Police Station* were dirty and the semi-partitioned sanitation cells were in a dilapidated state.
- ii. The detention facility at *Heraklion Regional Police Headquarters* on Crete consisted of one large cell for 10 persons and seven cells, each of which had an official capacity of six persons. In addition, there was a separate detention area for women, which had two cells for up to four persons each, and another one for juveniles, also with two cells that could hold up to four persons each. At the time of the visit, the detention facility was holding five criminal suspects and 27 irregular migrants, of whom two had been held for more than 50 days. The cells were generally filthy; many mattresses were torn and blankets dirty. Detained persons were neither provided hygiene products nor granted access to outdoor exercise, even though there was a designated outdoor exercise area which had a football pitch surrounded by a fence with direct access to the detention area.
- iii. *Tripoli Police Station* had four cells and, on the day of the visit, was holding 14 foreign nationals and two Greeks. The cells were artificially lit and also had some natural light coming in from the corridor. Some mattresses were torn, the blankets filthy and the delegation noted that not all detained persons had been provided with a blanket.<sup>42</sup> The delegation also noted a cage-like holding cell with three out of four walls made of a mesh grille, which measured some 4m<sup>2</sup> and contained two chairs. According to the officer on duty, this cage was only used to hold people for periods of up to three hours.

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Two different groups of detainees informed the delegation that a detained person had attempted to hang himself with his t-shirt from the grille bars at the front of his cell, only a few days prior to the delegation's visit, and that he had been transferred to the Amydgaleza Pre-Departure Centre the day after his attempted suicide. The police officer on duty denied that this prisoner had attempted to hang himself.

- iv. At *Kalamata Police Station*, the detention area consisted of seven cells for male and two cells for female detained persons, with an official capacity respectively of 39 and eight. On the day of the visit, 28 prisoners on transfer and four irregular migrants were being detained in the police station. In one of the cells which measured 18m<sup>2</sup> and had six single plinth beds, seven persons were being held, which meant that one of them had to sleep on a pile of mattresses on the floor. The cells were dirty, humid and badly ventilated. There was practically no access to natural light and the artificial lighting was poor, yet sufficient to disturb the detained persons as it was not switched off at nights. There was also no light in the completely partitioned sanitary annexe adjoining each of the male cells and, in four of them, water was constantly running from the shower or toilet.

60. The CPT has already made it clear that police stations in Greece do not offer suitable accommodation and appropriate conditions for lengthy periods of detention.<sup>43</sup> While it is positive that the Greek authorities have made efforts to change the previous warehouse approach, certain minimum standards in respect to material conditions in police stations still remain to be guaranteed.

**The Committee calls on the Greek authorities to ensure that:**

- **all persons detained have ready access to a proper toilet facility at all times, including at night;**
- **each detained person is provided with a clean mattress, clean blanket, clean bedding and a means of rest, such as a plinth or a bed;**
- **all detained persons are provided with adequate and appropriate food, which includes at least one hot meal a day;**
- **all detained persons staying longer than 24 hours are provided with a basic sanitary kit (including adequate rations of soap, washing powder, toilet paper, shampoo, shaving utensils and toothpaste, and a toothbrush), free of charge;**
- **all detained persons are provided with sufficient quantities of detergent to keep their cells clean;**
- **detention areas (including sanitary facilities) are maintained in an adequate state of repair and cleanliness;**
- **all detained persons have adequate lighting;**
- **all detained persons staying longer than 24 hours are provided with access to hot water for the purpose of washing;**
- **all persons detained longer than 24 hours are offered access to outdoor exercise every day.**

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<sup>43</sup> See, for instance, CPT/Inf (2012) 1, paragraph 37.

## **B. Prison establishments**

### **1. Preliminary remarks**

61. The CPT is concerned that the Greek prison system is reaching breaking point and yet, despite the numerous warnings, the authorities have not taken up the fundamental structural issues raised in the Committee's previous reports with the necessary urgency. They include the lack of a strategic plan to manage prisons, which are complex institutions, the absence of an effective system of reporting and supervision, and inadequate management of staff.

The findings from the 2015 visit highlight that the main problems of overcrowding and chronic shortage of staff persist in the Greek prison system. These two overarching problems compound the many additional serious shortcomings in the prisons visited, including very poor material conditions, lack of hygiene, the absence of an appropriate regime and high levels of inter-prisoner violence and intimidation. Further, the insufficient provision and inadequate medical care in prisons is particularly worrying.

The situation has now deteriorated to the point where over and above the serious ill-treatment concerns under Article 3 of the European Convention on Human Rights (ECHR), there are very real right to life issues under Article 2 ECHR, in as much as vulnerable prisoners are not being cared for and, in some cases, are being allowed to die (see paragraph 88).

62. According to the official figures published by the Ministry of Justice, the overall capacity of the prison system stood at 9,886 while the numbers of prisoners held was 11,569 on 16 April 2015. However, the distribution of prisoners across the prison estate remains uneven. For example, while three establishments (Chania, Domokos and Nigrita) are operating at around only 50% of their capacity and have some 1,000 unused places, other prisons are functioning at 200% or more of their official capacity (Korydallos Men's Prison and Prison Hospital, Alikarnassos and Komotini) and others (Ioannina, Nafplio and Thessaloniki) at more than 150%.

The Greek authorities have introduced several measures in recent years to reduce the prison population, such as early release measures.<sup>44</sup> Additional steps are currently being taken by the Government such as increased use of alternatives to imprisonment and early release of disabled and elderly prisoners.<sup>45</sup>

By communication of 30 June 2015, the Ministry of Justice informed the CPT that in the two months since the visit 1,795 prisoners had been released, including 367 foreign nationals who had completed their sentences but were being held in prison pending deportation. As a consequence, the prison population stood at 10,177 – a reduction of 12% since the visit. This represents a very positive start upon which to build.

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<sup>44</sup> See, for example, the report on the CPT's 2011 visit: CPT/Inf (2012) 1, paragraph 47.

<sup>45</sup> See Law 4322/2015 (Government Gazette A' 42/27.04.2015) which provides for emergency measures to relieve overcrowding in Greek prisons (Article 12). It also allows for the release of all inmates over 75 years of age sentenced up to 10 years (Article 3) and for life-sentenced prisoners with more than 80% disability to serve their sentence under house arrest (Article 6), and includes relevant provisions for juvenile offenders and juvenile prisoners (Article 9).

**The CPT reiterates its recommendation that the Greek authorities vigorously pursue their efforts to combat prison overcrowding, by placing further emphasis on non-custodial measures in the period before the imposition of a sentence, increasing the use of alternatives to imprisonment and adopting measures to facilitate the reintegration into society of persons deprived of their liberty.<sup>46</sup>**

Moreover, **it is essential that the adoption of non-custodial measures in law be accompanied by providing judges and prosecutors with the necessary education and ensuring that the appropriate infrastructure is in place.** Prosecutors met by the delegation in the course of the visit expressed their scepticism as regards the application of alternative measures to imprisonment.

63. The challenges facing the prison system in Greece are not new and the CPT has been consistently pointing out the structural deficiencies for many years. Indeed, the CPT's Public Statement of March 2011 was an alarm call for the Greek authorities to act to put in place a prison system that can provide safe and secure custody for inmates. Regrettably, the concerns raised by the CPT were not fully acknowledged by the previous governmental authorities and, as observed during the 2015 visit, the situation has further deteriorated to the point where lives are being lost. There is now an even greater need to recognise the systemic shortcomings and to devise a strategic plan for the recovery of the prison system with clear short, medium and long-term goals. Currently, many prisons in Greece are merely acting as warehouses in which to hold people until they are eligible to be released back into the community. It is high time to change the way prisons function in Greece.

The discussions held at the end of the visit with the Minister of Justice, Transparency and Human Rights were constructive and there was a clear statement of political will by the Minister and support from senior officials from the Ministry of Justice to tackle the systemic deficiencies in prisons. Addressing problems of this magnitude will require both political determination and public service leadership of the highest calibre. In this context, the CPT reiterates its availability, as well as that of the relevant departments of the Council of Europe, to support the Greek authorities in this endeavour should they so request.

In the communication of 30 June 2015, the Ministry of Justice responded to a number of the issues raised in the preliminary observations made by the CPT's delegation at the end of the visit; this information has been taken into account in the report. The CPT has in particular taken note of the Ministry's commitment to devise a "strategy plan with short, middle and long term goals and objectives for [the Greek] correctional system and policy".

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<sup>46</sup> In this context, they should be guided not only by Recommendation Rec (99) 22 on prison overcrowding and prison population inflation, but also by other relevant Recommendations of the Committee of Ministers of the Council of Europe such as Recommendation Rec (2000) 22 on improving the implementation of the European rules on community sanctions and measures, Recommendation Rec (2003) 22 on conditional release (parole), Recommendation (2006) 13 on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse, and Recommendation Rec (2010) 1 on the Council of Europe Probation Rules.



**In this connection, the CPT recommends that, following a needs assessment and a period of in-depth consultations with all interested parties, the Ministry of Justice produce a strategic plan for the recovery of the prison system that covers the following areas:**

- **the mission of prisons and the values to which prison staff will work;**
- **the size of the prison estate and the range of the prison types that it will include;**
- **the range of activities that will be provided and the amount of access that detained persons, including those on remand, will have to them;**
- **the introduction of specific offender management programmes to assist prisoners in preparing for their return to the community;**
- **the human resource requirement needed to run the prisons professionally (notably, prison officers), giving competence profiles for the key roles;**
- **the role and input of the Ministry of Culture, Education and Religious Affairs in education-related activities;**
- **the role and input of the Ministry of Health in the provision of health care, including as regards the staffing of health-care services in prisons;**
- **financial projections over a five- to ten-year period, showing how the planned provision will be met within the resource levels available.**

64. In the course of the 2015 visit, the CPT's delegation visited Alikarnassos and Nafplio Prisons for the first time and carried out targeted follow-up visits to Diavata (Thessaloniki) and Korydallos Men's Judicial Prison. A brief description of each prison is contained in section 3 below. It also visited Korydallos Prison Hospital (see section 6) and the Special Juvenile Detention Facility in Corinth Judicial Prison (see section C.2).

## **2. Ill-treatment**

65. As was the case during the previous visit, the CPT's delegation received almost no allegations of physical ill-treatment of inmates by staff. Indeed, in a number of prisons such as Nafplio and Korydallos Men's Prison there is little daily contact with prison officers.

66. However, the CPT's delegation found once again that inter-prisoner violence and intimidation were a serious problem in all the prisons visited. Cases of hospitalisation of inmates due to severe injuries inflicted by other inmates were a feature in every establishment. The CPT is compelled to reiterate that the existence of this phenomenon is directly linked to shortages of staff, resulting in control being ceded to groups of particular prisoners, often formed along ethnic lines, within the accommodation wings. These groups intimidate, bully and physically abuse other prisoners. The time has come for the Greek authorities to recognise the extent of the problem and to tackle it forcefully, notably by increasing staffing levels and introducing a dynamic security approach within prisons, and by rigorously investigating and prosecuting the perpetrators of inter-prisoner violence.

67. At the end of the April 2015 visit, the CPT's delegation communicated its concerns to the Minister of Justice citing the situation in Korydallos Men's Prison, where wings of some 350 to 400 prisoners are staffed by only one or, at best, two custodial officers. These prison officers essentially act as "turnkeys", spending much of their time locking and unlocking the wing gates for the constant flow of individual prisoners attending or returning from services in other parts of the establishment. When speaking with the delegation they complained that they were suffering from burn-out, often working 14 days in a row, and they recognised that they were not in control of the prisoners. They clearly stated that they had no idea of what was going on in the wings and that they could not intervene when there was an incident or a fight. At lock-up, two officers would be responsible for transferring the 350 or more inmates from the yard and corridors into some 120 cells; the sense of vulnerability and the fear of being overwhelmed at any moment placed a great strain on these officers. The prison only "functioned" due to the fact that the officers were assisted by trusted prisoners who were essentially carrying out prison officer duties, such as receiving all requests for exiting a wing and recording which prisoners left and entered the wing.

In such conditions, it is difficult to see how one or even two prison officers can be expected to know what is happening within a wing, let alone keep control. Regrettably, the explosive situation within the wings burst out once again in an open battle on 3 May 2015 when groups of Albanian and Pakistani inmates reportedly fought each other in Wing C. It ended with two prisoners being killed and 21 requiring hospitalisation. This is not the first serious incident to occur. On 29 December 2014, five prisoners required medical treatment following a fight and on 15 September 2013, a large scale fight resulted in 21 inmates requiring treatment in the prison hospital and another 10 being transferred to external hospitals with severe, even life-threatening, injuries.

**The CPT is seriously concerned that despite the gravity of the situation little or no action appears to have been taken to investigate the underlying causes of the violence or to put in place a strategy to prevent similar episodes of violence breaking out. On the contrary, the policy of simply warehousing various groups of inmates continues, the effect of which can be likened to a boiling cauldron left to simmer away with violent eruptions every few months.**

68. Korydallos Men's Prison may be an extreme example but it is by no means unique. In other prisons, a similar scenario persists. At Nafplio Prison, for example, within the wings there was a clear hierarchy of stronger groups of prisoners, and inmates who did not follow the internal order would be intimidated or beaten. Moreover, while there were several recent incidents of prisoners having been stabbed and beaten which had been recorded,<sup>47</sup> the delegation's findings point to many more incidents going unreported. A primary problem is the evident understaffing in the establishment (11 officers on duty during the day for 510 to 600 prisoners) with one or two officers overseeing each of the three wings. Staff spent little time in the accommodation areas and prisoners were left to fend for themselves. It is interesting to note in this context that the nurse and Deputy Director of the Prison had never been inside the accommodation areas as they were advised by prison officers that it was unsafe. Not surprisingly, prisoners had no trust in the management to resolve questions of intimidation and violence.

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<sup>47</sup> For example, a large-scale fight among Albanian prisoners on 18 February 2015 had resulted in three of them receiving multiple stab wounds.

Even at Alikarnassos Prison, where staffing ratios were slightly better, overcrowding less chronic and many prisoners engaged in some type of work, inter-prisoner violence was also apparent. Relations between prison officers and inmates were generally positive yet experienced officers stated clearly to the delegation that, with only 11 to 13 officers on duty during the day for up to 300 prisoners, they were effectively powerless to monitor and prevent incidents of inter-prisoner violence and intimidation. For example, on 13 October 2014 a fight between Greek nationals and prisoners from Bangladesh and Pakistan resulted in at least seven persons requiring medical treatment. Subsequently, 17 prisoners were separated from the general population and transferred to other establishments but the underlying causes of the violence were once again not addressed.

69. Inter-prisoner violence, to a large extent, continues to be fuelled by a number of factors, notably the existence of stronger groups of prisoners, poor material conditions, a lack of activities, chronic understaffing and a high prevalence of illicit drug use. The Committee must reiterate that the duty of care which is owed by the State to those in their charge includes the responsibility to protect them from other inmates who wish to cause them harm. In the current situation in the prisons visited, the Greek authorities are unable to fulfil their minimum obligation to keep both prisoners and staff safe.

Addressing the phenomenon of inter-prisoner violence requires that prison staff must be alert to signs of trouble and both resolved and properly trained to intervene. The existence of positive relations between staff and prisoners, based on the notions of dynamic security and care, is a decisive factor in this context; this will depend in large measure on staff possessing appropriate interpersonal communication skills. It is also obvious that an effective strategy to tackle inter-prisoner violence and intimidation should seek to ensure that prison staff are placed in a position to exercise their authority in an appropriate manner. In addition, the prison system as a whole needs to develop the capacity to ensure that potentially incompatible categories of prisoners are not accommodated together.

The CPT urges the Greek authorities to provide the necessary resources and guidance to prison managers to ensure a more proactive approach to safety and security of all prisoners. In addition to increasing the staffing levels, the existing skills and expertise of prison staff should be expanded by providing further specialised training.

**The CPT reiterates its recommendation from previous reports that the Greek authorities devise an effective national strategy concerning the prevention of inter-prisoner violence and intimidation, in the light of the above comments.** This will without doubt require additional prison officers.

70. The lack of staff and the inability and/or unwillingness of prison directors to challenge stronger groups of prisoners mean that a culture of impunity persists in the prisons. No proper investigations are made into cases where prisoners are attacked by other prisoners. For example:

- at Corinth Prison, a prisoner was severely beaten by two other prisoners during a two-hour-period. The director was provided with the names of the perpetrators by a witness, but the only action taken was to move the victim to another wing and for the prosecutor to give a talking to the remaining prisoners and stating that all inter-prisoner violence had to end. The perpetrators were never held to account in this case despite the fact that, reportedly, one of them had also broken the nose of another prisoner a couple of months before;
- at Corinth Prison, on 11 March 2015, a prisoner who beat another inmate and attempted to extort money from him was not held to account (despite a medical certificate having been drawn up attesting to the nature of the injuries);
- at Nafplio Prison, on 16 May 2014, an inmate was punched and hit with a metal rod by two other prisoners which resulted in his hospitalisation at Argos Hospital. The two perpetrators received no disciplinary sanction and no criminal investigation was initiated, apparently because the victim had forgiven them;
- at Nafplio Prison, on 13 December 2014, two prisoners who attacked another inmate which resulted in him being hospitalised for three days with lesions to his upper body and head were not disciplined and no criminal investigation was initiated.

The findings of the delegation show that the behaviour of prisoners was not being addressed. Instead, transfer to another establishment was the only measure being applied at times by prison directors; this approach needs to change urgently. It is essential that prisons do not become places of impunity.

Moreover, incidents of inter-prisoner violence were not diligently recorded in the incident/trauma register in the prisons visited, notably Korydallos Men's, Nafplio and Thessaloniki Prisons (see also paragraph 84 for the recording of injuries).

**The CPT recommends that any injury indicative of inter-prisoner violence be immediately brought to the attention of the competent prosecutor and properly investigated. Further, every incident of inter-prisoner violence should be diligently recorded in the relevant registers.**

### **3. Conditions of detention**

71. Once again, the CPT's delegation found that the living conditions in the prisons visited were generally very poor. The provisions of the 1999 Greek Prison Law are simply no longer adhered to with regard to standards of accommodation and norms for a safe environment, including health care and hygiene, to be provided to each prisoner. Some of the conditions encountered, notably at Korydallos Prison Hospital and at Nafplio Prison, can easily be considered as amounting to inhuman and degrading treatment.

72. The situation at *Diavata Judicial Prison* in Thessaloniki remained essentially the same as that observed at the time of the 2013 visit;<sup>48</sup> on the day of the visit, it was accommodating 588 prisoners for a capacity of 370 places (the official capacity had been increased by more than 100 by re-designating rooms of 24m<sup>2</sup> for six prisoners instead of four). There were 299 male sentenced prisoners, and 254 male remand prisoners, most of whom were held in rooms of 24m<sup>2</sup>, each accommodating some 10 prisoners. The 35 female prisoners, 12 of whom were on remand, were kept in three dormitories.

Likewise, the conditions at *Korydallos Men's Prison* had not improved since the 2013 visit<sup>49</sup> although the number of inmates was down by some 300; nevertheless, it still held 1,979 inmates on 1 April 2015 for an official capacity of 800. Cells of 9.5m<sup>2</sup>, designed for single occupancy, continued to accommodate three or even four inmates.

**The CPT once again calls upon the Greek authorities to take urgent steps to progressively reduce the overcrowding in these two establishments (see also paragraph 62).**

**To this end, the CPT would like to receive a clear timetable with specific benchmarks on how the Greek authorities will implement this recommendation.**

73. *Alikarnassos Prison*, located on the outskirts of Heraklion in Crete, was accommodating 233 prisoners for an official capacity of 105. The numbers had come down by about 50 in the two weeks prior to the visit and every effort should be made to continue this trend and avert numbers rising back up to 300, as was the case at the beginning of 2015. Besides the eight remand prisoners, all the inmates were sentenced to long terms of imprisonment including 83 to 15 years or more and 41 to life. There were also some 23 foreign national prisoners who had completed their prison sentence but continued to be held in detention as “guests” for as long as 18 months pending arrangements for their deportation.<sup>50</sup> The number of foreign national prisoners stood at just under 55%.

The buildings of the prison, dating back to 1932, were in a visible state of advanced dilapidation despite efforts to maintain the facility in a decent condition. The accommodation wing consisted of three landings with 35 cells on each floor. Each cell measured 8m<sup>2</sup> and was equipped with a double or triple bunk bed, and in some cases an additional single bed, as well as a sink, table and chair and a toilet partly partitioned from the rest of the cell. There was good access to natural light and ventilation, and sufficient artificial lighting. Cells of this size are designed for single-occupancy and, at the very least, should not be used for accommodating three or even four inmates. As for the common areas, including the shower and toilet areas, they were generally clean.

**The CPT recommends that the Greek authorities progressively take steps to reduce the occupancy levels in each cell, initially ensuring that no more than two persons are placed in a single cell and thereafter that each cell revert to single-occupancy only. The in-cell sanitary facilities should be fully partitioned. Further, in addition to continuing efforts to maintain the facility in a decent state of repair, attention should be paid to the structural solidity of the buildings.**

**To this end, the CPT would like to receive a clear timetable with specific benchmarks on how the Greek authorities will implement this recommendation.**

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<sup>48</sup> See CPT/Inf (2014) 26, paragraph 104.

<sup>49</sup> See CPT/Inf (2014) 26, paragraph 101. For a description of the establishment, see CPT/Inf (2010) 33, paragraph 111.

<sup>50</sup> On 15 June 2015, the Deputy Prosecutor of the Supreme Court issued an opinion stating that the period would in future not exceed three months.

74. *Nafplio Prison*, located on the outskirts of the town in the Peloponnese peninsula, was accommodating 509 prisoners for an official capacity of 314. For most of the year, the number of prisoners had hovered around 600 and decreased by 70 during the week prior to the delegation's visit; this reduction was designed *inter alia* to remove a number of known troublemakers.<sup>51</sup> A breakdown of the figures from 16 April 2015 showed that the prison held 162 remand prisoners and 371 sentenced prisoners, of whom 324 had sentences in excess of five years. Sixteen prisoners were being held as "guests" pending their deportation. Foreign national prisoners made up 51% of the inmate population.

The prison consisted of two wings (A and B) with cellular accommodation and a third wing (C) with four large dormitories. A and B wings each consisted of four corridors of nine cells each spread over two floors, making a total of 72 cells. The cells measured some 14m<sup>2</sup> and were equipped with either two sets of bunk beds or a single bed and one set of bunk beds. Access to natural light through the large windows was good and ventilation sufficient although the windows could not be opened when the room contained two sets of bunk beds. The in-cell toilet, shower and basin area was not fully partitioned, and in numerous cells one or two prisoners had to sleep on mattresses on the floor with their heads next to the toilet area. Indeed, when the numbers were higher it was common to have seven prisoners in a cell, with three persons sleeping on mattresses on the floor.

As regards C Wing, the conditions in the dormitories were extremely cramped with hardly any personal living space; for example, C1 and C3 dormitories measured 57m<sup>2</sup> and were accommodating 30 prisoners each (primarily Roma) and the delegation heard that several weeks prior to the visit some 46 prisoners had been crammed into C3 dormitory. The sanitary annexes consisted of three toilets and three showers and were in a state of disrepair. Needless to say, these conditions are totally inappropriate for holding prisoners. A dormitory of 57m<sup>2</sup> should hold no more than 14 persons.

75. In addition, there was a small accommodation area for vulnerable prisoners on the ground floor of B wing consisting of a narrow corridor of some 10m in length and an adjoining dormitory measuring some 25m<sup>2</sup>, including a fully partitioned sanitary annexe. At the time of the visit, there were 11 prisoners in the dormitory and six persons occupying the five sets of bunk beds placed the length of the corridor. The conditions in the corridor were totally unacceptable as there was no access to natural light, little ventilation and cobwebs and dirt everywhere. The air was damp and the main sewage pipe from the first floor cells, located in the corridor, was not only causing a constant noise but it also overflowed and flooded the floor from time to time. Moreover, the most vulnerable prisoners had been placed in this area such as an elderly man who had suffered three strokes and required the assistance of other inmates to go about his daily activities. The elderly prisoners stated that they wanted to be close to the sanitary annexe as it contained the only sit-down toilet in the prison, and that they were afraid of being placed in the wings.

At the end of the visit, the CPT's delegation requested that steps be taken to stop using the narrow corridor for accommodating prisoners and that, while the most vulnerable prisoners should be kept in the dormitory, the numbers should be reduced; further, the other vulnerable prisoners should be located in the nearby cells on B2 wing.

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<sup>51</sup> See paragraph 7. The CPT's delegation later met 19 prisoners who had been hurriedly transferred to Kalamata Police Station from Nafplio Prison on 15 April 2015 to attend court cases later in April.

By communication of 30 June 2015, the Ministry of Justice informed the Committee that the corridor was no longer used to accommodate prisoners and that a special dormitory for vulnerable prisoners had been established. The CPT welcomes these steps.

**76. The CPT recommends that the Greek authorities take the necessary steps to reduce the occupancy levels at Nafplio Prison in order to ensure that each prisoner has his own bed and that no prisoner is obliged to sleep on the floor. Further, within the cells and dormitories, each prisoner should be offered a minimum of 4m<sup>2</sup> of personal living space.**

**To this end, the CPT would like to receive a clear timetable with specific benchmarks on how the Greek authorities will implement this recommendation.**

**The CPT also recommends that the in-cell sanitary facilities be fully partitioned.**

77. As regards the general daily routine in Greek prisons, the situation has not evolved since the previous visit in 2013.<sup>52</sup> The range of activities (work, vocational training, education, organised physical exercise, cultural and recreational activities) and the number of places available remains totally insufficient for the number of prisoners.

Moreover, many “jobs” were created and rotated in order to enable prisoners to earn time off their sentences in line with early release schemes. The lack of jobs creates tension as most prisoners are only provided with cleaning work for three months before having to wait a year or more before being offered another three months. Only a few jobs (kitchen, skilled prison maintenance work) are for longer periods. Further, the CPT considers that the approach to work should be a means of engaging prisoners in a purposeful activity or of forming part of a personal development plan or preparation for release rather than merely a remission scheme.<sup>53</sup>

The situation found at Alikarnassos Prison was the most favourable, with 169 prisoners (i.e. 75%) offered some work activity, although for 92 of them it only consisted of limited cleaning work. The secondary education school was also operational at this prison. In addition, efforts were made to promote activities in the prison such as gardening and a special communal meal to celebrate Orthodox Easter. Nevertheless, there were no vocational programmes in place or courses to address offending behaviour or any specific activities to prepare prisoners for return to the community.

**The CPT once again calls upon the Greek authorities to increase the number of work opportunities in prisons, preferably work with a vocational value. Further, it wishes to be informed of the provision of educational classes (Second Chance School, educational training and language classes) at Alikarnassos, Korydallos Men’s and Diavata Prisons for the academic year 2015-2016.**

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<sup>52</sup> See CPT/ Inf (2014) 26, paragraphs 111 to 114.

<sup>53</sup> See also the reports on the CPT’s 2009 and 2011 visits: CPT/Inf (2010) 33, paragraph 106 and CPT/Inf (2012) 1, paragraph 59.

78. In light of the fact that Nafplio Prison has offered no activities since the end of 2012 and has no space in which to offer education, work or vocational programmes, the CPT considers that the four dormitories in C wing should be converted into workshops and classrooms. While this would reduce the official capacity to 216 (72 cells x 3 persons), it would provide adequate space for a range of activities to be organised. The CPT has repeatedly stated that prisoners should not spend their days in idleness but be offered a full range of programmes to prepare them for their return to the community. The warehousing approach at Nafplio Prison should be ended and a proper regime of purposeful activities put in place.

**The CPT recommends that the Greek authorities give due consideration to the above proposal and that a full programme of activities (work, vocation, recreation, sports) be introduced. If the closing down of all four dormitories is not considered feasible, the CPT wishes to be informed of the alternative measures being taken to provide prisoners with purposeful activities.**

#### **4. Health-care services**

79. In its previous reports, the CPT has urged the Greek authorities to re-examine the general state of health-care services in prison establishments given the widespread deficiencies regarding access to health care, medical screening upon admission, medical confidentiality and health-care policy regarding drug abuse. These problematic issues are compounded by the severe shortage of health-care staff in the prisons and the complete lack of integrated management of health-care services.

The situation found in 2015 clearly demonstrated that there had been no improvement since the previous visits in 2011 and 2013, and that in certain establishments the situation was worse. The CPT considers that the Ministries of Justice and Health need to carry out jointly a thorough audit of health-care services in prisons within six months to determine what is required in terms of staff resources and facilities. Further, they should put in place a proper management structure and clear care protocols as well as a rigorous inspection system. Moreover, the CPT considers that greater involvement of the Ministry of Health in the provision of prison health-care services and in promoting proper through-care is essential.

In their communication of 30 June 2015, the Ministry of Justice informed the CPT that a working group had been formed to improve health-care and psychiatric provisions for prisoners in cooperation with the Ministry of Health. Further, a committee was actively working on the integration of Korydallos Prison Hospital and Psychiatric Hospital into the National Health System (E.S.Y.).

**The CPT welcomes these steps and, as part of this process, it recommends that the Ministries of Justice and Health jointly review the state of health-care services in prison establishments and draw up a detailed plan to ensure that prisons meet the general principle of equivalence of care.<sup>54</sup> A copy of the plan should be provided to the CPT by the end of January 2016 at the latest.**

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<sup>54</sup> A prison health-care service should be able to provide medical treatment and nursing care, as well as appropriate diets, physiotherapy, rehabilitation or any other necessary special facility, in conditions comparable to those enjoyed by patients in the wider community. Provision of medical, nursing and technical staff, as well as premises, installations and equipment, should be geared up accordingly.



80. As regards health-care staffing, the CPT's delegation again noted the chronic lack of qualified health-care staff.

At Alikarnassos Prison, there was one full time general practitioner and one nurse, assisted by a prison officer, working in the establishment from 8h00 to 14h00 Mondays to Fridays. At weekends, the nurse or assisting prison officer attended if required. In addition, a dentist visited the establishment every Wednesday and a psychiatrist on Saturday mornings. It is positive that there is a permanent doctor but, with an inmate population usually above 275, the number of nurses should be increased to at least four. Moreover, there is a lack of consultation between the psychiatrist and the general practitioner.

At Corinth Judicial Prison, a doctor visited the facility twice a week. However, there was no nurse presence and health-care duties were undertaken by the prison administrator, which is not appropriate.

At Diavata Judicial Prison, the health-care resources had not improved since 2013 and remain totally inadequate for an establishment of some 600 inmates. Three general practitioners each visited the prison one day a week for three and a half hours and a fourth doctor from the local hospital attended the prison for five hours every Tuesday. In total, there was the equivalent of less than a half-time doctor. Several dentists attend the prison on a rota basis once a week which results in a lack of continuity of care. On the other hand, there is a full-time psychiatrist. There are only three full-time nurses; in addition, two prisoners were acting as orderlies, dispensing medication under the supervision of a nurse and having access to medical records.

The situation at Korydallos Men's Prison remained dire, with little improvement since the 2013 visit.<sup>55</sup> There was no full-time general practitioner; instead, three trainee doctors each attended the prison five days a month from 15h00 to 23h00 and some 12 medical doctors of different specialisations visited the prison twice a week. There were three full-time nurses and seven prison officers assigned to the medical unit, only two of whom had basic health care qualifications. For an establishment of 2,000 inmates this is totally insufficient. Dental (five hours a week) and psychiatric consultations (equivalent to one day a week) also need to be increased significantly.

At Nafplio Prison, the health-care service consisted of one highly committed full-time nurse who worked from 7h00 to 14h00 on weekdays. The Director of the Primary Care Services at the local hospital attended on a voluntary basis a couple of hours twice a week. No visiting specialists attended the prison. Clearly, for a prison of over 500 inmates such a situation is unacceptable and the single nurse is being placed in an untenable position, professionally isolated and overwhelmed. Ideally, there ought to be at least one full-time general practitioner and six nurses.

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<sup>55</sup> See CPT/Inf (2014) 46, paragraph 116.

81. In light of the serious staff shortcomings identified above, **the CPT recommends once again, as an initial measure, that the Greek authorities urgently reinforce health-care staffing levels in the following establishments:**

- at Alikarnassos Prison, recruit three additional nurses;
- at Corinth Prison, recruit the equivalent of one full-time nurse;
- at Korydallos Men's Prison, recruit the equivalent of four full-time general practitioners, and at least six additional full-time nurses, at least one of whom should have experience of mental health work; and increase the number of dental and psychiatric consultations;
- at Nafplio, recruit at least one full-time general practitioner and three additional qualified nurses;
- at Diavata Prison, recruit at least the equivalent of one full-time general practitioner and at least three additional qualified nurses.

**This initial reinforcement of health-care staffing levels should be completed by the end of January 2016 at the latest.**

**Further, the CPT reiterates its recommendation that prisoners should not be involved in the performance of health-care tasks which require specialised training, and under no circumstances should they perform the distribution of medicines and/or have access to medical records.**

**In addition, prison officers who do not possess the relevant qualifications should not carry out nursing functions. Further, any qualified prison officers working in the health-care service of a prison should be under the authority of the senior doctor/nurse manager responsible for the service.**

82. There remains a lack of coordination and consultation among the various medical staff working in prisons. It was particularly evident that visiting psychiatrists were not engaging with the wider primary health care team. The smooth operation of a health care service presupposes that doctors and nursing staff are able to meet regularly and to form a working team under the authority of a senior doctor/nurse manager in charge of the service.

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

83. A medical assessment upon admission is generally carried out within 24 hours at Alikarnassos, Diavata and Korydallos Men's Prisons, and at Nafplio Prison if the nurse is present; it includes a basic medical history and taking blood pressure. However, quite a few prisoners are not seen for more than a week after admission and some have no entries in their medical file. Indeed the medical files are poorly filled out. Further, screening for infectious diseases is not always routine and a physical examination only takes place if the prisoner raises a medical issue. At Corinth Prison, there was no systematic screening upon arrival.

**The CPT reiterates its recommendation that the Greek authorities ensure that every newly-arrived prisoner be properly interviewed and physically examined by a doctor or a fully-qualified nurse reporting to a doctor within 24 hours of admission, and that the results be diligently noted in the prisoner's personal medical record.**

84. As regards the screening of injuries, the CPT has repeatedly stressed the important role that health-care staff can play in the prevention of ill-treatment through the diligent and accurate recording of injuries. To this end the CPT has described in detail what the record drawn up after the medical examination of a prisoner – whether newly arrived or following a violent incident in the prison – should contain.<sup>56</sup> In response to the CPT's 2013 visit report, the Greek authorities stated that they would prepare instructions to this effect. Regrettably, at the time of the 2015 visit, there was still no standard practice for the recording of injuries and the delegation observed that the entries in the trauma registers and in the personal medical files were generally scant. Moreover, there were no procedures in place for doctors to report allegations of ill-treatment by police officers to the competent prosecutor.

**The CPT reiterates its recommendation that the Greek authorities put in place standard procedures for the recording of injuries, in accordance with the Committee's standards.**

85. Medical confidentiality remains a serious concern at Korydallos Men's Prison where the situation has not improved since 2013. At Alikarnassos, Corinth and Nafplio Prisons medical consultations always took place in the presence of prison staff (in addition to those prison officers working as nursing orderlies). Only at Diavata Prison was medical confidentiality again respected.

**The CPT reiterates its recommendation that the necessary steps be taken to guarantee medical confidentiality in all prisons.**

86. The treatment of HIV-positive prisoners in Greece has been raised in previous reports. In its 2013 visit report, the CPT made it clear that there is no public health justification for segregating prisoners solely because of their HIV status. Nevertheless, given the situation in Greek prisons in 2013, with severe overcrowding, poor material and hygienic conditions, lack of medical confidentiality and high levels of prejudice against people living with HIV, the CPT stated at the time that it might be tolerable for HIV-positive prisoners to be accommodated separately, as long as this accommodation offers conditions conducive to their health and well-being. The Greek authorities responded that their intention was to use one of the wings in Korydallos Women's Remand Prison for HIV-positive prisoners. However, until November 2014, all HIV positive prisoners continued to be held in squalid and cramped conditions in Korydallos Prison Hospital.

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<sup>56</sup> See CPT/Inf (2014) 46, paragraph 127. See also the section on documenting and reporting medical evidence of ill-treatment in the 23<sup>rd</sup> General Report of the CPT's activities: CPT/Inf (2013) 29, paragraphs 71 to 84.

At the time of the 2015 visit, some 50 HIV-positive prisoners continued to be held in the prison hospital while 47 were accommodated on two floors in the third wing of Korydallos Women's Prison. In general, the conditions here were far better than those in the prison hospital in terms of hygiene and living space (for example, four persons in 16m<sup>2</sup> and 7-8 persons in some 32m<sup>2</sup>). Further, the atmosphere was calmer and prisoners stated that they felt safe. This is positive. However, as regards regime, these prisoners were offered no organised activities or meaningful work and spent their time either on the wing or in the yard for up to four hours a day. Indeed, other than a weekly visit by an NGO which provided counselling and some activities, they were provided with no support.

**The CPT recommends that steps be taken to provide HIV-positive prisoners located in Korydallos Women's Prison with a wide range of purposeful activities.**

87. At Alikarnassos Prison, the delegation met two HIV-positive prisoners who had been accommodated for some six months together in a cell of 7m<sup>2</sup> in the segregation unit. For the first three weeks they had slept on mattresses on the floor before a bunk bed was installed, and during the day they had been confined to the narrow corridor running the length of the segregation unit. It was only three days prior to the delegation's visit that they had been offered access to the small enclosed segregation unit exercise yard. Moreover, in addition to being small, the cell had no access to natural light, ventilation was poor and the artificial lighting (a naked bulb) built into the wall just below the ceiling at the back of the cell was constantly on. The in-cell floor level toilet was not screened and the prisoners tried to use the shower/toilet facility in the corridor; however, at night they could not contact the staff to be let out as there was no call bell.

The segregation of HIV-positive prisoners in Greek prisons is an established practice. Moreover, the conditions in which these prisoners are placed are often worse than those in the main accommodation block. At Alikarnassos Prison, it would have been possible for these two prisoners to have shared a cell on the ordinary accommodation wing and to have been integrated into the general population and provided with a normal regime. Instead, they were segregated and offered much harsher living conditions because of prejudice towards these prisoners. The Greek authorities need to introduce an educational programme for staff and prisoners on living with persons with transmissible diseases in order to counter the current prejudice which is based on unfounded fears. If medical confidentiality functioned properly, there would be no reason for staff or prisoners to know whether a prisoner was HIV positive or not.

**The CPT recommends that the Greek authorities put in place an information programme for staff and prisoners on transmissible diseases and notably on HIV. Further, it recommends that clear instructions be issued to ensure that HIV-positive prisoners are treated equally with other prisoners and have access to the same regime. Moreover, HIV-positive prisoners should not be held in the segregation unit of Alikarnassos Prison as long as the conditions in these cells do not meet the same standards as the conditions in the ordinary accommodation cells and prisoners held there are not offered the same range of activities as other prisoners.**

88. In the course of the 2015 visit, the delegation examined a number of deaths in prison and found that in several cases the deaths might have been avoided if proper medical care and management processes were in place. Reference is made to two specific cases as an illustration:

- i) CC, a heroin user, was remanded to Korydallos Men's Prison in October 2014 and on 4 April 2015 his medical record noted that he was transferred to Korydallos Prison Hospital in a "semi-comatose condition after reported using substances. Is on methadone. Intravenous drug user. Narcan injection and sodium chloride infusion; referred to general hospital for further treatment and monitoring." He returned from Nikaia Hospital at 22h15 that same day after treatment. At 8h35 the next morning he was found to be not breathing and pronounced dead, supposedly from an overdose of opiates.

The CPT's delegation is concerned that the discharge letter from Nikaia Hospital does not provide any information as to how the patient was assessed or treated. Further, there is no record of the patient being assessed by medical staff upon his return to the prison hospital. Good practice would normally entail monitoring a person who had suffered an overdose of opiates to ensure the continued effects of opiate intoxication were not apparent, especially as opiate intoxication causes respiratory depression. Further, while Nalaxon ("Narcan") is an antidote to opiates, it is short acting and often further injections are required until the effects of the opiate toxicity have worn off.

Moreover, it appears from the post-mortem that the patient was suffering from bronchio-pneumonia and a pulmonary oedema (fluid in the lungs), which combined with opiate intoxication could cause respiratory depression. The chest infection and pulmonary oedema would not have developed suddenly and should have been diagnosed at Nikaia Hospital. In sum, an appropriate examination at Nikaia Hospital and proper monitoring following discharge back to the prison hospital might well have prevented this patient's death.

- ii) YA was admitted to Nafplio Prison on 7 December 2011 and died on 4 March 2013. The autopsy report records the cause of death as being tuberculosis of the lungs and liver. In the 12 months prior to his death he had seen the prison doctor on numerous occasions complaining of abdominal pain, fatigue and loss of weight, and the three blood tests taken (7 July, 3 and 24 October 2012) each showed that his inflammation/infection was getting worse as was his anaemia. Regrettably, the blood tests taken at Argos Hospital on 24 October, where he stayed for five days, made no reference to the previous blood tests. A simple chest x-ray, routine for anyone complaining of weight loss, would have revealed the tuberculosis. The prison doctor never weighed the person despite noting weight loss in the medical record on several occasions. The result was that this man suffered a painful and lingering death, as witnessed by fellow inmates, when such an outcome was avoidable.

The CPT considers that every death of a prisoner should be the subject of an effective investigation to ascertain, inter alia, the cause of death, the facts leading up to the death, including any contributing factors, and whether the death might have been prevented, and to establish whether there has been any negligence warranting disciplinary or criminal proceedings. Such inquiries are necessary in order to identify possible means to improve the system of prevention in place as well as to provide the relatives of the deceased person(s) with relevant information concerning the circumstances of the death.

By communication of 30 June 2015, the Ministry of Justice informed the CPT that the competent prosecutor had been asked to initiate an investigation into the death of case i) above.

**The CPT reiterates its recommendation that the Greek authorities put in place a practice of carrying out effective inquiries into deaths in custody with a view to learning lessons and improving operating procedures within the prisons to prevent, where possible, similar deaths. In that connection, the CPT wishes to emphasise that the criteria for effective investigations set out in paragraphs 26 and 29 above apply with equal weight to the investigation of deaths in custody, including those that take place in medical settings.**

**The CPT recommends that an effective investigation also be carried out into case ii) and it would like to be informed of the outcome of both investigations.**

## **5. Korydallos Prison Hospital**

89. The conditions in Korydallos Prison Hospital have been the subject of several media reports, and images depicting the appalling state of affairs in the establishment have been posted online.<sup>57</sup> However, at the time of the CPT's visit, urgent action had still not been taken to remedy the situation which was so drastic that the place could be compared to a dumping ground for sick prisoners who are subsequently neglected and not provided with the care required. Such an appalling state of affairs cannot be permitted to continue.

The hospital has an official capacity of 80 beds and on the day of the visit was accommodating 141 prisoners, not including the 47 HIV positive prisoners in Korydallos Women Prison who were under the responsibility of the hospital. This is certainly an improvement from the period prior to November 2014, when some 220 patients were held in the hospital, but the hospital remains severely overcrowded. For example, in the smaller rooms, five patients were held in 17m<sup>2</sup> while the larger rooms of 43m<sup>2</sup> were accommodating 10 or 11 patients with beds crammed together; in a hospital setting, Greek law fixes a standard of 6m<sup>2</sup> of living space per person.<sup>58</sup> In addition to the cramped conditions, the rooms were filthy and cluttered and hygiene was extremely poor.

90. Moreover, the current drastic understaffing makes it impossible to provide all patients with the proper care they require. The four resident doctors (a general practitioner, a surgeon and two microbiologists) worked Mondays to Fridays from 7h00 to 14h30, and a separate duty resident doctor rota of eight doctors covered the hours of 14h30 to 7h00 and weekends. Approval has apparently been obtained to recruit five additional physicians, which is sorely required. Further, after an absence of two years, a dentist now visits the hospital twice a week.

In addition, a number of specialists visit the hospital (psychiatrists, dermatologists, ophthalmologist, cardiologist and an ear, nose and throat surgeon). However, there is a lack of formal process in exchanging information on patients between the specialists and the treating doctors, and much depends on the individual relationships between doctors.

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<https://twitter.com/kolastirio/media>

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See Article 91 of the Greek Prison Law of 1999.

As regards the nursing complement, 11 of the 14 posts were filled at the time of the visit. Typically, this resulted in four nurses on duty during weekday mornings and two in the afternoons, and at weekends one in the mornings and two in the afternoons. At night, there is only ever one nurse on duty who, in addition to the hospital, has to provide cover for Korydallos Men's and Women's Prisons as well as for the psychiatric hospital (i.e. more than 2,500 prisoners).

As a result of the lack of nurses, a number of prisoners were employed as auxiliaries, not only to undertake janitorial duties, but also to provide care to patients such as assistance with feeding and personal hygiene. The delegation received detailed accounts inter alia of how fellow patients had provided care for a cancer patient in the period prior to his death in the hospital in February 2015, and how he was not provided with pain relieving medication until just before his death. It also came across patients who had been neglected and not provided the follow-up care required, such as a prisoner with a post-surgery lax anal sphincter causing him faecal incontinence; once his case was brought to the attention of the doctor, steps were taken to address his problem. Otherwise, nursing staff only had time to distribute medication (including at Korydallos Women's Prison) and undertake complex dressings.

**91. At the end of the visit, the CPT's delegation requested that the Greek authorities, as a matter of urgency, undertake a full review of the prison hospital and put in place a plan to resurrect it as a place of care, where prisoners are treated for their illnesses and provided the necessary care in decent conditions. If this review has not yet been conducted, given the very serious right to life issues under Article 2 ECHR as well as the serious ill-treatment concerns under Article 3 ECHR, the CPT recommends that immediate steps are taken to carry out this review. Further, the Committee wishes to be informed of the outcome of the review and the follow-up steps planned to remedy the current situation.**

## **6. Other issues**

### **a. prison staff**

92. The serious shortage of prison staff in all establishments visited continues to be a major obstacle in ensuring the proper functioning of prisons. For example, at Diavata Prison staffing levels in relation to the number of prisoners have been reduced from 1:4 in 2007 to 1:40 in 2015 with only 15 officers on duty for 600 prisoners (see also section 2 above for numbers of prison officers on duty in other prisons). The CPT must repeat that an inadequate number of custodial staff renders prisons insecure for both prisoners and staff; in particular, it impedes any efforts to maintain effective control, which leads to stronger groups of prisoners being able to exercise their powers unchecked over other inmates (see section 2 above). As was the case in 2013, the CPT's delegation found that prison staff in many instances had to rely upon the leaders of these groups to maintain order in several of the prisons visited.

Without sufficient staffing levels, it is also not possible to offer prisoners an acceptable regime thus reinforcing the warehousing phenomenon.

Moreover, many prison staff complained about working up to 14 days consecutively without time off and about overtime and extra shifts not paid, and reported that they were seeking professional help due to the stress. Such a state of affairs not only increases considerably the likelihood of burnout, but also undermines motivation. This in turn increases the risks for both staff and prisoners. The current staffing levels in the Greek prison system must be radically increased, starting with Korydallos Men's Prison.

**The CPT reiterates its recommendation to the Greek authorities that staffing levels in all prisons be urgently reviewed and increased to levels which ensure effective control and a safe environment for prisoners and staff, as well as the possibility to put in place a programme of activities for all prisoners.**

93. The lack of staff combined with budgetary difficulties means that there is in practice no in-service training for staff and that possibilities for professional development are extremely limited. In parallel with increasing the number of staff in post, efforts must be made to re-introduce a minimum number of days of in-service training for prison officers, both as a means to refresh their skills and to develop team building. In addition, with roughly two thirds of the prison population being foreign nationals, there is a need to promote learning in the areas of diversity and interpersonal skills.

**The CPT recommends that the Greek authorities develop a comprehensive plan for staff training, including on intercultural communication, in order to strengthen the motivation and performance of prison officers.**

b. contact with the outside world

94. The CPT recalls that the guiding principle should be to promote contact with the outside world as often as possible; any restrictions on such contacts should be based exclusively on security concerns of an appreciable nature.<sup>59</sup> The situation regarding contact with the outside world has not evolved since 2013 despite clear recommendations from the Committee to address two important aspects associated with visits.

First, the CPT considers that the current entitlement of sentenced prisoners to one visit of 30 minutes per week should be reviewed with a view to increasing the amount of visiting time to a least one hour every week. Further, as regards prisoners whose families live far away from the establishment in which they are held, a degree of flexibility in the application of the rules on visits should be permitted and such prisoners should be allowed to accumulate visiting time.

Second, it remains the case that most visits continue to take place with the prisoner and visitor(s) physically separated from each other by a screen. The CPT considers that the rule should be to offer open visits to all prisoners with closed visits being the exception, based on security considerations.

**The CPT reiterates its recommendations that the Greek authorities take steps to increase the visiting time for sentenced prisoners to one hour per week and that prisoners whose families live far away be allowed to accumulate visiting time. Further, visits with a physical separation between the prisoner and the visitor(s) should be the exception rather than the rule.**

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<sup>59</sup> See also European Prison Rule 24.2.



c. complaints procedures

95. There is no system of internal complaints available within the prison system. Prisoners may write a request to meet a member of the management team (for example, the director, deputy-director, chief guard or prosecutor). However, the procedure is totally informal with no register of the various complaints, the conversations that take place or of any action taken subsequent to the request. While at Alikarnassos Prison, the Director at least recorded for himself the date and nature of the request, at Nafplio Prison even this basic information was not available.

The CPT considers that a proper internal complaints system needs to be put in place; for example, prisoners ought to be able to make written complaints at any moment and place them in a locked complaints box on a prison landing (forms should be freely available); all written complaints should be registered centrally within the prison before being allocated to a particular service for investigation or follow up. In all cases, the investigation should be carried out expeditiously (with any delays justified) and prisoners should be informed within clearly defined time periods of the action taken to address their concern or of the reasons for considering the complaint not justified. In addition, statistics on the types of complaints made should be kept as an indicator to management of areas of discontent within the prison. Of course, prison officers should be encouraged and empowered as far as possible to resolve complaints themselves and only where this is not possible should recourse to a written procedure be promoted.

**The CPT recommends that the Greek authorities introduce a formal system of complaints, taking into account the above remarks.**

### **C. Children deprived of their liberty**

96. At the outset, the CPT would like to recall that one of the cardinal principles enshrined in the United Nations Convention on the Rights of the Child<sup>60</sup> and in the European Rules for juvenile offenders<sup>61</sup> is that juveniles should only be deprived of their liberty as a last resort and for the shortest possible period of time and that in all action concerning them, their best interests shall be a primary consideration.<sup>62</sup>

#### **1. Juveniles in police custody**

97. In the course of the visit, the CPT's delegation met several detained juveniles (mostly Roma) who alleged that they had been ill-treated by police officers upon apprehension or while held in police detention. Further, they claimed that they had been questioned and made to sign documents (confessions or other statements) without the presence of a lawyer and/or a trusted person. For example, a juvenile met by the delegation stated that after being apprehended on the street in the morning, he was taken to Alexander Street Headquarters in Athens (GADA) and subsequently to the Sub-directorate of Crimes against Life and Property on the 11<sup>th</sup> floor where he was placed in a small narrow cell with a mattress on the floor. He alleged that he had to remove his clothes and was subjected to slaps to the head, punches to the belly and truncheon blows to the thighs by four officers apparently in order to get him to make a confession. Afterwards he was transferred to the Department of Special Handling of Minors on the 3<sup>rd</sup> floor of the Headquarters building where he was kept for nearly three weeks. An examination of the custody records at the GADA showed that the juvenile was effectively held from 13 November to 1 December 2014 on the 3<sup>rd</sup> floor. However, on several occasions he was transferred to the 11<sup>th</sup> floor; for example, from 23h55 on 13 to 01h30 on 14 November and later that same day from 10h40 to 21h40. The mere fact of initiating an interview with a juvenile at midnight without the presence of a lawyer and/or trusted person when the juvenile had been in custody the whole day raises serious suspicions as to the motives of the police interviewers and lends credence to the allegations of ill-treatment made by the juvenile.

Another juvenile, apprehended at home, alleged that several officers had subjected him to blows with truncheons and kicks to the body in an office on the first floor of the police station and that one police officer had squeezed his index finger in a pair of pliers. After seeing the judge, he was transferred to the juvenile section on the 3<sup>rd</sup> floor of the GADA where he was held for 10 days. Upon examination by the delegation's doctor some two months after the incident, the juvenile had multiple irregular scars on both shins which were consistent with repeated blunt trauma.

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<sup>60</sup> Articles 3 and 37.b of the United Nations Convention on the Rights of the Child.

<sup>61</sup> Rules 5 and 10 of the European Rules for juvenile offenders subject to sanctions or measures (Recommendation CM/Rec(2008)11).

<sup>62</sup> See General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (Article 3, paragraph 1) by the Committee on the Rights of the Child. See also the 1985 United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("Beijing Rules"), the 1990 United Nations Rules for the Protection of Juveniles Deprived of their Liberty ("Havana Rules") and the 1990 United Nations Guidelines for the Prevention of Juvenile Delinquency ("Riyadh Guidelines").

A third juvenile, an unaccompanied foreign national, who was apprehended on the street in Thessaloniki, alleged that he had been subjected to punches to the upper body and slaps to the back of the head by police officers. He also claimed that when he had informed the examining magistrate about the ill-treatment, the response had been “that is not my affair”.

98. The information gathered by the CPT’s delegation during the many interviews conducted in the various establishments visited, illustrates that juveniles, especially foreign nationals and Roma, are at considerable risk of being ill-treated by police officers if they are suspected of having committed a crime. Clearly, the existing safeguards do not operate effectively to prevent such ill-treatment. Juveniles should have the right to a lawyer and to a trusted person from the very outset of their deprivation of liberty and should not be interviewed by police officers until at least either a lawyer or a trusted person is present. Further, it goes without saying that juveniles suspected of a crime should not have to sign any documents prior to receiving assistance from a lawyer and/or a trusted person.

**The Greek authorities need to take rigorous action to put an end to the ill-treatment of juveniles by the police and, to this end, the CPT refers to its recommendations in paragraphs 21 and 22.**

**The CPT also recommends that, in addition to the measures put forward in paragraph 47 above, the Greek authorities take the necessary steps to ensure that juveniles apprehended by the police have the right to a lawyer and a trusted person from the outset of their deprivation of liberty. Further they should not be questioned, make any statements or sign any documents related to the offence for which they are suspected without the benefit of a lawyer and, in principle, of another trusted adult being present and assisting the juvenile.**

**Further, it recommends that a specific information form on rights, setting out the particular position of detained juveniles and including a reference to the presence of a lawyer and/or another trusted adult, is developed and given to all juveniles deprived of their liberty. Special care should be taken to explain the information carefully to ensure comprehension.**

99. In its 24<sup>th</sup> General Report on the CPT’s activities of January 2015,<sup>63</sup> the CPT made it clear that, as a rule, juveniles should not be held in a law enforcement establishment for more than 24 hours as such establishments normally do not provide suitable conditions and an appropriate regime. However, in Greece, juveniles are regularly held in police stations for longer than 24 hours and in the case of the juvenile section on the 3<sup>rd</sup> floor of the GADA periods of ten days or longer are not uncommon. The CPT considers such practices unacceptable. While the GADA section is a distinct unit<sup>64</sup> for juveniles and the assistance of a social worker is available, juveniles are confined to the unit all day long with no access to any activities and are not offered any outdoor exercise. Further, the staff are usually not present in the unit but monitor the detention area via CCTV, only visiting it from time to time during the day.

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<sup>63</sup> See the section on juveniles deprived of their liberty under criminal legislation in CPT/Inf (2015) 1, paragraph 99.

<sup>64</sup> The unit consisted of three double-occupancy cells, each measuring some 9m<sup>2</sup>, a separate sanitary annex and a secured corridor running around the cells to which the juveniles were granted access.

**The CPT recommends that the Greek authorities take steps to ensure that juveniles are not held in detention in police stations for periods in excess of 24 hours. If exceptionally, they have to be detained for a longer period, it should only be in a dedicated juvenile unit which offers the juveniles counselling, activities (recreational and physical) and access to outdoor exercise.**

100. The Committee accepts that there may be exceptional situations in which it may be in the best interests of a child to be held together with a parent or another adult. However, this should not lead to children and even a baby being detained in a police cell. The CPT's delegation met a woman from Bulgaria together with her 13-year-old daughter, eight-year-old son and 14-month-old baby in a barred-cell in the detention facility on the third floor of Monasteriou General Police Headquarters in Thessaloniki. The custody records indicated that they had been detained on an oral order given by the competent prosecutor following an official request from the chief officer of Demokratias Police Station. The delegation received clarification from the Chief Prosecutors in Thessaloniki two days later that the prosecutor in charge of the case had not been informed of the presence of the children. It was also told that an investigation would be conducted into this affair.<sup>65</sup>

In the CPT's view, this lack of due diligence constitutes a clear breach of the basic principles set out above, resulting in young children ending up in a police detention cell. Such a situation is totally unacceptable. The safeguards and instructions in place to avoid children being held in police custody must be strengthened. Whenever it is deemed necessary for a single parent or carer to be detained, alternative care arrangements must be put in place for the children.

**The CPT recommends that the Greek authorities take the necessary steps to ensure that children are never detained in police custody cells because of the actions of their parents and the lack of alternative accommodation possibilities. Whenever it is considered necessary to detain a single parent or carer who is suspected of a criminal offence, alternative care arrangements must be put in place for the children.**

**Further, the Committee would like to be informed of the outcome and recommendations following the investigation into the above-mentioned case in Thessaloniki.**

## **2. Special Juvenile Detention Facility in Corinth Judicial Prison**

101. Further to the findings of the CPT's delegation in 2013 at Avlona Special Detention Facility for Juveniles, the Greek authorities were requested to transfer all inmates aged under 18 out of this establishment and to place them in a safe environment and ensure that they were provided with the necessary support that their age group required. To this end, the Greek authorities converted two wings of Corinth Judicial Prison into a special juvenile detention facility.

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<sup>65</sup> The delegation subsequently learned that the woman had paid the fine imposed by a court and had been released with her children, after having spent one night in police custody.

The facility is small and the conditions cramped, consisting of two narrow parallel corridors each containing five cells. At the time of the visit, 17 juveniles were present in the establishment. The cells (measuring some 14m<sup>2</sup>) were dilapidated and poorly furnished: two concrete plinths, a few concrete shelves and a partially partitioned sanitary annexe (toilet, shower and basin). In several cells, there was no curtain covering the entrance to the sanitary annexe. The mattresses were old and dirty and the state of hygiene and cleanliness of the cells were in need of improvement.

As to the regime, some schooling had been introduced since January 2015 with classes in the Greek language and maths offered each morning from 8h30 to 11h30. The facilities in the makeshift classroom were very basic and there was no library. After lunch, the juveniles were confined to their cells until 15h00 after which they could mix in the corridor or go to the exercise yard until 19h00 when they were again locked in their cells. There was also a weekly visit by players from Panathinaikos basketball club, which was a highlight for the juveniles met by the delegation.

**The CPT recommends that efforts be made to upgrade the material conditions and to enhance the current provision of organised activities, notably education, sport, recreation and vocational activities.**

102. The custody and care of juveniles deprived of their liberty is a particularly challenging task. It should be taken into account that many of them may have suffered physical, sexual or psychological violence. The staff called upon to fulfil that task should be carefully selected for their personal maturity and ability to cope with the challenges of working with – and safeguarding the welfare of – this age group. More particularly, they should be committed to working with young people, and be capable of guiding and motivating the juveniles in their charge. All such staff, including those with purely custodial duties, should receive professional training, both during induction and on an on-going basis, and benefit from appropriate external support and supervision in the exercise of their duties.

This was not the case in the facility at Corinth Judicial Prison at the time of the visit, although prison officers were carrying out their duties professionally. Moreover, there was minimal staff interaction with the juveniles.

**The CPT recommends that staff working with juveniles receive the appropriate training and supervision. Further, staff specialised in working with young persons should be recruited to work in the facility.**

103. As regards disciplinary and segregation measures, the CPT's delegation examined the case of a juvenile, with a history of violence, who had attacked another juvenile and broken his nose. The perpetrator was disciplined with 10 days of solitary confinement in a bare cell of 7m<sup>2</sup> and access to a concrete yard of some 12m<sup>2</sup> for one hour a day. Following the 10 days, the juvenile was placed on a special regime whereby he was kept in the disciplinary cell and not permitted to associate with the other juveniles. This continued until 25 March 2015 when the juvenile self-harmed. The Prison Board at their meeting of 30 March 2015 took into account the "weakened psychological state of the prisoner after 40 days of solitary confinement" and returned him to his own cell with permission to be out of his cell between 12h30 and 15h00 and the possibility to attend school alone afterwards.

The CPT has very strong reservations as concerns any form of solitary confinement of juveniles as this can compromise their physical and/or mental integrity. To this end, it considers that a juvenile can only be placed in solitary confinement for disciplinary purposes in exceptional circumstances and, in any case, for a period not exceeding three days;<sup>66</sup> in most cases, a short calming down period should suffice and staff should always be attentive to any juvenile placed in solitary confinement.

In its communication of 30 June 2015, the Ministry of Justice informed the CPT that it is in the process of revising the policy of placing juveniles in solitary confinement and that it had suspended the use of the two solitary confinement cells in Corinth Prison.

**The CPT welcomes this positive response and recommends that the Greek authorities amend the legal provision regulating the placement of juveniles in solitary confinement as a disciplinary punishment, taking into account the above remarks.**

Moreover, where there is a need to keep a juvenile separate from other juveniles, as this case apparently warranted, it is important for the prison management to put in place an alternative regime, which affords the individual the necessary stimulation, both physical and intellectual, and to provide the juvenile with human contact. This may require assigning one or two prison staff to work with the juvenile on a more intensive basis.

**The CPT recommends that a juvenile's behaviour never be managed through prolonged solitary confinement, but always be the subject of an individual plan that involves human contact, physical exercise and intellectual stimulation.**

104. In sum, the Corinth facility does not provide a supportive environment for juveniles and the CPT urges the Greek authorities to review their approach towards the detention of juveniles suspected or convicted of a criminal offence. The CPT considers that these young persons should be held in detention centres specifically designed for persons of this age, offering a non-prison-like environment and regimes tailored to their needs, and staffed by persons trained in dealing with the young. For example, the Committee endorses facilities composed of small, well-staffed units, each comprising a limited number of single rooms (usually no more than ten) as well as a communal area, and where juveniles are provided with a range of purposeful activities throughout the day and staff promote a sense of community within the unit.

**The CPT recommends that the Greek authorities review the current approach towards the detention of juveniles with a view to providing them with a more juvenile-centred and supportive environment, in the light of the above remarks.**

### **3. Detention of unaccompanied minor irregular migrants**

105. In the course of the visit, the CPT's delegation met a 17-year-old asylum seeker from Egypt who was detained for 22 days on the 3<sup>rd</sup> third floor of the GADA. The CPT understands that he was placed in police custody for "protective" reasons by decision of the competent prosecutor, as he was homeless and reportedly without family support. He was apparently awaiting transfer to a special juvenile shelter, once a place became available in the Attica region.

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<sup>66</sup> See the 18<sup>th</sup> General Report on the CPT's activities – CPT/Inf (2008) 25, paragraph 26.

The juvenile claimed that he had not been allowed to leave the detention area in the three weeks since his detention and that for most of the time he had effectively been held in conditions akin to solitary confinement, as police officers almost never entered the detention area and only rarely had there been other detained juveniles with whom he could associate. Further, he had not been offered any activities or access to outdoor exercise, and did not receive any hygiene products.

In the CPT's view, placing a juvenile for several days or weeks in police custody for "protection" purposes instead of providing him with accommodation in an appropriate shelter for juveniles is unacceptable. When exceptionally a child is detained, the deprivation of liberty should be for the shortest possible period of time; every effort should be made to allow the immediate release of an unaccompanied child from a detention facility and his/her placement in more appropriate care. Further, owing to the vulnerable nature of a child, additional safeguards should apply whenever a child is detained.<sup>67</sup>

For the CPT, there is no justification for detaining unaccompanied minors in police stations in conditions akin to solitary confinement and especially not for such lengthy periods. The Committee recognises the difficulties faced by the authorities of placing unaccompanied migrants who are minors in appropriate care homes. Nevertheless, the children's welfare should come first which, by definition, should exclude accommodating them in police stations.

**The Committee recommends that the Greek authorities make every effort to end the detention of unaccompanied minors in police detention facilities. Further, if exceptionally they are deprived of their liberty as a last resort, they should be offered opportunities to enjoy outdoor exercise and participate in purposeful out-of-cell activities. Additional interventions by staff should be made whenever a minor is held on his/her own.**<sup>68</sup>

106. The CPT's delegation paid a follow-up visit to the *Amygdaleza Special holding facility for unaccompanied minors* and found that the situation had not fundamentally improved since 2013.<sup>69</sup> At the time of the visit, 39 juveniles were being held in the facility with no organised activities provided and no access to outdoor exercise, other than the possibility to kick a ball around within a small concrete yard fully sheltered and enclosed with metal bars.

The juveniles were provided with no information on how long they would be detained in the facility except that the average period had decreased to about two months, depending on the availability of places in the NGO-run care homes.<sup>70</sup> Nevertheless, a number of juveniles had also spent several months in detention in other facilities such as Petrou Ralli or the adult Amygdaleza pre-departure centre.

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<sup>67</sup> As soon as possible after the presence of a child becomes known to the authorities, a professionally qualified person should conduct an initial interview, in a language the child understands. An assessment should be made of the child's particular vulnerabilities, including from the standpoints of age, health, psychosocial factors and other protection needs, including those deriving from violence, trafficking or trauma. Unaccompanied or separated children deprived of their liberty should be provided with prompt and free access to legal and other appropriate assistance, including the assignment of a guardian or legal representative. Review mechanisms should also be introduced to monitor the ongoing quality of the guardianship.

<sup>68</sup> Steps should be taken to ensure a regular presence of, and individual contact with, a social worker and a psychologist in establishments holding children in detention.

<sup>69</sup> See CPT/Inf (2014) 26, paragraph 78.

<sup>70</sup> There are currently only 400 places in 10 specialised shelters for minors available throughout Greece. By end of July 2015, about 100 unaccompanied minors were being held in detention centres throughout Greece due to the lack of alternative housing facilities.

As regards staffing, it is positive that there is the regular presence of a social worker and a psychologist but they should be more proactive in engaging with the young persons and not merely wait for a request to be seen. Moreover, staff working inside the facility should be non-uniformed, receive special training for working with juveniles and be composed of both sexes; the presence of both male and female staff can have a beneficial effect in terms of the custodial ethos and foster a degree of normality in a place of detention.

At the time of the visit, the male police officers on duty were not trained to work with young people and they merely performed guard duties with little meaningful interaction with the juveniles. The CPT also reiterates that children deprived of their liberty should also be offered a range of constructive activities (with particular emphasis on enabling a child to continue his or her education).

In sum, Amygdaleza Special holding facility continues to operate like a police detention facility and is totally unsuitable to meet the needs of unaccompanied minor irregular migrants.

107. *Petrou Ralli Special holding facility for irregular migrants* has been visited by CPT delegations on numerous occasions since its opening in late 2005. It remains totally unsuitable for holding irregular migrants for prolonged periods (see paragraphs 114-117).<sup>71</sup> At the time of the 2015 visit, it was holding 20 unaccompanied minors in six cells, each furnished with five concrete plinths. There was limited access to natural light and the toilet facilities were dirty and malodorous. Further, they had only been offered one hour of outdoor exercise on three of the six days they had been detained and no organised or purposeful activities had been offered to them. In addition, the minors, who had recently survived a traumatic sea crossing, were provided with no information about their future, were denied access to their personal belongings and mobile phones, and very few had received any support from a psychologist or social worker.

In sum, Petrou Ralli is even less well equipped than the Amygdaleza Special holding facility to look after unaccompanied minors and every effort should be made to avoid holding them in this establishment. **If, exceptionally, they are held for short periods at Petrou Ralli, they should be provided with several hours of organised outdoor exercise and recreational activities every day and given the necessary psychological support they require.**

108. **In the light of the above remarks, the CPT reiterates its recommendation that the Greek authorities take the necessary steps to ensure that unaccompanied minors, who are deprived of their liberty as a last resort, are only held in centres designed to cater to their specific needs, staffed with properly trained men and women and offering a range of age-appropriate purposeful activities.**

**More specifically, the Committee recommends once again that the Amygdaleza Special holding facility no longer be used for the detention of unaccompanied minors; instead, more suitable premises, preferably open, should be found, which meet the above-mentioned requirements for such a facility. It also goes without saying that the Petrou Ralli Special holding facility for irregular migrants is totally unsuitable for holding unaccompanied minors and they should not be held there.**

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<sup>71</sup> See, for example, the reports on the 2009 visit [CPT/Inf (2010) 33, paragraph 68] and 2013 visit [CPT/Inf (2014) 26, paragraph 75].



## **D. Foreign nationals held under aliens legislation**

### **1. Preliminary remarks**

109. In the report on the 2013 visit, the CPT examined in detail the situation of irregular migrants detained in both pre-departure centres and in special holding facilities, and looked at the implementation of the Action Plan on Asylum and Migration Management.

At the time of the 2015 visit, the main legislative provisions governing detention and deportation of irregular migrants from Greece had not changed since 2013.<sup>72</sup> They remained Law 3386/2005 on the entry residence and social integration of third-country national on Greek territory, as amended, and Law 3907/2011, also as amended, which transposed the provisions of the EU Return Directive 2008/115/EC into Greek law as well as establishing an Asylum Service and First Reception System.

However, the new government acted on 17 February 2015 announcing several policy changes, notably: alternatives to detention would be implemented and more open reception facilities created, the maximum period of detention would be limited to six months and individuals who are detained for long periods would be gradually released, and persons belonging to vulnerable groups as well as asylum seekers would be immediately released. Further, the previous Ministerial decision allowing for detention beyond 18 months was revoked.

As a consequence of this change of policy, the number of persons held in the pre-departure centres has been reduced dramatically. At the time of the visit, the four operational centres were holding 988 persons for a capacity of 5,033. Nevertheless, another 2,000 irregular migrants were being held in police stations and special holding facilities around the country for a nominal capacity of a little more than 5,500. The situation on the islands, notably Lesbos,<sup>73</sup> was proving particularly challenging with more and more persons arriving by boat or being rescued at sea – the large majority being refugees from Syria.

110. Immigration detention was not the primary focus of the 2015 visit. Nevertheless, in light of the persistent findings of poor treatment of irregular migrants during previous visits and the long list of detailed recommendations made to the Greek authorities in the report on the 2013 visit to improve the situation,<sup>74</sup> the CPT considered it important to see to what extent the situation had evolved. To this end, it visited the Corinth pre-departure centre for the first time and paid a follow-up visit to Petrou Ralli special holding facility for irregular migrants, in addition to visiting numerous police stations.

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<sup>72</sup> See the report on the CPT's 2013 visit: CPT/Inf (2014) 26, paragraphs 57 to 60.

<sup>73</sup> The centre on Lesbos was accommodating 368 persons for a capacity of 230 but the authorities were making every effort to ensure that irregular migrants did not spend more than a few weeks in this centre before being transferred to Athens.

<sup>74</sup> See CPT/Inf (2014) 26, paragraphs 61, 64, 66, 72, 77, 83, 85, 87, 88 and 89.

## 2. Corinth pre-departure centre

111. Corinth pre-departure centre was holding 267 male irregular migrants for a capacity of 1,536. In effect, only two of the eight buildings were occupied. Each building consisted of two floors with two wings per floor leading off a central staircase. On every wing, there were four dormitories (each measuring 33m<sup>2</sup>), each equipped with six sets of bunk beds and a sanitary annexe containing a toilet and a basin. There was also a communal shower room in each wing; on most of the floors visited only two of the five showers worked. Moreover, there was no hot water and the detainees were not provided with any hygiene products.

As for activities, there was nothing offered, not even access to a television. Detained persons were allowed to go out to the yard adjoining each building for two hours every morning and afternoon, and there was a ball with which to improvise football games.

112. Many of the detained persons made allegations of ill-treatment by police officers at the time of their apprehension or at other facilities but they stated that the police officers at the Corinth centre treated them correctly. That said, the police officers had received no specific training to work with irregular migrants and their main task was to guard the perimeter of the fencing around each building, supervise the distribution of food twice a day and deal with individual requests; they rarely entered the actual accommodation areas. At the time of the visit, six officers were responsible for supervising the detainees and six for perimeter security with a further 18 officers on stand-by.

For the irregular migrants, the main concerns related to a lack of information about their future and the poor access to health care. Indeed, since December 2014, there had been no regular presence of a doctor and the Hellenic Centre for Disease Control and Prevention (KEELPNO) stopped visiting the centre in March 2015. Consequently, an untrained officer found himself responsible for trying to manage the health care needs of several hundred irregular migrants. In the course of its visit to the centre, the delegation identified a number of persons who required medical treatment, including several with suspected scabies and one with suspected thrombosis in the leg. The medical files were – needless to say – incomplete.

113. In sum, the concept for the operation of pre-departure centres still remains based on a security approach with detainees treated in many respects as criminal suspects.<sup>75</sup> In this respect, the recommendations put forward in the 2013 report have not been implemented. The centres are not staffed by properly trained officers, present within the accommodation areas, interacting with detained irregular migrants and taking a proactive role to resolve potential problems. Further, no activities are offered and material conditions are generally poor. In addition, the lack of any health-care staff represents a public health risk in addition to jeopardising the health of individual detained persons.

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<sup>75</sup> As evidenced by the overly restrictive Internal Operating Regulations for immigration detention facilities of 10 March 2013 promulgated as a Decision of the Chief of Hellenic Police.

The CPT reiterates its recommendation that the Greek authorities take the necessary steps to ensure that irregular migrants deprived of their liberty be accommodated in centres specifically designed for that purpose, offering material conditions and a regime appropriate to their legal situation and staffed by suitably-qualified personnel.

Further, as regards Corinth pre-departure centre, steps be taken to ensure that:

- the dormitories accommodate no more than four persons and are equipped with tables and chairs and that each person is provided with personal lockable space;
- a programme of activities (educational, recreational and vocational) is developed;
- at least one common association room, equipped with television and games, is set up;
- the centre is equipped with a multi-faith room;
- detainees are provided with sufficient quantities of personal hygiene and cleaning products (including washing powder).

In addition, urgent action should be taken to ensure that a doctor and at least one nurse are present in the centre every day, including on weekends.

### 3. Petrou Ralli holding facility

114. At Petrou Ralli Special holding facility for irregular migrants, 191 detainees were held at the time of the visit: 163 male detainees were held on the second floor; further, seven persons<sup>76</sup> were isolated in a separate wing and 20 juveniles were held on the third floor (see paragraph 107), in the former detention area for female detainees.

The conditions of detention remained totally inadequate for holding irregular migrants for prolonged periods.<sup>77</sup> The cells in the four male wings were dirty and infested with cockroaches; the vast majority of detained persons complained about the mattresses and blankets being old, dirty and infested with bed bugs. The delegation could itself observe that many detainees had marks from recent bed bug bites on their bodies. The sanitary facilities lacked cleaning and some were dilapidated.

Similarly, the isolation wing was in a poor state of cleanliness and hygiene. One cell and the adjoining corridor still bore the black stains from a fire incident some nine months later, during which a detainee had immolated himself. Given that several detainees were being held there because of their medical situation, urgent steps should be taken to render the wing hygienic. Further, eight small cells had almost no access to natural light and should not be used for detaining persons for prolonged periods.<sup>78</sup>

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<sup>76</sup> Among the seven persons were one detained person who suffered from tuberculosis, two were HIV positive and four had made a suicide attempt.

<sup>77</sup> See CPT/Inf (2014) 26, paragraph 75.

<sup>78</sup> The delegation was informed that people previously spent several months in these cells.

115. Detained persons complained about the lack of information about their future, the insufficient supply of hygiene and cleaning products and that they were not able to shave. Some also alleged that they had to urinate in plastic bottles at night as staff apparently did not respond to calls by detainees to be granted access to the toilets. Most detainees were granted outdoor exercise for one hour a day during weekdays, but not at weekends, while some stated that they were allowed to go to the concrete yard only twice a week, for some 45 minutes. No purposeful activities were offered to detainees.

116. As regards health care, the CPT's delegation was informed that, after three months of absence, medical teams from KEELPNO were again visiting the establishment since 7 April 2015: usually, a doctor came for a few hours a day during weekdays, sometimes accompanied by a nurse, and a doctor was on call during weekends. Recently, a psychiatrist had also started visiting the establishment twice a week.<sup>79</sup> However, access to a doctor was not prompt and detainees usually had to wait several days.

The delegation met several detainees who required close medical attention, including cases of scabies, tuberculosis, or hepatitis B and C. One detainee with diabetes reported that he did not receive any medication, as he had no money to pay for it. He complained of severe pain and numbness in his lower limbs and that he had to urinate some six to seven times during the night, which prevented him from sleeping.

Further, the delegation interviewed several persons who required psychiatric care and some persons who had attempted to commit suicide, four of whom were held in the isolation wing. None of the persons had received appropriate care and there was no appropriate procedure in place from preventing persons from attempting to commit suicide; yet, according to the information provided by staff, suicide attempts and self-harm incidents occurred frequently.

A migrant from Libya was found in a particularly serious condition, when interviewed by one of the delegation's medical doctors. According to his medical records, he suffered from a behavioural disorder due to his dependence on cannabis and from epileptic crises. Although the need for an urgent neurological assessment was reiterated on three occasions after his arrival at Petrou Ralli on 4 February, he was only granted access to a psychiatrist one month later and had still not been seen by a neurologist at the time of the visit. Further, he was not given any medication for most of the time he was held there. As a consequence, he attempted to commit suicide and was taken to a psychiatric hospital on 26 March, where he was kept overnight for treatment. He was hospitalised on three more occasions in April, the last time on 18 April where he received an injection, since when he had felt dizzy.

This example shows a clear lack of an integrated approach in the delivery of health care at Petrou Ralli holding facility, the poor mental health-care services available, the lack of medical screening upon arrival, long delays in the delivery of health-care and the lack of medication and its intermittent application for persons who are not in a position to purchase the prescribed medication. Moreover, the CPT has serious reservations as regards the lack of medical confidentiality: for example, the ordinary custody registers listed information on the medical condition of detainees (such as "scabies", "tuberculosis" or "AIDS"), non-medical staff were charged with the distribution of the available medication, and custodial officers were keeping the key giving access to the medical room and thus had unlimited access to the poorly kept medical records of detainees.

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<sup>79</sup> Further, social workers and psychologists saw detainees to assess their needs or provide basic information.

117. **The CPT calls upon the Greek authorities to take the necessary steps to ensure that:**

- **all detainees are provided with full information, in a language they understand, on their legal situation;**
- **all detainees are provided with clean mattresses, blankets and bedding;**
- **all detainees have ready access to toilet facilities, including at night;**
- **all detainees are offered at least two hours of outdoor exercise a day, including on weekends;**
- **each wing has a common association room, equipped with television and games, and a room for prayers;**
- **regular maintenance work and disinfection is carried out and sufficient funding is made available to this end;**
- **sufficient quantities of detergent and products for personal hygiene are made available at all times to detainees;**
- **the eight small cells with almost no access to natural light in the isolation wing on the third floor are not used for detaining persons for prolonged periods.**

**As regards health care, the CPT recommends that the Greek authorities guarantee an integrated approach in the delivery of health care and ensure that:**

- **access to a doctor is improved by guaranteeing that a doctor and a nurse are present every day, including on weekends;**
- **medical confidentiality is strictly guaranteed;**
- **if a decision is taken to segregate a detained person due to his medical situation, he is placed in appropriate conditions according to his needs.**

**Further, comprehensive procedures and training should be put in place to monitor and prevent acts of self-harm and attempted suicides.**

**APPENDIX I**

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

**A. Establishments under the authority of the Ministry of the Interior and Administrative Reconstruction**

*Attica Region*

- Agios Pantaleimonas Police Station, Athens
- Alexander Street Police Headquarters (GADA), Athens
- Amygdaleza Special holding facility for unaccompanied minors
- Kypseli Police Station, Athens
- Omonia Police Station, Athens
- Petrou Ralli Special holding facility for irregular migrants

*Crete*

- Heraklion Regional Police Headquarters

*Central Macedonia Region*

- Demokratias Police Station, Thessaloniki
- Monasteriou General Police Headquarters, Thessaloniki
- Sindos Police Station, Thessaloniki

*Peloponnese Region*

- Corinth Pre-departure centre
- Tripoli Police Station
- Kalamata Police Station

**B. Establishments under the authority of the Ministry of Justice, Transparency and Human Rights**

- Alikarnassos Prison, Heraklion
- Korydallos Men's Judicial Prison\*
- Korydallos Female Remand Prison\*\*
- Korydallos Prison Hospital
- Nafplio Judicial Prison
- Special Juvenile Detention Facility in Corinth Judicial Prison
- Diavata Judicial Prison, Thessaloniki\*

\* targeted visit

\*\* visited to interview specific prisoners

**APPENDIX II**

**LIST OF THE NATIONAL AUTHORITIES  
AND NON-GOVERNMENTAL ORGANISATIONS  
WITH WHICH THE CPT'S DELEGATION HELD CONSULTATIONS**

**A. Ministerial authorities**

**Ministry of Justice, Transparency and Human Rights**

|                          |  |
|--------------------------|--|
| Nikolaos PARASKEVOPOULOS | Minister of Justice, Transparency and Human Rights   |
| Eftychios FYTRAKIS       | Secretary General for Crime Policy   |
| Kostis PAPPAIOANNOU      | Secretary General for Transparency and Human Rights  |
| Ioannis STALIKAS         | General Director for Crime and Correctional Policy   |
| Kanella SPANOMICHOU      | Head of Directorate of Organisation and Function of Detention Establishments                   |
| George THRAPSANIOTIS     | Head of Department of General and Agricultural Prison Establishments                           |
| Aris ARKOUDIDIS          | Head of Department of Therapeutic Institutions   |
| William ALOSKOFIS        | Special Advisor to the Secretary General for Crime Policy                                      |
| Maria ANAGNOSTAKI        | Scientific Personnel, Office of the Secretary General for Crime Policy and CPT Liaison Officer |

**Ministry of the Interior and Administrative Reconstruction**

|                          |   |
|--------------------------|---|
| Ioannis PANOUSIS         | Alternate Minister of Citizen Protection                                      |
| Zacharoula TSIRIGOTI     | Major General, Head of Aliens and Border Protection Branch, Hellenic Police   |
| Menelaos KOSTARIS        | Brigadier General, Illegal Immigration Control Division, Hellenic Police      |
| Eustratios PAPADEAS      | Colonel, Director of Aliens Division, Hellenic Police                         |
| Konstantinos HLIOPOULOS  | Colonel, Director of Organisation and Legal Support Division, Hellenic Police |
| Konstantinos OIKONOMIDHS | Colonel, Director of Police Staff Division, Hellenic Police                   |

|                           |   |
|---------------------------|---|
| Dimitrios ATHANASOPOULOS  | Colonel, General Policing Division, Hellenic Police                                       |
| Georgios KANELLOS         | Colonel, Director of State Security Division, Hellenic Police                             |
| Panagiotis KOUMPOULAS     | Colonel, Public Security Division, Hellenic Police  |
| Georgios THEODORAKOPOULOS | Colonel, Head of Education and Human Resource Development Division, Hellenic Police       |
| Georgios KASTANIS         | Lieutenant Colonel, Internal Affairs Directorate, Hellenic Police                         |
| Xenophon RACHOVITSAS      | Lieutenant, Illegal Immigration Control Division, Hellenic Police and CPT Liaison Officer |
| Dimitrios BAROYXAKIS      | Hellenic Coast Guard/Security Division  |
| Alexandros ARVANITIDIS    | First Reception Service   |

**Ministry of Foreign Affairs**

|                        |  |
|------------------------|--|
| Demetrios CHRONOPOULOS | Ambassador, Director of Directorate for OSCE and Council of Europe                   |
| Georgios ALAMANOS      | First Counsellor, Directorate for OSCE and Council of Europe and CPT Liaison Officer |
| Efthymios TZIOKAS      | Desk Officer for Council of Europe, Directorate for OSCE and Council of Europe       |

**Ministry of Health and Social Security**

|                    |   |
|--------------------|---|
| Panos PAPADOPOULOS | Head of Cabinet of the Alternate Minister of Health |
|--------------------|---|



**B. Other authorities**

**Legal Council of the State**

Konstantinos GEORGIADIS                      Judge at the Legal Council of the State

**Public Prosecutors**

Areti SKAFIDA                                      Public Prosecutor, Athens Public Prosecutor's Office

**Office of the Ombudsman**

Calliope SPANOU                                      Ombudsman

Vassilis KARYDIS                                      Deputy Ombudsman for Human Rights, Head of the  
National Preventive Mechanism (NPM)

Elena MARKOU    Coordinator of the NPM Unit

Fotini PANTELIDOU                                      Deputy Coordinator of the NPM Unit

**C. Non-governmental Organisations**

Greek Refugee Council

### **APPENDIX III**

#### **MEDICAL FINDINGS CONCERNING CASES OF ILL-TREATMENT**

1. Findings by the forensic medical doctor of the CPT's delegation following the examination of a person at Alexander Street Police Headquarters in Athens (GADA), who alleged ill-treatment when apprehended by the DELTA motorcycle police unit in the area of Exarchia (see paragraph 16 of the report):

- a) the dorsum of his right hand was swollen and the skin was bruised and bluish violet in colour (12x8cm);
- b) a small greenish hematoma of the size of a fingertip on the anterior aspect of the left brachial region;
- c) a pale hematoma (3x1cm) on the anterior aspect of the right costal margin, in medioclavicular line;
- d) the skin was bruised, bluish violet in colour and slightly swollen (3x1.5cm) on the dorsal aspect of the right lower arm, in its lower part, longitudinally.

The injuries were consistent with the allegations of ill-treatment.

2. Findings by the forensic medical doctor of the CPT's delegation following the examination of a second person at the GADA, who also alleged ill-treatment when apprehended by the DELTA motorcycle police unit in the area of Exarchia (see paragraph 16 of the report):

- a) many points on the scalp that were sensitive to palpation;
- b) a bluish hematoma of skin (2x1cm) in the frontal region, to the left;
- c) a pale bluish hematoma of skin (2x1cm) in the right lumbar region;
- d) two bluish hematoma of the skin on the posterior aspect of the right elbow, one approximately round in shape (2cm in diameter), and the other irregular in shape (2.5x2.5cm);
- e) a greenish hematoma of the skin (8x3.5cm) on the posterior aspect of the right femoral region, in its upper half, oval in shape, transversally located.

The injuries were consistent with the allegations of ill-treatment.

3. Findings by the forensic medical doctor of the CPT's delegation following the examination of a person at Diavata Judicial Prison in Thessaloniki, who alleged excessive use of force upon his apprehension by motorcycle police officers in Thessaloniki prior to being held in Sindos Police Station in Thessaloniki and to being remanded in custody in Diavata Judicial Prison (see paragraph 16 of the report):

- a) a pale haematoma oval in shape (10x7mm), located on the palm of the right hand, adjacent to the thumb base;
- b) an abrasion (10x10mm) in the middle third of the left forearm, on its palmar aspect;
- c) an abrasion oval in shape (30x25mm) on the anterior aspect of the right knee, approximately 36 cm above heel level, surrounded by a halo of delicate pink skin up to 10mm in width;
- d) an abrasion oval in shape (15x15mm) on the anterior aspect of the right lower leg, in its upper third;
- e) the lower half of the right lower leg and the right foot were immobilised by plaster and bandage; upon removal of the immobilisation, the following injuries were determined:
  - two parallel linear abrasions (each 15mm in length), and two abrasions oval in shape (10x15mm and 12x15mm), on the anterior aspect of the lower leg, in its lower third, vertically orientated;
  - the ankle joint appears swollen; movements (dorsal and plantar flexion) are reduced and painful;
- f) a linear abrasion (50x10mm) on the lateral aspect of the left knee, transversely oriented;
- g) an abrasion oval in shape (15x10mm) on the anterior aspect of the left lower leg, in its upper third;
- h) three tiny abrasions adjacent to each other on an area measuring approximately 25x10mm, on the anterior aspect of the left lower leg, in its middle third;
- i) a pale hematoma oval in shape, measuring approximately 3x3mm, on the dorsal aspect of the left foot, at the base of the first toe.

The injuries were consistent with the allegations of ill-treatment.

**APPENDIX IV**

**PHOTOGRAPHS OF THE WOODEN BATS FOUND IN OFFICE NUMBER 407 ON THE  
FOURTH FLOOR OF DEMOKRATIAS POLICE STATION, THESSALONIKI**  
(see paragraph 19 of the report)

