

**A.**

INTERIM RESPONSE OF THE MINISTRY OF PUBLIC ORDER  
TO THE REPORT OF THE EUROPEAN COMMITTEE FOR THE  
PREVENTION OF TORTURE AND INHUMAN OR DEGRADING  
TREATMENT OR PUNISHMENT (CPT)

ON ITS VISIT TO GREECE FROM 25 MAY TO 6 JUNE 1997



HELLENIC REPUBLIC  
MINISTRY OF PUBLIC ORDER  
HELLENIC POLICE  
DIRECTION OF STATE SECURITY  
DEPARTMENT C'

Athens, 18 October 1998

**REPORT**  
**ON THE OBSERVATIONS OF THE COMMITTEE**  
**OF ARTICLE 1 OF THE EUROPEAN CONVENTION FOR THE**  
**PREVENTION OF TORTURE AND INHUMAN**  
**OR DEGRADING TREATMENT OR PUNISHMENT**

We would like to inform you the following in regard to the observations forwarded to us by virtue of document Ref.No 9318/49.

**1. PLACES OF DETENTION AT THE POLICE STATION OF DRAPETSONA**

- a. The detention cells at the Police Station of Drapetsona are modern and built on the basis of the studies elaborated by the competent services of the Ministry of Public Order and the Piraeus Land Development Direction.
- b. The detention cells are divided into two (2) wards (men-women) and have a total capacity of (85) persons.
- c. There is a spacious corridor to each of the prisoners' wards (men-women), and prisoners are allowed to come out of their cells and spend time there, freely, in groups.
- d. The number of women prisoners is usually small, therefore the prisoners have adequate space to move in their cells and in their ward corridor.

- e. It is a fact that there is no secure area in this Police Station which would permit the physical exercise of prisoners.
- f. There is not water around the clock for the needs of all the prisoners (men and women). There are five (5) water boaters in total. In the case of any failures to the hot water supply systems, these are repaired as soon as possible.
- g. The above mentioned detention cells are cleaned daily by the Police Station's cleaning crews, while at fixed periods of time the area is disinfected by the State Hygiene Services or by private companies.
- h. The food offered to the prisoners is cooked at the police restaurant and it is exactly the same as that offered to police officers. It consists of two meals (lunch – dinner).
- i. No mistreatment charges have been brought by any prisoner to the Ministry Department up to this date. Note should be made here that prisoners are afforded all possible facilities, and the conditions of their dictation can be characterized as human, in general.
- j. The number of persons deprived of their liberty who are held in the above mentioned places very rarely exceeds the number set forth for that purpose.
- k. Finally, we would like to inform you, that the Committee's recommendations is regard to the supply of hot water, cleaning, replacement of mattresses e.t.c. have been implemented.

## **2. THE 7<sup>TH</sup> FLOOR DETENTION CELLS AT THE ATHENS POLICE BUILDING**

- a. There are divided into two (2) wards (men-women) and consist of twenty (20) cells, with a total capacity of eighty (80) persons.
- b. There are four (4) persons hold in each cell as a rule. However in cases of increased numbers of detainees brought to the Department for various offences, there might more than four (4) persons, held in each cell, for very limited periods of time.

- c. The natural lighting of these places of deprivation of liberty is adequate and does not differ from the lighting in the offices of the Police Department housed in that building.
- d. The artificial lighting is also adequate and is constantly improving.
- e. The cells are equipped with a separate and efficient ventilation system.
- f. In general, all the regulations relating to the hygiene and cleaning of the cells are satisfied.

**3. THE 3<sup>RD</sup> FLOOR DETENTION CELLS FOR JUVENILES AT THE ATHENS POLICE BUILDING**

- a. These places of deprivation of liberty consist of three (3) cells, of a total capacity of six (6) persons.
- b. They are exclusively used for the detention of juveniles.
- c. As a rule, detainees do not remain long in these cells, due to their particular nature (children and adolescents). They are led before the court authorities as soon as possible, and therefore they are sent to correctional or therapeutic institutes.

**4. THE 11<sup>TH</sup> FLOOR DETENTION CELLS AT THE ATHENS POLICE BUILDING**

- a. These places of deprivation of liberty consist of five (5) cells, of a total capacity of five (5) persons.
- b. They are mainly intended for the detention before trial of prisoners until the completion of all the required formalities.
- c. The meals offered to the detainees is cooked at the police officers mess and it is the same offered to police personnel. It is adequate in its quantity and excellent in its quality.

**6. PLACE OF DETENTION AT 23 ASKLIPIOU STREET, PIRAEUS**

- a. These detention cells are only intended for male foreign nationals awaiting their deportation.
- b. This place of deprivation of liberty consists of fourteen (14) cells of a total capacity of fifty-six (56) persons.
- c. All the deficits noted by the Committee in regard to these cells have been restored, and in due time they will be operational.

## **7. DETENTION CELLS AT THE PIRAEUS TRANSFER STATION**

- a. It is a fact that the building which houses the Piraeus Transfer Station is not suitable due to lack of grounds, the antiquity of the building and the number of detainees.
- b. The fact is that due to the antiquity of the building, no restoration can be undertaken effectively. Therefore, the Ministry Services have tried to locate a new suitable building. However, our efforts up to this date have been unsuccessful for various reasons (mainly social reaction).
- c. Finally, despite the current state of this place of deprivation of liberty, our undertakings in regard to the replacement of mattresses and blankets, the repair of the worm electrical and sewage installations and the painting of the building have been implemented, and there is a constant effort towards the improvement of the detention conditions.

## **8. PLACE OF DETENTION AT THE POLICE STATION OF THE EASTERN AIR TERMINAL OF ATHENS**

- a. This consists of one cell, of an area of approximately 30 square meters, where only criminal offenders remanded by all the Departments of the Security Direction of Attica are held.
- b. This place is sufficiently clean and from time to time the walls are painted and the cell is disinfected. Furthermore, main tresses and blankets are frequently replaced.
- c. The natural ventilation cannot be improved, given the position of this place. The artificial lighting is entirely adequate.

**9. PLACE OF DETENTION AT THE WESTERN AIR TERMINAL OF ATHENS**

This is a specially arranged area leading to the Western Air Terminal Transit Hall, where foreign nationals to be deported are held. They only remain there for a very brief period of time, until their departure. Finally, we would like to inform you that this place belongs to the jurisdiction of the Civil Aviation Authority.

**10. PLACE OF DETENTION AT THE EASTERN AIR TERMINAL OF ATHENS**

- a. There is a special area in the Transit Hall of the Eastern Air Terminal, where foreign nationals who are characterized as “personae non gratae” remain under Police supervision, until they are repatriated or until they depart for another which grants them entry.
- b. Foreign nationals who are not permitted to enter the Greek territory and remain in the above mentioned area, are internationally characterized as personae non gratae and are never deemed to acquire the capacity of a prisoner.
- c. This area belongs to the jurisdiction of the Civil Aviation Authority, which is responsible for the cleaning, the meals e.t.c. at the expense of the airlines, or should the latter refuse to cover the relevant expenditure, at its own expense. The services offered by the Police are limited to the security of the area.
- d. The Committee’s recommendations for the installation of television, ping-pong, books and newspapers for reading etc have already been forwarded to the Direction of the Athens Airport.
- e. The above mentioned foreign nationals are not permitted to exercise outdoors, since all the open grounds in the Airport are characterized as strictly controlled grounds (taxi ways, take off strips etc).
- f. Both the Greek legislation and the Schengen Convention forbid the transfer of the above mentioned foreign nationals outside the airport. Any such action would constitute entry to the territory under the Schengen Convention.

- g. Ailing foreign nationals have access to medical care, both at the Western as well as at the Eastern Air Terminals, all around the clock. Should they be unable to go to the doctor, the doctor will come to the area where they are sent and will offer the required medical services. Furthermore, should any ailing foreign national need to be transferred to the hospital, this transfer will be effected immediately, with priority. Any such foreign national will remain under Police supervision during his/her hospitalization.
- h. After the above mentioned foreign nationals have been asked the necessary questions according to the internationally standard procedure, and after they have been characterized as personae non gratae, such characterization is announced to them in all confidentiality and they are offered the opportunity to communicate with their acquaintances or with any authority, whether in the Greek territory or not, their Embassies and, of course, with their chosen council.
- i. Given the existing building infrastructure at the Athens Airport, the conditions of the stay of the above mentioned category of foreign nationals in this area are considered acceptable, which with the construction of the new Airport there is a provision for comfortable rooms for this purpose, and the possibility that they will be allowed to stay at an Airport Hotel is still open.

#### **11. PLACE OF DETENTION AT THE DEMOKRATIA POLICE STATION, THESSALONIKI**

- a. This place of detention consists of four (4) cells of a total capacity of ten (10) persons.
- b. All the old mattresses and blankets have been replaced by new ones.
- c. There is adequate natural lighting and the area is regularly cleaned.

#### **12. PLACE OF DETENTION AT THE CORFU POLICE STATION**

- a. Extension and restoration works are in progress at the above place of detention (painting, water-sewage-electrical installations).

- b. Furthermore, this Department is going to proceed to the construction of a new place of detention, in order for the needs in this area to be fully covered.

In regard to the Committee's recommendations on this matter, we would like to inform you the following:

1. On the matter of the supervision by public prosecutors of the preliminary investigations undertaken by police officers in criminal cases (para.18, pp.23-24, CPT Report and page 58, Appendix I thereto), we would like to inform you that according to the investigation undertaken by investigating officers of the Hellenic Police Forces is subject to the directions of the public prosecutor of the Court of Magistrates, who is entitled to attend all investigating procedures, either in person or by one of the deputy public prosecutors under his command, and to take knowledge at any time of all documents refereeing to the investigation (articles 31 and 33). Therefore, the present statutory framework adequately covers this case. It stands to reason that the attendance of public prosecutors in all the preliminary investigation activities of the investigating police officers is practically impossible, given the limited number of prosecution officers.
2. With regard to the Committee's recommendation for the establishment of a separate formal Code of Behavior effective in the case of preliminary investigations conducted by investigating police officers (para.93, pp.64-65, CPT Report and page 65, Appendix I thereto). We would to inform you that this matter has been covered in detail in our document Ref.No 4803/22/1 of 22 May 1997 addressed to the Ministry of Public Order, Direction of International Police Co-operation, which is hereto attached.

Note is made, however, that given the current legislation (Code of Criminal Procedure articles 33 et.seq.), any special statutory regulation referring to such a Code would have to include the procedure of the judicial investigation and regulate the conduct of all investigating officers, without being limited to the conduct of police officers. We believe that both the review of this particular recommendation of the Committee and the overall handling of the matter as well as the recommended in the First C.P.T. Report (CPT/Inf (94) 20, par.46) supplementation of Article 137 of the

Criminal Code, are subject to the competence of the Ministry of Justice.

3. With regard to the recommendations of paragraphs 82 (page 59), 85-87 (pages 59-61), 92, 94-96 (pages 64-67) of the CPT Report and pages 63-66 of Appendix I thereof referring to the matters of the communication of the detainees, both Greek and foreign nationals, with their family members of other persons (Consuls etc) and with the counsels of their choice, the attendance of counsels during the preliminary investigation procedure and the foreign nationals' deportation procedure, the legal aid accorded by to prisoners without means of their own (both Greek and foreign nationals), the leaflets informing prisoners and detained foreign nationals awaiting deportation of their rights, and the measures adopted by the Hellenic Police Force to secure that said persons can exercise their rights in practice, we would like to make the following observations:
  - a. On the basis of circular order No 4803/22/14-a of 3 November 1995 issued by the Chief of the Hellenic Police Force, the information forms detailing the rights of the persons destined by the Police Authorities were standardized, and their implementation was ordered according to the instructions contained therein.
  - b. These information forms are divided into two categories. Information forms intended for all detainees (Sample D-33) and special information forms intended for foreign nationals detained pending their administrative deportation (Sample KA-141). Both D-33 forms and KA-141 forms have been printed up to this date in 14 languages (Greek and 13 foreign languages). The foreign languages to which these information forms were translated are those recommended by the district Departments of the Hellenic Police Force, on the basis of the statistical data on the major languages spoken or understood by foreign nationals entering or staying in Greece.
  - c. The Ministry of Public Order has not been informed of any case in which the current information forms did not cover the information needs of foreign nationals in detention. Only isolated cases have been reported of either illiterate foreign nationals or foreign nationals who could not speak the official

language of their country of nationality, and who therefore were not in a position to read the information forms produced.

- d. Police officers deal with such cases with particular sensitivity, making every effort, according to the directions of section (j) of paragraph 12 of the above mentioned circular, to orally explain their rights to the detainees in any available way (with the assistance of an interpreter, the consular authorities etc). However, in these cases the relevant report drawn up by the police officers contains a special reference indicating the probable cause of the lack of full information (paragraph 12, section (k) of the circular).
- e. Paragraph 12, sections (4) and (e) of the above mentioned circular sets forth the additional obligation of the police officers to explain orally and explicitly their rights to the prisoners and to draw up a report proving the provision of the information form and the clear explanation of the prisoners' rights.
- f. Under paragraph 12, section (a) of the circular of the Chief of the Hellenic Police Force, all the persons arrested for any reason by the Hellenic Police Force are provided with information forms, immediately after they are led to a Police Establishment.
- g. On the basis of the same circular order, police officers are obliged to permit and facilitate the detained persons' communication with their family, in order to let them know where they are held, should they wish to do so, and their legal counsel (paragraph 12, section (e) of the circular).
- h. Police Authorities are required, under paragraph 1. section (f) of the circular, to facilitate the detained persons' communication with the area's bar association, thus permitting them to employ the services of the counsel of their choice, if they do not already have an attorney.

Article 18 of the relevant Bill proposed by that Ministry, in every case where there is a provision for the ex officio appointment of a counsel for the defendant by the court or a board or the investigating magistrate or an investigating officer, the counsel is selected by a list, drawn up following a

specific procedure. While a joint decision issued by the Ministers of Justice and Finance determines the calculation and payment of the attorney's fees. We would like to emphasize, however, that the legislation in effect does not provide for the ex officio appointment of a counsel by an investigating officer, a fact which our Department intends to airless to the above mentioned Ministry of Justice, which has forwarded said Bill for our information, with a view to covering this case as well.

- k. Note is made that foreign nationals arrested for violations of the legislation on foreign nationals (Act No 1975/1991), such as illegal entry into the Greek territory (article 4 para.3, Act No 1975/1991) are detained for criminal offences and are treated within the frame of the current criminal procedure. Such foreign nationals, and any person arrested for criminal offences, are provided with general information forms concerning the prisoners' rights (Sample D-33) immediately upon their arrival at the relevant Police Establishments, where all their rights are detailed, both concerning their period of detention therein, as well as concerning the procedure followed. The provisions of the legislation on foreign nationals (article 4 para.4 Act No 1975/1991) set forth that, in the frame of the criminal procedure, the public prosecutor of the Court of Magistrates can abstain, upon the consent of the public prosecutor of the Appellate Court, from to criminal proceedings against a foreign national for the offence of illegal entry into the Greek territory, in which case the foreign national is again immediately turned back to the country of his departure or origin. Until the relevant decision is issued by the public prosecutor of the Court of Magistrates, the foreign national in detention is treated according to the criminal procedural provisions.
- l. Stress should be put to the fact that the Ministry of Public Order has shown particular concern about this matter. In particular, circular order Ref.10 4803/22/14-εόδ of 31 March 1997 has been issued by the Ministry's Secretary General, offering clarifications to the Police Departments and underlining the police officers' obligations to offer information to foreign nationals detained for violations of the legislation on foreign nationals (Act No 1975/1991).

- m. The same circular order, in addition to all the other measures intended for the information of foreign nationals detained by the Police, ordered that the information forms (D-33 and KA-141) should be posted in the detention areas of the Hellenic Police Prisoner Transfer Departments, in all the languages, thus covering every aspect of every means of information possible. The same measure, of course, applies in the case of Greek detainees.
- n. In general, there are provisions for the adoption of all appropriate measures, in order to allow the detainees to exercise in practice all of their rights, within the frame of the existing laws and regulations.
- o. The following are noted in regard to how the measures referring to the information of detainees on their rights are ensured:
  - (1) The Heads and Captains of Police Departments have been assigned the supervision of the application of the above mentioned measures by police officers, according to circular order Ref.No 4803/22/14-a' of 3 January 1995 issued by the Chief of the Hellenic Police Force. The same officers are responsible for the training and instruction of police personnel leading to the full adoption and strict implementation of said measures in practice (para.18, section b' of the circular).
  - (2) Furthermore, according to paragraph 18, section a' of the same circular, all the hierarchically superiors to the Heads of Police Departments have been ordered to monitor the meticulous implementation of the measures set forth for the information of detained persons.
  - (3) The Ministry of Public Order, exercising constant control in all matters pertaining to the implementation of said measures, issued in addition the circular order Ref.No 4803/22/14-ke' of 5 November 1996 of the Ministry's Secretary General, where the intention for the further practical guarantee of the exercise of their rights by the detainees in re-established and the responsibility of their superior officers to monitor their strict compliance are emphasized.

- (4) On the basis of the above mentioned circular order of the Secretary General of the Ministry of Public Order, the Heads of Police Directions, Security Directions and Traffic Police Directions as well as the Directors of Prefect Ural Police Directions, have conducted and are in the process of conducting controls, and have reported that all Police Departments perform painstakingly their duties referring to the information and the exercise of the detainees' rights.
4. The guarantee in full of the fundamental rights of every person, and particularly of those persons detained in Police Departments, and the social sensitivity which is part of the duties of police officers, consist the essence of the policy of the Ministry of Public Order. The Hellenic Police Force strives constantly and unflinchingly to ensure the universal and unswerving implementation of the measures regarding the provision of information forms and the exercise of the detainees' rights.