

CPT/Inf (2012) 2

Response

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

from 20 to 27 January 2011

The Government of Greece has requested the publication of this response. The report of the CPT on its January 2011 visit to Greece is set out in document CPT/Inf (2012) 1.

Strasbourg, 10 January 2012

Note:

In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, certain names have been deleted.

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**Response of the Ministry of Citizens Protection (police and irregular migrants),
dated 7 July 2011**

Hellenic Republic
Ministry for the citizen protection
Hellenic Police Headquarter
Security sector
Aliens Directorate
1st dept. of immigration and Administrative measures/3rd office
4 P. Kanellopoulou street, 101 77 Athens

Athens, July 7th 2011

Ref. no: 6634/1-486282

**Subject: “Visit of the European Committee against tortures (CPT) in our country (20-27.01.2011).
Committee’s requests to the Greek agencies per their authorization”**

Attached:

- a) Your document under no: Φ 29083/21-06-2011
- b) Your document under no: Φ 18855/28-04-2011 *(with the attached on it: The document of the P.R. of Strasburg under no: 6691/32/ΑΣ 365/24-03-2011 and the text of the report of the Council of Europe for the tortures’ prevention and the cruel or humiliating treatment or punishment (C.P.T) relating with the recent team’s visit in our country (January 19-27 2011).*
- c) Our document under no: 71778/11/567972 of 09-06-2011 *(with the attached on it: our document under no: 6634/1-485886/08-06-2001 – Submission of bimonthly periodic report for the area of Evros (to all persons concern).*

- A. In reply of the above under (a) document and of our under (c) regarding the contents of the report of the above committee of our authorization, we would like to inform you the following per each separate paragraph *(recommendations/ supply of information)*:

II) Facts verified during the visit and action recommended:

A. Detention of illegal financial immigrants

2. Abuse

Paragraph 15: Recommendation for taking from the **Greek** authorities of strict measures for the handing of abuse actions including the investigation and reminder to all Police Officers that the abuse is subject to strict penalties.

Regarding the human rights abuse, the Police officers are subject to a **continuous administrative control**, secured by the especially strict Disciplinary Law (P.D. 120/2008) and the punishment of the offending behaviors is awarded the soonest possible.

> In accordance with the provision of par. 1 of article 23 of P.D. 120/2008, the investigation of the disciplinary offences presumed to have been committed by policemen against citizens, is preceded of the investigation of any other disciplinary offences while, per article 10 par. 1 case c' of the same Presidential decree, actions consisting tortures or other insults of the human dignity in the meaning of section 137A of penal Code, incurs the penalty of dishonorable discharge. Regarding the cases the reasoning of which is verified, there are imposed the provided sanctions against the offender police officers. In this case, the exercise of disciplinary prosecution lies with their Police seniority rank and not with the Directors of Police Directorate level (*article 22 of P.D. 120/2008*) while the disciplinary interrogation is obligatory entrusted to officers of other Directorates (*article 26 par. 4 of P.D. 120/2008*) with the exception of the general police Directorates of Attica and Thessalonica, the Sub-Directorates of Administrative examinations of which are entitled to carry out these interrogations and the indicted police officers are not administratively subject to them.

> By virtue of the new Disciplinary law for the Police personnel (*P.D. 120/2008 – GG issue A' 182/02-09-2008*):

(i) Art. 10 of P.D. 120/2008 **provides a new offence** incurring the penalty of dishonorable discharge, the exceptionally indecent or undignified for police officer conduct into or off his service.

(II) **There have been upgraded and punished with a graver penalty** (*lay off, dismissal – article 11 – instead of lay off temporal suspension*) with ancillary clause, offences such as:

a) Any action contradictory to the official duty or consisting serious neglect or incompatible to the police officer's capacity conduct if another provision does not punish it with a graver penalty.

b) The cruel behavior to citizens does not fall to case c' of par. 1 of article 10.

> The disciplinary legislator with the provision of par. 1 of art. 21 of P.D. 120/2008 follows the principle of legality in the exercise of the disciplinary prosecution by establishing as duty (*obligation*) of the competent disciplinary bodies to exercise it ipso jure when apply the provided for this purpose terms and conditions (*articles 4, 6, 7, 25 and 26 of P.D. 120/2008*).

> **In compliance with the above recommendation, it has been issued the no: 6004/12/50-a' of 16-06-2011 order** of the Head of Army staff of the Hellenic Police Head quarters (*copy of which is attached herein*) by virtue of which it is reminded to all personnel of the Hellenic Police the major provisions from which derive the obligation for the protection of human life, respect of human dignity, prohibition of discriminations, tortures and any cruel or humiliating treatment and punishment concerning the issue of the protection of citizens right and the behavior in general of the police officers against the citizens, pointing out to them that this is an of ultimo importance issue for the Hellenic Police headquarters and in cases which, it will be verified via an administrative inquiry any violation of these principles and values , shall be imposed into the frame of the expressed will of the political and physical leadership for a zilch tolerance in issues of violation of human rights, strict disciplinary sanctions, having also be pointed out that in cases of any information identical of possible individual's abuse, the administration must be effectively activated in accordance with the provisions of P.D. 120/2008 "Disciplinary Law of Police Personnel" for its investigation and imputation of the prorate with the gravity of action disciplinary sanctions, giving thus the sense that such actions will always be punished.

It has been pointed out that it is threatened under the disciplinary law in force:

i. The penalty of dishonorable discharge for:

- Actions consisting tortures and other insults of human dignity in the meaning of section 137 A of penal Code (*article 10 par. 1 case c'*).
- An exceptional indecent or undignified for police officer behavior into or off service or conduct witnessing a corrupted character (*article 10 par.1 case ib'*).
- Grave intentional violation of official duty (*article 10 par. 1 case ic'*).

ii) The penalty of lay off with discharge for:

- Any action contradictory to official duty or serious neglect of it or incompatible for a police officer behavior if it is not provided a graver penalty (*article 11 par. 1 case I'*)
- Cruel behavior to citizens if it does not fall in the case c' of apr.1 of article 10 (*article 11 par. 1 case ia'*).

Paragraph 15: requests for information supply – Abuse cases:

- B. **Abuse case – Maltreatment of illegal immigrants, detained in the special of the guardhouse of the Police Directorate of Orestiada**

Regarding this case, the general police directorate of the area of Central Macedonia & Thrace, based on those referred to in the relevant paragraph of the report, has ordered a sworn Administrative inquiry (E.D.E) the conduct of which has been entrusted to a Police officer of another Directorate (P.D. of Alexandroupoli). **After the completion of the interrogative procedure and the taking of decisions from the competent body we shall inform you about its results.**

- C. **Abuse case – Assault and intimidation of immigrants applying for asylum in the of the Athens airport.**

The General Police Directorate of Attica, has ordered on the basis of those referred to in the relevant report's paragraph, a sworn administrative inquiry (E.D.E) the conduct of which has been entrusted to a Police Officer of the Sub-Directorate of Administrative inquiries/GPDA (GADA). **After the completion of the interrogative procedure and the taking of decisions from the competent body we shall inform you about its results.**

3. Detention conditions

a. Detention Installations subject to the police authorities of the area of Evros.

Paragraph 21: Recommendation for taking the necessary measures order to be secured the special measures referred to in the remarks mentioned in paragraph 9 of the report relating with the Police departments of borders protection in Feres, Soufli and Tyhero (P.D. of Alexandroupoli).

1. There are supplied in all detained people three (3) courses of meals on daily basis of sufficient quantity and sustenance from the feeding service in accordance with the weekly program approved by the Health directorate of the former Prefectural Local administration of Evros.
2. During the wintertime it is offered to the detained people one (1) hot beverage once a day.

3. Till the middle of May 2011, it was offered to the detained aliens personal hygiene items (*soaps, shampoo, toothbrush, toothpastes etc.*) from the material stock of the non-governmental organization (M.K.O) "Doctors without borders". We are now trying to replenish the said program via other programs as well (*such as of the Ministry of health and social solidarity*) for the supply of a new quantity of such items.

4. From November 2010 till February 2011 it was activated in the police Departments of Borders guarding the M.K.O. "Doctors without borders" who were examining on daily basis the detained aliens. As of February 2011 and till presently the detained people are daily examined from the medical-nursing personnel of the 4th DYPE in cooperation with KE.EL.P.NO, the program of which is completed on 31-07-2011. There are also available two (2) ambulances exclusively used for the transportation of sick detained aliens in the Hospitals of Alexandroupoli and Didytoteiho in accordance always with the referential notes of the doctors who examine them on daily basis. This action is carried out via the program of the 4th DYPE of the Ministry of health and social solidarity.

5. As of 18-04-2001 the relevant Police Directorate is offering to the detained in each department of borders guarding support from a seven at least group of psychologists and social workers via a team of interpreters-translators within the frame of the annual project 2009 of the European Return Fund.

Furthermore, representatives appointed by the Greek Board for refugees have a daily access in all s and communication with the illegal immigrants for the provision of legal aid in order to be secured the access of detained refugees to the procedure of asylum and be represented during the examination of their request. It is pointed out that the same applies with the representatives of other bodies involved with the immigration issue, such as the High Commissioner of UN and other M.K.O.

We would like also to inform you that our Ministry has set in operation a support program for the temporarily detained aliens from psychologists and social workers with the assistance of the appropriate translators- interpreters. There have been employed in the said program from 18-04-2011 till 30-06-2011 with a work contract (25) psychologists, (27) social workers and (17) translators-interpreters in total, serving in the General Police Directorate (GADA) of Attica and in the Police Directorates of Alexandroupoli, Orestiada and Rodopi into the frame of the annual project 2009 of the European return Fund. It must also pointed out that it has been provided the renewal of the existing program and its expansion in other areas of our country facing strong immigration flows into the frame of the annual project 2009 of the European return Fund.

The work of psychologists and social workers is the provisions of psychical support in illegally entering aliens detained in the special detention aliens centers or in other s of the Hellenic Police subject to the status of return in the countries of their origin.

The work of the interpreters-translators (*for the Arabian, Pastu, Farsi and Urdu languages*) is the translation of the documents and the basic points of the decision of return

(Extradition) of the above aliens and the interpretation during the inquiry – identification of them. It is pointed out that in case of need, the above interpreters- translators are used during the procedure of the application for asylum.

6. All the unaccompanied minor age detained during the committee's visit, have already been transferred to special for minor age reception centers immediately upon the existence of vacancies in them. The agencies of the relevant police directorate are closely cooperate with the M.K.O. "METADRASI" order to be transferred as soon as possible the unaccompanied minor age in the special reception centers after the completion of the necessary medical examinations provided by the District Attorney's order. Any delay in the transfer of the unaccompanied minor age in the special reception centers is due to the fact that no vacancies exist. The relevant police authority has determined as of the early days of April as for the unaccompanied minor age and for families with minor age children a separate space in the Department of borders guarding of Tyhero and a separate space exclusively for women and a separate space for penal detained in the Department of borders guarding of Feres.

7. The hygienic installations in the departments of borders guarding, subject to the authority of the P.D. of Alexandroupoli have been repaired and where necessary the materials were replaced being in use by the detained. More specific, it was employed, into the frame of the 4th DYPE of the Ministry of Health & Social Solidarity, a special workshop of plumbers which repairs on daily basis the damages, taking also care for the drainages obstruction which is also a daily problem. Disinfections have been carried out, via the same program, in the s from a special workshop, the last being on 30-05-2011 and the next one has been scheduled for the early days of June. The detained have access in the bathrooms during all 24 hours.

8. In the department of borders guarding the installations for the women detained have been in whole renovated being in use as of the middle of may 2011.

9. It is offered to all detained aliens one (1) matrix and blankets. The 4th DYPE of the Ministry of Health & Social solidarity have pronounced a tender for the supply of new matrixes – beddings being expected the supply with them of the agencies of the relevant Police Directorate. There were also available till February 2011, via the program of the M.K.O. “Doctors without borders” personal sleeping bags to each one of the detained aliens.

10. All detained aliens have access to douche and hot water.

11. In the three (3) s of the relevant police authority (*Feres-Tyhero- Soufli*) there is on daily basis a cleaning workshop via the program of 4th DYPE.

12. In the two (2) s of the borders guard of Feres there is a walking courtyard for the detained aliens available at 24 hours basis, which such special space does not exist in the borders guard of Tyhero and Soufli. The creation of such a space has been scheduled for the borders guard of Soufli while for the minor age detained in the borders guard of Tyhero, the officer on duty is taking care for their courtyard walking in a special space.

13. The relevant police directorate examines the issue to place assistance bells in all cells to be used by the detained.

14. An effort is also paid to avoid the detention of people for prolonged periods and to be reduced the percentage of overfilling of the s. The reduced achieved during the last two months exceeds the 50% percentage. Our daily care is the prevention of exceeding the number provided for each and this is the reason of transfers to other s in North Greece order to be released the arrest centers. During the last 5 months of 2010 there have been arrested two thousand three hundred fifty (2.350) illegal immigrants while during the first 5 months of 2011 there have been arrested eight thousand one hundred twenty nine (8.129) illegal immigrants. The above numbers proved that there is an increase of 250% percentage of the immigration flow a fact that worsens the detention and staying conditions of the illegal immigrants.

It is pointed out that with regards the specific paragraph, we have accordingly informed you with our document under no: 66341/1-485886 of 08-06-2011 into the frame of the two months period report for the area of Evros.

Paragraph 26: recommendation for the taking of necessary measures order to be secured the special measures referred to in paragraph 9 of the report relating with the special aliens s in the Fylakio (P.D. of Orestiada).

Detention conditions of the aliens subject to extradition:

1. The day that the committee visited the detention center of Fylakio (26-01-2011), there were detained 488 aliens, the detention capacity being 374 persons. Off these 488 detained, forty (40) were women, 110 unaccompanied minor ages and the other were adults. Five (5) families with little kids were also detained in the detention center for the unaccompanied minor age.

The families (*parents and children*) were released, as scheduled, in the morning of 26-01-2011 in the presence of the committee's members. It is pointed out that, there are not detained in the DETENTION CENTER of Fylakio illegal immigrants families with children, which remain in this center for a small period of time and till the completion of the official procedures (*identification, registration, fingertips, photos*) and pursuant to the District Attorney's office to the court of first instance of Orestiada order, no action of penal prosecution is taken. They are then released and depart from the Detention Center of Fylakio.

2. The treatment of thirty six thousand (36.000) arrested illegal aliens during the past years in the Detention Center of Fylakio, in a center of 374 detained capacity, is a fact that from itself reflects the onus of work that the agencies of the relevant Police Directorate have to handle. They are detained in the DETENTION CENTER of Fylakio for the period of time necessary for the official procedures to be carried out (*identification, registration, fingertips, photos, service of documents etc*) and then they are released. The great number of detained resulted to the impediment of their walking in the courtyard. It was humanly impossible for the eight (8) policemen of each shift of the department of borders guard of Kyprinos to be simultaneously involved with the guarding, procedures of corporal search, identification etc. of the daily arrested aliens, procedure of release those originating from countries to which the extradition is impossible and with the others due to the inability of their detention, with the carriage of the sick people to hospitals etc.

With the reduction of the number of the detained aliens noticed in the area under the responsibility of the relevant Police Directorate during the current year, the detained aliens per chamber and especially the unaccompanied minor age may walk in the courtyard for half an hour every day. In order to be supported these efforts, actions have been scheduled for the support of the centers external fencing enabling the continuous walking in the courtyard of the detained under extradition aliens and especially the unaccompanied minor age till their transfer to the special reception centers.

3. **The victualling** of the detained aliens has been entrusted from the former Prefecture of Evros further to international tender to the "Catering" company. The same company has continued the detained victualling on the care of the Prefectural unity of Evros (*as catholic successor of the former Prefectural Local Government*) till 31-05-2011 and as of 01-06-2011 the same company continues the victualling with the responsibility of the police authorities. Regarding the kids staying in the Fylakio DETENTION CENTER for one or two days except of the food it is also offered milk. It has been emphasized to the person in charge of the "Catering" the strict compliance with its contractual obligations.

4. **The hygienic installations** (*bathrooms, toilets, fountains, water closet – drainage*) are an issue that tantalizes and bothers the relevant Police authority on a daily basis. The detained in their effort to "blackmail" their immediate release, destroy the installations, break the fountains, stuff the drainages with towels, shoes, clothes etc, the result of which is the dirty water to flow in the toilets and the other spaces. A plumber is coming every day to stop up the toilets and repair the pipes, fountains etc, so that to be used by the detained aliens.

5. The contract of the former Prefecture of Evros by virtue of which were supplied personal items of hygiene (*soaps, shampoo, toothbrushes, toothpastes etc*) terminated on 31-12-2010. The aforementioned items were provided till 31-05-2011 to the detained aliens from the stock of material of the non-governmental organization (M.K.O.) "Doctors without borders". We are now trying to renew the said program via other programs as well (*such as of the Ministry of Health & Social Solidarity*) for the supply of a new quantity of those items.

6. **The ventilation** does not operate because during the insurrection and rising of the last year in the Fylakio DETENTION CENTER, severe damages have been caused in the ventilation system. After the visit of an engineer's team of the technicians /A.E.A directorate in the DETENTION CENTER, a study has been executed for the recording and restitution of the damages caused, the amount of which arises to Euro 800.000.

Be also informed that the **heating system** operates on a 24 hours basis.

7. **The aliens that have clothes and shoes and ask for their replacement can easily do so.** Those that the committee's members saw barefoot, it does not mean that they do not have shoes. It is probably their choice to be barefoot. Regarding those in lack of clothes, the relevant police authorities are trying through the Church of Greece, the Red Cross, other charity organizations and M.K.O. to supply them with the necessary to cover their personal needs.

8. The arrested illegal aliens immigrants are transferred to the seats of the respective borders' post or directly to Fylakio DETENTION CENTER where are searched any baggage's of them. **The personal items of small value** (*mobile phones, notes etc.*) are placed into plastic bags (*supplied by FRONTEX*) marked with a number. The slip with the same number is given to the detained alien and when he leaves, he shows to the officer on duty the slip of the plastic bag and collects the plastic bag with its belongings. **In case of money, valuables and other items of exceptional value**, a protocol of handing over-receipt is executed for these specific items in which are in details described the delivered items, being signed by the compiler, witnesses and the alien and when the latter lives he collects his items being once again executed a protocol of these specific items handing over. **All the valuable items of the detained aliens are handed over in the same as above described way and kept by the detention department.** These items are kept in plastic bags with a sticker bearing the number of the bag, a copy of which is given to the alien and when he departs he shows the number and collects the bag with the same number. It is self understood that when a detained wants to take clothes or any other items from the bag, he goes accompanied, finds his bag by showing the number and takes whatever he wishes.

9. The relevant police authority pays any effort so that the number of the detained aliens not to exceed the capacity of 374 detained of the relevant DETENTION CENTER enabling in this way the **provision of bed** to each detained alien. This is achieved with the release of the senior detained that cannot be transferred to Athens for repatriation.

10. Regarding the medical treatment of the detained aliens, there are serving on a full time basis in the relevant DETENTION CENTER, one (1) doctor and two (2) nurses. As of November 2010 it is activated in Fylakio a team of the Center of control and prevention of diseases (KE.EL.P.N.O.) with doctors, psychologists and nurses providing medical treatment to the detained aliens. It has been also activated during the first months of the current year the M.K.O. "Doctors without borders" which, besides the medical treatment, their members have also offered technical support (*Cleaning of detention rooms, supply of the detained with sleeping bags etc.*)

It is pointed out that with regards the specific paragraph, we have accordingly informed you with our document under no: 66341/1-485886 of 08-06-2011 into the frame of the two months period report for the area of Evros.

Paragraph 26: Request for information for the actions taken in Fylakio's DETENTION CENTER order to be secured that the families with young children and the unaccompanied minor age, will stay in special suitable for the coverage of their needs centers.

Detention of families with young children.

Families with young children are not detained in the Fylakio DETENTION CENTER. They only stay there till the completion of the official procedures (identification, registration, fingerprints, photos) and the receipt from the District Attorney's office of the Court of First instance of Orestiada, the District Attorney's order to abstain from the penal prosecution. After that they are released and depart from the Fylakio DETENTION CENTER.

Detention of unaccompanied minor age

In case of arrest of unaccompanied minor age illegal immigrants is immediately informed the District Attorney of the First Instance Court of Orestiada, who communicates with the Ministry of Health & Social Solidarity to find vacancies in the operating through out the country special reception centers for minor age. Till the receipt of the relevant order of the District attorney for the minor age transfer to the special reception centers, they are detained in a separate place in the Fylakio DETENTION CENTER.

It is pointed out that with regards this specific paragraph, we have accordingly informed you with our document under no: 66341/1-485886 of 08-06-2011 into the frame of the two months period report for the area of Evros.

Paragraph 27: Request for information about the reasons preventing the transfer of a detained alien in the installations of Evros area to other special s of the country.

The daily average number of the detained aliens in the existing centers is linked with the immigration flow of the illegal financial immigrants in their efforts to pass via our country to other members-States of the European Union (*mainly of central Europe*).

As of the beginning of the year 2010 till the first six months of the current year it is noticed an increased flow of illegal immigrants in the area of Evros (*Borders of Greece/turkey*) a fact that has as result to be detained in the special aliens detention center of Venna in Rodopi and in Fylakio of Orestiada, a great number of aliens which exceeds in many times the provided capacity of the said centers due to the great number of arrests and significant reduction of the immigration flow of illegal immigrants via our eastern sea borders attributed to the way used by the immigration flows and the activation of FRONTEX in this area the result of which is to be either detained in the Detention Center of Vathy of Samos and Mersinidi of Chios island, a small number of aliens or the operation of these centers to be suspended from the relevant Prefectural unities for reasons of reduction of the operational cost and the aliens to be detained till the completion of the necessary administrative procedures in the Police Stations of the relevant Police Directorates.

It is further pointed out that the arrested illegal aliens are sent back in their country of origin through the north borders of our country, mainly Albanians, while for those arrested in the terrestrial and sea borders with Turkey, there are filed re-admission requests order to return back in this country into the frame of the re-admission protocol signed for this purpose.

It is pointed out that usually and till the completion of their removal procedure, the illegal aliens are detained in the special aliens DETENTION CENTER and in Police Station's detention rooms. But in case, which their removal from our country (*via the procedure of return or re-admission*) is not possible due to exceptional difficult conditions such as the identification of their nationality, the unwillingness of the local consular authorities to cooperate for the issue of the travel documents, the hostile situation prevailing in their countries of origin and a series of other partial factors, there are issued extradition decisions without being detained, mentioning that they have been informed in their language or in a language understood by them that, they can voluntarily leave (*ipso jure conferred*) within a time limit between seven (7) to thirty (30) days for their country or a country of their choice.

In paragraph 38 of this present (*request for information*) there are in details mentioned the measures taken so that to be secured on the one part the detention of the illegally living in our country aliens in accordance with the demands of the common European law and on the other, to be secured, the terms, conditions and substructures which step up the protection level of the human rights having always as gnomon the raising and respect of the human value.

It is concluded pursuant to the above mentioned that, the total of the aliens detained in the s of Evros Prefecture, it is only detained for the period of time necessary for the completion of the official procedures (*identification, registration, fingertips, photos*) and after that, there are issued the extradition decisions without being detained order to voluntarily leave from the country within the time limit set, for the country of their origin or a country chosen by them. Other than the aliens surrendered to the authorities of the neighbor country (Turkey) on the basis of the re-admission protocol, the other aliens who may be repatriated, are transferred to the Aliens Directorate of Attica till the completion of their extradition procedures.

In conclusion, the transfer of aliens in other operating DETENTION CENTER per the territory of our country could be realized only for the first above mentioned category of aliens but it is not realized for the simple reason that, our operational purpose is the completion of the relevant administrative procedures in accordance with the legislations in force within a short period of time and to focus our efforts to the cases of aliens that may be repatriated and not to add to them any further harassment and exhaustion from their transfers from a detention room to another detention room without any actual result. But despite that, during the period of the peak of immigration pressure in the borders of Greece/Turkey, for which we have asked the activation of the mechanism of Borders teams of speedy intervention of FRONTEX (02-11-2010 till 03-03-2011) we had regular transfers to other s in Northern Greece order to be alleviated the arrest authorities and be improved the detention conditions of the illegally entered aliens.

Paragraph 28: Recommendation so that the Greek authorities permit to illegal immigrants to change their clothes. The Greek authorities to set also in application, a clear system for the recording of personal belongings of all detained aliens, giving them a receipt for all pieces handed over before entering in the s.

The detained have access in their personal clothes enabling them to change clothes while for those in lack of any clothes our services are trying via the Church of Greece, Red Cross and other charity organizations and M.K.O. to supply them with the necessary for the coverage of their needs.

Regarding the recording of the personal belongings, it is carried out, on the basis of an official order, being executed for this reason in case **of money, valuables etc of great value**, a protocol of handing over-receipt in which are in details described the items being signed by the complier, witnesses and the alien and upon the latter's departure a new protocol is once again executed for the handed over items. **All valuable items are handed over pursuant to the above-mentioned way and kept by the detention department.**

B. Installations of detention subject to the Police authorities of Attica and other areas.

Paragraph 32: Request for information regarding the medical treatment of the detained in the police installations of Aspropyrgos.

On 26-11-2011 a team of KE.EL.P.NO consisted from a Doctor, psychologist, administrative employee and driver visited the police detention rooms in Aspropyrgos and examined thirty one (31) temporarily detained aliens. The examinations continued for the rest of the week for the other detained without any significant findings.

As of the beginning of February of the current year a team consisted form a Doctor, psychologist, social worker and interpreter of the non-governmental Organization visits on daily basis the detention rooms of Aspropyrgos and provides its services to the temporarily detained aliens.

Paragraph 33: Provision of clarifying data/ State Athens Airport "Eleftherios Venizelos".

The day of the Committee's visit (23-01-2011) there were detained in the detention rooms of the Police Station of the Athens Airport fifty six (56) aliens (50 male and 6 females) for violations of the penal Code and L. 3386/2005 "re aliens". The six (6) women were detained in a cell and the fifty (50) men were allocated in eight (8) cells.

There were also detained twenty three (23) aliens of various nationalities requesting asylum of which ten (10) men were detained in the special room of political asylum, being fully equipped with beds, matrixes and bedding, toilets with douche and hot water, two (2) women in a next room and eleven (11) men in an adjoining room with the corresponding equipment due to overfilling of the asylum room.

The detention rooms are for short time detention and it is taken always care the cases of the illegal aliens to be examined in priority reducing in this way their detention period. More specific, the period of detention of the arrested aliens does not exceed the three (3) days during which is completed the penal procedure. Then, the aliens are referred to the Aliens Directorate of Attica till the completion of their extradition procedure.

The detention in the center of political asylum does not exceed whatsoever the four weeks (*article 24 of P.D. 114/2010*) for the *On the Spot* requests and of the few hours staying of the aliens who are returned on the basis of the regulation of Dublin II.

At the day of visit, it was detained for over fifty days (*from 01-12-2010*) the Nigerian national W. J. in view of the negotiations between the Greek and French authorities for his transfer in France as the country responsible to examine his application for asylum as he had shown an asylum identity of the French authorities.

The detention rooms are cleaned on daily basis from a private cleaning workshop and are disinfected once per week.

The detention rooms have two toilets used in rank of priority in strict compliance with the security regulations to which are subject the conditions of detention in the detention rooms.

The detained cannot walk in the courtyard of the external space of the building in the present phase due to the building's structure although D.A.A.A. has proceeded with the relevant actions.

There does also exist a medical office for the provision of the basic medical treatment to the detained that is daily operating except of Saturday and Sunday.

In additional, the relevant Directorate, the technicians Directorate /A.E.A., the Company of the International Athens Airport and the land registry of Eastern Attica have proceeded with the preliminary actions for the establishment of new detention rooms in the existing installations and we are now waiting the decision of the District of eastern Attica.

Paragraph 36: Request for information for the reasons of not using the installations of the s of Lakonia while the other centers are overcrowded.

On 06-08-2008 the contractor has delivered to the former Prefectural Local Government of Lakonia the special aliens' detention center into the frame of application of those provided by L. 3386/2005, destined for the detention of the aliens under extradition with a capacity of forty-two (42) persons.

Further to an autopsy conducted by the Technicians Directorate/A.E.A., there have been found defects of material-technical equipment and of the space substructures especially attributed to the security's support. The then Prefectural local Government of Lakonia had been immediately notified but it only carried out part of the works order to be handled and solved the above defects regarding the improvement-adaptation and restitution of substructures of the relevant detention center. The result of them was that aliens had never been detained in that because the former Prefectural local Government which was the competent for the administrative care and financial management of the operational expenses had not undertaken the provided by article 81 of L. 3386/2005 responsibilities.

But despite the above mentioned it is always available a policeman f of the relevant Police Directorate for the guarding of the installations.

The proprietary status is subject to the State's land registry being assigned per used to the former Prefectural local Government of Lakonia (*assigned to Peloponessus area*) and in accordance with the authorizations assignment per L. 3907/2011 this will be assigned to the agency of First reception.

The incorporation of the said aliens' detention center into the central planning of the agency of First reception and aliens' detention centers which shall be **actually effected with the activation of the already existing center** and the appropriate changes, will upgrade the conditions of aliens' detention arrested within the territorial jurisdiction of the relevant police directorate into the frame of the administrative and judicial procedure of repatriation (**See additional Chapter – Paragraph (1) Creation of First reception center and aliens detention centers into the frame of implementation of the National plan of action for the management of immigration flows**)

D. Assessment and actions for the improvement of detention conditions

Paragraph 38: Replies on recommendations:

(1) Provision of bed, matrix and clean beddings

The detention services offer to any new entered alien clean blankets and to the extent possible, one (1) clean matrix. Due to the fact that we have on daily basis a lot of arrivals-departures of aliens who are not detained for a long period in the detention centers, the old matrixes are replaced with new ones when it is deemed as necessary.

Regarding the supply of our departments with the above items, we are assisted by the competent Ministries (*Health & Social Solidarity, National defense*) and with subsidies from the non-governmental organizations (M.K.O.)

(2) Access in the toilets especially at nights

The access in the toilets of the temporarily detained aliens except of the period of walking in the courtyard and their internal walking in the corridors of each wing is available at 24 hours basis. The aliens' requests are submitted to the officer on duty serving on 24 hrs basis.

(3-4) Supply of basic cleanness items

All aliens detained in the detention centers are supplied on regular basis with products of corporal hygiene such as soap, toothpaste, toilet paper, shampoo from the stock available from the relevant Prefectural unities (*as catholic successors of the former Prefectural Local governments*), the Ministry of Health & Social Solidarity and the subsidies of M.K.O. the aliens detained for a short period of time in the Police Stations are supplied with the above items from their relatives who visit them, being secured in this way the conditions of their hygiene in a satisfactory level.

(5-6-7) Other hygienic issues

The detention authorities undertake all actions required order to handle the problems arisen in the detention centers. More specific, all detained have access to douche and hot water, taking always care as well for the repairs of any damages in the hygienic installations (*repair of damages, obstruction of drainages, materials replacement*) making them continuously available for use from the aliens.

At the same time orders - instructions have been given to all agencies so that the leading Police Officers to show interest and care and to strictly comply with their obligations regarding the cleanness – disinfections of (*spaces- clothes, matrixes and beddings*), personal hygiene of the detained aliens, equipment of detention rooms and hygiene installations, the provided medical treatment and an excellent behavior towards the detained aiming to the to the improvement to the extent possible of the detention conditions.

More specific, there have been concluded contracts with cleaning workshops so that to be cleaned on daily basis the detention spaces while there are painted and **disinfected** on regular basis.

The detained have at the same access in their personal clothing enabling them to change their clothes while for those in lack of any clothes, we are trying through the Church of Greece, red cross and other charity organizations and non-governmental organizations (M.K.O) to supply them with the necessary for coverage of their personal needs.

In addition orders have been given for taking all necessary measures for preventing possible suicides, corporal injuries, fights in the detention rooms.

(8-9) Special installations for families, women and minor age aliens

The Police Directorates throughout Greece inform the Ministry of Health & Social Solidarity with the purpose, the minor age aliens to be transferred in available special detention centers for unaccompanied minor age (*open centers*) for their protection from their gathering with the adults and the provision of mental health programs including also the improvement of their detention conditions.

Any lasting many days detention in the detention centers and police detention rooms (*They are always detained in special detention spaces away from adults on the basis of a special status of reception and protection-separation in accordance with the existing availability*) is due to the waiting of answers for the appointment of a commissioner from the District Attorney authorities throughout Greece in accordance with article 19 of P.D. 220/2007 and the lack of any vacancies in the special detention centers for unaccompanied minor age aliens.

Instructions have also be given to all A.E.A. agencies to assist the work of all entities concern and non-governmental organizations (M.K.O.) for the legal aid and psycho-social support of minor age detained.

It is also pointed out that, separation exists with regards individuals belonging to vulnerable groups (*e.g. women, monogenetic families, aged people etc*) as they face special needs and must be especially treated by specialized and trained personnel. A further care is also taken through the competent agencies of Ministry.

(10) Detained walking in the detention centers courtyard

Within the frame of functional availability, the detained are walking in the detention centers courtyard when such a material-technical substructure exists.

(11) Adequate and fit for victualling food provided to all detained aliens.

The detention services are taking care for the provision to all detained aliens in the detention centers of three courses meals in accordance with the contracts concluded with the relevant Regional unities (as catholic successors of the former Prefectural Local governments) till their transfer to the Centers of First reception or for detained (*native & aliens*) in the police station detention rooms in accordance with the provided daily victualling of them amounting to Euro 5,87.

It is mentioned that, the detention services are taking special care so that to be abstained from giving, even due to error, pork meat to aliens of Muslim religion.

(12) Establishment of help bells in all cells

The recommendation for the setting of bells in each cell to call the guards has been arisen by the committee during its past visit. The presence of the guard on 24 hrs base in the detention rooms, who is in direct visual and acoustic contact with the temporarily detained aliens, has as result in becoming the immediate recipient of any request. It is further mentioned that the establishment of help bells is added in the security regulations of many services while in all new lease contracts concluded is set as term and condition the construction of the appropriate detention spaces.

(13) Improvement of the detention conditions of the services of Greek Police

Within the frame of authorizations of the technicians Directorate/A.E.A. studies have been carried out for the improvement of the detention conditions of the Greek Police Services.

More specific:

a. – Within the frame of the plan to improve the buildings substructures and to secure healthy conditions for the detained people staying and protection, it has been executed a technical description of the detention spaces (*see the order of 07-10-2005 to all services of the Greek Police*) on the basis of which are constructed-reconstructed the detention spaces of the Police Stations which shall operate in accordance with the modern specifications of the European standards.

The materialization of the improvement works applying to the already existing spaces are speedy executed subject to the term and condition that the building permits such an intervention while, in case of a leased building, it is required the owner's consent for the performance of works. In all new lease contracts it is set as term and condition the construction of the appropriate detention spaces.

There have been now approved credits for the construction of modern detention centers in the Police Stations:

Athens Police Directorate: Police Stations of Aghios Dimitrios, Omonoia, Exarcheia, and Akropolis.

Police Directorate of Southeast Attica: Police Station of Argyroupoli, Voula, A' Police Station of Glyfada.

Police Directorate of West Attica: B' Police Station of Peristeri

Police Directorate of Alexandroupoli: Borders guard of Tyhero, Feres and Soufli.

Police Directorate of Orestiada: Borders guard of Metaxades, Kyprinos (Fylakio), Vyssa.

There have been executed studies and tenders will be announced for the repair-maintenance of the detention centers in the Stations of:

Police Directorate of Florina: Borders guard of Aghios Germanos

Police Directorate of Dodecanese: P.S. of Patmos, Leros islands

Lesvos island Police Directorate: P.S. of Aghios Efstratios

b. A specifications plan has been executed determining the terms and conditions for the creation of detentions centers for aliens under expatriation (*article 81 of L. 3386/2005*) **for the existence of the required by the provisions in force of hygiene and security conditions.**

It is further provided assistance for the implementation of the above mentioned in the local involved services.

c. It is also mentioned that our Ministry continues his effort for the improvement of the buildings substructures of the police services. Within this frame and in accordance with the provisions of L. 3130/2003 "Lease of real estate for Public agencies dwelling and other provisions", the land registries of the Prefectures in cooperation with the Police Directorates, take care that the initial dwelling or re-dwelling to be made in new buildings in conditions of a decent guarding and hygiene for the detention centers in accordance with the instructions and recommendations of the above committee, International organizations, humanitarian organizations etc. The buildings erected by the State for the dwelling of the Police Services fulfill of course the same conditions.

In case that, are not fulfilled the terms and conditions for a dignified aliens detention, improving works are carried out after the approval of the necessary funds for the repairs and maintenances of these buildings and their cleaning besides the regular disinfections in the detention rooms and other common used spaces, being simultaneously pursued the re-transfer of services in the appropriate buildings.

Especially with regards the Transportation and Aliens' division of Attica, it has been completed four years ago, the erection of a modern building of 600 detained people capacity in full compliance with the modern specifications of European Standards.

It is also scheduled among others, the erection of modern building of 350 detained capacity for the dwelling of the Sub-Division of transportation – Thessalonica Courts on a plot situated near the prison of Diavata and the erection of buildings for the dwelling of five (5) Police Directorates and seven (7) Police Stations throughout Greece with modern detention centers of 400 detained capacity.

All the above are aiming to the improvement of the detention conditions of the detained aliens having as gnomon the respect and securing of human rights.

The competent directorates of the Greek Police Headquarters have pointed out these especially important issues to all its divisions and the necessity of materialization of the orders aiming to the immediate and careful examination of abuse events or indecent behavior attributed to the negligence, irresponsibility and carelessness by ordering without any hesitation a disciplinary inquiry besides of any possible penal liabilities for each case.

Paragraph 38: Request for information confirming that the Piraeus detention center has been permanently closed and details for the new installations replacing it.

The police detention rooms of Piraeus have suspended their operation from 23-02-2011 and the temporarily detained aliens have been transported to the detention rooms of Aliens Directorate of Attica in view of the works carried out for the construction of the new building for the needs of the Police Division of Piraeus.

Paragraph 38: Request for information regarding the measures taken order to be secured that the police stations will not be used for long lasting detention.

We would like to inform you that by virtue of L. 3907/2001 "Establishment of Asylum Division and First reception, adaptation of Greek legislation to the provisions of Directive 2008/115/EC "concerning the common rules and procedures of the State- Members for the return of the illegally residing nationals of third countries" and other provisions" (*copy of which is attached herein*) in force as of 26-01-2011, it has been adapted, among others, the Greek legislation to the provisions of Directive 2008/115/EC (*See Chapter C*).

By virtue of its partial provisions we have been harmonized with the demands of the common European Law and there are on the other hand secured the terms and conditions and substructures upgrading the protection level of human rights, having as gnomon the uprising and respect of human value.

In the paragraphs to follow are in summary mentioning the most important provisions of the above law that, in conjunction with the provisions in force of L. 3386/2005 regulate the detention and the treatment in general of the aliens who illegally reside in the Greek territory.

Field of application (article 17)

To the provisions of Chapter C' of L. 3907/2011 are subject the third country nationals that illegal reside in the Greek territory.

There are not subject to the above provisions the third country nationals who:

- a. There are subject to prohibition of entry in accordance with article 13 of the regulation (EC) no: 562/2006 of the European Council and the Council of March 15th 2006 for the enactment of the Borders Code of Schengen relating with the status of the persons in transit from the borders (*entry denials*).
- b. There are arrested or followed up from the competent authorities for the illegal terrestrial, sea or by air transit of the external borders in the meaning of article 2 par.2 of the Borders Code of Scheme to whom no permit has been granted or right to remain in the country (*that is, the new entered and those subject to re-admission in application of bilateral or interstate agreements*).
- c. Those subject to expatriation
- d. Those subject to the procedures of extradition in accordance with the provisions of the international Convention binding the country or articles 436-456 of the code of Penal proc. or L. 3251/2004 "European Arrest Warrant", amendment of L. 2928/2001 for the criminal organizations and other provisions and
- e. Enjoy the right of European Union for the free movement per article 28 pars. 5 of the Borders Code of Scheme and PAD. 106/2007.

Return decisions – general (article 21 etc.)

Regarding the detention of the illegal financial immigrants, it is pointed out that usually and till the completion of their removal procedure, the illegal aliens are detained in the special aliens DETENTION CENTER and in Police Station's detention rooms. But in case, which their removal from our country (*via the procedure of return or re-admission*) is not possible due to exceptional difficult conditions such as the identification of their nationality, the unwillingness of the local consular authorities to cooperate for the issue of the travel documents, the hostile situation prevailing in their countries of origin and a series of other partial factors, there are issued extradition decisions without being detained, mentioning that they have been informed in their language or in a language understood by them that, they can voluntarily leave (*ipso jute conferred*) within a time limit between seven (7) to thirty (30) days for their country or a country of their choice.

More specific:

- It is introduced by virtue of the provisions of paragraph 1 of article 21 the term, decision of return and it is broadened the number of the bodies for the issue of these decisions.

It is provided thereof that the issue of the return decision from the divisions as well which reject the requests for the granting or renewal of residence permit or revoke them (*Division of Immigration police of the Ministry of Interior, decentralization & e-governance or Divisions of Aliens and immigration of the decentralized countries administrations*) other than the departments of the Hellenic Police.

As far as concern the Hellenic Police except of the bodies of article 76 par. 2 of L. 3386/2005, return decisions are issued by the divisions for the issue of residence permits (*E.D.T.O., certifications or residence permits of E.U. nationals, other residence permits relation to asylum in case of rejection, revocation or non renewal of them etc.*)

- The return decision for a third country national usually provides for the appropriate period of time (*ipso jure granted*) for the voluntary departure, which varies between seven (7) to thirty (30) days (article 22 par. 1)¹. **It is pointed out that in case which, an alien is under the procedure or program of voluntary departure no fine is imposed (exception) from the passports control service.**

¹ The time limits for the departure set by law 3907/2011 supersede those set with other provisions.

No period of time is granted for voluntarily departure or a period of time less than seven days is granted in case of risk of escape or the application for lawful residence has been rejected as totally ungrounded or abuse or the third country national is dangerous for the public security, public order or the national security (art. 23 par. 4)

- The bodies for the issue of the return decisions may with their justified decision to extent the time limit for the voluntarily departure which does not exceed the one (1) year taking into consideration the special conditions of each case such as the term of residence in Greece of alien, the attendance of its children school and the existence of other family and social bonds (art. 22 par. 2).

- Furthermore the competent authorities for the issue of the return decisions may impose during all period of voluntarily departure, obligations to a third country's national aiming to minimize the risk of escape such as the regular appearance before the authorities, deposit of the appropriate financial guarantee, submission of documents or to stay in a certain place (art. 22 par. 3).

- It is pointed out that the amount and procedure of the financial guarantee deposit shall be determined with the common decision of the Ministers of Finance and Citizen protection.

- Both the decision of return with voluntarily departure and the decision suspending the removal are served to the alien being simultaneously served to it the relevant "official note".

- The competent police authorities are taking all necessary measures for the enforcement of the return decision in case that:

- a. It has not been granted the period of time for voluntarily departure for the reasons referred to in article 22 par. 4 (*risk of escape etc*) and
- b. The alien has not complied with the obligation to return within the time limit of voluntary departure *without having been issued a new separate return decision* (art. 23 par. 1 and 3).

Control of removals (article 23)

The procedure for the removal is subject to external control system operating on the care of the independent authority "Ombudsman" which cooperates for this purpose with international organizations and non-governmental authorities (M.K.O.).

Further to the common decision of the Ministers of Interior, Decentralization and E-governance and Citizen protection will be regulated issues concerning the organization and operation of the above control system.

Suspension of removal – Impossibility of removals (article 24)

- The removal of a third country's national who is subject to return procedure is **obligatory** suspended in the cases that:
 - a. – It is violated the principle of non readmission and
 - b. - Has been suspended per article 28 par. 2 (*with the relevant decisions issued by the return authorities or the administrative bodies deciding on the recourses of art. 28 par. 1*).
- The competent for the removal police authorities (that have either issue the return decisions or those that have undertaken the further handling of the third countries nationals) may with their justified decision to suspend the removal for a reasonable period of time taking into consideration the special conditions of each case and especially:
 - The physical or mental condition of the third countries nationals and
 - The technical reasons such as the lack of any transportation means or the inability of removal due to the difficulty of identification (24 par. 2).
- In case of suspension of removal for the above mentioned reasons, the competent police authorities may impose to the third country's national the obligations of article 23 (*restrictive terms and conditions, financial guarantee etc*).

- The decision for the suspension of return issued by the Police department that has issued the return decision or the department that has undertaken the further handling of the third country's national shall be served to the alien. This decision consists a written confirmation of the suspension, valid for a six months term and may be renewed after a new opinion concerning the inability of removal (24 par. 4).

Return and removal of unaccompanied minor age (article 25)

Before the issue of any return decision for an unaccompanied minor age, are taken into consideration whatever is provided by article 29 of P.D. 220/2007 that is, information of the competent District Attorney, appointment of guardian etc.

Prohibition of entry (article 26)

It is obligatory imposed the measure of prohibition of entry in the country that does not exceed the five (5) years term with the return decision in case that:

- No period of time has been granted for a voluntary departure
- The third country's national has not complied with the obligation of return and
- In case his presence in Greece jeopardizes the public order and security, national security or public health.

But in case that, the third country's national is a serious threat for the public order, public security or national security the measure of prohibition of entry in the country may exceed the 5 years period of time (*article 26 par. 2, sub-par. b*).

It is pointed out that in case that period of time for voluntary departure has been granted to the alien and he has not left, the registration will take place after its new arrest.

The measure of prohibition of entry will not also imposed to third country's nations that leave on their own, in the cases of suspension of return and in the cases which, the Administrative First instance Courts have admitted their recourses relating to the detention and then it has been granted a time limit to depart.

Legal remedies (article 28)

- The third countries nationals may file against the return decisions issued by the Police authorities, the recourse of article 77 of L. 3386/2005 before the bodies authorized for this purpose (*General Police Directorates of the country, Aliens Directors of Attica –Thessalonica*).

- The competent authorities for the issue of return decisions are obliged to inform and assist the alien who is requiring legal advises, representation by lawyer and language aid order to exercise the rights of article 28. For this reason must be served to them the relevant "Information note" (article 28 par. 3).

- The alien is entitled to a free of charge legal aid and representation after the relevant request and in accordance with the provisions of L. 3226/2004 if per Judge's opinion the cancellation application is not obviously ungrounded or inadmissible in pro rata implementation of article 15 par. 3 till 6 of Directive 2005/88/EC incorporated in the Greek legislation with P.D. 114/2010 (*the enforcement of this paragraph commences from 24-12-2011*).

Detention (article 30)

- The third countries nationals subject to the procedure of return per par. 1 of article 21 **are set under detention pursuant to the article 30 par. 1 for the preparation and completion of the removal procedure** and only if in this specific case cannot be taken any other appropriate and less onerous measures such as those provided by par. 3 of article 22.

The measure of detention applies when:

- a. It is prevailing the risk of escape
- b. The alien avoids or impedes the procedure of return or the procedure of removal and
- c. In reasons of national security

In accordance with article 17 par. 5 of L. 3938/11 “ *when the alien is suspicious for reasons for national security, the detention may be ordered before the expiration of the time limit for the filing of objections*”.

The detention's decision is issued by the authorities of art. 76 par. 2 of L. 3386/2005 and in case of lack of any decision's return, this must be issued within three (3) days having previously granted a period of 48 hours for the filing of objections. Then, having been ratified the reasons of detention it will be issued the **decision for the continuation of detention** (it is added on the judgment of return/detention).

- In case of filing of an application for political asylum for the detention, apply those provided by article 13 of P.D. 114/2010. In case, which apply the terms and conditions of detention pursuant to the asylum procedures, the preceding detention decisions for the return, are suspended.
- The detained alien except of the rights conferred to it with the Code of Administrative procedure may file objections against the detention decision or extension of its detention before the President or the appointed by it Judge of the First instance Administrative Court in the district of which is detained.
- In case that the terms and conditions of detention apply those are ipso jure re-examined every three months from the authority issued the detention decision or the division for the further handling of the third country's national.
- In case of extension of the term of detention a new decision shall be issued which will be forwarded to the President or the appointed by it Judge of the First instance Administrative Court (*the relevant authorities must have previously communicated with it for the settlement of the procedures to apply etc.*) who is ruling about the legality of the detention's extension issuing immediately the relevant decision (article 30 par. 3)
- **When it is quite obvious that there is not any possibility of removal for legal or other reasons or the terms and conditions of par.1 of article 30 do not further apply (risk of escape etc.) the detention is lifted up and the detained alien is immediately released.**
- The maximum term of detention cannot exceed the three months and may be extended for further six months in cases which, despite the reasonable competent authorities efforts, the procedure of removal may be long lasted because:
- The third country' national refuses to cooperate or
- The third countries delay in forwarding the necessary documents.

Terms and conditions of Detention (articles 31 & 32)

- The alien is usually detained in special installations and in any case in separation from the detained of the common penal Law.
- The competent national, international and non-governmental organizations and bodies are entitled to visit the installations where there are detained the aliens subject to removal. The guarding police authority must issue the relevant permits for these visits.
- The detained aliens are systematically informed about the regulation applying in the detention installations and for their rights and obligations among which, their right to communicate with the aforementioned organizations. The relevant notes are posted up in a visible place.
- Article 32 provides for the measures to be taken concerning the minor age and families detention.

Settlement of issues of prohibition of entry (article 38)

- The prohibition of entry provided by article 26 is imposed with its registration in the persona not grata list kept with the Ministry of Citizen Protection (*Headquarters of Hellenic Police – Aliens Division*) per article 82 of L. 3386/2005.
- But in any case and on the care for the time being of the Headquarters of Hellenic Police Aliens Division the measure is re-examined every three years being executed the relevant act.

4. Detention status

Paragraph 39: Recommendation regarding the necessary measures taken by the Greek authorities order to plan and implement the soonest possible the operational standards for the special installations for the illegal immigrants and the police conditions of detention, securing among others, a status offering activities and entertainment.

The creation of the Centers of First reception (KE.P.Y.) is expected to give solutions to the above recommendation.

See additional Chapter – Paragraph (1) Creation of First reception center and aliens detention centers into the frame of implementation of the National plan of action for the management of immigration flows)

5. Hygienic treatment

Paragraph 40: Recommendation regarding the necessary measures taken from the Greek authorities to secure the provision of medical treatment on regular basis in all installations where illegal immigrants are detained.

1. The aliens arrested in the Greek territory are preliminary examined from the doctors of the seats of the arrest authorities and in case of health problems there are immediately transferred for the provisions of First aid to the closest Health center or hospital and in case of need for further treatment in University Hospitals.

More specific, the illegal financial immigrants or detained aliens are subject to medical examinations for tuberculosis, AIDS, hepatitis B' and C', dermal diseases etc. On the initiative of the police authorities and in cooperation with the Ministry of Health and Social Solidarity, chest X-ray examinations are conducted from mobile medical units in the detention centers.

Other than the above in case of alien's transportation in another detention center, he is accompanied by his medical record while the individual files of each alien under detention are kept with the detention authorities. It must be pointed out that in any medical event, medical treatment is provided and the cooperation with the Ministry of Health and Social Solidarity is excellent.

Within this frame and in extra-ordinary occasions such as minor age aliens, AIDS etc., our Division, communicates immediately and cooperates with the competent departments of MH&SS to solve the problems arisen.

2. As far as concern the measures taken for the protection of public health and the hygiene of the Police personnel it is clarified that, the Hellenic Police via its hygienic departments provides the required hygienic support to all Police services especially concerned with the special protection measures that the police personnel must take due to the nature of its duties and its often contract with the aliens. There are given in particular instructions and measures are taken for preventing the danger of infection from infectious diseases both in personal level (*vaccination against Hepatitis B, use of gloves, often hands washing etc.*) and in land-planning level (cleaning and disinfection of spaces, spacing of detained in these detention centers etc.) in accordance always with the instructions of the local competent hygiene authorities. We are of the opinion that, the strict compliance with the aforementioned and the personal hygiene terms prevents in high degree the Police personnel from potential dangers.

There are at the same conducted seminars for the information of the Police personnel about hygiene issues and prevention from infectious and transmittal diseases, management of detained health issues and first aid. There are also distributed various papers with prevention instructions from detained or transported detained who suffer from transmittal diseases and the ways of their handling or treatment issued by the official hygienic authorities, organizations and agencies.

In any case, there are given to the Hellenic Police Services instructions on regular basis order their Commanders to supervise and control the application of the provided hygiene and safety measures to the services of their authorization, submitting as well proposals to the Hellenic Police Headquarters for these issues in cooperation with the competent bodies, where necessary.

It is mentioned finally that, the mission of the Directorate of the Hellenic Police Headquarters (*Hygienic*) is the medical treatment of the Hellenic Police personnel and the provision of urgent medical assistance to individual patients that are detained or transported by the Hellenic Police. The provision of health services to the wider population of our country and to the illegal immigrants and the planning as well of prevention measures to avoid the contagion and handling of infectious diseases is subject to the authorization of the services of the Ministry of Health and Social solidarity being also considerably significant the contribution of the non-governmental organizations to the provision of services to illegal immigrants.

3. **More specific regarding the area of Evros** to which is focused the hardest immigration pressure, there have been taken certain initiatives and special actions approved by the European Committee in December 2010 where among others, it is provided the coverage of the hygienic needs of the illegal financial immigrants in the area which, will be covered by the European refugees Fund handled by the Ministry of Health & Social Solidarity. More specific, there are activated in this area two (2) mobile units of doctors for the provision of medical and psychological support to the illegal immigrants while in the five (5) detention centers it is working on permanent basis medical personnel for the coverage of the existing needs.

In addition, there exist in the detention centers on daily basis the employees and the scientific personnel of the regional unit of Evros (*as catholic successor of the former prefectural local government*) and members of non-governmental organizations (M.K.O) further to the relevant permission issued by us.

Besides the above and in order to handle the situation prevailing in this area and the problems arising from the detention of the illegal financial immigrants there have been established and partially materialized technical nature improvements to the existing detention installations and have been planned specific actions order to improve the living conditions of the detained aliens.

This effort is not restricted to the police authorization but it also requires the participation and cooperation of all other competent authorities and agencies (*Ministry of Health and Social Solidarity, Local regional unity, non-governmental organizations etc.*).

More specific, regarding issues of medical-pharmaceutical detained treatment to which pays great attention the Hellenic police headquarters, the following are mentioned:

- Communication on daily basis with the Administrative and medical responsible personnel of KE.EL.P.NO (4th DYPE) order to be developed the program of coverage of medical-pharmaceutical needs and hygienic treatment. In order to be transferred illegal financial immigrants from the borders guard to the hospitals of Alexandroupoli and Didymoteicho there exist ambulances especially for this purpose.
- In the detention centers have been activated for a certain period of time (*November 2010-february 2011*) the “Doctors without borders” the action of which has suspended with the commencement of the program of the Ministry of Health and Social Solidarity. But we would like to inform you that we are at the stage of final process to be signed a new Cooperation Memorandum between our Ministry, the Ministry of Health and Social Solidarity and the non-governmental organization “Doctors without borders” of twelve (12) months term with the option of renewal for the provision of humanistic and medical care to the entered in Greece aliens without any formalities who are already detained in the special detention centers in **Fylakio of Orestiada, Venna of Rodopi, Vathy of samos and Mersinidi of Chios islands , in the borders guard in the area of Evros, Tyhero, Soufli, feres, Orestiada (seat in Neos Cheimonio) Didymoteicho (seat in Isaakio) and Metaxades** due to the increase of immigration flows in this area and to the **centers of first reception or Aliens detention Centers to be established in accordance with L. 3907/2011.**

4. Finally, solutions with regards this recommendation is expected to be given with the establishment of First reception centers (*See additional Chapter – Paragraph (1) Creation of First reception center and aliens detention centers into the frame of implementation of the National plan of action for the management of immigration flows*)

6. Staffing

Paragraph 41: Recommendation so that the Hellenic Authorities to give due consideration to the proposal for the staffing with specialized personnel in detention issues for persons detained regarding the application of law.

There are serving to the special detention centers permanent medical personnel (*doctors, nurses (of full employment)*), psychologists, social workers and interpreters-translators (2) for the provision of medical preliminary services, programs of mental health and improvement of the living conditions of the detained persons.

It has been signed for this purpose and operation plan of action between the Ministry of Citizen protection and the European Service of Asylum support aiming to the establishment of teams for asylum support for the period 2011-2012, with short-term and long-term actions concerning the intermediate period for the new asylum service, First reception service, improvement of the material conditions of reception (*in cooperation with the Ministry of health & social solidarity*) and the development of the European Funds (*external borders, return and refugees*).

Finally, solutions with regards this recommendation is expected to be given with the establishment of First reception centers (**See additional Chapter – Paragraph (1) Creation of First reception center and aliens detention centers into the frame of implementation of the National plan of action for the management of immigration flows**)

(2) There are activated as well to the services of Police Command of Attica and the police directorates of Alexandroupoli, Orestiada and Rodopi into the frame of the annual program of 2009 of the European Return Fund.

Paragraph 42: Recommendation so that the Hellenic authorities to reconsider the personnel employed in each special installation for illegal immigrants and police detention rooms.

Our ministry is especially sensitive with regards the police officers behavior towards the local and aliens citizens and the due fulfillment of their duties, especially in issues of respect of human rights, difference and dignity of citizens as provided also by the legislation in force. For this reason, there have been given to the personnel specific instructions and orders while it is severely punished the police officers in abuse of them.

Paragraph 42: Recommendation so that the Greek authorities to provide the appropriate for the personnel training in the special detention centers for illegal immigrants.

The planning of the new educational systems concerning the basic educational stage and the postgraduate stage is aiming to secure the conditions permitting to the students of the police Academy faculties to develop their personality with strong self-comprehension, sentimental stability, responsible personality with human principles without any cultural prejudices.

Seminars are conducted in the areas of the Police Directorates where detention centers exist for the information of the police officers involved on daily basis with the detention centers with the cooperation of various non-governmental organizations, High Commissioner of UN for the refugees etc.

Educational actions of the program of 2009 have been materialized for this purpose (*completed on 30-6-2011*) of the European return Fund for the management of immigration flows of 2007-2013.

The following actions have in particular materialized:

- A training seminar was conducted on 25/26-10-2010 in Athens regarding the “**re-admission procedures**” with the participation of 50 executives. The further training aimed to the training-information of the police personnel involved to the materialization of re-entry agreements applying to the already existing, the problems arisen and the application of optimum practices. The said further training seminar was conducted on 08/09-03-2010 within the frame of the 2008 program.

- During the periods from 31/1 till 01-02-2011, 03 till 04-02-2011 and 20 till 21-06-2011 there have been conducted on the care of the Post graduation and further training schools in Athens and Veroia seminars concerning the “procedures of illegal immigrants return” with the participation of 200 executives. The purpose of this action is the continuous training of the police personnel of the regional services in issues regarding the procedure of return of illegal immigrants. The training has covered the procedure of return from the issue of the return decision till the completion of the return of illegal immigrants to our country in accordance with the national and communal legislation.
- The same seminars were conducted on 29/20-03-2010 and 12/13-04-2010 in Athens and Thessalonica into the frame of the 2008 program of the European return Fund.
- On 28/29-03-2011 it was simultaneously conducted in Athens, Veroia, Patras, Ioannina and Alexandroupoli a training seminar for “the protection of human rights of persons subject to return” with the participation of 250 executives. The purpose of this training was the personnel information regarding the protection of human rights of the persons subject to return. This training was conducted on 07/08-06-2010 in the said cities Thessalonica into the frame of the 2008 program.
- On 28/29-04-2011 it has been simultaneously conducted in Athens, Veroia, Rhodes, Samos and Mytilini a training seminar concerning “the handling of vulnerable persons subject to return” with the participation of 240 executives. The purpose of this training was the information of executives regarding the best handling of persons subject to return and the modernization of methods for the handling of vulnerable groups. The same training was conducted on 17/18-05-2010 into the frame of the 2008 program.
- On 16/17-06-2010 and 29/30-06-2011 it was conducted in Athens and Veroia on the care of the post graduation and further training schools of the Hellenic Police a training seminar concerning “the procedures of return of the accompanied arrested illegal immigrants” with the participation of (50) executives of the Aliens Directorate of Attica-Thessalonica. The purpose of this training was the information of executives regarding the procedures of accompanied illegal immigrants return, handling of relevant problems and the modernization of methods and practices used during the procedure of return. The same action took place into the frame of the 2008 program on 19/20-04-2010 in Athens and on 26/17-04-2010 in Thessalonica with the participation of 50 executives.

The above mentioned actions will be repeated in the new educational period (September 2011-June 2012) into the frame of materialization of the annual program of 2010 of the European return Fund for the continuous advising of the police personnel involved with aliens issues.

We would like also to inform you that into the fame of operation plan of action between the Ministry of Citizen protection and the European Service of Asylum support for the period 2011-2012, (*Materialization of short-term, medium-term and long-term actions*) will be conducted personnel training in issues of asylum and procedures of initial reception of the illegally entered aliens into the frame of development of the European Funds (*external borders, return and refugees*).

7. Other issues

Paragraphs 43 and 86: Recommendation for advising detained illegal immigrants regarding their status in a language understandable by them.

- For the purpose of the further support of the rights of the detained by the Police authorities, the Chief Commander of the Hellenic Police has decided the incorporation “**in the information manuals for the detained rights**” (*accordingly the routine note order 4803/22/14-a’ of 03-11-1995*) **to file, being their right, a written denouncement for any bad conditions of detention, abuse, assault and battery or other insults of their rights in accordance with the sample** especially designed for this purpose. These samples have been translated in 16 languages. After their final standardization from the Headquarters Department of Organization – Legislation, have been sent to all services of the Hellenic Police by virtue of the routine note – order 7100/24/3-a’ of 12-10-2010 of the Chief commander of the Hellenic Police.

Furthermore, by virtue of the aforementioned no: 6004/12/50-a' of 16-06-2011 order of the Head of General Staff of the Hellenic Police Headquarters (*see par. 15*) it has been reminded the obligation of service to the detained in the police services of the new standardized and updated information manuals (*Sample D-33*) for their rights and of the new sample also D-34 "Detained denouncement" in an understandable by them language order to be secured that any detained independent of nationality, to file, while detained a denunciation of any nasty detention conditions, abuse, assault and battery or other insults of its rights and to be addressed in any authority – agency-organizations it wishes, a rights which is the main reason for the establishment of this printed material-sample (*D-34*).

- Besides the above the police services distributed to the committee during its visit the relevant "information manuals" for the rights of the detained and subject to extradition detained aliens in –14- languages.

It is pointed out that we had accordingly informed with regards this paragraph with our document no: 6634/1-852497 of 24-09-2010 in reply to the committee's report for the year 2009.

We would like to further advise you that the referred in this present process (*standardization*) for the issue of the new information manuals for the rights of the arrested and subject to extradition aliens in –16- languages has been **suspended** order to issue new information manuals in which will be incorporated the provisions of L. 3907/2011 (*adaptation of the Greek legislation to the provisions of directive 2008/115/EC "regarding the common rules and procedures in the State-members for the return of the illegally residing third countries nationals (Chapter C')*).

The new under preparation information manual for the rights of the arrested and subject to extradition aliens (**copy of which is attached herein – form D4**) after the completion of the relevant translation procedures shall be distributed for the information of the detained and subject to repatriation detained aliens about their rights.

The information of the detained aliens is made in the present phase and till the completion of the translation procedures of the relevant form in the aforementioned languages from the competent for the issue of the return decision services at the request of the person concern, the written or verbal translation of the basic points of return including advising for the available legal remedies in a language understandable or reasonably understandable by the third country's national (*art. 27 par. 2*).

The above obligation (*written or verbal translation*) does not apply to cases of third countries nationals who have illegally entered in the Greek territory and do not hold a residence permit in Greece, given to them a standardized form translated in five (5) languages from those which the aforementioned nationals of third countries more often use or better understand (*art. 27 par. 3*).

Paragraph 44: Recommendation for the establishment of a independent control system for the installations of the prosecuting authorities.

The issue of the establishment in our country of an independent mechanism for the control and inspection of the detention centers has been repeatedly arisen during the last decades from the international protection organizations and non-governmental organizations (M.K.O.).

The establishment of an independent body for the police detention rooms is not advisable because it will be added a new body with authorizations already exercised by other authorities or it could be provided to be exercised by the existing ones that offer an increased degree of trustworthiness. It is well known that the "Ombudsman" visits the detention rooms of the Hellenic Police although it is not strictly provided. The assignment with a strict provision of this authorization to the "Ombudsman" which is a constitutionally secured independent authority we believe that is the advisable solution without any side effects.

Paragraph 44: Comments for the ratification from the Greek authorities of the Preliminary Protocol of the United Nation Convention against tortures (OPCAT).

Our Ministry is positively disposed of the signature of the Preliminary protocol of the Convention against tortures of the United Nations. We have already informed accordingly the competent **D-4 Directorate of the Ministry of Foreign Affairs** (*see the document of directorate of Police cooperation/A.E.A. no: 71000/12/1-i of 11-10-2010*).

Further to the signing of the said protocol (*N. York 3/3/2011*) and in view of the its legislative ratification, it is clear that, the advisability of ratification or integration in the said protocol is directly connected with the advisability of creation or assignment to the already existing national authority for the control of the detention conditions in the Police authorization detention centers.

The Ministry of the citizen protection and the headquarters of the Hellenic Police will comply with their obligations as same are determined by the articles of the said protocol and provided any possible assistance to the groups that will visit the detention centers of the Hellenic Police authorization (*International and national gate*) as we do with the other competent authorities (*such as the subject matter committee, national Committee of human rights, Ombudsman, Higher UN Commissioner for refugees, non-governmental organizations (M.K.O.) etc.*) for the sensitization and training of the police officers in issues of human rights respect and the provision of support to refugees, immigrants, members of vulnerable groups and detained aliens.

C. Abuse of suspects for penal offences detained by the Police.

2. Abuse

Paragraph 82: Request for information/ Case of abuse of alien M. N. in the P.S. of Monastirio, Thessalonica.

The above alien was arrested on 21-01-2011 with another fellow country man from Police officers of the department of General cases, sector of drugs prosecution of Thessalonica, as he was possessing narcotic substances (heroin) of 1.486 gr. weight, destined for trafficking. Although the police officers had repeatedly informed them about their capacity, the aforementioned in his effort to escape the control and possible arrest, has strongly stand against the policemen by pushing and punching them and in order to achieve its safe mobilization and arrest they used corporal violence.

The above perpetrator except of the violation of the Law “re Drugs” has also committed the penal offence of resistance against authority (section 167 of penal Code) and by virtue of the nos: 8 and 9/25-01-2011 temporal warrant arrest they were detained in the Police Directorate of Thessalonica till their transportation to the general prison of Thessalonica.

Although the existing data do not prove the commitment of a disciplinary offence in the narrow meaning of article 4 “meaning of disciplinary offence” of P.D. 120/08 as a “punishable and imputable violation of official duty”, in order to be fully investigated and ascertained the conditions under which the alien was injured (the blue melanization in the right eye) it was ordered by the GPD of Thessalonica on the sis of those referred to in the committee’s report, a preliminary administrative inquiry **after the completion of which we shall advise you about its outcome.**

Paragraph 83: Request for provision of information / cases of abuse and assault

A. Case of abuse in the police station of Polygyros-Chalkidiki

Regarding this case that refers to allegations submitted to the representation that a person, detained in the Police Station of Polygyros, had been injured with a heavy metals cutter of one meter length, no administrative inquiry was conducted due to lack of specific data. It is not in particular identified the person-detained presumed as injured but only the police Authority committed this action. No denunciation has also been filed before any authority by the presumed injured or third part till presently. There is not also existing any identity particulars for that person such as nationality, identity data, accurate date of event or arrest, the offence for which it was arrested or any other data to identify the case. The fact also that between the period from 01-09-2010 till 20-01-2011 have been detained in this Police Station 115 persons of various nationalities is making impossible any effort for the identification of the prejudiced person.

In consequence thereof and in conjunction with the fact that the committee's representation could not substantiate these allegations any inquiry would be objectively ineffective because the cause is vague and ambiguous.

Further to the above our opinion is that it must be examined the case, this part of the committee's report to be deleted.

B. Assault and battery case in the Police station of Chania, Crete island.

Regarding this case that refers to allegations submitted to the representation that a person, detained in the Police Station of was subject to electric shock during the inquiry in the P.S. of Chania in the year 2009, no administrative inquiry was conducted due to lack of specific data. It is not in particular identified the person-detained presumed as injured but only the police Authority committed this action. No denunciation has also been filed before any authority by the presumed injured or third part till presently. There is not also existing any identity particulars for that person such as nationality, identity data, accurate date of event or arrest, the offence for which it was arrested or any other data to identify the case. The fact also that there are detained in this Police Station 30 persons on daily basis of various nationalities and the long period of time elapsed is making impossible any effort for the identification of the prejudiced person.

In consequence thereof and in conjunction with the fact that the committee's representation could not substantiate these allegations any inquiry would be objectively ineffective because the cause is vague and ambiguous.

Further to the above our opinion is that it must be examined the case, this part of the committee's report to be deleted.

C. Cases of abuse – assault and battery in the General Police Directorate of Attica in April 2010 and January 2011

(i) Case of April 2010

In the 12th floor of the General Police Directorate of Attica has its seat the Sector of handling the special violence crimes having as mission the handling of special violence crimes (*terrorism and extremist criminal actions*).

Whereas, the preliminary interrogation for terrorism issues is carried out by Police Officers is always under the supervision of a Public Prosecutor, the competent service has reported that the denounced actions have never taken place taking additionally into consideration that the presumed as injured has never reported to the public prosecutor or the service's director or to his attorney-at-Law anything about it and the relevant accusation does not obviously correspond to the truth and as a consequence is not subject to a further administrative investigation and the committee cannot also to substantiate the allegations for the assumed abuse as mentioned in the relevant paragraph of its report.

Further to the above our opinion is that it must be examined the case, this part of the committee's report to be deleted.

(ii) Case of January 13th 2011

On 13-01-2011 is under progress the procedure for the formation of a penal file by the Directorate of handling special violence crimes into the frame of the overt crimes proceedings for crimes concerning criminal organization, ammunitions and explosives. During the procedure of preliminary and police investigations conducted by the above service, it was remanded Mr. D. P.

It was found in his possession an identity card from the P.S. of Kypseli, with identity holder's particulars, P. C., the theft of which had been declared by its holder on 02-10-2003 in the P.S. of Vyronas.

The remanded has been transported from the above service to the Security Command of Attica/ Dept. Command of State security for the formation against him a penal court file concerning the possession by him of the above identity card, as he had not proved any involvement of him regarding the case under investigation.

His remand was made in accordance with all the formalities and provided procedures, the actions of police officers being lawful and without any exorbitance while the remanded has never expressed any complaints for the policemen behavior during his detention.

In view of the above this certain event is not subject to any further administrative investigation and the committee's representation cannot also substantiate the allegations of the presumed abuse as mentioned in the relevant paragraph of the report.

Further to the above our opinion is that it must be examined the case, this part of the committee's report to be deleted.

Paragraph 84: Argument for the finding of non standardized and marking items in the Police Stations of Argos, elefsina, Akropoli and Omonoia used for the suspects interviews/Recommendation so that all confiscated items to be used as evidential means to be duly marked, recorder and kept in special place for keeping the personal items as mentioned in the relevant regulation.

a- The police employees strictly implement into the frame of the Code of Penal procedure the provisions of sections 258, 260 till 269, 280, 310, 311, 373, 445, 453, 492 and 504 regarding the confiscation of items or exhibits.

The violation of the above provisions incurs sanctions provided by the Penal Code in sections 177, 178 and 236. The provisions of the Disciplinary law also apply to the Offenders Police Officers to which is subject the Police Corpus.

The strict application of the above provisions is reminded to the Police personnel either during the course of meetings or with the issue of the relevant official notes.

b- More specific and with regards the above ascertained by the committee's members, the items in the P.S. of Elefsina, Akropoli and Omonoia had been confiscated during the procedure of arrestable proceedings as clues of recently committed penal offences and then had been forwarded to the competent judicial authority. Having as cause the above event, the general Police Directorate of Attica, has issued an order to the its departments for the strict compliance with the provided for the confiscation of items-clues of offences, keeping of them etc.

c- The item noticed by the committee's members in the P.S. of Argos was in the office of the preliminary interrogation officer being one (1) sledge of 8 kilos weight the edge of which was into a box so that could not be ascertained at first sight what items it was. The Commander of Argos Police Station showed the sledge (including the non visible upon the lewis of the iron edge) and informed them that the said construction tool had been found in a rural area and they were expecting its owner to ask for it. There were also showed to the committee's members confiscated items kept in the confiscated items warehouse which had been recorded bearing on them a self-sticking.

3. Denounces against the Police and investigation concerning abuse cases

Paragraphs 85 and 87 (1st case): Request for provision of information concerning the case of the alleged abuse by the P.S. of Monastirio, Thessalonica on 07-06-2010.

The above individual who was arrested on 29-06-2010 by the P.D. of Drugs prosecution of Thessalonica for violation of L. 3459/2006 "re Drugs" being examined from the Directorate of internal cases of Northern Greece, has denounced that he was subject to corporal violence during his arrest and preliminary interrogation from Police officers of the above service order to disclose them the other places in which he had hidden narcotic substances.

The General Police Directorate of Thessalonica has ordered for the disciplinary investigation of the case, the conduct of a sworn Administrative inquiry in accordance with the provisions of article 26 par. 1 of P.D. 120/2008 "Disciplinary Law of Police Personnel" assigned to the office of Administrative inquiries of G.P.D.Th. an independent of administrative subsumption and dependence service regarding the suspected police officer. Due to the retirement of the head of the Directorate of Administrative inquiries conducting the sworn administrative inquiry it was ordered its continuation from the Directorate of Urgent action of Thessalonica being simultaneously ordered its extension per art. 26 par. 6 of the above P.D. as it seemed to get involved police officer off the authority of G.P.D.Th. (*Police Directorate of Pieria*). **The sworn administrative inquiry has not completed yet till presently being in the final interrogative stage and will be submitted to G.P.D.Th. to decide on it. After the completion of the interrogative procedure and the taking of decision from the competent body we shall advise you about its outcome.**

The Directorate of Internal cases of Northern Greece has undertaken as already mentioned the preliminary interrogation, which has submitted the file to the D.A.'s office of the First Instance Court of Thessalonica which has exercise penal prosecution against 4 police officers, three of the G.P.D.Th. and one of the G.D. of Pieria for violation of article 137A par. 1a-2 and article 45 of penal Code. The case is still under the stage of main interrogation.

For those mentioned in paragraph 87 of the report it is pointed out that in accordance with the routine note 1/210 of the District Attorney of the Supreme Court (Areus Pagos) (*ref. no: 1165/23-03-2010*) in cases fo denouncements against police officers from detained concerning their abuse into the frame of preliminary interrogation or arrest, violating in this way their duties, must be immediately informed the competent District Attorney of the First instance Court in order to be investigated according to their gravity from him or the D.D.A. of the First instance Court or from other judicial authorities such as Judges of the court of petite offences or District courts and not from police officers serving in the same service **without been restricted the competency of the Directorate of internal cases of the Hellenic police to investigate similar denouncements (article 137A-137D) because this service intervenes in case of denouncements against police officers not serving in it.**

Thus, the procedures followed in this case regarding the investigation of the denounced actions are in line and harmonized with the above routine note.

Paragraph 85- 2nd case: Request for information for a case of alleged abuse of Iskra Rigatos in the G.P.D.A in March 2010.

The general Police Directorate of Attica has ordered for the disciplinary investigation of the case, sworn administrative inquiry the conduct of which was assigned to an officer of the Administrative interrogations sector, which is now in the interrogative stage.

After the completion of the interrogative procedure and the taking of decision from the competent body we shall advise you about its outcome.

The complaint filed has been transmitted to the D.A.'s office of the Athens magistrates' Court where is pending.

Paragraph 90: Comments for the establishment of the denouncements corpus against the police, which shall be completely independent and equipped with the necessary means for the conduct of effective investigations regarding allegations for police abuse.

It has been recently passed the L. 3938/2011 "Establishment of office for handling abuse cases in the Ministry of Citizen protection and other provisions".

In accordance with article 1 of Law, it has been established and operates in the Ministry of Citizen Protection an office for the handling of abuse cases which is subject directly to the Minister, competent for the collection, recording, assessment and further transmission for investigation to the denouncement competent bodies or authorities for actions of the commissionaire personnel of the Hellenic Police, Coastal Guard- Greek Coast Guard and Fire Brigade Corp committed during the execution of their duties of abuse of their capacity and apply to:

- a- Tortures and other insults of human dignity in the meaning of section 137A of penal Code.
- b- Intentional illegal assaults of life or corporal integrity or health or personal or sexual freedom.
- c- Illegal use of gun and
- d- Any other insulting conduct against the personality of each individual residing in the Greek territory and other similar actions performed by the same person in the same place and period of time.

It is now promoted per authorization of the above law, the legislative ruling for the issue of a P.D. having as object “the organization and authorizations of the office for handling abuse cases”.

The P.D.’s draft provides, among others, that the office for handling abuse cases is structures as follows:

- a- The office of Citizens’ reception and information, which shall accept the citizen’s denouncements or complaints for actions, committed during the performance of the commissionaire personnel of Hellenic Police, Coastal Guard- Greek Coast Guard and Fire Brigade Corpus. It will inform the denounced about the investigation of their denouncements after their written request and will accept at the same time anonymous also denouncements taking care for the operation of a special telephone line and e-mail.
- b- the office of denouncements filing and substantiation and
- c- The office of Administrative support and Statistics

I. A three member committed will be established in the office consisted from a honorable Judge of the Supreme Court (Areus Pagos), a member of the Legal Council of State in the office of the Ministry of Citizen protection and a honorable District Attorney or Deputy District Attorney of the Supreme Court or the Court of Appeal as members, which shall assess the denouncements and undertakes the investigation of events further to the order of the Minister of Citizen protection or ipso jure. It will also advise regularly every two months and extra-ordinarily the minister of Citizen protection while in January will submit its annual report.

The committee shall, in specific, handle cases for which a condemnatory judgment has been issued by the European Court of Human rights against Greece for violation of the provisions of the European Convention of Human Rights (L.D. 53/1974) by virtue of which have been found omissions in the disciplinary procedure or new data that have not been assessed during the disciplinary investigation or the hearing of the case. In these cases, the Office of Police personnel of the Greek Police headquarters (*and the corresponding personnel offices of other corpus*) forwards the above judgment and the disciplinary file to the Committee that revises the case taking into consideration those admitted by the European Court of Human rights and decides the investigation once again of the case. The committee forwards the decision with the file of the case to the Chief Commander of the relevant corpus who is bound from this decision and orders a new investigation pursuant to those admitted by the European Court of Human right. If the committee rules that it is not necessary a new investigation of the case, it forwards its decision to the personnel office of the relevant headquarters order to be put an end to the case.

The office for the handling of abuse cases in order to fulfill its mission, cooperates with the headquarters, internal cases offices, Services of Financial Police and prosecution of e-crime and other sectors of the Hellenic Police, Coastal Guard- Greek Coast Guard and Fire Brigade Corpus, D.A.’s office authorities, Ombudsman and other competent state or independent authorities, Welfare and social solidarity services, organizations, associations, representatives of vulnerable social groups and with any in general social lawful body or individual that may contribute to the investigation of cases falling to the office authorization.

The services of the Hellenic Police, Coastal Guard- Greek Coast Guard and Fire Brigade Corpus and other public agencies and those of the wider public sector are obliged in any case, to provide an immediate and substantial assistance to the office personnel for the fulfillment of its mission.

The office of the handling of abuse cases is staffed with commissionaire and civil personnel.

It is pointed out that this legislative initiative is of great importance consisting to the fact that what is requested from all the international organizations and other competent authorities (such as the subject committee, the special reporting judge of human rights of the Council of State, Mr. Hammarberg) is the review actually of the way that these allegations for police officers abuse are denounced and recorded, by creating more effective and permanent structures to secure the trustworthiness and power of the Hellenic Police, although it has been repeatedly pointed out that any denouncement or information for indecent police officer behavior at the performance of its duties or off service and any action or omission in general of police officers contradictory to the constitution, laws in force, regulations and moral order is thoroughly examined and in case of any ascertained violation, it strictly applies the legislation in force (*disciplinary and penal investigation of such denouncements*).

It is pointed out that we have informed you about the establishment of this office with our document under no: 6634/1-485283 of 23-04-2011.

4. Safety valves against the detained abuse

Paragraph 91: recommendation so that, the Greek authorities to strain their efforts order to be fully effective in the action the detained rights, to inform a close relative of them or other third party regarding their status, to have access in doctor and the establishment of a staffed police inspection.

As far as concern “the rights of detained to inform a close relative etc.” there is not any impediment in the communication and on the contrary the police authorities make easy the communication in compliance with the provisions of the Code of penal proc., reformatory Code and the confidentiality of telephone conversations.

In accordance also, with the regulation of the detention centers, visitors can communicate with the aliens in a special place duly designed order to be fulfilled the provided security terms and conditions while it is permitted the unimpaired communication of the detained with the visitors.

Regarding the **access to Doctor please see paragraph 40.**

As far as concern the establishment of a staffed police inspection, it is pointed out that during the last years and after serious efforts there have been considerably improved the conditions of functionality and operation of the detention rooms of the Greek Police services.

The remarks of independent authorities and bodies members activated in detained issues who visit the detention centers are taken into consideration and is paid any possible effort for the immediate restitution of any omissions.

Besides the above, regular and extra-ordinary inspections are carried out by the police officers in the detention rooms to find out whether there are fulfilled the provided terms and conditions for a safe detention.

The above recommendation is materialized with the service of “information manuals” for the rights of the detained and under repatriation aliens (see accordingly paragraphs 43 and 86).

B. Additional

Other than the above mentioned actions, data are given for the course of implementation of the national action plan for the handling of immigration flows regarding the taking of measures for issues of asylum and handling of illegal immigration:

(1) Creation of centers of initial reception and detention centers into the frame of implementation of the National action plan for the handling of immigration flows:

- (1.1) The issue of illegal immigration is presently a serious national issue and as such is handled by our Ministry. Acting into the frame of new police strategy for handling the illegal immigration, our Ministry undertakes initiatives for the most effective handling of this phenomenon. More specific, there are taken a series of measures having been designed and grounded on risk analysis including the way of action (*immigration flows*) of the illegally entered in our country aliens. Our intention is the handling of mixed immigration flows in the points of entrance into the Greek territory in a way securing the need of the borders control against the illegal immigration and the need of aliens protection and other vulnerable groups order to provide them living conditions absolutely compatible with the human value. It has especially elaborated for this purpose the national action plan for the handling of immigration flows (*August 2010*) approved by the European Committed and subsidized with Euro 230.000.000 with the provision the taking of measures in asylum issues and handling of illegal immigration during a three years period of time.
- (1.2) There have been recently undertaken legislative initiatives of great importance consisted to the fact that what is requested from all the international organizations and other competent authorities, is the review actually of the existing detention and the amendment of the national asylum procedure with the creation of most effective and permanent structures to secure the trustworthiness and power of the Hellenic Police so that our country will not be defamated abroad and abandoned from international organizations. The legislative initiatives of our Ministry (*P.D. 114/2010 and L. 3907/2011*) and the parts in particular concerning the creation of the gate of reception centers and the gate of the new asylum service is of extremely high importance which, in conjunction with the detention policies we strongly believe that they will lead to solutions.

The importance of the gate of Initial reception centers is absolutely connected with the effective operation of the asylum applications, which cannot operate without the centers of initial reception and aliens detention centers while at the same time is not possible to be carried out the procedure of repatriation of the illegally residing aliens in our country.

More specific, it is set up with the Centers of initial reception a new system of valid identification and origin of immigrants via a special know-how and the proper personnel training while it is secured the separation and aliens' recording, their medical examination, the support of the vulnerable groups and the guidance of course of those entitled to international protection so that our country to be off the UN and other international organizations control. There are in general established reception conditions securing a decent living standard, fit from the point of health, dwelling, protection of family life, medical treatment and communication with the High Commissioner of UN etc.

This is the reason why we expedite the relevant procedures aiming to the eradication of the illegal immigration problems. Now, with the creation of the initial reception service (Law 3907/2011) per authorization of the above law, it is forwarded the legislative ruling for the issue of P.D. having as object the "organization and operation of the initial reception service in the Ministry of Citizen protection" and decision of the Minister of Citizen protection for the "General regulation of operation of centers and units of initial reception of the service of initial reception" while it has been announced the appointment of the Directress of this new office, Mrs. Maria Athanasopoulou.

The above legislative rulings are in fact the first official enactment of legislative texts for the operation of reception centers and the regulation of operation of the detention center which till now were grounded on the official orders issued from time to time.

It is also promoted per authorization of the same Law, legislative ruling for the issue of P.D. having as object the “organization and operation of the asylum service in the Ministry of citizen protection” and decision of the Minister of Citizen protection for the “regulation of operation of the asylum service”.

The Minister of citizen protection has recently announced (19-05-2011) the places of the initial reception centers and aliens detention centers in the region of Attica, Evros and Northern Aegean and the rest of the country.

The creation of the initial reception centers and aliens detention centers will solve the great problem for our country being the creation of new standards with regards the detention conditions that may significantly increase the centers detention capacity for aliens for whom is pending the issue of an administrative or court’s decision for return.

We believe that the effective operation of this service and the procedures of initial reception are the basic term and condition for the grounding of a security feeling in the Greek society and a significant step for the handling of the illegal immigration flows in our country.

Besides that, it is investigated any appropriate solution with countries experienced with the procedures of illegal immigrants reception that may contribute to this end, simultaneously aiming to the cooperation with the co-competent ministries for the improvement of the conditions of aliens reception and residence.

It is pointed out that, the plan for the creation of the new service of initial reception has been presented on its whole proving in this way that no intention exists to be especially burdened any area and that, this effort is a national effort that must be adopted from all bodies concern.

Within the frame of this effort for the handling of a problem concerning the total of the Greek society, it has been provided the taking of all necessary measures for the support of the local societies and in cooperation also with the Ministry of Environment, Energy and Climate change motives shall be given for substructure projects in these areas being subsidized from the operational environmental program or by the Green Fund.

With regards the reactions of the local societies regarding the reception centers, we are open to dialog but without any deviation from the above.

(1.3) More specific:

(1.3.1) Mission of initial reception centers

The mission of these centers is to take care for the initial reception, recording and identification of third countries nationals who are illegally entered in Greece and whether they are in need of international protection or belong to vulnerable groups order to be varied their further handling in relation with the aliens under repatriation. The reception centers are especially involved with:

- The police investigation regarding the identification of the above aliens pursuant to the international and national rules.
- Their medical control and provision of urgent medical support
- The coverage of their basic material needs

- The provision of psycho-social and legal aid
- The procedure of screening of age (minor age), nationality and vulnerability, being the vulnerable groups and groups in need of international protection.
- Their referral to further procedures and structures pursuant to their accusations.
- The keeping of the relevant records and information of the competent authorities.

(1.3.2.) Establishment of Initial reception centers

The centers of initial reception shall replace the structures of special detention centers in which the massive arrivals were handled with the standardized procedure of issue of the extradition decision and detention for all of them without any exception. Those the return of whom was not advisable were released order to abandon the country within a fixed period of time without being clarified the legal status of their staying.

Ta centers of initial reception that will established in the entry points of the country and where high immigration flows exist shall be externally guarded on the responsibility of the Ministry of citizen protection and each center of initial reception, being subject to the competent central service staffed with a specialized civil personnel. More specific in each C.I.R of up to –350- persons capacity is provide to work:

- The Commander of the initial reception center
- Two doctors and two nurses
- Two social workers
- Two psychologists
- One specialized scientist in children's' issues
- One specialized person for victims of trafficking or tortures
- Interpreters and intercultural intermediators for all required languages (*mainly Arabic, Farsi, Pastu, Urdu, Somalian, Swahili, Kurdish*)
- Personnel for the centers operation (*two cleaners, four monitors*)

Where is need (*non coverage of the above personnel from the State or need for additional personnel*) the above services will be provided from non-governmental organizations and the UN High Commissioner (*via monitoring and provision of know-how*).

Except of the above personnel, there will be working in the I.R.C. police personnel in the posts of registration and aliens identification and external guarding of them.

(1.3.3.) Referral of aliens to further procedures and structures:

The main object of I.R.C. is the procedure of registration and identification (fingertips, photo, registration in EURODAC) and screening that is, the separation of financial immigrants from those in need of international protection and persons in need of “special protection” (*victims of tortures, human trafficking, with special medical problems*) and the minor age for which the necessary actions will be taken to find out their nationality where disputed. There will be also provided the necessary medical services and the initial services of social welfare. The maximum period of aliens staying in I.R.C. will not exceed the 15 days.

Then:

- The aliens applying for asylum shall be referred to file their request with the regional structures of Asylum service and if they are in lack of any place of residence it will be offered to them accommodation in the open hospitality centers of the responsibility of the Ministry of Health & Social solidarity.
- The aliens in need of “special protection”, the vulnerable groups and the unaccompanied minor age shall accommodate in the in the open hospitality centers of the responsibility of the Ministry of Health & Social solidarity.
- The aliens that voluntarily wish to return to their countries shall be enlisted in a program of voluntary return.
- The aliens who do not belong to any of the above groups shall be referred to the special detention centers for the repatriated aliens for the completion of the relevant procedure.

The procedure of referral may be also conducted after the screening from mobile units of initial reception.

(1.3.4) Implementation of First Reception centers project:

The first movement for the model of initial reception (*establishment, incorporation and operation of Initial reception centers, procedure of initial reception*) was the symbolic closing in October 2009 of Lesvos Detention center (*Pagani*) and will be materialized in three years period.

The will is the gradual creation of such centers in the areas where is located the problem of increased immigration flow, mainly in islands and Evros. The Minister of the citizen protection has recently announced the establishment of certain centers and detention centers of illegal aliens in the districts of Attica, Evros, and Northern Greece and in the rest central Greece.

More specific:

Further to the decision of the Minister of the citizen protection, Mr. Christos Papoutsis, the following units will serve at first stage in the new service of initial reception of aliens established with L. 3907/2011:

- Lakonia, Sparti – detention center
- Chios, Mersinidi – Detention center
- Samos, Vathy – Center of initial reception
- Anygdaleza - Center of initial reception for minor age
- Elliniko, old detention rooms – detention center
- Elliniko, new detention rooms - Center of initial reception
- Unit of Petrou Ralli – Detention center
- Aspropyrgos – Detention center
- Rodopi, vena – Detention Center
- Evros, Fylakio – Detention center, it is also developed a public piece of land for the installation of prefabricated constructions to be used as center of initial reception.
- Thespotia. Three proposals of individuals are examined for detention center off the city of Igoumenitsa.
- Aitoloakarnania, Stanos, Military camp Psarogiannis – Detention Center
- Evros, karoti – ex military camp Filiridis – Detention center
- Orestiada – it is examined an individual's proposal aiming to the creation of a multi-complex center including the asylum service, Initial reception center, Frontex Command, Police Directorate of Orestiada and Fire Brigade service of Orestiada.

All these centers shall operate with the modern specifications of European standards taking also measures for the development of the local economy.

(1.3.5) Financing – Cost:

We also try very hard to handle with the most profitable and effective way the difficulties of such a great effort, which is, the **time and the financing of new centers construction**. The buildings constructions may be financed from the External Borders Fund while the special personnel (*interpreters, social workers, psychologists*) may be employed with money of the **Return Fund**. There are simultaneously examined additional modes of financing for the operational expenses and for the hiring of the ancillary personnel (*cleaners, monitors etc*).

(2) Developments of the asylum sector into the frame of implementation of the National action plan for the handling of immigration flows and reformation of the national asylum system.

1. Adoption of P.D. 114/2010 concerning the establishment of a procedure for the provision of the status of international protection and humanistic status to aliens and without nationality and full compliance with the provisions of directive 2005/85/EC.

2. Transmission of routine note-order to services with attached the new official forms in accordance with the standards of UN /H.C. for the refugees and European asylum services and immigration, that is:

- a) Application of request
- b) Minutes of interview
- c) Decision of applicant's detention (only in exceptional cases and having first been arrested for illegal entry and started the procedure of administrative extradition respecting the provided by the European Convention for human rights.
- d) Draft of proposal to the decisive authority
- e) Decision's draft

3. Upgrading of the Database with information for the asylum procedure and the countries of origin in cooperation with UN/H.C. for the refugees in the network Police on Line.

The new data base in which have access all the competent personnel of the services that receive and examine the asylum applications is consisted from the following:

- a) Legal frame: International, communal and national legislation in the sector of asylum
- b) Special legal issues – interpretation of the Geneva Convention
- c) Jurisprudence of the European Court for human rights
- d) Jurisprudence of national Courts
- e) Ombudsman recommendations
- f) Issues for the protection of unaccompanied minor age
- g) Routine notes – orders and drafts of official forms
- h) Reports for the countries of origin of the applicants for asylum.

The said databases shall be upgraded on the care of Aliens Directorate/A.E.A. in cooperation with the informatics Directorate /A.E.A.

4. Establishment and operation from 08-02-2011 of five refugees committees of P.D. 114/2010 in the Ministry of Citizen protection. More specific:

- Three (3) committees decide on the pending applications
- Two (2) committees decide on applications filed from the enforcement of P.D. 114/2010.

As member of the above committees participates a representative of U.N./H.C. for the refugees and a legal consultant proposed by the National committee of human rights.

It is also planned the establishment of five (5) more committees (*4 for the backlog and 1 for the current cases*) in September.

There are also taken the necessary official actions for the separation of active refugees aiming to the better handling of b' degree pending cases.

5. Training of police personnel in cooperation with U.N./H.C. for refugees. Conduct of three (3) detention seminars in Athens and Thessalonica, with the participation of police personnel of the services of receipt and examination of asylum applications.

It is expected the conduct of further seminars and the use of European Asylum curriculum (*with seminars or use of e-learning*).

6. Establishment of the independent new asylum service (Law 3907/2011). Announcement of appointment of Professor, Mr. Ioannis Papageorgiou as its Director and examination of candidacies for the director's post of the independent refugees authority.

7. Finding of building for the premises of asylum service and refugees authority. Undertaking of all necessary actions for the preparation of the said building and the regional asylum offices and groups of asylum in conjunction with the centers of initial reception.

8. Undertaking of all necessary actions for the employment of the personnel for the asylum and refugees office.

9. Missions of European Committee experts in issues of training, handling of pending cases, recording/separation of applicants for asylum and qualitative assessment of asylum procedure. The reports executed for these visits shall be used for the better management – reformation of the national asylum system.

10. Placement of U.N./G.C. representatives in the offices for the a' degree interview.

11. Use of interpreters of the non-governmental organization "METADRASI" that cooperates with U.N./H.C. for the refugees for the materialization of the urgent measures of E.T.P. 2010 for the coverage of needs in the Aliens Directorate of Attica, security Division of the Athens Airport and the refugees committees. Increase of interpreters' numbers for the languages in use.

12. Use of interpreters of the non-governmental organization "METADRASI" for the implementation of the project "MAYDAY" (E.T.P. 2010) in the asylum offices of Lesbos, Chios, Samos, Leros, Rhodes. Extension of cooperation with other offices in need of accredited interpreters.

Development of teleconference system for the interpretation in cooperation with non-governmental organization "METADRASI" and installation of the relevant equipment in the P.D. of Orestiada, Samos, Chios, Lesbos, Rhodes and P.S. of Leros.

13. Signing of the Operational action plan between the M.C.P. and European Service of Asylum support aiming to the appointment of groups of asylum support for the period 2011-2013 with short-term and long-term actions concerning the intermediate period to the new asylum service, Initial reception Service and development of the material conditions of reception (*In cooperation with the M.H & S.S.*) and European Funds (*external borders, return and Refugees*).

14. It has been appointed the person in charge for the coordination of the support group and experts. having as follows:

3.4.1. On 24-05-2011 have been appointed two (2) expertises in the Aliens Directorate of Attica (*-1- expert for the registration/ separation of applicants and -1- expert in information issues*). The said action completed on 24-06-2011. It was executed the relevant report.

3.4.1. There have been appointed two (2) experts specializing in the management of backlog. The said action is in progress.

5.4.1. One (1) expertise was appointed in the refugees committees for administrative support. The said action is in progress.

5.4.3. An expertise visited on 25-05-2011 the M.C.P. specialized in the project "Interpreters' Pool. The said action completed in the same day.

8.4.1. Two expertises' have been appointed on 28-06-2011 (Preparation and planning of detention centers). The said action is in progress.

There have in addition started the expertise's visits in the Ministry of Health & Social solidarity via the actions of Chapter 7 of the Operational plan.

15. Undertaking of necessary actions to absorb the funds proportioning to actions of the M.C.P. from the urgent measures of E.T.P. 2010 concerning the upgrading of the services rendered from the competent asylum authorities.

(3) Voluntary returns:

The establishment of new return procedures is one of the main pylons of our policy for the modern and effective handling of the immigration phenomenon.

We have proceeded to this direction with great speed with the following legislative arrangements:

- it is provided at first stage the granting of a time limit for voluntary departure so that the alien to settle its pending issues and to schedule with its own actions its departure from the country.
- It is provided an "external" system for the control of removal procedures on the care of the Ombudsman, effectively protecting in this way the aliens' rights under the status of return.

- It has been provided for the aliens the removal of which has been suspended for objective reasons, right of access in employment in certain areas of our country enabling them to cover their vital needs but without right of legalization.
- It is supplemented and upgraded the aliens rights subject to the status of return that is, translation of return decision, free of charge legal aid, family unity, access to education, urgent medical treatment and special care for the minor age.
- It is supported the right of legal protection for those detained subject to return in their country.

It is determined in this way the issue of control of detention's legality with the guarantees of the independent judicial authority per article 6 of Constitution and the European Convention of Human Rights which protect the fundamental individual's right for personal freedom.

The action of voluntary return of third countries nationals to their origin countries it is co-financed from the European Return Fund managed by the Headquarters of the Hellenic police in its capacity as the responsible authority.

The voluntary repatriation of third countries nationals is materialized either from the services of the Greek Police or with the implementation of the relevant action assigned to the International immigration Organization.

It is worth to point out that the number of the assisted voluntary returns of illegal immigrants from the Hellenic Police services, it was 473 persons for the year 2009, 823 for the year 2010 and for the first four months of the year 2011 reached to 203 persons.

As far as concern also the action of voluntary returns from the International Immigration Organization, it has been successfully completed the A' stage of materialization of voluntary return action for 586 third countries nationals (*such as Afghanistan, Iraqi, Morocco, Pakistan, Bangladesh, Nigeria etc.*) in their countries of origin in cooperation with the Police authorities, while it is now completed the B' stage providing the voluntary return of 500 at least third countries nationals.

Besides the above, our Ministry will organized a campaign aiming to the registration and voluntary return of immigrants providing a series of motives to the illegal immigrants who wish to return in their countries such as the issue of return decision without detention, payment of the return ticket from the Greek State, no imposition of administrative fine in the airport when departed and the non registration in the list of persona non grata.

We investigate in the same time with the European Committee the case of a small subsidy for the first expenses of return in their country and mainly the transportation of the illegal immigrant from the capital of its origin till its arrival to his own place of residence.

- C. – Our country is insisting to the materialization of the measures announced which have been proved by the E.U, and related to the pylons:
- of the establishment of the initial reception centers and aliens detention centers.
 - Reformation of the national asylum system and
 - Establishment of new return procedures

Consisting a modern, completed and decentralized policy of rational and effective handling of the immigration phenomenon, but mainly and in priority to secure reception and staying conditions at a decent level of living.

It is estimated that, the gradual materializations of the partial projects shall significantly improve the condition existing in the center of Athens, Patras, Igoumenitsa and other areas of our country.

We should like also to point out that our Ministry's interest is not restricted only to Athens but it is equally strong for all the Greek territory. To this directions is leading the anti-criminal and immigration policy of our ministry aiming to the catholic and unified handling of the said problems in cooperation with the co-competent per case offices and other bodies.

But in any case it is not fair the issues concerning the handling of illegal immigration to be taken as an exclusive Greek issue but it is encouraging the fact that it has been just recently considered as a European problem and the other State –members of E.U. have proceeded with initiatives to support the Greek action plan for the handling of immigration flows.

D.- You are kindly requested for your own further actions.

E.- This present is served to the offices of physical and political leadership for its information.

F. – The other receivers to which this present is served should get informed and relate the present with the other correspondence.

Attached:

a) L. 3907/2011 as amended with art. 17 of L. 3938/2011.

b) The no: 6004/12/50-a' of 16-06-2011 order of the Head of the Army Staff of the Greek Police Headquarters.

c) New “information manual” for the rights of the arrested and subject to repatriation detained aliens (form D4).

The Head of the security Division

**First bi-monthly periodical report of the Ministry of Citizens Protection,
dated 8 June 2011,
in relation to paragraphs 21 and 26 of the CPT's report on the January 2011 visit**

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VERY URGENT – CONFIDENTIAL

HELLENIC REPUBLIC

MINISTRY OF CITIZEN'S PROTECTION

Athens, June 08th, 2011

HELLENIC POLICE HEADQUARTERS

To

SECURITY BRANCH

Ministry of Foreign Affairs

DIRECTORATE OF ALIENS

1ST DEPARTMENT OF IMMIGRATION &

ADMINISTRATIVE STEPS – OFFICE 3

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Ref.No. 6634/1-485886

SUBJECT : "CPT Report regarding the recent visit of a Committee's Team to our country (January 19th to 27th, 2011) – Submission of bimonthly periodic report for the area of Evros"

Ref. a) The document with no. 6691/32/AS 365 dated 24.03.2011 of the Permanent Hellenic Delegation at the Council of Europe

b) Our letter dated 08.02.2011 (requisite actions - Police Directorate of Alexandroupolis)

c) Our letter dated 17.02.2011 (requisite actions – Police Directorate of Orestiada)

A. In reply to the above referenced document (a), please be informed that after the completion of the Committee's visit, improvements of technical nature have been scheduled and partially implemented, in the mentioned detention premises, but also certain actions have been planned in order that we manage this emergency situation and improve the overall living conditions of the detained foreigners.

In particular, we advise you as follows (per Police Directorate):

1. POLICE DIRECTORATE OF ALEXANDROUPOLIS

As it is shown in the following table, the number of the illegally entering foreigners who are arrested by the total of the Services of the relevant

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Police Directorate, has been quadrupled compared to 2010, a fact that makes difficult the living conditions of the Border Custody Departments :

	A' quarter 2010	A' quarter 2011	%
Arrested Illegal Immigrants	1.619	5.389	232,9
Cases of Illegal Immigrants' Trafficking	21	14	-33,3
Arrested Traffickers of Illegal Immigrants	25	18	-28

After the conclusion of the operation of the Fast Intervention Border Groups (FIBG) it has started the implementation of the operation POSIDON 2011 overland (beginning of March 2011) which is the largest operation of border custody in the land external borders of the European Union which we believe that will contribute to the even further reduction of the illegal immigration flows, to the benefit of the living conditions of the newly entered foreigners who are arrested for illegal entry.

a. Improvements of technical nature in the mentioned Border Custody Department.

After a visit of a group of engineers of the Directorate of Technicians in the Border Custody Departments of the relevant Police Directorate, a survey has been drafted for each area separately and it is expected the approval of the relevant credit from the External Borders Fund of the Directorate of Finance of A.E.A. for the tendering of the respective works and supplies.

In particular, per Border Custody Department :

B.C.D. of Souflion :

- Reconstruction of the toilets and baths.
- Replacement of window frames.
- Construction of a storage area for the belongings of the arrested illegal immigrants.
- Air conditioning installation.
- Construction of a specific area for the garbage.
- Elevation of the fence for safer courtyard strolling.
- Installation of a closed camera system.
- Formation of the illegal immigrants' fingerprinting area.

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- Reconstruction of the toilets and baths.
- Placement of protective railings for the non access of the detainees over the toilets where the water heaters are found.
- Construction of a new detention room in an adjacent area of the existing detention premises.
- Possibility of placement of bunk metal beds above the existing ones for duplicating capacity.
- Formation of the storage area for the belongings of the arrested illegal immigrants.
- Air conditioning installation
- Installation of a closed camera system.
- Formation of the fingerprinting area.

B.C.D. of Feres

- Upgrading of the Public Power Corporation's supply.
- Placement of containers near the detention premises which will be used as fingerprinting area and as medical examination area.

Especially for the B.C.D of Feres, a new building has already been tendered off which is expected to be constructed within the current year and therefore, it has been decided the execution of a small scale of works.

b. Taking measures for the overall improvement of the living conditions of the detained foreigners :

- Since the beginning of April 2011 it has been implemented a separation of the unescorted minors, families with small children and women.

In particular :

- At the B.C.D. of Souflion, the male arrested illegal immigrants are detained.
- At the B.C.D. of Tycheron, in one (1) detention area are kept the couples and the unescorted minors while in the other, the male arrested illegal immigrants.

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- At the B.C.D. of Feres, in one (1) detention area are kept the female illegal immigrants while in the other, the rest criminal detainees except for illegal immigrants.

At the completion of the works at the Border Custody Departments, there will be an additional separation among the unescorted minors.

- It is not feasible the everyday courtyard strolling of the detainees, due to the premises of buildings and the great number of the arrested illegal immigrants. AT the B.C.D. of Feres all safety measures have been taken so as the detainees can stroll at the courtyard all day long.
- It has been prepared and implemented a regulation of the detention premises operation and a daily schedule of detention premises.
- It is required the purchase of beddings. For this purpose, relevant requests have been appropriately submitted by the relevant Police Directorate while the Ministry of Health and Social Solidarity will carry a relevant tender to this purpose.
- Since 16.05.2011 a cleaning crew has been employed via the programme of the Ministry of Health and Social Solidarity, in all Border Custody Departments, covering on every day basis the B.C.D.s of Souflion, Tycheron, Feres and the primary reception premises that operate at Poros. Currently, a disinfection process is in progress in all areas of the Border Custody Departments of the relevant Police Directorate.
- There is an everyday communication with the Administrative Manager, clerk of the 4th Sanitation Region and the Medical manager, clerk of the Infectious Disease Inspection and Prevention Center in order to be exploited the programme of medical and pharmaceutical needs' coverage and sanitary treatment. Presently, for the requirements of transfer of the non legal financial immigrants from the B.C.Ds to the Hospitas of Alexandroupolis and Didymotichon, ambulances have been allotted exclusively for this purpose.
- In the said detention areas, the Doctors without Borders have been activated for a specific period of time (November 2010-February 2011)

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whose action has stopped at the beginning of the programme of the Ministry of Health and Social Solidarity.

- By a decision of the Ministry of Citizen's Protection, it has been employed Interpreters-Translators, Psychologists and Social Workers, based on a project contract with term until 30.06.2011, for the support of the detained illegal immigrants who have already appeared and undertaken their duties. In particular, since the 18.04.2011 they are occupied in each Border Custody Department a group of Interpreters-Translator, Psychologists and Social Workers of seven-member composition, in the context of the annual programme 2009 of the European Fund of Return.

The work of the Interpreters-Translators (for the languages : Arabic, Pastou, Farsi and Urdu) is the translation of documents of the basic points of the decisions for the return (deportation) of the above foreigners, as well as the interpretation during their examination-identification of them.

It is noted that in case of need, the above Interpreters-Translators are used in the proceedings of application for asylum.

The work of the Psychologists and Social Workers is the provision of psychological support to illegally entering foreigners, detained in Special Areas of Foreigners' Stay, or any other detention area of the Hellenic Police and are under the status of return to the countries of their origin.

- Additionally, nominated representatives of the Hellenic Council for the Refugees have every day access to all areas of detention and communication with the illegal immigrants for the provision of legal assistance, in order to secure the access of the detained refugees to the proceedings of asylum and be given the chance to be represented during the consideration of their request. It is noted that the same happens also with representatives of other agencies occupied with the matter of immigration, as the UNHCR and other NGOs.

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- All arrested illegal immigrants are served with an informative brochure via which they are advised about their rights.

2. B.C.D. of Orestiada

In the territorial competence of the relevant Police Directorate, in spite of the general reduction noticed in the immigrants' arrests, the phenomenon is very intensely continued since, in the quarter of the current year, 3.347 immigrants have been arrested for illegal entry against 4.622 ones who have been detected in the respective period of 2010.

- a. Improvements of technical nature in the Special Area of Foreigners' Stay at the Outpost of Orestiada :

After a visit by a group of engineers from the Directorate of Technicians to the S.A.F.S. at the Outpost, a survey has been drafted for the registration and restoration of the damages caused, the height of which amounts up to approximately 800.000 €.

- b. Taking measures for the overall improvement of the living conditions of the detained foreigners :

- In the mentioned S.A.F.S. there are seven (7) chambers of which one (1) is disposed for the stay of the unescorted minors, one (1) for the stay of women and the rest ones for the adult men. In case there is a high number of unescorted minors, there is another chamber availed. Presently, the minors' inflows are small and the unescorted ones are transferred in 15-20 days after their arrest to hostels (Agiaso Mytilene, Konitsa etc.)

- Due to the existence of a great number of detainees, the relevant Police Directorate makes continuous efforts to find police personnel daily dispose the same for guarding the detained foreigners during their courtyard strolling.

The result of such efforts is the detainees of every chamber to be strolled separately every day for one (1) hour at least.

- A daily schedule has been prepared for which great efforts are made so as to be exactly implemented.

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- Since 01.01.2011 the District Unity of Evros (as a catholic successor of the former Prefectural Local Administration, until the undertaking of the said area by the First Reception Service) has stopped granting the detainees with personal hygiene items (soaps, toothpastes, toothbrushes etc.) as well as space cleaning items. During this period these have been covered by the NGO "Doctors without Borders" and the Infectious Disease Inspection and Prevention Center.
- It is required the purchase of beddings. To this purpose a market research is made in order afterwards a report to be submitted to the Directorate of Finance for the approval of the required credit.
- From the former Prefecture of Evros, a contract has been concluded with a private cleaning company which expires on 30.11.2011. Apart of the above, the Infectious Disease Inspection and Prevention Center has hired two persons for this purpose. At regular periods of 30 to 45 days, a disinfection is made in the area by a specialized crew. On everyday basis, there is at the S.A.F.S. of the Outpost, a plumber who deals with the confrontation of any problems of his capacity, as tubes' and drainage unblocking etc.
- On every day (permanent) basis one (1) doctor and one (1) nurse are available, whose work contract expires on 31.07.2011.
Additionally, in the relevant S.A.F.S. of the Outpost, there is an action implemented by the Ministry of Health and Social Solidarity by the disposition of one (1) doctor, one (1) nurse, one (1) Psychologist, one (1) social worker and two (2) interpreters so as to be ensured the provision of medical and psychological support to the detained illegal foreigners.
- By a decision of the Minister of Citizen's Protection, Interpreters-Translators, Psychologists and Social Workers have been employed for the support of the detained illegal immigrants, who have already appeared and undertaken duty at the S.A.F.S. of the Outpost. In particular, seventeen (17) psychologists are occupied, twelve (12) Social Workers and eight (8) Interpreters-Translators.

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- There are two (2) attorneys of the Hellenic Council for the Refugees and two (2) interpreters who provide legal assistance to the applicants of political asylum.
- All arrested illegal immigrants are served with an informative brochure via which they are advised about their rights. Also, the attorneys of the Hellenic Council for the Refugees who have been hired in the context of the programme implementation, an effort is made for the preparation of a leaflet with dialects that are not included in the brochure (as Urdu language etc.)

B. Apart of the above, it is advised that we are found at the stage of final elaboration so as to be signed a new Memorandum of Cooperation between our Ministry, the Ministry of Health and Social Solidarity and the NGO "Doctors without Borders" with term of twelve (12) months and ability of renewal, with the purpose the provision of humanitarian and medical care to foreigners entering Greece without the legal formalities and found at the already existing Special Areas of Foreigners' Stay, at the Outpost of Orestiada, at Venna Rodope, Vathy Samos and Merinidi Chios, the Border Guard Departments at the area of Evros, Tycheron, Soufli, Feres, Orestiada (seated at Neon Chimonion), Dimymotichon (seated at Isaakio) and Metaxades, due to the increased immigrating flows in the area and the First Reception Centers or Foreigners Detention Centers that will be created according to the L. 3907/2011.

C. Finally, it is advised that it has been announced by the Minister of Citizen's Protection the areas for the creation of First Reception Centers and Centers of Foreigner's Detention at the District of Attica, in the areas of Evros and Northern Aegean and the rest continental country.

Especially for the area of Evros which, since the beginning of 2010, faces a great immigration pressure in our land borders with Turkey in the new Service of First Reception of Immigrants that has been created by the L. 3907/2011, the following units will operate :

- Rodope, Venna – Center of Detention (P.D. of Rodope)

ΕΠΙΣΗΜΗ ΜΕΤΑΦΡΑΣΗ

TRADUCTION OFFICIELLE

OFFICIAL TRANSLATION

No. Φ092.22/3648

- Evros, Outpost – Detention Center. Also, it is exploited an adjacent public field for the installation of prefab constructions which will be used as First Reception Center (P.D. of Orestiada)
- Evros, Karoti, former Filiridis Camp-Detention Center (P.D. of Orestiada)
- Orestiada, it is considered the proposal of a privateer with the aim the creation of a Multi-Dynamic Center where will be housed an Asylum Service, a First Reception Center, the Frontex Administration, the services of the Police Directorate of Orestiada and the Fire Extinguishment Service of Orestiada (P.D. of Orestiada).

All centers will operate compliant with the modern specifications of European standards, and all measures for the reinforcement of the local economy will be taken.

The operation of the First Reception Centers is found necessary for the management of the increased immigration flows that our country is called to deal with.

In specific, with the first reception Centers it is inaugurated a new system of valid accreditation of the identity and origin of the immigrants via special knowhow and parallel training of the personnel, while it is ensured the separation and the registration of the immigrants, their medical control, but also the support of the vulnerable groups and certainly the guidance of those entitled to international protection so as our country not to be controlled by the UN and the rest international organizations.

In general, reception conditions are established which will ensure a decent level of living, appropriate in terms of health by housing, protection of family life, medical treatment and possibility of communication with the UNHCR etc.

By the creation of the First Reception Centers and the Foreigners Detention Centers it will be solved the major problem for our country that is the creation of new standards as to the conditions of detention in Centers, able to significantly increase the capacity in foreigners' positions for whom the issuance of an administrative or judicial return is pending.

ΕΠΙΣΗΜΗ ΜΕΤΑΦΡΑΣΗ

TRADUCTION OFFICIELLE

OFFICIAL TRANSLATION

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The above legislative provisions substantially are the first official registration in legislative texts of the operation of the Reception Centers (former S.A.F.S.) and the regulation of operation of the detention areas that, up to date, used to operate according to the each time issued official orders.

D. We kindly ask for information and your own further actions.

E. The Natural and Political Leadership Offices on which this is submitted in order to be served, are kindly requested for their information.

F. Other recipients on whom these presents is also served, are kindly requested for information and co-relation with the rest correspondence.

THE MANAGER OF THE SECURITY BRANCH

CHRISTOS KALLINIS

Major General

For copy. Athens on the same day

(sgd-sld)

Alex. F. Angelopoulos

Policeman A'

Exact translation from the Greek attached document.

Athens 15.06.2011 The translator THEODOSSIA KAPELONI



**Second bi-monthly periodical report of the Ministry of Citizens Protection,
dated 31 August 2011,
in relation to paragraphs 21 and 26 of the CPT's report on the January 2011 visit**

HELLENIC REPUBLIC

MINISTRY OF CITIZEN PROTECTION

HELLENIC POLICE HEADQUARTERS

SECURITY BRANCH

DIVISION OF FOREIGN NATIONALS

1ST DEPARTMENT OF MIGRATION & ADMINISTRATIVE MEASURES

3RD OFFICE

Reference no: 6634/1-486675

Athens, 31st August 2011

Subject: "Submission of the (second) bimonthly periodical report to the Committee of the Council of Europe on the prevention of torture and inhuman or degrading treatment or punishment (C.P.T.) for the area of Evros"

Ref:

- a) Document no. 6691/32/AS 365, dated 24/03/2011, by the Permanent Hellenic Representation in the Council of Europe
- b) Our document no. 6634/1-485886, dated 08/06/2011
- c) Our document no. 6634/1-486282, dated 07/07/2011

A. In reply to document referred under point (a) above and our related documents under points (b) & (c), we hereby advise you on the following, where you may find all the recently implemented and planned technical improvements to the said detention facilities, as well as the specific actions arranged in order for us to handle such an emergency situation and to improve living conditions for foreign detainees.

More specifically, we advise on the following (per *Police Directorate*):

1. POLICE DIRECTORATE OF ALEXANDROUPOLIS

The humanitarian crisis existing in the area of the Police Directorate of Alexandroupolis has been going on unabated through the flows of illegal immigrants, a fact that deteriorates living conditions for detainees in the existing Departments of Border Guarding.

It is stressed that during a 7-month period in 2010, 3,660 illegal economic migrants were arrested in the said area, while in the same period in 2011 (7-month) the number of arrested illegal immigrants raised to 12,021 foreign nationals.

a. Technical improvements at the said Departments of Border Guarding

More specifically, regarding each Department of Border Guarding:

➤ Soufli Department of Border Guarding

An action has been approved and is under implementation regarding the upgrading of the existing facilities of such Department (inclusion in the Annual Programs of the EU External Border Fund), upon an assessment procedure of the related proposals.

In particular, a study was drafted and the project is expected to be completed until the end of this year (December 2011).

Among others, the study stipulates:

- reformation of existing detention facilities and creation of four (4) new independent detention facilities;
- Total capacity of thirty-two (32) detainees in bunk beds. Every independent detention facility shall host eight (8) detainees in beds and shall include: an internal hygiene area with hot water, W.C. basin, shower and washbasin;
- Satisfactory daylight admission and physical ventilation shall be ensured, as much as possible, in combination to artificial lighting;
- An external forecourt shall be built for physical exercising in a closed and an outdoor facility.
- Since 01/08/2011, a closed-circuit television system has been placed out of the detention facilities of such department in order to ensure detainees' safe accommodation in the forecourt.

➤ Tychero Department of Border Guarding

An action has been approved and is under implementation regarding the upgrading of existing facilities (inclusion in the Annual Programs of the EU External Border Fund), upon an assessment procedure of the related proposals.

In particular, a study was drafted and the project is expected to be completed until the end of this year (December 2011).

Among others, the study stipulates:

- reformation of existing detention facilities and creation of a new independent detention facility with an internal hygiene area with hot water, W.C. basin, shower and washbasin;
- Total capacity of seventy-six (76) detainees in bunk beds;
- All the existing hygiene areas shall be fully reconstructed;
- Satisfactory daylight admission and physical ventilation shall be ensured, as much as possible, in combination to artificial lighting;
- since 01/08/2011, a closed-circuit television system was placed the detention facilities of such department in order to ensure detainees' safe accommodation in the forecourt.

➤ Feres Department of Border Guarding

In the context of an Annual Program of the EU External Border Fund, new modern building facilities have already been approved and are currently under construction in such Department [Budget: 2,460,000.00 euro]. In particular:

- The temporary nature and the oldness of existing establishments, which do not allow for the reformation of and interventions in the facilities which could improve detainees' living conditions (daylight admission, etc) led to the decision for a radical solution by constructing a new modern building.

- A contract has been already assigned and concluded for the construction of a new building in another plot, within the same Municipality. The new building shall include modern detention facilities and a forecourt area. Its total capacity shall be eighty-seven (87) detainees in beds, with the possibility to add sixty (60) more beds, approximately.

- Several actions have been performed for the allocation and transfer of a shed to be used as a healthcare clinic (the response of the Ministry of Environment Energy and Climate Change on the shed allocation is still pending).

As soon the aforementioned project is completed, i.e. by the end of this year (December, 2011), all the functions of Feres Department of Border Guarding shall be transferred there.

b. Taking of measures for the general improvement of foreign detainees' living conditions

- ✓ The provision of means to illegal immigrants is exclusively carried out by the competent Police Directorate.

Each detainee is provided with breakfast, lunch and dinner. From the first hour they reach the respective Departments up to their departure, they are unfailingly provided with food.

- ✓ We have established a fruitful cooperation with the Ministry of Health and Social Solidarity in order to continue the actions for covering illegal economic migrants' health needs throughout the area of Evros.

2. POLICE DIRECTORATE OF ORESTIADA

Within the territorial competency of the said Police Directorate, the phenomenon is very intense, a fact that encumbers living conditions for detainees in the Departments of Border Guarding and the existing Foreigners Special Stay Area in the Border Post.

For comparison purposes, we state that during a 7-month period in 2010, 14,027 illegal economic migrants entered our country from the Greek/Turkish Borders, that are located within the territorial competency of this Police Directorate, while, during the same period in 2011 the number of illegal economic migrants fell to 10,129 foreigners.

a. Technical improvements in the Foreigners Special Stay Area in the Border Post of Orestiada

An action has been approved and is under implementation regarding the upgrading of the existing facilities (inclusion in the Annual Programs of the EU External Border Fund), upon an assessment procedure of the related proposals.

In particular, a study was drafted and the project is expected to be completed until the end of this year (December 2011).

Among others, the study stipulates for:

- Restoration of drainage problems by constructing a new drainage network;
- Security upgrading in the forecourt area;
- Total renovation and reformation of the hygiene areas;
- Renovation of wall painting and floors;
- Installation of new lights and a CCTV system.

b. Taking of measures for the general improvement of foreign detainees' living conditions

The Services of the competent Police Directorate (police officers and civil personnel) make formidable efforts in order to deal with the vast number of detainees, by paying full respect to the illegal migrants' human rights and personal needs. However, under the conditions of ongoing arrivals of illegal migrants, their work is exceptionally hard.

B. Except for the aforementioned actions, which consist a strict request of the Committee for periodical updating, we additionally cite the following actions taken by our Services within the area of Evros, that aim at the constant improvement of living conditions in the detention facilities of the competent Police Directorates that are mainly burdened with migrants' illegal entrance to our country and to the European Union borders, as well.

1. POLICE DIRECTORATE OF ALEXANDROUPOLIS

➤ Police Station of Alexandroupolis

A new modern building is about to be constructed (Police Directorate of Alexandroupolis), under the Public Private Partnership (PPP) scheme, through the Hellenic Public Real Estate Corporation. The new building shall involve modern detention facilities for all the Services of the Police Directorate of Alexandroupolis and an external forecourt – sports area, etc.

The procedures for the auctioning of the project fall under the competency of the Hellenic Public Real Estate Corporation.

➤ Unit of Feres Department of Border Guarding in Poros

A study was drafted and a project is about to be performed up to the end of this year (December 2011), as the respective cost request has been approved by the Directorate of Finance/ Hellenic Police Headquarters.

Among others, the study stipulates:

- Enforcement of outer fencing;
- Enforcement of external lighting;
- Total renovation of hygiene areas;
- Service of drainage facilities.

2. POLICE DIRECTORATE OF ORESTIADA

➤ Orestiada Department of Border Guarding (seated in N. Cheimonio)

A study is about to be drafted for the performance of reformation and renovation works in the facilities. Such works shall eliminate the problems set forth in the Committee's report.

The completion of the study and performance of works are expected to be completed by the mid of the following year (June 2012).

➤ Metaxades (Orestiada) Department of Border Guarding

A study was drafted and the implementation of the project is expected up to the end of this year (December 2011).

Among others, the study stipulates:

- Renovation of existing facilities;
- Enforcement of security;
- Creation of an external forecourt, etc.

➤ Nea Vyssa (Orestiada) Unit of Border Guarding

A study was drafted and the implementation of the project is expected up to the end of this year (December 2011).

Among others, the study stipulates the:

- Renovation of existing facilities;
- Enforcement of security, etc.

➤ Didimoteicho Department of Border Guarding

It has been included in an Annual Program of the EU External Border Fund and new modern facilities have already been under construction in such Department [Budget: 2,550,000.00 euro].

3. POLICE DIRECTORATE OF RODOPI

➤ Foreigners Special Stay Area in Venna , Rodopi

An action has been approved and is under implementation regarding the upgrading of the existing security measures in the Center, with a total budget of 12,172.00 euros (inclusion in the Annual Programs of the EU External Border Fund).

In particular, a study was drafted and the project is expected to be completed by the end of this year (December 2011).

Among others, the study stipulates:

- Enforcement of outer fencing,
- Enforcement of external lighting.

4. Save for the aforementioned actions, you are advised that similar actions shall be performed by our competent Services (within the current year), in order to complete all required works, to the most possible extent, for the renovation – upgrading of building facilities in all Police Authorities, mainly such in frontier areas (external frontiers).

C. **GENERAL ISSUES** (according to the remarks-observations of the Committee Report):

- Construction of special detention facilities for illegal migrants

The technical specifications for foreigners' detention – accommodation facilities (Foreigners Detention Center – Foreigners Screening Centers) are under process by a working group of the Ministry of Citizen Protection, in cooperation with the European Association E.A.S.O.

The final processing of proposals and the formalization of specifications are expected by the official leadership. Next, a Foreigners Stay Center, with a capacity of approximately 800 persons, shall be considered / constructed in **Orestiada Border Post**. What is more, a research is performed for the establishment of a Foreigners Stay Center in Orestiada, in an already existing building.

In addition, the possibility to perform all necessary works in an abandoned military campus in Karoti, Evros, in order to be used as a Foreigners Stay Center, is currently taken into consideration.

- Call buttons / Easy access to W.C. during night hours

Call buttons shall be installed in all detention facilities under construction or reconstruction when such facilities do not have any internal hygiene areas and the physical presence of a guard on a 24h basis.

- Access to showers and provision of hot water

Modern hygiene areas are constructed with showers and provision of hot water in all detention facilities under construction or reconstruction.

- Separate rooms for women and privacy safeguarding

Separate detention facilities for women shall be always constructed in all detention facilities under construction or reconstruction, while privacy shall be safeguarded to the most possible extent.

- At least 1-hour exercise in an outdoor area, daily

Safe forecourt areas shall be constructed in all detention facilities under construction or reconstruction, to the most possible extent.

- At least four (4) sq.m. area for each detainee

Such specification shall be implemented in all detention facilities under construction or reconstruction, to the most possible extent.

- Safeguarding the possibility for activities and recreation – Provision of books, board games, radio or telephone

Recreation and activity areas shall be constructed in all detention facilities under construction or reconstruction, to the most possible extent.

- Provision of health care, medical and social care services

Medical examination rooms, pharmacy and rest rooms shall be constructed in all detention facilities under construction or reconstruction, to the most possible extent.

D. In addition, you are being advised that a new Memorandum of Understanding has been entered into and implemented, between our Ministry, the Ministry of Health and Social Solidarity and the NGO “Doctors Without Borders”, with a twelve-month (12) term (up to 26th May 2012), with the possibility of renewal, aiming at the provision of humanitarian and medical care to illegal foreigners entering into Greece.

This Memorandum is being **currently implemented** in the already existing Foreigners Special Stay Areas in Orestiada Border Post and in Venna, Rodopi, as well as in the Departments of Border Guarding in the areas of Evros, Tychero, Soufli, Feres, Orestiada (seated in Neo Cheimonio), Didymoteicho (seated in Isaakio) and Metaxades, due to high immigration flows in the area.

Moreover, the said Memorandum applies to the Foreigners Special Stay Areas in Vathy of Samos island¹ and Mersinidi of Chios island², the Screening Centers or any Foreigners Detention Centers to be established under Law 3907/2011.

- E. Kindly be advised and proceed accordingly.
- F. The offices of Physical and Political Leadership communicated herewith are kindly advised.
- G. Other receivers hereof are kindly advised and requested to include this notification in their related files.

Athens (signature – official seal)

Certified exact translation of the attached original in greek

Athens, 09/09/2011

¹ Operation of this Center has been suspended due to reduced migration flows, mainly caused by the transfer of migration flows towards the area of Evros (Greek/ Turkish borders) and the close cooperation among the Hellenic Coast Guard, the Hellenic Police Force and FRONTEX in the Aegean Sea. As a result, the few foreign detainees are hosted in the Detention Facilities of the Police Stations of the competent Police Directorate, up to the conclusion of all necessary administrative procedures.

² Similarly, operation of this Center has been suspended for the grounds mentioned above.

**Third bi-monthly periodical report of the Ministry of Citizens Protection,
dated 26 October 2011,
in relation to paragraphs 21 and 26 of the CPT's report on the January 2011 visit**

HELLENIC REPUBLIC
MINISTRY OF CITIZEN PROTECTION
GREEK POLICE HEADQUARTERS
SECURITY DEPARTMENT
ALIENS DIRECTORATE
1ST SECTION OF IMMIGRATION &
ADMINISTRATIVE MEASURES/3RD OFFICE

Athens, 26 October 2011

SUBJECT: "Submission of the (third) two-month periodic report to the Council of Europe's Committee for the prevention of torture and inhuman or degrading treatment or punishment (C.P.T) regarding the Evros region"

REF: (a) Document no. 6691/32/AS 365 dated 24.03.2011 of the Permanent Greek Representation to the Council of Europe

(b) Our document no. 6634/1-485886 dated 08.06.2011

(c) Our document no. 6634/1-486282 dated 07.07.2011

(d) Our document no. 6634/1-486675 dated 31.08.2011

A. In reply to the above-referenced document (a) and following our documents (b), (c) & (d), please be informed of the following, **including the latest completed and scheduled technical improvements in the detention facilities concerned, as well as specific actions aiming at managing this emergency situation and improving the general living conditions of aliens in detention.**

I. GENERAL ISSUES – CONSTRUCTION OF SPECIAL DETENTION FACILITIES FOR ILLEGAL IMMIGRANTS *(on the basis of the comments made in the Committee's report)*

Law 3907/2011 provides among other things for the establishment and operation of a Central Asylum Service, the establishment of Accommodation Centers etc. In this context, all required actions have been taken for the implementation of the above.

More particularly:

a. An inspection has been carried out and a technical description – cost estimate has been prepared as regards the remodeling and renovation of the former facilities of the Venna Special Detention Facility for Aliens in Rodopi (215 beds). An amount of 12,172.00 euro has been approved for this purpose and the competent Police Directorate is expected to proceed to the implementation of the project.

b. By decision of the Decentralized Administration of Macedonia and Thrace, a land of 17,388 m² has been provided in the region of Evros border post, situated next to the land occupied by the existing Fylakio Reception and Detention Centre for illegal immigrants in the municipality of Kyprinos. Such land shall be used for the construction of a new Reception Centre as well as for the construction of a small scale wastewater treatment plant which shall be shared by the neighboring facilities.

c. On 19.09.2011 was signed the joint ministerial decision of the Ministers of Finance, of Development, Competitiveness and Shipping and of Citizen Protection regarding entrusting the Hellenic Public Real Estate Corporation with the task to find a suitable building in the region of Northern Evros for the establishment of a Regional Service of First Reception, a Regional Asylum Office and an Office for FRONTEX etc.

d. For this purpose (that is finding a suitable building in Northern Evros) as well as for the construction of First Reception Centers and Detention Centers for Aliens, **the preparation of standards for the First Reception Centers and the Detention Centers for Aliens is to be completed within this month** in cooperation with the Head of the First Reception Service and the Aliens Directorate/Greek Police Headquarters.

II. TECHNICAL IMPROVEMENTS TO THE BORDER GUARD STATIONS – MEASURES FOR IMPROVING IN GENERAL THE LIVING CONDITIONS OF ALIENS IN DETENTION

Please be informed of the following (by Police Directorate):

1. Alexandroupoli Police Directorate

The humanitarian crisis in the region under the responsibility of the competent Police Directorate rages on because of the flow of immigrants, making more difficult the living conditions of persons held in the existing Border Guard Stations.

It is noted that in a nine-month period in 2010 5,488 illegal immigrants were arrested in this region while for the same period in 2011 the number of arrested illegal immigrants has risen to 17,716.

a. Technical improvements in the Border Guard Stations concerned:

Please be advised of the following joint (concerning all BGSs) actions –**described in brief**- taken for the improvement of detention conditions:

- (i) Electrical and plumbing works of a total cost of five thousand five hundred (5,500) euro have been executed in all Border Guard Stations.
- (ii) The detention facilities of the Border Guard Stations and of Fylakio in Poros are cleaned twice (2) a day by a cleaning service.
- (iii) All buildings of Border Guard Stations have been painted.
- (iv) All Stations have hot water.
- (v) Sheets and blankets are given to a cleaning service and detention facilities are disinfected every fifteen days.

More particularly, by Border Guard Station:

- Soufli Border Guard Station

The works for the remodeling of the existing detention facilities and for the construction of four (4) new independent detention facilities are going on.

In particular, the financing of the project by the External Borders Fund has been approved and a total amount of 844,538.00 euro shall be used for the repair-renovation-remodeling (*painting, renovation of toilets, placing of metallic beds*) of the detention facilities in the **Police Stations and Border Guard Stations of Soufli** (32 beds), Kyprinos-Fylakio Special Detention Facility in Evros (378 beds) and Tycherio (76 beds) respectively. The preparation of the tender documents etc. has been completed and the tender for the selection of the project's contractor was carried out on 11.1.2011 with the participation of thirteen (13) companies.

The evaluation of the technical and financial bids is currently in progress and upon completion of the relevant procedures a contract shall be signed and **the works shall be completed within four (4) months from the date of signature.**

In addition to the above, the Directorate for Finance of the Greek Police Headquarters has approved an additional amount for the improvement of the existing infrastructure as described in detail below:

- Painting: 2,000.00 euro
- Purchase of water heater: 530.00 euro
- Purchase of copy machines: 6,666.67 euro
- Purchase of mattresses, sheets and blankets: 3,066.67 euro
- Purchase of sanitary products: 1,500 euro
- Purchase of computer equipment: 3,333.30 euro
- Fees for electrical works: 966.67 euro
- Purchase of stationery items: 3.333,30 euro
- Disinfection of detention facilities: 700.00 euro
- Cleaning of sheets and blankets: 1,300.00 euro
- Purchase and placing of plexiglass windows: 666.67 euro
- Cleaning of detention premises: 5,000 euro
- Fees for plumbing works: 866.67 euro

TOTAL: 29,929.95 euro

- Tycherio Border Guard Station

The works for the remodeling of the existing detention facilities are going on.

In particular, the financing of the project by the External Borders Fund has been approved and a total amount of 844,538.00 euro shall be used for the repair-renovation-remodeling (*painting, renovation of toilets, placing of metallic beds*) of the detention facilities in the Police Stations and Border Guard Stations of Soufli (32 beds), Kyprinos-Fylakio Special Detention Facility in Evros (378 beds) and **Tycherio** (76 beds) respectively. The preparation of the tender documents etc. has been completed and the tender for the selection of the project's contractor was carried out on 11.1.2011 with the participation of thirteen (13) companies.

The evaluation of the technical and financial bids is currently in progress and upon completion of the relevant procedures a contract shall be signed and **the works shall be completed within four (4) months from the date of signature.**

- Feres Border Guard Station

The works for the construction of a new building on the plot of land provided by the Municipality of Feres are going on and the new building **is expected to be completed by the end of this year.**

In addition to the above, the Directorate for Finance of the Greek Police Headquarters has approved an additional amount for the improvement of the existing infrastructure as described in detail below:

- Painting: 2,000.00 euro
- Purchase of copy machines: 6,666.67 euro
- Purchase of mattresses, sheets and blankets: 3,066.67 euro
- Purchase of sanitary products: 1,500 euro
- Purchase of computer equipment: 3,333.30 euro
- Fees for electrical works: 966.67 euro
- Purchase of stationery items: 3.333,30 euro
- Disinfection of detention premises: 700.00 euro
- Cleaning of sheets and blankets: 1,300.00 euro
- Purchase and placing of plexiglass windows: 666.67 euro
- Cleaning of detention premises: 5,000 euro
- Fees for plumbing works: 866.67 euro

TOTAL: 29,399.95 euro

b. Measures for improving in general the living conditions of aliens in detention

- The feeding of illegal immigrants is carried out almost exclusively by our Service, through a private catering company. All prisoners are given breakfast, lunch and dinner from the first day of their detention till the last one. They are also given sanitary products.

- Under the programme carried out by the 4th Health District in cooperation with the Center for Disease Control and Prevention, there is a doctor and a psychologist covering the needs of all three Border Guard Stations and each Station is staffed with a nurse.

- Couples, unaccompanied minors, accompanied minors together with the accompanying persons and women are held in separate premises.

- Reference is made to the Memorandum of Cooperation signed between our Ministry, the Ministry of Health and Social Solidarity and the NGO "Doctors without borders" for a duration of twelve months (until 26 May 2012) which can be renewed, for the purpose of providing humanitarian and medical aid to those aliens entering Greece without the required documents.

2. Orestiada Police Directorate

In the regions under the responsibility of the competent Police Directorate, the phenomenon is still very much ongoing making more difficult the living conditions of persons held in the Border Guard Stations and the existing Fylakio Special Detention Facility for aliens.

By comparison, it is noted that in a nine-month period in 2010 25,827 illegal immigrants entered our country through the Greek-Turkish border falling under the responsibility of such Police Directorate, while for the same period in 2011 the number of illegal immigrants having entered our country through the Greek-Turkish border is 17,829.

a. Technical improvements to the Kyprinos Border Guard Station – Fylakio Special Detention Facility for Aliens in Orestiada

The works for the remodeling of the existing detention facilities are going on.

In particular, the financing of the project by the External Borders Fund has been approved and a total amount of 844,538.00 euro shall be used for the repair-renovation-remodeling (*painting, renovation of toilets, placing of metallic beds*) of the detention facilities in the Police Stations and Border Guard Stations of Soufli (32 beds), **Kyprinos-Fylakio Special Detention Facility in Evros** (378 beds) and Tycherio (76 beds) respectively. The preparation of the tender documents etc. has been completed and the tender for the selection of the project's contractor was carried out on 11.1.2011 with the participation of thirteen (13) companies.

The evaluation of the technical and financial bids is currently in progress and upon completion of the relevant procedures a contract shall be signed and **the works shall be completed within four (4) months from the date of signature.**

In addition, the competent Police Directorate has already taken the following actions:

- Painting of all detention premises in the Fylakio Special Detention Facility
- Restoration of damages provoked by the detainees to the sewage system
- Replacement of taps
- Placing of taps next to the WC lavatory pan
- Extension of the contract with the cleaning service to include the cleaning of the toilets in all wards
- Placing of plastic bins in the wards
-

In addition to the above, the Directorate for Finance of the Greek Police Headquarters has approved an additional amount for the improvement of the existing infrastructure as described in detail below:

- Purchase of paints for painting works: 2,000.00 euro (approved by the Directorate for Finance and Financial Control Service)
- Fees of the painter: 3,240.00 euro (approved by the Directorate for Finance and the Financial Control Service)
- Purchase of plumbing equipment: 2,500.00 euro
- Fees of the plumber: 1,310.00 euro
- Fees of the plumber: 850.00 euro
- Cleaning service: 4,066.90 euro
- Purchase of plexiglass windows: 730.07 euro (to be approved by the Financial Control Service)
- Construction of outdoor toilets: 12,103.18 euro (to be approved by the Directorate for Finance and the Financial Control Service)
- Purchase of medical supplies: 2,000.00 euro (to be approved by the Financial Control Service)

TOTAL: 28,800.15 euro

b. Measures to improve in general the living conditions of aliens in detention:

- The services of the competent Police Directorate (police and civilian personnel) make enormous efforts to handle this enormous number of detainees, in complete respect of human rights and the personal needs of illegal immigrants; nevertheless, the task of the employees becomes extremely difficult because of the massive flow of immigrants.

- Reference is made to the Memorandum of Cooperation signed between our Ministry, the Ministry of Health and Social Solidarity and the NGO "Doctors without borders" for a duration of twelve months (until 26 May 2012) which can be renewed, for the purpose of providing humanitarian and medical aid to those aliens entering Greece without the required documents.

III. In addition to the above, which satisfy the Committee's constant request for periodical information, reference is made to the following actions taken by our Services in the Evros region in order to improve the conditions in the detention premises of the competent Police Directorates on which falls the main burden of preventing the illegal entry of immigrants in our country and guarding the borders of the European Union in general.

3. Alexandroupoli Police Directorate

Feres Border Guard Station in Poros

Existing facilities are being renovated and security is being reinforced. The project is expected to be completed by the end of this year.

2. Orestiada Police Directorate

a. Technical improvements to the Border Guard Stations concerned:

- Orestiada Border Guard Station (in N. Cheimonio)

The Orestiada Border Guard Station occupies a building provided by the municipality. Following an inspection carried out, this building should go under a partial repair of an estimated cost of 70,000.00 euros; in order for this project to be financed by the External Borders Fund, the duration of the existing land deed should change from one to ten years. A request has been sent to the municipality and response is pending.

In addition, the competent Police Directorate has already painted the facilities and repaired all damages to the toilets and the sewage system.

In addition to the above, the Directorate for Finance of the Greek Police Headquarters has approved an additional amount for the improvement of the existing infrastructure as described in detail below:

- Purchase of paints for painting works: 206.00 euro
- Purchase of plumbing equipment: 1,545.00 euro
- Fees of the plumber: 300.00 euro
- Disinfection: 209.10 euro

TOTAL: 2,260.10 euro

- Metaxades and Nea Vyssa Border Guard Stations in Orestiada

The technical standards have been prepared and the Directorate for Finance of the Greek Police Headquarters has approved an amount of 64,000.00 euro for Metaxades (20 beds) and for Nea Vyssa Border Guard Stations (25 beds), the tender has been carried out and what is pending is the signature of the contract by the contractor so as for the detention premises to be renovated and remodeled within forty (40) days from the date of signature.

In addition, a closed TV-circuit has been placed in the detention premises of the Metaxades Border Guard Station.

- Didymoteixo Border Guard Station

The municipality of Didymoteixo has given a land of 2,670m² for the construction of a building to the Police Station and the Border Guard Station of Didymoteixo. The construction project was proposed to the Directorate for Finance of the Greek Police Headquarters; such project was included in the External Borders Fund for the year 2011 and an amount of 2,500,000.00 euro has been approved. Upon completion of the procedures for solving the urban problems (change of land use), the required studies shall be prepared and shall be followed by the tendering procedures for the appointment of the project's contractor.

Estimated date of completion: 30.06.2013.

In addition, the competent Police Directorate has already painted the facilities and repaired all damages to the toilets and the sewage system.

In addition to the above, the Directorate for Finance of the Greek Police Headquarters has approved an additional amount for the improvement of the existing infrastructure as described in detail below:

- Purchase of parts for the boiler tank: 307.09 euro (to be approved by the Financial Control Service)
 - Purchase of boiler parts: 280.00 euro (to be approved by the Financial Control Service)
 - Fees for the repair of the boiler tank: 284.62 euro (approved, it has no electronic reference number)
 - Purchase of medical supplies: 770.40 euro (approved by the Directorate for Finance and the Financial Control Service)
 - Purchase of paints for painting works: 1,619.00 euro (approved by the Directorate for Finance and the Financial Control Service)
 - Fees of the painter: 2,354.00 euro (approved by the Directorate for Finance and the Financial Control Service)
 - Fees for boiler maintenance and repair: 120.00 euro (approved by the Directorate for Finance and the Financial Control Service)
 - Construction of outdoor toilets – inspection required
- TOTAL: 5,795.11 euro**

3. RODOPI POLICE DIRECTORATE

- Sapes Border Guard Station – Venna Special Detention Facility for Aliens in Rodopi:

An inspection has been carried out and a technical description – cost estimate has been prepared as regards the remodeling and renovation of the former facilities of the Venna Special Detention Facility for Aliens in Rodopi (215 beds). An amount of 12,172.00 euro has been approved for this purpose and the competent Police Directorate is expected to proceed to the implementation of the project.

In addition to the above, the Directorate for Finance of the Greek Police Headquarters has approved an additional amount for the improvement of the existing infrastructure as described in detail below:

- Purchase of computer equipment: 1,200.00 euro
 - Fees for plumbing works: 100.00 euro
 - Purchase of plumbing equipment: 400.00 euro
 - Disinfection of detention premises: 280.00 euro
 - Purchase of cleaning supplies: 500.00 euro
 - Cleaning of sheets and blankets: 1,000.00 euro
 - Fire extinguishers maintenance: 80.00 euro
 - Construction of bars: 55,917.00 euro
- TOTAL: 59,477.00 euro**

- Iasmos Border Guard Station

The Directorate for Finance of the Greek Police Headquarters has approved an amount for the improvement of the existing infrastructure as described in detail below:

- Purchase of computer equipment: 700.00 euro
 - Disinfection of detention premises: 1,035.00 euro
 - Discharge of sewage pits: 462.00 euro
 - Purchase of cleaning and disinfection supplies: 700.00 euro
- TOTAL: 3,197.00 euro**

B. Please be informed and proceed accordingly.

C. This is intended for the information of the Leadership Offices according to the list of recipients.

D. As regards all other recipients, please be informed and associate this document with the rest of the correspondence.

True copy.
Athens, on the same day.

The Head of Department

**Response of the Ministry of Citizens Protection (police staffing issues),
dated 16 June 2011**

HELLENIC REPUBLIC
MINISTRY OF CITIZEN PROTECTION
HELLENIC POLICE HEADQUARTERS
SECTOR OF ORGANISATION AND HUMAN
RESOURCES
POLICE STAFF DIRECTORATE
DEPARTMENT 2 – OFFICE 4
Ref.No: 6004/12/50-a

Athens, 16 June 2011

SUBJECT: Recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) – Obligations of the Hellenic Police staff (police officers, special guards and border guards)

REF: a. Presidential decree 120/2008, "Disciplinary law for police staff"
 b. Our order 6004/12/33-a/27 Dec 2007
 c. Our order 6004/12/48-a/21 July 2010
 d. Our order 7100/24/3-e/12 Oct 2010 (D.O.N.)

1. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), in its recent Report, prepared after the official visit of its members in our country from 19 to 27 January 2011, underlines *inter alia* that Greek authorities must take strict measures to deal with abuse, including investigations into all claims of abuse, and that all police officers must be reminded that abuse will be subject to strict penalties. Moreover, the same Report stresses again the importance of providing information to detailed illegal immigrants about their situation in a language they understand.

2. The matter of protection of citizens' rights and overall behaviour of police officers towards citizens is of paramount importance for the Hellenic Police Headquarters, which does not only aim at addressing individual incidents, but also at creating a climate, a way of thinking and a culture for respect to human rights.

The obligations of the Hellenic Police staff for the protection of human rights and freedoms of Greek nationals and foreigners, especially people controlled, arrested or detained, are laid down in a set of provisions, to wit:

- the Constitution;
- various laws;
- the Universal Declaration of Human Rights;
- the International Covenant on Political Rights;
- the Convention against torture and other cruel, inhuman or degrading treatment or punishment;
- the International Convention on the Elimination of all Forms of Racial Discrimination;
- the European Convention on Human Rights;
- the UN Code of Conduct for Law Enforcement Officials;
- the Council of Europe Declaration on the Police;
- Hellenic Police Regulations (presidential decrees 141/1991, 538/1989, 254/2004) and circular orders issued from time to time with the purpose of making police staff familiar with and consolidate their principles and values (obligation to protect life, respect human dignity, prohibition of discriminations, tortures and other inhuman or degrading treatment and punishment) in the performance of their duties and eliminate any incidents that blacken the overall image of the police force.

For any violations of human rights, the applicable disciplinary law (presidential decree 120/2008) provide for specific procedures for fully, objectively and impartially investigating complaints and imposing corresponding disciplinary sanctions, including the extreme penalty of removal from service.

3. Further to the foregoing, in the context of the expressed intention of the political and physical leadership for zero tolerance in matters of violation of human rights, also recalling our relevant order mentioned above (b), relating to the obligation to protect the life, respect human dignity, prohibit discriminations, tortures and any inhuman or degrading treatment and punishment, we ask you to:

- a. address appropriate and necessary orders and instructions to your subordinate agencies for the provision of information (under signature) to all staff about the matter of protection of citizens' rights and the overall behaviour of police officers towards citizens, a matter which the Hellenic Police Headquarters considers of utmost and paramount importance, underlining that, when any violation of such principles and values is ascertained through administrative inquiry, strict disciplinary sanctions shall be imposed;
- b. monitor the continuous and substantial compliance thereof with the said obligations, in order to prevent imputation of liability. It is underlined that when any information comes to light relating to potential abuse, you must take effective action, pursuant to presidential decree 120/2008 on the Police Staff Disciplinary Law, in order to investigate and impose corresponding disciplinary sanctions, in order to prevent any feeling of impunity. It is noted that the applicable disciplinary law threatens:
 - i. the penalty of removal from service for:
 - offences constituting torture and other insults to human dignity, within the meaning of article 137 A of the Penal Code (article 10, para.1, item c);
 - characteristically indecent or unworthy for police officers behaviour in or out of service or behaviour that bears witness to corruption of character (article 10, para.1, item l);
 - grave violation of official duty by intention (article 10, para.1, item m).
 - ii. the penalty of suspension with dismissal for:
 - any action contrary to official duties or constituting serious neglect thereof or behaviour incompatible to the police officer capacity, provided that it is not punished in a more serious manner by another provision (article 11, para.1, item j);
 - cruel behaviour towards citizens, provided it does not fall under item (c) of para.1 of article 10 (article 11, para.1, item k).

4. We would also like to recall circular order (d), which was forwarded to all agencies via P.O.L. by order 72394/10/708353/17 Oct 2010 of the Head of the Sector of Organisation and Human Resources, specifically paragraphs 2, 3 and 4 thereof, on the obligation to hand to persons detained to police agencies the new standardized and updated information sheets (Form D-33) on their rights, as well as the new form D-34 (prisoner's complaint), in a language they understand, given that non-national prisoners have complained to the Committee that the said form D-34 has not been handed to all of them.

5. Your orders relating to the contents hereof must be transmitted to the Police Staff Directorate of the Headquarters within 5 days of receipt hereof.

THE HEAD OF STAFF

**Response of the Ministry of the Interior (irregular migration),
dated 12 July 2011**

**HELLENIC REPUBLIC
MINISTRY OF INTERIOR
GENERAL SECRETARIAT FOR
POPULATION AND SOCIAL COHESION
GENERAL DIRECTORATE OF
MIGRATION POLICY AND SOCIAL
INTEGRATION**

Athens, 12 July 2011
Our Ref: EMPI 36/11

SUBJECT: CPT Report on the conditions of detainment of illegal non-nationals

REF: 1. Documents Φ.6691/32/ΑΣ 365/24 March 2011 and Φ.6691/61/ΑΣ 635/6 June 2011 of the Permanent Greek Representation to the Council of Europe
2. Your document 29083/21 June 2011

With reference to the CPT report of 23 March 2011, we would like to inform you as follows:

The special detention facilities for non-nationals that the members of the Committee reported to have visited, inter alia, are (except Fylakio-Evros) the detention facilities prescribed in article 81 of Law 3386/2005, in which non-nationals meeting the requirements of article 76(3) of the said Law are detained, namely their deportation has been ordered for one of the reasons set out in article 76(1) of Law 3386/05, provided that, on the basis of the overall circumstances, they are suspect of escape or dangerous to public order. The Hellenic Police is responsible for guarding such facilities.

As regards the operation of the Accommodation Centre at Fylakio-Evros, our Ministry financed the Prefectural Section of Evros, which supervised its organisation and operation until 31 December 2010, when, due to the entry into force of Law 3852/2010 ("Kallikratis"), it ceased to exist as a legal person. Until 31 December 2010 Prefects supervised the operation of the Accommodation Centres by virtue of "POSEIDONIO" and "VALCANIO" plans and had power to conclude any contracts relating to the provision of catering, clothing, medical and pharmaceutical services to the non-nationals illegally entering our country, who were accommodated in various centres, as well as the maintenance of the buildings and any other requirements for the operation of such facilities. Our Ministry paid to the Prefectural Section of Evros €2,613,085.19 for 2010, which were allocated to catering, clothing-footwear, medications, sanitary items, office consumables, building repair, cleaning and disinfection, water supply and heating and, finally, burial of deceased.

From 1 January 2011 on, and mainly at the time of inspection by the CPT, owing to the fact that Law 3907/2011 provided for the transfer of such powers to the Ministry of Citizen Protection, there was no provision for the exercise of such powers by the Local Authorities established on the basis of Law 3852/2010.

Law 3907/2011 (Government Gazette A/26 Jan 2011), which entered into force on 26 January 2011, **stipulated in articles 6-14 the establishment, organisation, operation and powers** of the Initial Reception Agency and KEPYs (Initial Reception Centres). According to article 6, "An independent agency shall be established within the Ministry of Citizen Protection, named "Initial Reception Agency", coming directly under the Minister of Citizen Protection and having local powers extended throughout the country. This Agency shall operate at the level of directorate and its mission shall be to effectively manage third country nationals illegally entering the country, in conditions of respect to their dignity, by including them in initial reception procedures". Article 15 of the said Law (transitional provisions) stipulates that **the power to coordinate the operation, organisation and overall administration, held by prefectural authorities and financed by our Ministry until 31 December 2010, also for temporary accommodation centres for non-nationals entering the country illegally, was transferred to the Ministry of Citizen Protection.** According to such provisions:

“1. The use of existing temporary facilities for third country nationals, existing records and other technical infrastructure shall devolve to the Ministry of Citizen Protection on the date of abrogation of the relevant Prefectural Authorities.

2. A decision of the Minister of Citizen Protection shall determine the use of existing temporary facilities for third country nationals either as Special Premises for Third Country Nationals (EXPA), pursuant to article 81 of Law 3386/2005, or as facilities under article 31 hereof, or as Initial Reception Centres under article 8(1) hereof, and shall settle any matter relating to their operation.

3. Any funds and subsidies by national, European or other bodies relating to EXPA actions in progress shall be utilised or transferred to KEPYs for execution.

4. The provisions of article 13 of presidential decree 114/2010 (Government Gazette 195 A) shall apply to the detention of asylum seekers until the entry hereof into force”.

Our Agency has already initiated since March 2011 the necessary procedures to fully transfer such powers.

At this stage, in order to continue the operation of such accommodation centres as smoothly as possible, our Ministry continues to finance them and has paid all expenditure incurred until 30 May 2011 in the context of contracts signed by the Prefects before 31 December 2010, without however having the power to intervene in matters of organisation and operation of such premises and no other agencies except the Ministry of Citizen Protection can conclude new service contracts. At the same time, our Ministry has initiated the procedure to transfer €1,000,000.00 to the Ministry of Citizen Protection for addressing urgent needs of the powers being transferred.

Finally, we would like to inform you that we are at your disposal for any further information.

THE GENERAL SECRETARY

Subject: Response of the Ministry of Justice, Transparency and Human Rights to the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) for 2011

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

1) The Ministry of Justice, Transparency and Human Rights has repeatedly underlined that it will take all necessary initiatives-actions to ensure that it will effectively address all phenomena that undermine the rights of prisoners. We also refer to the letter of our Minister to the Chairman of CPT of 8 April 2011, which has clearly set out the ways to deepen the cooperation between us. It is clear that the phenomenon of overcrowding, unfortunately also seen in Greek prisons, is the biggest obstacle to their smooth operation and the attainment of the mission of the Correctional System of the country, namely correction and successful social reintegration of the prisoners.

For this reason, we have elaborated a programme for the erection of new detention facilities in order to increase prison capacity and thereby improve detention conditions.

The detention facility of Central Macedonia III (at Nigrita, Serres) has already been delivered and operates one ward; it now accommodates 118 prisoners, to be increased to 600 in full operation.

A 50-person ward has also been delivered at the detention facility of Larissa. Moreover, the delivery and operation of the detention facilities of Drama and Chania (with a capacity of 600 persons each), which have been completed (the organic waste disposal system for the former and the sewage connection for the latter remain to be constructed), will reduce even more the problem of overcrowding. The same is true for the new ward of the detention facility of Thessaloniki, to be delivered within 2011, and the new special treatment facility of Thessaloniki, which will enable the provision of a higher and more specialized level of nursing for the very sensitive group of drug-addict prisoners. Finally, we would like to inform you that a Prisoner Detoxification Centre is being constructed at Kassandra, Halkidiki.

It must certainly be noted that the full operation of the new detention facilities depends on the ability to hire new staff, which is however restricted by the legislative fiscal constraints set out below.

2) As regards your recommendation for a strategic plan to reform our penitentiary system, the Minister of Justice, Transparency and Human Rights has already asked the Central Prison Scientific Board, by means of document number 51269/30 May 2011, to submit a relevant study on the basis of your recommendation.

On the other hand, you are already aware of the intention of our Ministry to make radical changes to the criminal and penitentiary legislation of the country, towards expediting and rationalizing the administration of justice, as well as differentiating and confining the cases for which custodial sentences are imposed. Law 3904/2010 was passed on the basis of these guidelines, with extremely favourable arrangements in cases for which smaller sentences are imposed for violation of criminal legislation. The main arrangements are:

- prohibition of detention for legal costs or monetary fines up to EUR 3,000.00;
- conversion, as a rule, of custodial sentences ranging from two (2) to three (3) years into monetary fines;
- the payment of sentences converted into monetary fines can be made within a period of two (2) to three (3) years or converted into social service;
- reinforcement of the institution of social service, which had become obsolete, since joint ministerial decision 19945/14 March 2011 (Government Gazette 563 B/11 April 2011) increased the number of bodies throughout the country that can admit persons for social service to 285;
- for sentences of three (3) to five (5) years, of which 1/5 has been served, the other 1/5 may be redeemed or converted into social service, and prisoners are released;

- sensitive prisoner groups (hemiplegics or paraplegics, persons suffering from multiple sclerosis or persons that have undergone heart, liver, kidney or bone marrow transplant, HIV-positive persons, persons suffering from tuberculosis, cancer, renal failure, for which they undergo dialysis, persons with over 80% disability, as well as mother prisoners with children in prison) enjoy a beneficial calculation for the serving of sentences, since one day of stay in a penitentiary facility is calculated as two days of sentence served;
- the institution of suspended sentence is extended to all persons with custodial sentences of up to five (5) years, provided that they have not served any custodial sentences of over one (1) year in the past;
- house arrest is extended to all persons with custodial sentences, who are over 75 years of age.

In the first four months of implementation of Law 3904/2010, 762 prisoners have made use of such law and have been released. As regards the evolution of the general prison population, we would like to inform you that it has been reduced to 11874 in May 2011, from 12497 in mid-December 2010.

On the other hand, we cannot help observing that your otherwise useful and constructive criticism lacks two crucial elements, which put very important obstacles to the sincere efforts of our Ministry to improve our correctional system:

- a) The first relates to the well-known fiscal problems that our country is facing in the past 1.5 years. We will not get into details, because we think it is self-evident that the lack of financial resources implies insurmountable obstacles to the implementation of an effective correctional policy, as with any other public policy;
- b) The second relates to the cataclysmic changes implemented in the framework of economic globalization and its effects on the increase of immigration flows from third-world countries to developed countries, always in close correlation with increasing political instability and humanitarian crises, which are becoming the rule in the international political scene.

It is well-known that the borders of our country are an "entry gate" of illegal immigrants into the European Union. By way of example, in 2008, 50% of the illegal immigrants in the European Union were arrested in Greece, while this percentage reached 75% in 2009 and 90% in 2010. Moreover, persons detained in Greek prisons have recorded an increase, in absolute numbers, of over 65% in only ten years, reaching 12,600 in 2010, from 7,661 in 2000, 60% of whom are non-nationals.

In these circumstances, any correctional system, even in a financially robust country without Greece's fiscal problems, would not be in a position to respond to such an abrupt increase of "inflows", when its potential may be increased – at best – in the long term only.

We would like to recall that the already difficult situation created for Greece by its obligation to manage the problem of illegal entry of immigrants on its territory (and, ultimately, on the territories of EU Member States), is even more aggravated by the arrangements of the Dublin II regulation, which stipulates that asylum-seeking illegal immigrants must submit the relevant request to the country through which they initially entered European territory, which is usually Greece, as shown by the above figures.

Therefore, we believe that, without an overall solution of the problem of illegal immigration at European level, it will be extremely difficult for Greece alone to give an answer to the problems of its correctional system. This is why the assistance of your Committee is necessary to emphasize the foregoing dimensions with its prestige and know-how.

ILL-TREATMENT

1) First, it should be noted that on 3 March 2004 Greece signed the Optional Protocol to the Convention against torture and other cruel, inhuman or degrading treatment or punishment (OPCAT).

Then, as regards your observations about the conducting of vaginal searches, we would like to inform you that, pursuant to the correctional law of our country, these searches are allowed only when there are reasonable grounds. They are conducted under the strictest conditions of article 23§6 of Law 2776/99 and article 10§5 of the type A and B detention facilities bylaws (by a medical doctor, following the order of a prosecutor).

Any practices that do not comply with the above provisions and that directly insult human dignity are expressly and categorically prohibited.

As regards vaginal searches conducted in the women's detention facility of Korydallos and Eleonas-Thiva, we would like to underline that:

A) At Korydallos prison, no such search has been conducted since 11 December 2010.

B) At the detention facility of Eleonas-Thiva, vaginal searches are conducted only with the written consent of the prisoners. Any prisoners who have undergone vaginal searches are placed in special detention premises – and not in isolation – and only when the drug detection devices or urine tests have given positive indications. It is self-evident that the searches are conducted only when they are considered imperatively necessary (and not on a regular basis) and only by medical doctors, following the order of a prosecutor, pursuant to the applicable provisions of the Correctional Code.

Moreover, circular 51282/2 June 1011 of the Special Secretary of the Ministry of Justice, Transparency and Human Rights ordered the establishment of a **Vaginal Search Register** in the country's detention facilities.

This register records the incident, the name of the doctor who conducted the search, justification of the search, the date and time of the search and explicit reference to the prosecutor's order, on the basis of which it was conducted.

We do not agree with the practice of administering laxatives to prisoners of the Domokos detention facility and this is why our Ministry, accepting your observations, is preparing instructions on the abolition of this practice and all possible solutions are being examined to resolve this problem in such a manner as to guarantee respect for the prisoners' personality and safeguard their health.

2) As regards your recommendation for the establishment of procedures guaranteeing the systematic recording of injuries sustained by prisoners, the Special Secretary of our Minister, by circular 51271/30 May 2011, asked the administrations of the detention facilities to create and regularly update a relevant **Prisoner Injury Register**.

These register records injuries identified by medical examination to a) new prisoners, b) persons already detained in prisons, with explicit reference to the type of injury and the reported cause, as well as the date and time of examination.

When the reported cause of injury is violence or suspected violence, the administration of the detention facility must notify the Supervising Prosecutor and the General Directorate of Penitentiary Policy of the Ministry of Justice, Transparency and Human Rights.

3) We are forced to dismiss again your complaints about absence of correctional staff from the detention premises and failure to control them, with simultaneous concession of such functions to powerful prisoner groups, which leads to phenomena of violence and intimidation among prisoners. Phenomena of prisoner violence against the staff or other prisoners are dealt with by disciplinary penalties and transfers.

The vast majority of the prison staff is characterized by the professionalism they display during the performance of their duties. In conjunction with their experience, this constitutes a constant guarantee for the safe operation of detention facilities. This professionalism was indeed ascertained in the report of the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, during his recent visit to Greece.

4) As regards the information you requested on the insurrection at the Amfissa prison on 20 January 2011, please find attached document 662/8 June 2011 of the Prosecutor's Office for the First Instance Court of Amfissa.

DETENTION CONDITIONS

1) As regards your observations about the living conditions in the prisons you have visited (para.55-57), we would like to inform you that:

a) When our Ministry considers that the overcrowding levels of prisons approach non-acceptable levels, it proceeds to transfers in order to improve detention conditions.

b) Prison administrations see to the strict observance of hygiene rules and the maintenance of facilities, always in compliance with personal hygiene and cleaning rules governing the operation of detention facilities, as well as the relevant instructions of our Ministry. Furthermore, our Ministry incessantly proceeds, through its technical services and in cooperation with the local technical services of the State, to the immediate resolution of any building problems and the creation of new premises that meet the needs of the increasing prison population and ensure decent living standards.

2) Concerning the reference in your report to broken windows in the Amfissa prison, we would like to inform you that the administration of the prison has immediately and fully restore the material damage caused during the unrest on 20 January 2011, namely damage caused a few days before your visit.

3) As regards the daily routine of prisoners in relation to available activities and work, education (mainly vocational) and recreation, we would like to make the following observations:

a) In the context of one of the most progressive correctional codes at European Level, many prisoners are entitled to work; thus, they not only spend their time in a creative manner, but also serve their sentences faster. About 4753 prisoners were working until recently in all prisons. However, weighing the needs of the prisons and the beneficial effect exerted by work not only to prisoners personally, but also to the general prison population, we have already created over 600 jobs by Ministerial Decisions, 109 of which correspond to Domokos prison, which will now offer 365 jobs.

Moreover, as regards prisoners' vocational training, 19 educational, vocational, consulting and psychological support programmes were implemented in 2010 (and will continue in 2011) in 9 prisons, in association with the Ministry of Education, Lifelong Learning and Religious Affairs, the Prefectural People's Education Committees, the Social Youth Support Organisation "Arsis" and other bodies (e.g. Greek, English, French language, computers, mathematics etc.).

In addition, 11 vocational training programmes are being implemented in 5 prisons in association with the Ministry of Employment and Social Security (e.g. bakers, cooks, potters, computer operators etc.). Furthermore, it is our Ministry's intention that all prisons of the country are included in the said programmes.

Moreover, seven second-chance schools are operating in seven prisons, as well 2 lower and middle education schools in juvenile detention facilities. Specifically, in association with the competent Ministry of Education, Lifelong Learning and Religious Affairs, a study is being implemented for the establishment of vocational training departments within prisons, where possible, so that students may obtain the necessary knowledge and skills to help them in their reintegration.

b) Sports facilities are offered by 5 of the 34 prisons of the country, while multipurpose halls are offered in 24 of them. Sports programmes are being implemented in some prisons in association with the General Secretariat for Sports.

c) Our Ministry and the prison administrations are in continuous communication and cooperation with social organisations and bodies in order to regularly conduct events in prisons, aiming at offering recreation to prisoners. Documentaries were shown in 13 prisons this year, in the context of the Documentary Festival of Thessaloniki. Moreover, when possible, concerts and theatre shows are organised, while rental libraries operate in all prisons.

FEMALE JUVENILE UNIT AT THIVA PRISON

1) A special organised juvenile unit is in operation at the Female Prison of Eleonas, Thiva. The detention conditions are at very good level: they go out in the yard separately, many of them go to school within the prison and take part in cultural and educational programmes. Certainly, we examine your useful observations and the methods of their implementation.

PRISON STAFF

1) As regards your recommendations on supporting the prison staff, we would like to inform you that, with the passing of Law 3833/2010, "Protection of national economy-Emergency measures to address the fiscal crisis", and in the broader context of the reductions brought about by the new fiscal policy to address the very serious economic crisis faced by our country, hiring in the public sector was suspended and none of our agencies has scheduled any hiring for 2010.

In the hiring plan for 2011, 750 jobs were entered for prisons, of which 450 for external guards. We made every possible effort, in the context of restricted hiring for 2011-2013, to support mainly the guards, also taking into account the existing fiscal difficulties and on the basis of absolutely necessary needs.

Decision ΔΙΠΠΙ/Φ.ΕΠ.1/72/οικ. 5058/8 March 2011 of the Minister of Interior, Decentralisation and e-Governance (Government Gazette B 373/9 March 2011) on the allocation of staff to the Ministry of Justice, Transparency and Human Rights for 2011 approved only 11 Secondary Education jobs (Government Gazette 1185 I/14 Dec 2010) relating to staff falling under the powers of the Directorate of Human Resources Administration and Development (8 of these jobs for prisons).

In the context of the new fiscal policy, no hiring schedule may be made for this year. Any vacancies will be filled by transfers of staff from organisations that will be abolished or unified, on the basis of drawing staff from all backgrounds. The agency, in its written statement of staff needed in prisons throughout the country, has asked for the filling of 54 vacancies by staff transferred from OSE-ERGOSE-TRAINOSE for all specialities. This staff will undergo special training to be able to perform the special duties of the sector to which they will be transferred.

2) It is very important for the Ministry of Justice, Transparency and Human Rights to ensure training for prison staff that will provide them with all necessary knowledge and skills to perform their duties. All prison staff, during the first two years of appointment, attend mandatory introductory training courses.

This programme for staff of all sectors of category PE, TE and DE (university, technical and secondary education, respectively) except guards is organised and implemented by the Training Institute of the National Public Administration Centre. The programme is attended by all trainee civil servants and its length is 70 hours.

Because of their special duties, the training of DE guards is organised and implemented by the Ministry of Justice, Transparency and Human Rights.

To this end, a School for Correctional Staff and a School for External Prison Guards are in operation.

The following departments operate in the above Schools:

1. Introductory Training of DE guards, attended by all trainee officers of this sector
2. Basic external guards training, attended by candidates for appointment as DE external prison guards, who are appointed after their graduation from the School

The length of these departments is 2 months (250 hours) and, according to their curricula, as stated in the attached joint ministerial decisions (22195/1998, "Organisation and implementation of special training programmes for introductory training and updating of DE guards", and 119510/2006, "Arrangement of matters relating to the training of external prison guards"), which stipulate the operation of the departments, trainees attend both theoretical and practical courses, determined according to the needs of this type of training.

3. Three-month promotion training, attended by DE external guards in order to be promoted from the introductory rank of guard to the rank of deputy chief warden B. This training is provided to officers selected by special procedure as suitable for responsible jobs in the external prison guard service.

The financing of the reorganization of this school has already been ensured, according to the international scientific standards and the relevant good practices (initial training), through the inclusion of a special action in the Operational Programme "Administrative reform 2007-2013" entitled "Upgrading of the School of Correctional Staff", while the implementation of an intercultural training course for the country's prison staff has been approved, which concerns about 2000 employees and high-ranking officers (lifelong learning).

Moreover, in association with the Special Management Agency of the said Programme and the Information Society, the following 4 staff training actions have been proposed and submitted for approval to date:

1. Promotion training of the country's external prison guard staff
2. Addressing special situations – crisis management
3. Training of prison psychologists and psychiatrists in psychometric and psychodiagnostic tools, and
4. Training programmes for instructors in self-defence, self-protection and weapon techniques-shooting.

HEALTH SERVICES

1) As regards your observations on improving the medical and pharmaceutical care provided to prisoners, as we have recently informed you in our answer to your Public Statement, the Ministry of Justice, Transparency and Human Rights, recognizing the weaknesses of the system, makes all possible efforts to find solutions both in the context of its institutional interventions and by activating the organisations of the Citizens' Society. The main initiatives are:

A) By Law 3772/2009, the Psychiatric clinic and the hospital of Korydallos, as well as the special drug-addict treatment facilities have come under the National Health System that belongs to the Ministry of Health and Social Solidarity, in order to ensure that all necessary jobs are covered, while a mixed committee of the two ministries is processing their terms of operation, in order to have the relevant Presidential Decree issued soon.

B) Cooperation with university bodies and non-governmental organisations that can contribute with their scientific staff to the provision of psychiatric and medical services in prisons. Relevant memoranda of association have been already signed with:

- the 2nd Psychiatric Clinic of the University General Hospital "Attikon"
- the 3rd Psychiatric Clinic of the Aristotle University of Thessaloniki
- the Psychiatric Clinic of the Democritus University of Thrace
- the NGO Klimaka

- the Children Psychiatric Clinic of the Medical School of the University of Athens
- Postgraduate Course "International medicine – health crisis management" of the Medical School of the University of Athens.

Moreover, similar interest has been expressed by the Medecins du Monde, the Greek Cancer Society and the Psychosocial Institute "Asklipios".

Finally, as regards the employment of prisoners as nurses, we would like to inform you that assistant nurse jobs are provided for in the context of prisoner employment, who are used in purely auxiliary jobs, deprived of any access to the medical history of their fellow prisoners and under continuous monitoring and supervision of the medical and prison staff.

It should also be noted that Law 3772/2009 stipulates the inclusion in the National Health System (NHS) of the special treatment facilities of the Ministry of Justice, Transparency and Human Rights, namely: a) the prisoner psychiatric clinic, b) the prisoner hospital, c) the prisoner detoxification centre of Eleonas-Thiva, and d) two new centres to be put in operation in the future.

A special committee has been established for the said arrangement, which will submit proposals for the issuance of a Presidential Decree that will determine the necessary relevant issues.

As regards the overall situation of healthcare provision in prisons, as you already know, the fact that medical doctors are not interested in working in prisons is a long-standing problem that is hard to resolve. By way of example, the results of the tender announced by call number 3K/2009 to cover needs in PE Medical Doctors of various specialities are:

- a) Eleven jobs of PE Internal Medicine, for which only 3 persons expressed interest, who were asked to submit the necessary documents for appointment
- b) Nine jobs of PE Psychiatrists, for which only 2 persons expressed interest, who were asked to submit the necessary documents for appointment
- c) Three jobs of PE Dentists, for which 3 persons expressed interest and are about to be appointed
- d) Three jobs of TE Nurses, for which 3 persons expressed interest; two of these persons are about to be appointed and the third one was replaced by the first runner-up because the person did not accept his appointment
- e) Ten jobs of TE Social Workers, for which 10 persons expressed interest; two of these will be replaced by the first runners-up.

Following the completion of the appointments pending from this call for tender (3K/2009), our department intends to ask for tenders for any vacancies in the future, along with new jobs, always according to the needs for prison staff.

2) As we have already informed you in our response to your report for 2010, the prison administrations observe the procedures stipulated by the provisions of articles 23 and 24 of the Correctional Code in relation to medical examination and interview of new prisoners. They are normally examined by physicians within one day of their admission to prisons and the relevant information is kept in their personal file. The prisoners' electronic health card is being processed, in order to have a steady central health database.

3) Moreover, the Ministry of Justice, Transparency and Human Rights is making efforts to improve the care of drug-addict prisoners.

As you have already been informed (see our response to your report for 2010), detoxification consultation programmes of the Addicted Persons Treatment Centre (KETHEA), as well as the Drug and Alcohol Addiction Treatment Unit "18 Ano" and "Arsis-Social Youth Support Organisation" operate in many prisons of the country.

In addition, the pilot operation of a programme for the administration of substitutes to the Korydallos and Patras prisons is in line with the guidelines of your recommendation.

4) We would also like to underline that the existing legislation on prisoners' deaths is sufficient and the prescribed procedures are strictly implemented by the prison administrations. In case of death in a prison, the competent prosecutor for the first instance court is notified immediately; it orders medical examination to verify the cause of death and a preliminary disciplinary inquiry to look into any prison staff liability.

Certainly, your recommendation for conducting analysis into the cause of death in order for this knowledge and experience to be diffused to all prison staff is very interesting, since it aims at creating and reproducing an interlocutory framework, in order for the staff to be able to function properly, irrespective of the level of experience of the staff members. For this reason, in association with the social services of the prisons, which collect and process the relevant data, instructions will be given to prison administrations to prepare and forward to the central agency reports on the improvement of existing procedures for preventing such incidents.

As regards the information you have requested on the deaths of prisoners in your 2010 report, we would like to inform you as follows:

a) About the death of A. T., we have already forwarded to you the autopsy report 3168/11 Feb 2011, prepared by the coroner's agency of Athens

b) About the other two deaths, we have informed you by document 2864/12 Jan 2011 about the fact that the Prosecutor for the First Instance Court of Piraeus has prepared penal cases ABM B10/1914 and ABM Γ09-11767, which have also been transmitted to the Police Station of Korydallos for preliminary inquiry.

As we have been notified by the Prosecutor's Office for the First Instance Court of Piraeus, these cases have returned to them and are being processed by competent prosecuting officers.

Finally, we would like to inform you that, as regards the death of M. S., the Deputy Supervising Prosecutor for the Korydallos Prison has issued the findings of the preliminary disciplinary inquiry, which ascertain that no disciplinary offence was committed by the correctional staff.

As regards the information you have requested about the presence of medical doctor between 16:00 and 07:00 at the Korydallos Prison, we would like to inform you that a medical doctor is on call on a daily basis during these hours.

OTHER MATTERS

1) As regards your observations about visiting hours, we would like to inform you that they will be taken into consideration at the stage of consultations for the revision of the provisions of the Correctional Code. Our objective is to strike a balance between the given needs of prisoners for contact with their broader social environment and the needs of safe operation of prisons.

2) As regards your recommendation about the hiring of social workers in order to better assess prisoners' requests for leave of absence, we would like to refer you to the aforesaid fiscal constraints that do not allow for such hiring.

THE SPECIAL SECRETARY

**HELLENIC REPUBLIC
PROSECUTOR'S OFFICE FOR THE
FIRST INSTANCE COURT OF AMFISSA**

Amfissa, 8 June 2011
Ref.No: 662

**TO THE
ADMINISTRATION OF THE A-TYPE GENERAL DETENTION FACILITY OF
AMFISSA, FOKIDA**

In response to your document number **6442/27 May 2011** and concerning the contents of the CPT Report about the "incidents" that took place in the building of the A-Type Detention Facility of Amfissa-Fokida on 20 January 2011, I would like to inform you as follows:

As you already know, on 20 January 2011 the prisoner **O. P.**, Albanian national, sentenced to life imprisonment and incarceration for intentional homicide and attempted homicide, attempted, with the assistance of his fellow prisoner **N. D.**, to introduce into the prison narcotic substances, i.e. heroine with a total weight of 52.8 gr, as well as Indian cannabis with a total weight of 6.8 gr. Specifically, the latter, prompted by D. F., between 09.00 and 09.30, right after the exit of prisoners to the prison yard, "threw" above the prison fences an impromptu plastic container with the narcotics. This action was IMMEDIATELY seen by the external prison guards, who were rapidly mobilized and managed to pursue and arrest N. D. and called the Security Department of Amfissa in order to undertake the relevant criminal proceedings. When the arrest of N. D. was noticed, D. F. incited the other prisoners and caused serious disorder in the prison, since he took mattresses and other objects out of the cells and set them on fire, thereby attempting to destroy all assets of the prison and incite his fellow prisoners to insurrection. I was immediately notified of the seriousness of the disorder by the Police Director of the Police Directorate of the Prefecture of Fokida and, escorted by him, I went to the prison shortly thereafter. It is well-known that the prison is located within an inhabited area of the city of Amfissa and any insurrection of prisoners may cause huge risks to all citizens.

Immediately upon my arrival to the premises, I assessed the seriousness of the situation and was informed by both the relevant police forces and the fire squad, which was already trying to put out the fires in the prison buildings. I was also informed by the prison guards about the continuous unruliness of the prisoners to stop the destructions, as well as their continuous attacks against the external prison guards. I called upon the police forces to use tear gases and remove the prisoners from the prison fences in order to prevent attempted escapes and to suppress the actions that endangered the life, the physical integrity and the properties of neighbouring residents of the area. It should be noted that the balconies of their houses touch the prison.

The overall operation for suppressing the damages and insurrection of the prisoners was conducted under my absolute supervision, in my capacity of Supervisor of the Prison, while no "officer" of the Greek police or external prison guard acted on their own initiative, without my prior order or approval.

Immediately after the termination of the said serious disorders, I asked the police forces to leave the prison premises, in order for the prison administration to assess the damage, the time required for restoring the operation of the prison and, above all, the immediate operation for the nighttime stay of prisoners on the premises, given that the prison could not supply any electrical power for the night. I also ordered the arrest of D. F. and the initiation of criminal proceedings against him for the felony of moral instigation to attempted entry of narcotics into the prison and the misdemeanours of joint grand damage of items used for the common benefit, caused by fire, and moral instigation thereto.

I assigned the relevant criminal case file to the Security Department of Amfissa while both arrested defendants, D. F. and N. D., were taken to the building of the Police Directorate of the Prefecture of Fokida, which accommodates the relevant Security Department, until the completion of the criminal case file and their transfer before myself and before the Investigating Judge of the First Instance Court of Amfissa. The above defendants were transferred to the Police Directorate of the Prefecture of Fokida **under my continuous presence**. They pleaded, in the context of the ex officio preliminary police inquiry conducted under article 243§2 of the Code of Criminal Procedure, **inside the building of the Police Directorate**. The foregoing are easily proved by all evidence of the criminal case file and, above all, by the pleadings of the defendants (please find attached copies of the relevant case file).

Moreover, during the ex officio preliminary inquiry, in the afternoon of 20 January 2011, the defendant D. F. stated before me that he immediately wished to go to the General Hospital of Amfissa because, given his chronic drug abuse, he was experienced the "deprivation syndrome" as time went by and felt the need to receive medical assistance. The impression I had by looking at the defendant and what he told me made me consider that, for purely humanitarian reasons, he had to be IMMEDIATELY taken to the General Hospital of Amfissa to receive the medical care considered necessary by its medical doctors. Therefore, escorted by police officers and myself, the said prisoner was indeed taken to the Hospital, where he was examined by physicians for the deprivation syndrome he claimed to experience. On completion of the medical care he received, he

remained overnight, on his own will and with my own suggestion, in the special prisoner detention room of the Hospital of Amfissa. I considered the foregoing necessary given the late hour, since the prison was already closed for the night and since the stay of the prisoner (and all other prisoners) therein would be difficult because of the significant damage sustained by the prison (lack of mattresses and beds), and because the said prisoner and his fellow defendant N. D. would be escorted by police officers in the early morning hours to the Investigating Judge of the First Instance Court of Amfissa. Finally, I had requested on the same day in writing that D. F. would be transferred to the other prison of the Prefecture of Fokida (Malandrino) for obvious reasons.

As it is readily understood on the basis of the foregoing facts, the overall operation for the "suppression of the unrest" that occurred in the Type-A General Detention Facility of Amfissa-Fokida on 20 January 2011 was conducted under my full supervision and guidance and, therefore, no initiative taken by any officer has endangered the physical integrity of prisoners or was intended at infringing their rights. On the contrary, the actions of specific prisoners endangered both the life and the physical integrity of their fellow prisoners and the citizens of Amfissa, who were exposed to risks due to the behaviour of few prisoners. At the same time, property belonging to the Greek State was completely destroyed and its restoration required significant funds, for which the citizens of the country had no obligation at the time.

In view of the foregoing, we think it would be expedient if similar reports were prepared in the future after having heard the positions and views of the Prison Supervising Prosecutor and, in any event, after the collection of all information that would lead to the truth and the proper administration of justice. Any other action would demonstrate nothing but lack of preparation and lack of responsibility.

THE PROSECUTOR FOR THE MAGISTRATE COURT
PRISON SUPERVISOR

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