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增进和保护所有人权——公民权利、政治权利、
经济、社会和文化权利，包括发展权

酷刑和其他残忍、不人道或有辱人格的待遇或处罚问题 特别报告员曼弗雷德·诺瓦克的报告

增编

对希腊的访问* **

内容提要

酷刑和其他残忍、不人道或有辱人格的待遇或处罚问题特别报告员于 2010 年 10 月 10 日至 20 日访问了希腊。本报告载有该报告员的访问结果和建议。他对主管机构在访问过程中的全面合作向政府深表赞赏。

特别报告员理解希腊执法人员面临尤为困难的状况，非正规移徙者和难民大量增加，主要是通过土耳其接壤的陆地边境入境。每天有数百名外国人非正规方式入境，由于必须大量拘留这些非正规入境者，因此边防站、警察局和移民拘留中心陷入了难以应付的境地。

特别报告员收到许多关于有人遭到警官虐待，特别是在刑侦部门办公地点遭到虐待的报告，有些行为构成《禁止酷刑公约》意义上的酷刑，但是缺少法医证据佐证指控。缺少证据可能是因为警方的调查制度和申诉机制不能发挥作用。这使人身虐待的受害者深感无助，还可能使警方暴力的有罪不罚现象得以延续。

* 本报告内容提要以所有正式语文印发。报告本身载于内容提要的附件，仅以提交语文印发。附件原文照发。

** 迟交。

特别报告员发现，他访问的警察局中几乎全是外国国民，似乎警察局不再行使其正常职能，而成为关押等待驱逐出境者的拘留设施。他发现，除一个设施以外，在公民保护部辖下所有设施内(警察局、边防站和移民拘留中心)，外国国民被关押在过度拥挤而又肮脏的牢房内，卫生设施不足，缺少或没有户外活动的机会，医疗照顾也不够。他认为这种状况有违《公民权利和政治权利国际公约》第七条和第十条，构成不人道和有辱人格的待遇。

他对孤身未成年人的状况尤为关切，他们常常未经正确登记就遭到拘留，常与成年人关押在一起。

希腊监狱严重人满为患，有些监狱被迫收纳三倍于其容量的犯人。审前拘留比例很高，审前被拘留者也未与已判罪犯人分开关押，这违反了《公约》第十条。

特别报告员呼吁欧洲联盟(欧盟)和联合国各机构及时协助该国缓解移徙方面的重负。他还敦促欧盟成员国按照《都柏林第二规则》中止遣返，就接受非正规移徙者和难民并准许其进入难民甄别程序的问题，制定更公平的负担分摊制度。

Annex

Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Greece (10-20 October 2010)

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I. Introduction

1. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, undertook a visit to Greece from 10 to 20 October 2010, at the invitation of the Government.
2. The purpose of the visit was to assess the situation of torture and ill-treatment in the country, including conditions of detention and to initiate a process of cooperation with the Government, in particular with regard to challenges faced by the Government in addressing the high level of irregular migration into the country, a task which is particularly challenging due to the Dublin II system of transfers from European Union member States to Greece.
3. The Special Rapporteur expresses deep appreciation to the Government for extending an invitation to visit the country and the frankness of the discussions he had with the Government. He also appreciates the full cooperation extended by the authorities during the course of the visit, and would like to thank the Ministry of Justice, Transparency and Human Rights, the Ministry of Interior, Decentralization and E-Government and the the Ministry of Citizens' Protection for issuing authorization letters providing him with access to all detention facilities. During the visit, he was able to carry out unannounced visits to places of detention and to conduct confidential interviews with selected detainees.
4. During his visit, the Special Rapporteur met with officials, civil society organizations, lawyers, detainees, aliens and victims of ill-treatment and visited prisons, police stations, border guard stations, migration detention centres and hospitals (see appendix for the list of places of detention visited).
5. The Special Rapporteur wishes to acknowledge with appreciation the excellent support provided by the United Nations Resident Coordinator, Ms. Maria Luisa Silva, and by Mr. Tsarbopoulos and Ms. Kapentana, respectively Head of the Office and Protection Assistant of the Office of the High Commissioner for Human Rights (OHCHR); Dr. Duarte Nuno Vieira, forensic doctor; and Tiphonie Crittin and Moritz Birk of the Ludwig Boltzmann Institute of Human Rights.
6. While still in the country, the Special Rapporteur shared his preliminary findings with the Government, which responded with constructive comments. On 1 February 2011, a preliminary version of this report was sent to the Government. The Government provided comments on 3 March 2011.

II. Legal framework

A. International level

7. Greece is party to all major United Nations human rights treaties¹ including the Convention against Torture, recognizes the competence of the Committee against Torture

¹ International Covenant on Civil and Political Rights (ICCPR) and its two Optional Protocols, the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW); the International Convention on the Elimination of All Forms of Racial Discrimination (CERD); the International Convention on the Rights of the Child (CRC); the Convention on the Rights of Persons with Disabilities (CRPD).

to receive and consider individual complaints² but has not signed its Optional Protocol (OP-CAT).

B. Regional level

8. In the context of the Council of Europe, Greece has ratified a series of relevant regional conventions, including the European Convention for the Protection of Human Rights (ECHR) and its major Protocols; the European Social Charter; and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. It has however not ratified the Council of Europe Convention on Action against Trafficking in Human Beings.

C. National level

1. Constitutional and legislative provisions criminalizing torture

9. The Constitution of Greece, adopted in 1975 and amended in 1986 and 2001, contains provisions regarding torture and ill-treatment as well as fundamental safeguards for its prevention. Article 7(2) of the Constitution prohibits “torture, any bodily maltreatment, impairment of health or the use of psychological violence, as well as any other offence against human dignity”. Even in the case of public emergencies prescribed in article 48 of the Constitution no suspension of the prohibition of torture is possible, pursuant to article 4, paragraph 2, of the International Covenant on Civil and Political Rights.³ In addition, there are several legislative provisions prohibiting and punishing torture and cruel, inhuman or degrading treatment or punishment.⁴

10. Torture is defined in article 137A(1) of the Penal Code as an act (a) to obtain from a person or a third person a confessed testimony, information or statement of acceptance or repudiation of a particular policy or other ideology; (b) to punish this person, (c) to intimidate this person or a third person. Article 137A(2) further states that torture is “every orderly provocation causing intense physical pain or physical exhaustion that is dangerous for health or psychological pain that may cause serious psychological damage, together with any illegal use of chemicals, drugs or other physical or technical means in order to bend the will of the victim” committed by a public official or military officer for the specific purposes laid out in article 137A(1).

11. According to article 137A(1) of the Penal Code, torture is criminalized and “punishable by imprisonment”. Less serious cases and other offences against human dignity are punishable by at least three years’ imprisonment.⁵ In most serious cases the penalty is of at least 10 years’ imprisonment⁶ and life imprisonment if the victim dies.⁷ In addition, persons convicted of offences described in articles 137A and 137B are automatically

² Art. 22, CAT.

³ HRI/CORE/1/Add.121, p. 17.

⁴ Articles 137A-D Penal Code, articles 2 to 4 Code of Ethics for Police Officers, Presidential Decree 254/2004, including the prohibition of excessive use of force.

⁵ Article 137A(3) Penal Code: less serious cases involve “physical injury, health damage, execution of illegal violence, physical or psychological, or any other serious offence against human dignity [...]”. As breaches of human dignity are mainly considered: a) the use of truth detector, b) prolonged isolation, c) a serious breach of sexual dignity”.

⁶ Arts. 137B(1) and (2) Penal Code.

⁷ Art. 137B(3) Penal Code.

deprived of their political rights and dismissed from their work,⁸ and leading to a conviction of 10 years' and life imprisonment.⁹ According to articles 83 and 84 of the Penal Code, courts may impose a lower sentence under mitigating circumstances. The victims of the offences defined in articles 137A and 137B can claim compensation, "including pecuniary satisfaction for psychological and moral damage".¹⁰

12. There are several procedural safeguards provided in the Constitution, including the protection from arrest or imprisonment "without a reasoned judicial warrant";¹¹ the right to be brought before an "examining magistrate within twenty-four hours of his arrest at the latest";¹² and the protection from detention pending trials longer than "one year in the case of felonies or six months in the case of misdemeanours".¹³ The suspension of these safeguards is only permitted in public emergencies prescribed in article 48 of the Constitution in which case extraordinary courts are established.

13. Further, fundamental safeguards can be found in articles 2 to 4 of the Code of Ethics for Police Officers, including the right to be informed of the reasons for arrest, and in a language the detainee can understand; the right to contact a third party; the right to consult a lawyer; the right to contact his/her family; and the right to access to a doctor of his/her choice. The Code of Ethics for Police Officers provides guarantees of detention conditions, such as safety, health, protection and separation of detainees.

2. Complaints and investigations of acts of torture and ill-treatment

14. Greek legislation provides for two investigation procedures regarding the excessive use of force and torture or ill-treatment by law enforcement officials or military personnel: administrative investigations and criminal investigations.

15. The aim of internal administrative procedures is to investigate the disciplinary responsibility of the respective law enforcement official and impose a disciplinary sanction if a disciplinary offence was found. These investigations are initiated *ex officio* when indications of ill-treatment arise or when complaints were lodged by a person or a legal entity.¹⁴ In cases of more serious forms of disciplinary offences, including the excessive use of force and torture or ill-treatment, which can be punished by dismissal from service, Sworn Administrative Inquiries are launched. The European Committee for the Prevention of Torture (CPT) has criticized that to date no independent complaints mechanism was introduced.¹⁵ Sworn Administrative Inquiries are primarily meant to protect the rights of the officer under investigation.

⁸ Art. 9(1c) of Presidential Decree 22/1996 punishes torture and ill-treatment by the removal from service.

⁹ Art. 137C, Penal Code.

¹⁰ Art. 137D(4), Penal Code.

¹¹ Arts. 5(2) and 6(1), Constitution of Greece.

¹² Art. 6(2), Constitution of Greece: "should the arrest be made outside the seat of the examining magistrate, within the shortest time required to transfer him thereto. The examining magistrate must, within three days from the day the person was brought before him, either release the detainee or issue a warrant of imprisonment. Upon application of the person brought before him or in case of force majeure confirmed by decision of the competent judicial council, this time-limit shall be extended by two days".

¹³ Art. 6(4), Constitution of Greece; "In entirely exceptional cases, the maximum durations may be extended by six or three months respectively, by decision of the competent judicial council".

¹⁴ Art. 21(1), Disciplinary Code 2008.

¹⁵ CPT/Inf (2009) 20, "Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)", p. 14.

16. Criminal investigations can be initiated parallel to the administrative investigation without being bound by its conclusions. However, the disciplinary authority is bound by the judgement of the criminal court with regards to the existence or absence of material facts. Criminal investigations are launched by the public prosecutor *ex officio* or at the police investigators' request. If, in the course of the administrative investigation, the act of the concerned police officer is considered a criminal offence, the superior officer has to refer the case to the public prosecutor.¹⁶

17. If the preliminary investigations reveal an indication of guilt, they can result in the committal for trial. If the public prosecutor does not proceed with the investigation or if the criminal complaint is dismissed as unfounded, the involved party can appeal against the decision before the public prosecutor of the appeal court. The limitation period for criminal investigations in cases of torture is 15 years and 5 years in cases of other forms of ill-treatment.

18. The Greek Ombudsman was established in 1998 as a constitutionally sanctioned independent authority.¹⁷ The Ombudsman investigates individual administrative acts, omissions or material actions undertaken by the public sector, local and regional authorities and other public bodies interfering with the legal interests of persons or legal entities.¹⁸ The Greek Ombudsman is mandated to initiate investigations either following a signed complaint made by any directly involved person or union of persons as well as legal entities or *ex officio* in cases of particular public interest.¹⁹

19. According to Law No. 3811/2009, the Greek Ombudsman and the competent Parliament's inter-party committee have been given the right to visit detention facilities, supported by the Body of Inspection and Control of the Detention facilities.²⁰ However, it lacks the competence to conduct an independent investigation and its powers are restricted to asking the police to investigate.

3. Death penalty

20. The Greek Parliament ratified Protocol 13 to the European Convention on Human Rights in November 2004, thereby abolishing death penalty for all crimes.²¹

4. Juvenile justice

21. In 2003, the Reform of Penal Legislation for Juveniles and Other Regulations²² was adopted to harmonize the existing criminal law provisions with the Convention on the Rights of the Child. The Greek Penal Code establishes in its Eighth Chapter on juvenile justice the criminal responsibility at the age of 13²³ and divides the legal consequences for minor offenders into reformatory measures,²⁴ therapeutic measures²⁵ – which can also be imposed on minor offenders between 8 and 13 even though they are not criminally

¹⁶ Arts, 37(2) and (3), Code of Criminal Procedure.

¹⁷ Arts. 101A and 103, Constitution of Greece; Law No. 3094/2003.

¹⁸ Art. 3 Law No. 3094/2003.

¹⁹ Art.e 4 Law No. 3094/2003.

²⁰ Law No. 3090/2002.

²¹ Additionally, the country is also a State Party to the second Optional Protocol to the ICCPR and to Protocol 6 to the ECHR.

²² Law No. 3189/2003.

²³ Art. 126(2), Penal Code, as amended.

²⁴ Art. 122(1), Penal Code, as amended.

²⁵ Art. 123, Penal Code, as amended: Therapeutic measures should be imposed on minors requiring special treatment (i.e. if he/she is an alcohol or drug addict or faces psychological problems).

responsible²⁶ – and confinement in a specific juvenile correctional institution, as a measure of last resort.²⁷ Article 54 of the Penal Code, as amended, outlines the length of sentences that can be imposed on juveniles. If the juvenile attains adulthood, the Juvenile Court can impose a reduced prison sentence which the offender has to serve in a prison facility.²⁸ According to NGOs,²⁹ the number of confinement terms imposed by courts is relatively low as opposed to reformatory measures.

5. Protection of asylum-seekers and refugees

22. Greece is a State Party to the Convention Against Torture, the Convention relating to the Status of Refugees, the ICCPR and the ECHR, prohibiting the return of persons to another State where he/she may be subjected to torture (principle of non-refoulement). Article 21(1) of the PD 96/2008³⁰ and article 5 of PD 90/2008³¹ prohibits refoulement, the latter foreseeing a right to stay for asylum-seekers until the administrative procedure for the examination of their application has been concluded.

23. According to article 13(1) of the PD 90/2008, applicants for asylum are exempt from expulsion and cannot be detained for the sole reason that the person illegally entered or remained in the country. However, article 13(2) allows for the detention of asylum-seekers in appropriate places “when, and for as long as necessary, this is needed in order to determine the circumstances of entry, the identity and origin of mass illegal entries of applicants, when this is required for reasons of public interest or public order or when this is considered necessary for the speedy and effective completion of the above mentioned procedure. The total time under restriction shall, in no case, exceed sixty days”. However, once a person is detained, the immigration law 3386(2005) applies and the filing of an asylum claim does not affect the asylum-seeker’s detention. Article 76(2) allows for the detention pending deportation for up to 6 months and under exceptional circumstances up to 18 months.

III. Assessment of the situation

A. Challenges facing the country

24. Greece, due to its geographical location, is under a particular pressure from migrants and refugees entering the EU. While the arrivals via the Mediterranean route have significantly dropped, arrivals via the Greek-Turkish border in the Evros region increased by 369 per cent in the period from January to September 2010,³² with 1,400 aliens arrested during the first two days alone of the Special Rapporteur’s visit. Aliens entering Greece are

²⁶ Art. 126(1), Penal Code.

²⁷ Art. 127, Penal Code.

²⁸ Art. 130, Penal Code.

²⁹ OMCT, in collaboration with national human rights NGOs (2004), “State violence in Greece: An alternative report to the United Nations Committee Against Torture”.

³⁰ Presidential Decree 96/2008 on the transposition into the Greek legislation of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

³¹ Presidential Decree 90/2008 on the transposition into the Greek legislation of Council Directive 2005/85/EC from 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, as modified by Presidential Decree 81/2009.

³² Frontex, “Current situation at the external borders, January-September 2010”, www.frontex.europa.eu/.

systematically detained. According to the Government, in 2008, some 50 per cent of all arrests of aliens in the EU took place in Greece. This number has increased to 75 per cent in 2009 and almost 90 per cent in 2010. The mass influx, coupled with systematic detention, puts border-guard stations and migration detention facilities at the Greek Turkish border in a situation of crisis. But the police facilities in areas with high rates of aliens are also overcrowded with persons in detention awaiting deportation. The detention crisis is further worsened by the Government's extreme budgetary constraints due to the current economic crisis in the country.

25. The migration burden on Greece is aggravated by the Dublin II Regulation allocating the responsibility for asylum claims to the country of first entry. Thus, every asylum-seeker having entered through Greek territory is to be returned to Greece for filing an application, creating a totally unequal burden for the protection of refugees in the EU.

26. Since taking office in October 2009, the Government has made the issue of detention of irregular migrants and refugees a priority and is planning a substantive reform of the asylum system and migration management.

B. Acts of torture and ill-treatment in places of detention

1. Facilities under the authority of the Ministry of Citizen's Protection: Migrants and Refugees

27. The Special Rapporteur received numerous allegations of ill-treatment by law enforcement officers, whether upon arrest, or later in detention; in police stations, Criminal Investigation Departments (CID), border-guard stations and migration detention centres. He heard reports and noticed a generally rough attitude of the officers towards detainees, and a sentiment of anxiety among the detainees. In most places, he found the atmosphere very agitated and tense.

28. In police stations and CID, the Special Rapporteur received numerous and consistent allegations of ill-treatment by law enforcement officials. Many detainees said they have been physically or verbally abused by police officers either upon arrest or later at the police station. In a few cases, this ill-treatment amounted to torture. However, the allegations were rarely corroborated by forensic medical evidence. This may be explained by the non-functioning system of police investigation and complaint mechanisms. The Special Rapporteur also witnessed a high degree of fear of reprisals expressed by detainees in the hands of the police, sometimes directly, or implied in their behaviour, which, combined with the dysfunctional judicial system, may perpetuate a system of impunity for police violence.

29. The allegations concerned primarily kicks, slaps and punches with feet, hands or sticks. In addition, the Special Rapporteur was also reported several cases, for example in Omonia CID, in which the detainees were blindfolded with a motorcycle helmet and handcuffed before being beaten. In general, the abuses were reported to be more frequent and brutal in CID premises, where the detainees seemed particularly afraid of the officers. Often the victims did not understand the reason for their ill-treatment. However, many alleged to have been abused for complaining about the conditions of detention and for the purpose of extracting a confession.

30. In border-guard stations the Special Rapporteur acknowledges the extremely difficult situation of border guards having to cope with an unprecedented number of arrests of aliens and a serious lack of resources. He recognizes the authorities' efforts to cope with the crisis situation, in particular in Feres Border Guard Station, where the Chief of Police appeared to be very committed to meet the most basic needs of the detainees.

31. The Special Rapporteur received, however, several consistent allegations of ill-treatment by border-guard officers of detainees upon arrest, and later in the border-guard station. Detainees mentioned kicks, slaps, or being pushed, mostly when they did not understand or follow the officers' orders immediately, or when they made complaints. This seems to be particularly the case at Soufli Border Guard Station. However, the forensic expert could corroborate these statements with medical evidence in only a few cases.

32. In general, most of the detainees complained about the rough tone and attitude of the officers towards them, and stated that the miscommunication arising from the language barrier led to reactions of impatience from the officers, who lacked empathy and respect towards them.

33. The Special Rapporteur received a few complaints of ill-treatment in the migration detention centres, which consisted mainly of verbal abuse. Most of the detainees pointed out that the attitude of the staff was very rough and often impolite, particularly at the registration when refusing to give fingerprints. The Special Rapporteur could witness that the interactions between the overwhelmed and frustrated staff and the detainees were aggressive and tense, in particular in the migration detention centre in Venna. This was further worsened by the language barrier.

34. Detainees expressed reluctance to lodge official complaints while in detention due to the ineffective complaints mechanism³³ and the lack of procedural guarantees against deportation. Aliens have an additional obstacle in the language barrier and the lack of interpretation services provided by the State, preventing them to make an oral or written complaint about conditions of detention, or ill-treatment.

2. Judicial prisons

35. The Special Rapporteur did not encounter complaints by prisoners of beatings by the officers at judicial prisons. Despite the difficult working conditions of the guards in Greek prisons, most seem to have a professional attitude towards detainees.

C. Impunity

36. The lack of an effective complaints mechanism, independent investigation and monitoring create an environment of powerlessness for victims of physical abuse. According to the statistics sent by Greece to the Committee Against Torture in September 2010, in the period from 2005 to 2009, a total of 281 complaints were investigated for police ill-treatment; disciplinary sanctions were imposed in 13 cases involving 21 police officers.³⁴ During this period, in 140 of the 281 complaints for abuse and ill-treatment there was no corresponding criminal charge. According to the Government this was because either no charges were brought against the police or the administrative inquiries did not find that a criminal offence had been committed.³⁵

³³ Neither Law 3386/2005 nor any other national legislation provides for a legal remedy to which a detained migrant or asylum seeker can resort in order to complain about conditions of detention. Amnesty Report Greece: Irregular Migrants and Asylum –Seekers routinely detained in substandard conditions (July 2010) pg. 21.

³⁴ Sanctions imposed were the following: four, removed from service; three, suspended with dismissal; five, suspension with temporary dismissal; nine, a monetary fine.

³⁵ Greece, combined fifth and sixth periodic report, submitted under article 19 of CAT on 20 September 2010.

37. The Special Rapporteur welcomes the Government's plans to establish a bureau within either the Ministry of Citizen's Protection or the Ministry of Interior to examine police misconduct. As of October 2010, a Bill had yet to be submitted to Parliament. However, the Special Rapporteur emphasizes that a totally independent police complaint body with full investigative powers under a ministry different than the Ministry of Citizen's Protection is needed as already highlighted by the Greek National Commission for Human Rights.

D. Conditions of detention

1. Facilities under the authority of the Ministry of Citizen's Protection: Migrants and refugees

38. The Special Rapporteur notes with concern the systematic detention of aliens upon arrival in Greece. Furthermore, in Athens, he saw many aliens who were arrested on the suspicion of a criminal offence then being held under administrative detention by the police for not possessing valid papers after the dismissal of the case by the prosecutor or the court. This includes those migrants or refugees who cannot be deported for factual or legal reasons.

39. Very often the detainees were not informed of the grounds and length of their detention. The length of detention was felt to be dependent on the nationality of aliens. While aliens who cannot be deported (e.g. from Afghanistan, Somalia, Pakistan) were usually released within several days with an order to leave the country within 30 days, those who can most often be deported frequently had to wait up to several months in police custody. This created a feeling of extreme injustice and discrimination among the detainees.

40. It has been reported to be extremely difficult for aliens to challenge their detention as there is no regular automatic judicial review. The absence of interpreters and legal aid reportedly make it practically impossible to complain before an administrative court.

41. The Special Rapporteur found the conditions of detention in police stations, CID, border-guard stations and migration detention centres to be very poor throughout the country. (See appendix for detailed descriptions of all detention facilities visited)

42. In police custody he almost exclusively came across foreign nationals. While some were detained on suspicion of a criminal offence, most were held under administrative detention. In fact, it appeared that many police stations, in particular in Athens, have been converted into facilities for detention awaiting deportation. The detained aliens were frequently held in police cells not designed for prolonged detention for up to six months. They neither provided any meaningful activities nor access to outside exercise and fresh air. The cells were often overcrowded forcing detainees to share mattresses or sleep on the floor. They frequently provided insufficient natural lighting and poor ventilation. Although many police stations have been freshly painted and cleaned before the visit, many detainees complained about the lack of cleaning, and the beds and sanitary installations were often unhygienic. As a result of the poor conditions many people had respiratory, skin as well as psychological problems. Access to medical care was very limited. Many detainees complained that they had no access to a doctor and even upon specific request were denied to be brought to a hospital. They further complained about lacking access to phones and visitors. Thus, some detainees were very worried that they could not inform their relatives and friends of their whereabouts. The Special Rapporteur witnessed a high degree of frustration among the detainees who mostly did not understand the grounds for or the length of their detention and had no access to lawyers or efficient complaints mechanisms. The conditions of detention were appalling at Venizelos Airport Police Station in Athens, where aliens were primarily held for the possession of false documents when attempting to

leave the country, and some were even prevented from returning to their countries of origin despite having a valid ticket.

43. At the Criminal Investigation Departments (CIDs), the conditions of detention were particularly appalling. At the CIDs of Omonia, Agiou Panteleimonos and Akropolis in Athens, the Special Rapporteur found more than 40 foreigners held in irregular and apparently unofficial detention areas. It appeared that these people were being excluded from the official statistics which were communicated to the Ministry of Citizen's Protection on a daily basis. The non-registration of detainees significantly increases the risk of being subjected to torture or ill-treatment. The detention areas were in no way designed for even short-term detention. The detention areas of the CIDs visited were overcrowded, providing insufficient lighting, ventilation and bedding. The detainees were forced to sleep on benches or the floor for sometimes up to two weeks. In terms of sanitary conditions, access to drinking water or the toilets was severely limited. The toilets were often located outside the cells, creating an unnecessary dependence of the detainees on officers. Showers or washing rooms were not available at all. Many detainees complained that they received no food unless they paid for it themselves.

44. The border-guard stations in Soufli and Feres were facing immense problems due to the mass influx of aliens over the Greek-Turkish border. Despite their unsuitability for long-term detention, migrants and refugees were often detained in cells up to several months due to the lack of capacities in other facilities. In general the facilities were overcrowded, not providing many detainees with beds or even mattresses. The situation at the Feres Border Guard Station was particularly severe, holding 123 detainees in a facility designed for 28 at the time of the visit. In both border-guard stations that he visited, the cells were dirty, dark and cold with unhygienic and inadequate sanitary facilities. Furthermore, the detainees were inadequately provided with sanitary products. The overcrowding made any meaningful separation of men, women, and children, of migrants, refugees and smugglers, or of persons of different ethnic or religious background impossible.

45. Also in the two migration detention centres in the Evros region, Fylakio and Venna, which *are* designed for long-term detention, the conditions were inadequate to meeting the most basic needs of detainees. The required Ministerial Decision establishing those special facilities and prescribing minimum operational standards has never been issued. The maintenance of the centres in Fylakio and Venna and the care of the persons detained there were neglected by the prefectures responsible. The aliens being held for up to six months were hardly ever being left out of the dark cells to exercise or breathe fresh air. The facilities were run down and provided a very hostile environment for detention. There was inadequate staff to take care of the detainees and of interpreters to enable the communication between police officers and detainees adding to the frustration on both sides. Detainees were often provided with insufficient blankets or warm clothes despite the low temperatures in the Evros region. The cells were dirty and often infested with mice or insects. The sanitary conditions were especially appalling. In the arrival cell of Fylakio Migration Detention Center, the toilets were clogged and feces were flowing out of the bathrooms into the sleeping area. The Special Rapporteur found a serious lack of medical assistance in all facilities, creating serious problems as many aliens have medical conditions from their long journey or ill-treatment in their countries of origin. The detainees also frequently complained about a lacking access to phones or the high costs for making calls abroad.

46. A positive example was the Mersidini Migration Detention Centre in Chios, where the Chief employed by the prefecture took adequate care of the detainees. Due to the drop of immigration via the Mediterranean Sea, the centre was no longer overcrowded. The

detainees were able to access the outside, their cells were clean and well-equipped, and the most basic needs were adequately being cared for.

47. The Special Rapporteur concludes that the conditions in all facilities he visited to detain aliens awaiting deportation, with the exception of the Mersidini Migration Detention Centre, were not in conformity with the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, or the Standard of Minimum Rules for the Treatment of Prisoners. The prolonged detention of aliens under the conditions of detention described amounts to inhuman and degrading treatment, in violation of articles 7 and 10 of the International Covenant.³⁶

48. The Government openly acknowledged the severe problems regarding the detention of aliens and has adopted a “Greek Action Plan on Migration Management”. At the points of entry to the country, “screening centres” will be established where aliens are to be held for no longer than 15 days for their identification and registration. Afterwards, those who cannot be deported for factual or legal reasons shall be transferred to open reception facilities. Those who can be deported will be transferred to “deportee detention centres” where the conditions are to comply with the European Committee for the Prevention of Torture guidelines. The Special Rapporteur welcomes the planned reforms and urges the Government to promptly proceed with their implementation.

2. Judicial prisons

49. In all prisons visited, the Special Rapporteur witnessed a situation of severe overcrowding, with some prisons (Korydallos, Komotini) hosting three times more prisoners than their maximum capacity. At the time of the visit, there were around 12,100 prisoners for a maximum capacity of 9,100 detainees in Greek prisons. Fifty-seven per cent of all prisoners in Greece are foreigners. The Special Rapporteur found that law enforcement officials were completely overwhelmed by the current situation of severe overcrowding and lack of resources.

50. The pretrial rate is very high in Greece, with a national average of 41 per cent. While legislation provides for a separation between pretrial detainees and convicted prisoners, this distinction does not exist in practice due to the lack of infrastructure and capacity, in violation of article 10 of the International Covenant. The Government indicated its plans to construct more prisons, as officials acknowledged that there are at least 500 people being held in police custody who should be in facilities under the Ministry of Justice.

51. In Korydallos Prison in Athens, prisoners were extremely agitated and showed a very high level of frustration. The blocks were overcrowded, and the sanitary conditions were bad, with some mattresses hiding hundreds of cockroaches and bugs. He was informed that detainees had to buy almost everything and were not provided with enough food and sanitary products. He met detainees who had been in pretrial detention for up to 18 months and expressed a strong feeling of arbitrariness. The Special Rapporteur noticed with concern that a part of Block E was hosting aliens in administrative detention, despite the clear lack of competence of prisons for such detainees. He observed that vulnerable groups such as gay, lesbian and transgender persons were held in separate cells. However, they were kept inside at all times in unacceptable conditions. Finally, in Korydallos and Chios Prisons, he noticed a lack of meaningful opportunities for education, work and recreation. The Special Rapporteur welcomes the completion of a new detention facility in Nigrita, Serres, with a capacity of 700, reportedly part of a Greek government plan to

³⁶ See ECtHR judgments: *S.D. v. Greece* (2009) and *Tabesh v. Greece* (2009) where the court found the conditions in detention amounted to a violation of Article 3 of the ECHR and a violation of Article 5(1); *M.S.S. v. Belgium and Greece* (2011).

construct more detention facilities. It is his hopes that the planned constructions in Drama and Chania will be completed as scheduled in 2012.

52. In Komotini and Kos Prisons, the Special Rapporteur welcomed positively the willingness and the commitment of their directors to raise funds, to create partnerships with private firms and to utilize the technical skills of the prisoners to make the best of the situation. It constituted a best practice as it allowed for a real possibility of rehabilitation. In Komotini Prison, the detainees built the entire visitors room and furniture for the prison, while the gym was equipped with donations from fitness centres. In Kos, prisoners decorated the facility with paintings and murals and were allowed to practice various sports on a daily basis. In both these prisons, the detainees complained much less about their conditions, although in Komotini the facility was holding more than three times its capacity, and in Kos twice its capacity.

3. Psychiatric and medical institutions

53. The situation in terms of health care provided to detainees raised a number of substantial concerns. Generally, an appropriate health care system for detainees is lacking, and the quality of the health care provided was not in conformity with European and international standards. Most of the doctors who visit the prisons were very inexperienced and lack the specialization and training to work in these conditions. In the majority of situations, the forensic expert observed shortages of health care staff, of modern medical diagnostic tools and equipment, of adequate health care facilities and of therapeutic drugs adapted to the variety of health problems usually seen in the detainee's population. Of the limited supply of medications that were kept in the facilities, many of the drugs had expired or were near the expiry date.

54. Apart from Korydallos, with its own hospital, detainees who required specific medical treatment had to go to an external hospital. Thus, due to a lack of staff detainees sometimes have to wait for days to receive adequate medical attention.

55. In most detention facilities visited, psychiatric evaluations were not performed on a routine basis. Despite a ministerial decision³⁷ that grants conditional release to detainees suffering from certain illnesses and disabilities, the Special Rapporteur found several detainees with a condition.

56. In addition, law 2525/1997 established "Schools of Second Chance" and there are sixteen treatment centres for drug addiction (including one in a juvenile facility). The Special Rapporteur learned that a methadone programme is under consideration and that the Government will set up an expert committee to evaluate this in the two largest prisons. Following the Special Rapporteur's visit, the Expert Commission was established on 27 December 2010 under Ministerial Decision No. 127183.

57. Outside of the prison system, the Special Rapporteur wishes to stress the positive impression he received of the Alexandroupoli Hospital Psychiatric Clinic and he welcomes the practice of involuntary patients not being kept apart in isolation areas.

³⁷ Ministerial Decision 164484/2009 (GG B 52/2010).

E. Refugees and asylum-seekers

1. Access to refugee protection/Non-refoulement³⁸

58. Upon arrival, refugees are systematically detained, registered and their fingerprints are taken. However, due to the great number of new arrivals every day and the lack of staff, and in particular of interpreters, an adequate registration and documentation is often not possible. The Special Rapporteur has come across several cases where the nationality of aliens has been wrongly identified. This can have serious consequences for refugees who are wrongly identified as Iraqis Iranian or Syrian, who could be returned to Turkey under the Greek-Turkish Readmission Agreement.

59. Many refugees are not informed of the procedures for seeking protection or have claimed that it is not possible for them to make their protection claim heard due to the lack of interpreters. Only in the border-guard station in Feres did the Special Rapporteur come across information brochures in different languages on the asylum procedure in Greece. While in principle all police authorities should accept asylum applications, the Special Rapporteur was informed that the respective police authorities often reject the responsibility for accepting and forwarding asylum applications and tell the applicants to go to the main directorates responsible for the processing of asylum claims. Thus, detained asylum-seekers often have to wait for their release until they can make a claim. The responsible directorates were said to lack the capacities to deal with the many asylum applications in the country. The Special Rapporteur was informed that the main authority in Attica, Petrou Ralli, was so severely understaffed that it had at times accepted asylum claims on only one day of the week and then was not able to register more than around 20 applications.

60. But even those who are able to file their claims fall victim to the country's highly dysfunctional asylum system. The first-instance procedure is in the hands of police authorities who lack the necessary capacities and expertise in accepting and processing the large number of applications. There is no system of free legal aid and a general lack of registered lawyers. Further, in practice interpreters were reported to be largely unavailable during the interviews making the assessment of a claim practically impossible. As a consequence, the quality of the decisions was said to be very poor and Greece has the lowest protection rates at first instance in the EU close to zero.³⁹ The dysfunctional system has created a backlog of more than 52,000 cases to be examined as of August 2010. With the abolition of the independent Appeals Board there is now only a limited form of appeal available before the Council of State. However, it can only investigate into the legality of the administrative ruling but not the merits of a claim. Also in the second instance procedure the protection rates are very low (2.87 per cent in 2009). As a consequence, refugees seeking protection in Greece had no confidence in the asylum procedures and very often refrained from filing a claim despite a serious fear of being returned to their country of origin.

61. In the detention facilities that the Special Rapporteur visited, he witnessed great misinformation among the detainees about the asylum system, further increasing the stress caused by the appalling detention conditions. Some detainees thought they already filed an asylum claim at their registration and taking of the fingerprints. Also, many aliens were

³⁸ Since 2 June 2010, over 33,000 irregular migrants have been detected crossing the Greek-Turkish land border. The largest group (47 per cent) coming from Afghanistan. The next largest groups were from Algeria (17 per cent), Pakistan (8 per cent), Somalia (7 per cent) and Iraq (5 per cent). See <http://frontex.europa.eu/newsroom/news>.

³⁹ In 2009, 15,928 asylum applications were made but only 36 asylum-seekers were granted refugee status and 130 asylum-seekers were granted humanitarian status and subsidiary protection.

afraid to file an asylum claim in fear of being detained longer as a consequence. Further, many did not file a claim believing that this would deprive them of seeking asylum in another EU member State where the chances of success are higher.

62. The Special Rapporteur notes with concern the Readmission Agreement with Turkey facilitating the deportation of aliens to its neighbouring countries.⁴⁰ The lack of any automatic individual assessment by Greek police, prosecutors or judges whether citizens of the Islamic Republic of Iran, Iraq or the Syrian Arab Republic face a serious risk of being deported by Turkish authorities to their countries of origin, constitutes a violation of the principle of non-refoulement under articles 3 of the Convention Against Torture, 7 of the International Covenant on Civil and Political Rights, and 3 of the European Convention on Human Rights.

63. In view of the serious flaws in accessing protection in Greece, the legal amendments foreseen by the draft Presidential Decree on the procedure to grant refugee status or subsidiary protection to third-country nationals and stateless persons, which was signed by the Minister of Citizen's Protection on 24 September 2010, is to be welcomed. It foresees a new timeframe for the issuance of asylum decisions – the accelerated process taking three months and the normal process six months. Furthermore, the asylum procedure will be handed over to Refugee Committees comprised of qualified civil authorities.⁴¹ In regions with a large concentration of third-country nationals, 13 police departments will examine asylum claims decentralizing the examination procedure. The independent Appeals Board will be reinstated as a second-instance procedure in which the police will not participate. In the meantime, there was supposed to be a procedure in place to deal with the transitional period in between the old and new systems, however, this transitional period has been extended for over one year.

2. Detention

64. The Special Rapporteur has witnessed that asylum-seekers arrested at the borders of Greece are principally treated in the same manner as migrants. Most asylum applications were initiated *after* the refugee had been arrested and deportation ordered, which suspended the execution of the deportation order, but had no bearing on the detention order. Thus, asylum-seekers are equally systematically subjected to detention which may last until their asylum procedure has been concluded or the maximum of six or 18 months. The systematic detention of asylum-seekers constitutes a violation of article 5 of ECHR. The Special Rapporteur welcomes the Government's plans to reform the system of detention, which includes plans to detain asylum-seekers for no longer than 15 days before they are transferred to open reception centres.

3. Living conditions

65. The Special Rapporteur has been informed by the Office of the United Nations High Commissioner for Refugees (UNHCR) that reception conditions for asylum-seekers do not meet their most basic needs. There are only 865 reception places available for thousands of asylum seekers. The level of medical and educational services provided for asylum-seekers

⁴⁰ According to official statistics provided by UNHCR, in regard to the implementation of the Readmission Protocol from January to June 2010 of third-country nationals deported, 238 were from Iraq.

⁴¹ Members of these Committees will include one civil servant of the Ministry of Interior or Justice, one representative of UNHCR and a refugee and human rights lawyer selected by the Minister from a list submitted by the National Committee for Human Rights.

is very low and they receive no financial allowance.⁴² As a consequence, many are forced to live on the streets and have to resort to illegal activities to survive. This leads to their marginalization in Greek society, triggering attitudes of xenophobia and racism. In a recent judgment, the European Court of Human Rights has confirmed the impression of the Special Rapporteur that the difficult conditions of the asylum-seekers amount to degrading treatment, in violation of article 3 of ECHR.

4. The European asylum system

66. The Government is clearly under pressure to find an adequate solution that is in accordance with European and international standards. Greece has the right to take effective measures to manage its external borders but this must be done in a manner that respects international human rights. In that regard it should be supported by EU member States and the recently established European Asylum Support Office (EASO). All asylum-seekers must have the effective possibility to make their claim heard and effectively assessed in compliance with European and international standards.⁴³ The Special Rapporteur urges all member States to suspend and examine all cases of Dublin II returns to Greece and immediately renegotiate Dublin II to find a fair way of burden sharing for refugee protection in the EU.

67. On 26 October 2010, six days after the Special Rapporteur issued his preliminary findings, the Government requested members of the Rapid Border Intervention Team (RABIT) deployed by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) to control the migratory flows on the Greek-Turkish land border and assist the Greek authorities in border management. The Special Rapporteur urges the border guards of other EU member States under Frontex to respect European and international human rights standards in all their endeavours.

F. Juveniles

68. The Special Rapporteur is concerned about the fate of unaccompanied minors in Greece, as they are not protected properly at any stage of their stay in the country. The Special Rapporteur notes with concern that unaccompanied minors are systematically held in detention, instead of being held at reception centres under the authority of the Ministry of Health designed exclusively for them. He met with unaccompanied minors in police stations, CIDs, border guard stations and migration detention centres, since, in practice, reception centres are not numerous enough and are also overcrowded. These minors have no possibility to enrol in schools and to receive a proper education.

69. In Greece, the guardianship system, which in the law guarantees a protection for minors, is dysfunctional. Juvenile and court prosecutors have the responsibility for unaccompanied minors, but in practice many minors are left without guardians. Most of the unaccompanied minors the Special Rapporteur met during the visit had not been adequately informed about the asylum procedure and their rights, and were generally ignorant about the system.

70. The Special Rapporteur witnessed unaccompanied minors being held with adults in a number of facilities, such as Omonia CID, Feres Border Guard Station as well as Fylakio

⁴² See the UNHCR Submission to ECHR, case *M.S.S. v. Belgium and Greece*.

⁴³ See judgement in *M.S.S. v. Belgium and Greece*, 21 January 2011 which found a violation of articles 3 and 13 against both States because of the applicant's detention conditions and the deficiencies in the asylum procedure in Greece.

and Venna Migration Detention Centers. Due to the overcrowding in the facilities, the officers could not separate them from the other detainees. However, the Special Rapporteur recalled that this vulnerable group is at risk to be exposed to various forms of ill-treatment including sexual abuse when not properly separated from adults.

71. Furthermore, the procedure to identify minors, and assess their age and vulnerability appears to be completely inadequate as many juveniles reported being registered as adults. This may be explained by a general lack of trained staff and interpretation services.

72. Also, the Special Rapporteur came across a number of cases of ill-treatment of minors, corroborated by medical evidence.

73. Finally, the release of unaccompanied minors pending deportation puts them at significant risk for further abuse, including exploitive work and the risk of being trafficked, if they are not provided with adequate care and not registered in a tracking system.⁴⁴

G. Women in detention

74. The Special Rapporteur generally found male and female detainees to be separated in the places of detention he visited. However, due to the recent influx of aliens over the Greek-Turkish border and the overcrowding of the facilities located in the Evros region, he found women detained with men at the border-guard stations of Feres and Soufli.

75. The women held at Venizelos Airport Police Station were held in much better conditions than the men. They were not in small, overcrowded and suffocating cells; they had room to move around and could access the shower and toilet facilities as they were located within their contained area. However, they complained about the lack of cleaning supplies and hygiene products.

76. Many women detained in migration detention centres were even more affected by the appalling conditions of detention and the lack of hygiene, as they had to take care for babies and small children.

77. In the Korydallos Women's Prison the Special Rapporteur witnessed an atmosphere of extreme agitation and despair due to the slow criminal justice system and the conditions of detention. The detainees complained about long periods (up to 15 months) of pretrial detention, lack of access to free legal aid, and long prison terms for comparatively minor crimes, above all drug-related offences. The vast majority of the women detained were in remand because they could not afford bail. Detainees with a drug addiction received no adequate medical attention or access to substitute treatment. Many detainees had serious diseases, such as hepatitis C, HIV or multiple sclerosis, and were without access to basic medical assistance. The detainees complained that they had to pay for services which should be provided free of charge by the prison administration, such as toilet paper, soap, decent food, etc. This led to a feeling of powerlessness and discrimination among the detainees.

78. One of the most serious complaints received was the ongoing practice of intra-body searches. The Government reported that the practice of "vaginal searches" of female prisoners was abolished in September 2010. The Penitentiary Code (sect. 23, para. 6) provides the basis on which an intra-body search may be conducted, which says there must be "reasonable cause" to justify such a search. When there are violations of this provision, the Government informed that the competent Public Prosecutor is responsible for

⁴⁴ Human Rights Watch report, 2008, "Left to Survive – systematic failure to protect unaccompanied migrant children in Greece, p. 103.

investigating and imposing appropriate disciplinary and penal measures. However, in conducting interviews with female prisoners in Korydallos, the Special Rapporteur found that the practice continued to take place on a regular basis whenever female prisoners were returned to the facility from an outside visit, i.e. to attend court or visit the doctor.

IV. Measures undertaken since the visit of the Special Rapporteur

79. The Special Rapporteur welcomes supplementary information provided by the Government of Greece on legislative and other measures, it has taken since his country visit:

(a) Presidential decree 114/200(Procedure for the recognition of the status of refugee or beneficiary of auxiliary protection to non nationals and stateless persons);

(b) Law 3907 of 26 January 2011 was published in the *Government Gazette* (A/26 Jan 2011). The law will provide for the establishment of an Asylum Agency and a First Reception Service for Immigrants, as well as for harmonization of the Greek legislation with the provisions of Directive 2008/115/EC on common standards and procedures in Member States for returns of illegally staying third-country nationals;

(c) Regarding the use of non-custodial measures, the Law 3904/2010 (GG 218/2010 v.A') has been recently voted on and will determine the necessary conditions for reducing prison sentences to community services. Since its implementation, approximately 650 detainees have been released pursuant to it. The Joint Ministerial Decision on the participation of 277 entities in the implementation of community services institution has also taken effect;

(d) Inclusion of a provision to address the backlog of first-instance asylum cases in a Draft Law on the establishment of an office to address incidents of arbitrariness in the Ministry of Citizen Protection. The law is currently being discussed in Parliament;

(e) The establishment of a joint committee that visits police detention facilities to verify compliance with terms and conditions relating to hygiene and safety of detainees and the protection of their rights.

V. Conclusions and recommendations

A. Conclusions

80. **The Special Rapporteur expresses his deep appreciation to the Government of Greece for the full cooperation extended by the authorities during the course of the mission. He recognizes the challenges faced by the Government regarding the high numbers of irregular migrants and refugees entering the country every day. He believes the Government wants to change the current practice of systematic detention into a reformed system that is in accordance with international human rights and humanitarian law.**

81. **There is a humanitarian crisis facing new arrivals into Greece, detained in overcrowded and poor conditions amounting to inhuman and degrading treatment; particularly vulnerable are pregnant women, single women with small children, and unaccompanied minors. Most have no access to legal assistance or interpretation and medical attention is extremely limited or unavailable.**

82. The Special Rapporteur is concerned about the broad powers of the police to hold persons in administrative detention. The police practices he observed resulted in the systematic detention of irregular migrants and refugees without a sufficient legal basis.

83. The asylum procedure has collapsed and refugees are denied access to any meaningful refugee-determination procedure. This puts them at a serious risk of refoulement, aggravated by the Readmission Agreement with Turkey allowing for the forcible return of aliens to the Islamic Republic of Iran, Iraq and the Syrian Arab Republic.

84. The dysfunctional migration and asylum system has had a direct and negative impact on the criminal justice system, resulting in severe overcrowding, prolonged detention and unsanitary conditions in police lock-ups, border guard stations, migration detention centres and prisons.

85. Addressing the problems will not only require political will but resources and it is very uncertain that Greece has the financial means to effect the changes it wishes to make. Although the Government maintains that addressing the problem of irregular migration is a priority, there have been serious delays to enact new legislation.

86. Greece should not carry the burden of receiving the vast majority of all irregular migrants and refugees entering the European Union. This is a truly European problem which needs a joint European solution, and not only a reinforcement of the European borders through Frontex. This measure is effective only if irregular migrants and refugees are properly identified in accordance with fundamental rights and human dignity.

87. The Special Rapporteur did not find widespread use of torture. However, he found many cases of beatings by the police, upon arrest or detention or as a form of punishment, some of which amounted to torture in the sense of the Convention Against Torture definition. The lack of an effective independent complaints mechanism gave rise to an atmosphere of impunity. His overwhelming concern, however, is in regard to inhuman and degrading conditions of detention that do not comply with international minimum standards for the humane treatment of detainees.

B. Recommendations

88. In a spirit of cooperation and partnership, the Special Rapporteur makes the following recommendations to the Government of Greece, aimed at preventing torture and ill-treatment and improving conditions of detention. He is assured that every effort will be taken to implement his recommendations and stands ready to offer his full cooperation and assistance in this regard. The Special Rapporteur recommends:

1. To the Government of Greece:

Refugee and migration system

(a) To promptly enact new legislation based on the Government's adoption of the "Greek Action Plan on Migration Management";

(b) To continue to work in close consultation with UNCHR so that its asylum system is in line with international standards;

(c) To undertake measures so that the police, currently under the Ministry of Citizen's Protection, shall no longer have responsibility for the refugee status determination procedure;

(d) That, in the interim, all law enforcement officials, with the help of UNCHR, need to accept and register asylum claims, so they can be accessed by those who want to file a claim;

(e) That it bring the responsibility for asylum applications and the asylum procedures under civil authority and reinstall an effective second instance for appeals;

(f) That it ensure that the legislative amendments guarantee that migrants and refugees be offered adequate screening (including efficient procedures regarding identification and registration) and reception centres, in humane conditions, operated by civil authorities which are provided with the necessary human and financial resources;

(g) That it urge the Council of State to pass the draft directive that will process the backlog of first instance asylum cases currently pending and to ensure a speedy transition to the implementation of the pending draft law on refugee and asylum seekers;

(h) That it promptly proceed with the reform of the system of detention of aliens, resorting to detention only as a last resort and if absolutely necessary and proportionate in the individual case. Vulnerable groups, including asylum-seekers, unaccompanied minors, families, single women, persons with disabilities should in principle not be detained. Women should always be separated from men and children from adults;

(i) That, in the interim, the Government take measures to improve the treatment and standard of care of irregular migrants and refugees held in all detention facilities, including legislative provisions to ensure that those arrested while trying to enter or leave the country on false documents are not detained for a prolonged period;

(j) That it enact minimum operating standards for special detention facilities for migrants in compliance with international human rights law;

(k) That it renegotiate the Readmission Agreement with Turkey out of concern that Turkey is not complying with minimum standards for the detention of irregular migrants and failing to protect refugees from being summarily returned to Iran, Iraq, or the Syrian Arab Republic;

(l) That it bring all current legislation in line with the absolute prohibition of refoulement and make sure that the police authorities, prosecutors and judges carry out individual risk assessments in expulsion cases;

Criminal justice system

(m) To combat the severe overcrowding in detention facilities by reforming the criminal and criminal procedure law aimed at decriminalizing certain offences (above all in relation to drug offences) and reducing prison sentences and applying non-custodial measures; to pass into law the Bill pending before the Legal Committee on Reform of the Correction Code to increase the use of non-custodial measures such as community service;

(n) To pass into law the Bill pending before the Legal Committee on the Code of Narcotics so that drug users not be imprisoned;

(o) To reform the judicial system to guarantee that pretrial detainees receive a fair and speedy trial;

(p) To subject police detention to rigid time limits and judicial review by a court on the legality of the detention, in line with international standards;

(q) To install an effective and independent mechanism for the investigation of allegations of torture and other forms of ill-treatment by police officers, under a different authority from the Ministry of Citizen's Protection;

(r) To amend interrogation rules and procedures to allow the use of audio- or videotaping, with a view to preventing torture and ill-treatment;

(s) To transfer the responsibility for health care, including psychological care, in prisons and police detention facilities to the Ministry of Health;

(t) To have the Ministry of Justice work closely with other relevant ministries to provide better services in education and reintegration programs.

Safeguards and prevention

(u) To register *all* persons deprived of their liberty from the very moment they are detained;

(v) To insist that law enforcement officials keep accurate registers and custody records to ensure that every detainee is accounted for and held in an official place of detention;

(w) To ensure that unrecorded and informal detention of persons in CIDs be immediately abolished and that those responsible for illegal detention are held accountable;

(x) To ensure that all detainees, including irregular migrants and refugees, have the right, in practice, to contact legal representatives, consular authorities and family members;

(y) To ensure that detained aliens are informed about the reasons of their detention and all proceedings concerning their detention are explained in a language they can understand;

(z) To ensure that all refugees can access protection in Greece and file their asylum claims without any major obstacles, including by providing free legal and interpretation services;

(aa) To perform medical and psychiatric assessments upon detention, so that those suffering from a disability receive medical treatment in line with international minimum standards;

Conditions of detention

(bb) To ratify and implement OP-CAT; establish an independent and effective national preventive mechanism mandated to carry out visits to all places of detention;

(cc) To separate pretrial detainees from convicted prisoners in line with article 10 of the International Covenant on Civil and Political Rights;

(dd) To separate juveniles from adults in all detention facilities;

(ee) To ensure that detainees are confined in facilities complying with international minimum sanitary and hygienic standards and that they are provided with basic necessities (adequate floor space, bedding, food, water and health care);

(ff) To provide daily outdoor exercise for at least one hour. Convicted prisoners should be provided with opportunities for work, education, recreation and rehabilitation;

Impunity

(gg) To establish accessible and effective complaints mechanisms in *all* places of detention. At a minimum, there should be a mechanism to allow for complaints of torture and ill-treatment, to be promptly and thoroughly investigated by an independent authority and those responsible held accountable including by disciplinary and penal measures as appropriate. Furthermore, complainants must be protected from reprisals;

(hh) To establish an accessible system for applicants to file for reparations, in accordance with Law 2311/2009, which provides compensation to victims of intentional violent crimes;

(ii) To promptly execute judgments rendered by the European Court of Human Rights in regard to violations committed by police officers;

Juveniles

(jj) That detention for unaccompanied minors should be a last-resort measure. In order to ensure adequate protection to juveniles, the Ministry of Health and the Ministry of Interior should cooperate closely to ensure that they are placed in separate reception centres;

(kk) That it create more places in reception centres so that all unaccompanied minors, including girls, can be hosted;

Women

(ll) To amend article 137A of the Penal Code on torture (the Special Rapporteur concurs with this Committee Against Torture recommendation) so as to explicitly include rape and other forms of sexual violence as a form of torture rather than the phrase “a serious breach of sexual dignity” as found in the existing legislation;

2. To the European Union and its member States

(a) To fundamentally rethink the EU asylum and migration policy and replace or renegotiate the Dublin II Regulation in view of securing a fairer system of burden sharing which also takes into account legitimate concerns of refugees and irregular migrants;

(b) to welcome the steps taken by some EU States to halt all returns to Greece under the Dublin II Regulation and urge other States to immediately suspend all returns under the Dublin II Regulation and to proceed with the refugee determination procedure;

(c) To provide Greece with substantial financial support and investment to respond to the disproportionate influx of irregular migrants and refugees in order to guarantee their reception under adequate and human conditions in line with international standards;

(d) To provide funding to the financial program of the European Refugee Fund to create a pool of interpreters and psychologists to help reduce the mental stress experienced by refugees as they try to navigate their way through the asylum procedures;

3. To United Nations agencies and international organizations

That they encourage UNCHR to continue to work in close consultation with the Government to assist in reforming the asylum system so that it is in line with international standards.

Appendix

Places of detention visited and interviews conducted

Introduction

During the official visit, the Special Rapporteur held meetings with State officials, including the Minister of Foreign Affairs, Mr. Droustas; the Minister of Citizen's Protection, Mr. Papoutsis, the Chief of Police, and representatives from the following departments: Head of Security Services, Aliens Division, the Coast Guard, Legislation and Training; the Special Secretary for Correctional Policy and Forensic Services, Mr. Skandamis and other officials of the Ministry of Justice; the President, Mr. Kalamidas and Deputy Prosecutor of the Court; the Deputy Minister of the Interior, Decentralization and E-Government, Ms. Tzakris, the Deputy Minister of Health and Social Solidarity, Mr. Timosidis; and the Deputy Ombudsman for Human Rights, Mr. Karydes. He was also hosted at an official lunch by the General Director for Multilateral Institutions, Mr. Lazos.

Outside of Government, the Special Rapporteur met with a broad range of civil society organizations, lawyers, detainees, aliens and victims of ill-treatment. In addition, the Special Rapporteur met with the Greek National Commission for Human Rights. He also held meetings with representatives of international organizations, including the lead agency in the country the United Nations Environmental Program and MAP, the United Nations High Commissioner for Refugees, the United Nations Children's Fund, and the diplomatic community.

The Special Rapporteur conducted unannounced visits to detention facilities and was able to hold private interviews with detainees in all facilities he visited. If detainees did not wish that their interviews are recorded, the information provided is only reflected in the general findings of the report. Some detainees only agreed to an anonymous publication of their interviews. The Special Rapporteur has in his files the full name of the detainees interviewed.

Omonia Police Station, Athens Visited on 10 October 2010

The Special Rapporteur was received by Deputy Duty Officer **Papatzikis Panteleimon**. The police station provided for one detention room at the second floor which was used for short term detention of new arrivals where at the time of the visit no one was kept. There were another three cells in the basement of the police station which were used for long-term detention. All of the detainees encountered were foreigners being held under administrative detention, sometimes up to six months. The cells were video-monitored from the second floor. The police cells in the basement have been recently cleaned up and freshly painted. According to the detainees the mattresses have been exchanged and some detainees were removed to reduce the overcrowding. Usually the cells were reported to be very overcrowded with insufficient beds for the detainees. The cells were warm and humid due to the ventilation pipes running through the basement. There was a lack of fresh air and only little daylight entering through the windows. The space between the cell grid and the windows was full of trash and appeared not to be cleaned. There was no space or yard for exercising or breathing fresh air.

Individual cases

Male detainees from Afghanistan, Algeria, and Morocco complained that they have skin problems caused by *inter alia* allergies, insect bites and the humidity in the cells and would not receive any medical attention. In principle, they were refused access to a doctor. The Afghan detainee was a drug addict and did not receive any substitute treatment or other particular medical attention. Even in cases of severe sickness the authorities refused to take them to the hospital.

H.O.F., aged 35, a Kurd from Iraq, was picked up off the street and detained. He said he was beaten on 9 October by one police officer, three Greek nationals and five Albanians on the public square Karaiskaki. He was beaten on the head, cut on both hands and on the back. The medical forensic examination confirmed the presence of traumatic evidences compatible with this allegation. One arresting officer threatened to sexually assault him. He was not able to call a lawyer. He said the police officers located on the CID floor were particularly cruel and verbally abusive. He was detained with 15 people in his cell but on the date of interview there were only four. His entire family was killed in Iraq; he had been in Greece for eight years.

Charles Eze, aged 28, from Sierra Leone, was picked up off the street, handcuffed and searched. His left wrist had a mark from the handcuffs. He was on parole so he cannot be deported. He said the cells had been recently painted.

Amhed Abdusallah, aged 19 from Syria, was searched and arrested on Omonia Square. The police took a knife out of a garbage can and accused him of owning it. He has been detained for five months. During the interview he was hitting his head against the wall. He had a problem with his teeth and had not received any treatment. The toilet was not working properly and there was no soap. He drank water out of the toilet. He was worried he would be sent back to Syria. The police tore up his papers and he has not been allowed to make a phone call.

Keitta Hamit, aged 25, from Rwanda, was detained for having no papers. He had been detained in the facility for one week. He has been living in Greece for one year. He was not beaten or ill-treated by the police.

Mohammed Ali, aged 22 from Palestine, was picked up by police on Victoria Square and detained because he had no papers. He had been in custody for six days. He said they needed blankets.

Ten male detainees, all of them foreigners held under administrative detention. Many complained about having been ill-treated upon arrival at the police station. The ill-treatment was said to have taken place on the third floor at the criminal investigation department. They were handcuffed and a helmet was put on their heads and then police officers beat them on the helmet and also slapped them on the back and kicked them in the legs. Some were hit with batons. They also complained of having been violently forced to sign papers in Greek they could not understand. After arrest, the detainees complained about minor beatings from the authorities in case they would complain or refuse an order. The detainees complained about the poor detention conditions. The cells were said to be overcrowded with insufficient beds forcing some detainees to share beds or sleep on the floor. Furthermore, they complained about the quality and variety of food often not meeting the religious dietary requirements. They complained that they were never allowed to leave the cells to exercise and breathe fresh air. They further complained about the bad ventilation and the unhygienic conditions caused by a lack of cleaning of the cells.

Omonia Criminal Investigation Department (CID), Athens Visited on 10 October 2010

The Special Rapporteur was received by Mr. Ioannis Athanasakis, Police Officer A, who explained that the CID was completely separated from the police department with a different chain of command. The criminal investigation department was at the third floor of Omonia Police Station and the authorities only opened the door to the offices after some insistence. At the entrance of the department, right next to the offices of the criminal investigators, 27 detainees were kept in the lobby. All detainees were foreigners being held on the suspicion of a criminal offence. According to information provided by the Government on 3 March 2011, the detainees were reportedly detained at the office of the Officer on Duty because the detention facilities of the said Police Station were full. The lobby was completely overcrowded and providing only some chairs completely unsuitable for even short-term detention. The detainees had to sleep on the chairs or on paper cartons spread out on the floor. They were not provided with blankets. There was no shower and only one toilet for all detainees making it difficult to regularly access the toilets. Only after hesitation a list but no register of the detainees was provided by the officers. Although the detainees appeared to be unofficially detained the authorities insisted that they were not trying to hide them. The detainees at the CID were said to be brought before a judge and subsequently released, transferred to a prison or kept under administrative detention.

Individual cases

E., aged 17, from Algeria, was arrested at the Turkish border and recorded as being aged 20. He stated his stay in CID was a nightmare, that he could not take a shower, or call any member of his family. He also stated that he suffers from asthma and that the smoke in the room was worsening his condition.

H. M., aged 18, from Algeria, took a flight from Tunisia to Turkey and then a bus until the border. He was arrested, brought to Fylakio Migration Center, and then released. He spent 28 nights in the streets of Athens before being caught again in an identity check.

A., aged 22, from Algeria, was beaten several times by the CID officers, who tightened him up to the bench in the room, put a motorbike helmet on his head to blindfold him, and used sticks on him. He said he was in CID custody for five days, and was previously held downstairs in the cells. He thinks he was moved up with the other detainees because the cells were being painted. He is held in administrative detention.

Medi Salah from Palestine was arrested on 1 September 2010 and brought to Omonia Police Station. On 2 September the prosecutor ordered his release but the police continued to keep him in administrative detention as an illegal immigrant. On 15 September he was brought before a court.

A male detainee from Albania complained that he was held in the CID for ten days upon arrest where he was successively beaten on the head for no apparent reason.

Sahib Muhamad, aged 28, from Pakistan, was held in the CID for 21 days without a mattress or blanket. Upon arrest, all his belongings were taken from him. The first two weeks he was not allowed to take a shower and received no toothpaste.

A male detainee, aged 31, from Nigeria was arrested at Omonia train station for allegedly selling drugs. Upon arrival at the CID he was continuously beaten on his arms to confess to the crime. He had spent one night at the CID without a mattress or blanket. He was not provided with food and was refused access to a doctor. He was not allowed to go to the toilet more than twice a day. He had been told he would be brought before a court the next day.

A male detainee, aged 24, from Ghana, was arrested for allegedly buying drugs. He was brought to the CID where he was slapped in the face and beaten on his head and arms. He was held at the CID for two days without being provided with food or drinking water. He was not able to access the toilets more than once or twice a day. He was told to be brought before the court in two days.

A male detainee, aged 19, from Iraq, was arrested for allegedly possessing illegal medication. He was brought to the CID where he was slapped in the face and then a helmet was placed on his head. He was continuously beaten on his head in front of all other detainees. Despite a strong headache and a bruised lip he was denied access to a doctor. He complained that his medication was taken from him.

Hassan Maede, aged 18, from Algeria, said he was beaten by police in the past few days and had marks on his arms and legs.

Amar Abou, aged 19, from Palestine, said a couple of days prior to the visit, he was beaten by the police with a baton before being detained, and had marks on his back.

Abdul Salam Amin, aged 22, from Algeria, came to Greece via Turkey and had been detained for 32 days. He slept on the floor, the food was rotten, and there was no shower. There was no accessible toilet so he urinated in plastic bottles.

Karime Sarme, aged 19, from Morocco, was approached by the police who showed him some hashish and accused him of owning it. He said he was hit by the police officer's helmet. He said that he and the other men in this room were held in the cell downstairs and had been brought upstairs to the room of the CID.

Ahmed Jasine, aged 22, from Palestine. Four days ago he was hit by a police motorcycle on the street and then detained. He had marks on his arms and head.

Mohammed Sayed, aged 19, from Afghanistan, had been held in this police station for two months. He hurt his leg when he was detained and had no money to buy medicine.

Soufli Police and Border Guard Station, Soufli Visited on 12 October 2010

The Special Rapporteur was received by Chief of Police **Evangelos Rufios**. The border guard station provides for two cells with a capacity for 38 detainees while 68 detainees were being held at the time of the visit. The cells were said to be regularly overcrowded sometimes holding more than 100 detainees. The cells have recently been cleaned, painted and according to the detainees the sanitary installations have been renovated. The facilities were nevertheless in a fairly poor state and unsuitable for long-term detention. Due to the overcrowding many detainees were forced to sleep on the floor. The facility provided for two toilets/showers for all detainees but no soap. The facility had no door but grids to the outside reportedly posing a problem at cold temperatures. There was no courtyard to exercise for the detainees. The border guard station also had a nursery station providing a range of medication

Individual cases

Hadi Azarmi, aged 35, an Iranian refugee who had been living for two years in the United Kingdom where he has a refugee status. Following the death of his parents in Iran, he went back to the country for their funerals, but was then forbidden to leave it again, and his passport was taken away. He therefore decided to go back to the UK via Greece. He was arrested in the streets of Soufli by two police officers. They did not use violence, and simply asked him to come into a car. They then registered him and locked him up in the cell,

where he has been for 28 days now. He was not allowed to contact the British Embassy. He has no lawyer. He assesses that detainees are desperate and treated like animals. He thinks this system will breed criminals. He particularly complains about the fact that detainees are not able to leave their cells at all. Upon arrival he did not have any medical check-up. He says that a day earlier his blood was taken by a nurse, and that he was injected some liquid. He said he did not know what it is since he was not told anything.

Veysal Dogan, aged 48, is a Kurd from Turkey who was granted political asylum in Switzerland in 1988. He was recently in Turkey, and escaped by boat on 8 August 2010. He was arrested near Alexandroupoli without violence, and requested political asylum right away. He complained that the conditions of detention are terrible, and that there is not enough food.

M.J., aged 21, from Iran was arrested and brought to the border guard station upon entry into Greek territory in September. He complained about being regularly shouted at by the officers if he does not understand or respond to their orders. He has witnessed several detainees being slapped and kicked. Furthermore, the officers sometimes woke the detainees up in the middle of the night in order to interrupt their sleep. Due to the severe overcrowding he had to share his mattress with one or more detainees and even had to sleep on the floor before. The cells were very cold, the heating did not work and they were not provided with adequate clothing or shoes. He often had to wait hours before being able to access the toilets when necessary and they were not provided with sanitary products. In the 42 days of detention, he was not allowed to leave the cells once. He complained about frequent fights between the detainees due to the poor detention conditions. He had no access to a lawyer or interpreter and did not want to claim asylum in fear of then being detained even longer. He had received no information on the grounds or length of his detention.

S.D., aged 25, from Somalia had been detained for 20 days. He had received no information about the grounds and length of the detention or about the possibility of claiming asylum. The authorities have wrongfully identified him as a Nigerian although he speaks no English. When he and his two brothers complained about this, they were slapped by the officers.

J.B., aged 29, from Iran, was arrested by two police officers on 2 September 2010 close to the train station in Soufli. He had crossed the Evros River. He was not subjected to handcuffs or force. He has been detained in this facility for 42 days. He was ordered to pull his trousers down upon arrest, and felt like he was treated like a criminal. The police took away all his belongings, including sentimental items from his family. He was afraid he would be sent back to Iran so he tore up his papers and swallowed them. He has not been given a change of clothes. He was sick but had not been seen by a doctor. He had been taken for a blood test and did not know the results yet. The guards spoke some English but there was no Farsi interpreter. A Greek refugee agency visited the facility and told him to seek asylum. He does not want to be refugee in Greece, as he wanted to go to the United Kingdom. He saw Afghans and Pakistanis detained and then released. Two days ago 30-40 Afghans and Pakistanis were released. He was not beaten but there is psychological pressure.. In August, there were a number of detainees beaten very badly to the point of unconsciousness but they had been deported. Four to five days ago some of the detainees were ordered to paint the cells and then they were deported. There were usually 40 people in the cell. The windows were cracked and cold air blew in. The toilet was in very bad condition so he tried not to go. The people used the water from the shower to drink. There was only one blanket per person and this was not enough. There were a number of fights among the detainees.

S.S., aged 32, a Kurdish woman from Iran, had been detained in the facility for six weeks. She had crossed the Evros River with her husband in a rubber boat. She had not experienced violence but there was an atmosphere of violence. The worst part was the lack

of hygiene, especially for the women and children. It was a psychological stress. She witnessed them beat themselves against the cell walls, especially the ones who had been here a long time. She had only been able to leave the cell on one occasion, when the cells were painted. There was only cold water. She had been sick. A doctor had come to see her in the cell. She was sent to the hospital and had to pay for the check-up. Two nights ago there were 105 people in the cell, mostly Afghans and Pakistanis who, she said, were very dirty.

Erdal Demir and **Sayit Keskin**, Kurds from Turkey, were arrested on 12 August and detained in Feres Border Guard Station and then transferred to the Soufli facility. They had made an asylum application in Feres. They paid a lawyer 600 Euros. He came to see them and said they would be released but they have only seen Afghans and Pakistanis released. 50 Afghans and Pakistanis were released the previous day. Five days ago the cells were painted.

Orestiada Police Station Visited on 12 October 2010

The Special Rapporteur was received by Duty Officer **Athanasios Akranas**. The police station had two cells holding five detainees and a shower and toilet for the detainees. The facilities were clean and in an adequate state.

Individual cases

Vesko Slavev Atanasov, aged 42, and **Dimitri Stefchev Karakolev**, aged 30, from Bulgaria, were arrested in Greece because they did not possess their car papers. They are expecting to be expelled back to Bulgaria at the end of the week. They complain there is no heat by night and that they could not take a shower. But they mention the officers are very good and polite, and that they can make phone calls every day.

Nikolaus Hatzipavlou, aged 47, Greek national, was arrested for alleged smuggling of persons. He stated to have been well treated during his arrest as well as his detention in police custody. He also described the conditions of detention as adequate. He explained that according to his experiences the treatment by police officers and the conditions in police custody have significantly improved over the last decade. He wanted to be brought to a remand prison in order to have access to exercise, a courtyard and activities, but the prisons in the region were currently refusing detainees due to their overcrowding.

Fylakio Migration Detention Centre, Orestiada Visited on 12 October 2010

The Special Rapporteur was received by the the head of the Center, **Gavranidis Kyriakos**. The migration detention center was established specifically for the purpose of processing and detaining irregular migrants crossing the Greek-Turkish border. The facility has a capacity of 379 persons and was holding 486 detainees at the time of the visit. However, reportedly the center often holds more than 550 detainees, particularly during the last six months where reportedly up to 200 persons arrived daily at the center. It was comprised of one big building for detention, a large yard with a metal container for the processing of the new arrivals. The belongings of the new arrivals were stored in confiscated trucks in front of the center. The building had 4 cells for men, separate cells for women, 1 cell for families and 1 arrival cell. The center was severely understaffed with 11 officers per shift including administrative staff. There was only one doctor working only weekdays at the facility.

Due to the high occupancy over the last months, the center was in a very poor state at the time of the visit. When entering the building the detainees became very agitated and initially the officers were reluctant to open the cells. The conditions of detention were extremely poor. There were not enough beds for each detainee forcing many to share beds or sleep on the floor. The beds, blankets and pillows were very dirty. The sanitary installations were in a very poor state with dirty walls, doors and water running out of the washrooms and toilets. The cells were humid and the floors dirty. The cells were poorly lit, many ceiling lamps were broken and there was almost no natural light. There was little space between the bunk beds allowing detainees to move around. They had no access to a yard and outdoor exercise.

The semi-open cell for the new arrivals was in the worst state. The bathroom appeared not to be cleaned for a long time. The toilets were clogged causing water and faeces to stand in the washroom. The detainees defecated in the corridor of the washroom and the dirty water ran out of the bathroom in the sleeping cell causing an unbearable smell. Consequently, many new arrivals preferred to sleep outside.

Individual cases

Two male detainees alleged that they were beaten by the Greek police. The allegations were confirmed by the forensic doctor.

Walid Khalid Oumar, aged 15, from Palestine alleged that he was beaten and injured on his shoulder with a machete during his arrest some 6 weeks ago.

Hiriche Abdolah, aged 16, from Iraq, alleged that he was beaten in the detention centre because he refused to give fingerprints. He was punched in his face some 10 days ago and had a blue eye.

Faudel Azami from Palestine helped with the interpretation from Arabic into French and complained that he (as many others) has no access to his clothes and his personal belongings which are kept outside in the open trucks.

Jaber Muhamad Khalef, aged 40, from Palestine, alleged that he has Hepatitis C, and came on 10 October from Turkey. He was arrested on 11 October and punched and kicked by the police during the taking of the fingerprints. He came together with some 100 other migrants.

A male detainee, his wife and three children, from Iran, were brought over the border during the night. They were a group of 100 people from Iran and Afghanistan. They swam across the Evros River and walked a long time towards the lights. They wanted to be sure they were in Greece. They came across police officers sitting in three police cars. The police let out dogs to chase them back to Turkey. Many of the people they travelled with were illiterate. The police yelled at them to keep them in order. They were captured earlier on that day and have stood outside the cell for hours in order to be fingerprinted. They could not communicate with the guards but think they were registered for asylum. There were no toilets in the outside enclosure. They had been travelling for three weeks and they were tired and hungry but the conditions of the facility were much worse than they could have imagined.

A male detainee, aged 38 **with his wife and children**, from Afghanistan, left Afghanistan a month ago and they were arrested after crossing the river. The police put them in a car and brought them to the facility on that day. The toilets were absolutely terrible and overflowing. The police did not ask if they wanted asylum. They could not stand the killings in Afghanistan so they had to leave.

A male detainee, his wife and child, from Afghanistan, were arrested by the police early that morning along with about 100 other people and were brought to the facility in cars and

buses. They were 7 or 8 people in a small boat crossing the river and nearly drowned. They lost coats, money and had no other clothes and were therefore wet and cold. They left Afghanistan two months ago to escape the killings and inflation.

Khodor Molla, from Palestine, had been detained in the facility for 2 ½ months. He had no change of clothes as the police confiscated all the clothes. He slept on the floor. He had schizophrenia and epilepsy and there were no medications available, which was confirmed by the forensic expert who recommended having him examined.

Jamil Abel Ali, from Iraq, had been held in the facility for 15 days. He was a severe diabetic and could not eat the regular food. Although it was not possible to do a medical laboratory confirmation of the situation, a medical examination was performed to the detainee that confirm the disease He had not received any special food and he needed a special regime and medication.

Kogi Tsetsklatze, from Georgia, had severe pain in his abdomen. For the past six days he had passed blood when defecating. He needed to see a doctor according to the medical forensic expert who examined him.

Michal Naouf, aged 20, from Iraq, had a deformed leg from birth. He had been detained in the facility for 14 days. He needed crutches and had not been seen by a doctor.

Ali Ahmed, aged 24, from Palestine, was passing large stones when urinating and had not been seen by a doctor.

Kadjida Hamsa, aged 37, from Somalia arrived in Greece on 12 October 2010 by passing through the Evros River where her clothes and belonging fell into the water. Upon arrival in Greece she was picked up and transferred to Fylakio at 12 pm. She described the behaviour of the officers as unfriendly, stressed and aggressive. The officers did not speak French and there were no interpreters so she was unable to understand what they were saying. She was surprised and intimidated by the behaviour of the officers as she had been told that Fylakio was a UNHCR facility. She has been registered and a photo and fingerprints have been taken. She also signed a paper in Greek she could not understand. She wanted to file an asylum claim but had not yet received any information about it. She was provided with bread and beans but has not been able to access her belongings. She was very cold because of her wet clothes.

A male detainee, from Iraq, detained in Fylakio for 21 days. Upon arrival he was slapped by the officers to force him to take fingerprints. Since his arrival he had not been able to access his belongings with his clean clothes. He was only allowed to leave his cell twice in the last three weeks.

Ahmed Reis, aged 26, from Palestine, was arrested on a train to Athens without papers. The officer who arrested him shouted at him and slapped him in the face. When he complained about the treatment he was slapped again. He was first detained at a police station close to the border under very poor conditions and then brought to Fylakio where he had been for three days. He complained about not receiving drinking water. He was afraid to drink the tap water due to the poor hygienic conditions in the facility. He had to share a bed with three other detainees.

General Prison of Komotini, Komotini Visited on 13 October 2010

The Special Rapporteur was received by Prison Director **Constantin Kapadais**, and Chief of Staff and Prison Sergeant **Petros Doudoulakakis**. The authorities appeared to be very committed to improving the prison conditions despite the severe overcrowding. By help of

private donors and the workforce of detainees they have been able to carry out significant renovations in the prison. They had completely renovated the visitor area, installed a gym, and built new furniture in the prison. The prison had a capacity of 100 detainees holding 326 persons. The pre-trial detention rate was over 50 percent and 195 of the detainees were foreign nationals. The prison was divided into a “chamber building” with 9 bigger chambers (4 on the ground floor and 5 on the 1st floor) designed for 8 prisoners each (some of which held up to 30 prisoners) and a “cell building” with 21 smaller cells (10 on the ground floor and 11 on the 1st floor) designed for 2 prisoners each (which held 6 prisoners). There were neither minors nor women in the prison. Pre-trial detainees were not separated from convicted prisoners, but prisoners were arranged according to their languages (e.g. an “Arabic cell”) and nationalities. The prison was an open prison allowing prisoners most of the day to walk around and use the yard. Despite the extreme overcrowding, the cells were fairly clean but nevertheless many rooms had problems with cockroaches and other insects. Every prisoner had his own bed with a mattress and blankets and could keep some personal belongings. Most cells had televisions which were private property of certain prisoners. There was no common dining hall but the food was consumed in the cells. According to the forensic expert, the medical facilities were well equipped and the records diligently kept. The most modern room was the visitor room, newly tiled and with glass windows instead grids separating the detainees from visitors. For children visiting their fathers the windows could be retracted to allow direct contact. Pursuant to Article 52 of the Penitentiary Code (Law 2776/1999, GG 291/1999,v.A), all detainees are entitled to visits by relatives, up to fourth degree affinity, at least once per week and for a minimum duration of half an hour. Regrettably, conjugal visits for a longer period were prohibited by a Ministerial decision to prevent drug smuggling.

Individual cases

Baliu Dimitr, aged 29, from Albania, was kept for months at Komotini Police Station after his arrest in April 2010. A colleague denounced him for working without papers. In August he could finally go to court and then was brought to the prison. He does not have a lawyer. He states that he was treated like a dog at the police station, as the cells were overcrowded, the blankets and bed were dirty, and the food was insufficient. He said that violence was used by the officers in the interrogation room, but not on him. He lacks the money for the bail, and explains he would not have crossed the mountains and left home should he have had money. He adds that in the prison he never witnessed violence from the officers, but some racism in the sense that Greeks seems to have better access to the available jobs. He says that detainees refrain from being violent and get into troubles for fear of being transferred to another prison.

Hardi Ahmad, Iraqi Kurd, aged 32. After having lived for 10 years in the United Kingdom, he was deported to Iraq (Erbil). From there, he travelled to Istanbul and arrived some 6 months ago in Greece. He was arrested together with nine other persons by five police officers who used force. While his hands were handcuffed behind his back, four police officers beat and kicked him with boots and wooden sticks. They broke one finger, which is corroborated by evidence of the forensic expert. Then he was brought to Feres Police Station where he stayed for 2 months and 12 days. He is accused of smuggling human beings.

Ashraf Mohamed Aboularag, from the Gaza Strip in Palestine, aged 43, came to Greece on 17 June 2010 in a group of 30 people after having escaped Turkish soldiers. They were beaten by some 14 Greek police officers with batons and boots on their heads and bodies while being handcuffed. Then he was brought to Orestiada Police Station for some hours and to Metaxades Police Station for 3 months, where he was again beaten. Then he was transferred to Komotini Prison and accused of having smuggled human beings. The Appeals Court of Thrace ordered his pre-trial detention and fixed the date for his hearing on

5 May 2011. He showed the court order. The prison guards were acting correctly and did not beat detainees.

Kondra Mirush, from Albania, sitting in a wheelchair, was sentenced in 2009 by the Komotini Court of first instance to 88 years for trafficking human beings. He did not allege any ill-treatment.

Ananiadis Odiseas, a Greek citizen of Georgian origin, was convicted and sentenced to ten years for robbery. He did not allege any beatings.

Hardid Brahalilai, aged 23, from Albania, was arrested for alleged drug dealing by the port police in Kavala in June 2010. Upon arrest he was heavily beaten with fists and a flashlight. He was then brought to Kavala Port Police Station where he was ill-treated by officers of the police and CID in order to obtain the name of the drug supplier. He was handcuffed to a chair and beaten successively. A tape recorder was smashed over his head. He was humiliated and insulted. He was then transferred to the Kavala CID where he was detained for one month. At the CID, he was regularly insulted and humiliated by the officers. Then he was transferred to Komotini Prison for detention on remand. He described the treatment and conditions in the prison as adequate but complained about the discrimination against Albanians regarding access to a workplace.

A male detainee, aged 29 and a Greek citizen, was serving a 22 year sentence and has been held in three other prisons in Greece before coming to this prison where he has been for the past two months. The conditions in the four prisons he had been in have been very different. Here, most people have not been convicted and many are concerned about when they will be tried. The food is better than in other places. He could buy food and cook it himself. He is able to exercise. He was in a chamber with 18 other people, and there used to be 23 people. The toilets are in the chamber without a closed door. There is a common area for showers and detainees can access them any time before lockdown. He has not been beaten and has not seen the guards ill – treating anyone. He had family visits which are conducted through a screen.

Ammak Al-Adhami, aged 42, Iraqi national who had refugee status in Sweden. In July 2010 he tried to visit his family in Iraq by flying to Germany and driving a car but he was stopped at the Greece-Turkey border. He has been in this prison for 2 months. Upon arrest, he was first taken to Alexandroupoli Police Station where there were 40 people in the cell. It was severely overcrowded but the police did not beat him. The conditions in this prison are a little better. There were 28 people in the chamber. They were visited by the doctor but there was no medicine. There was access to the phone.

Merjan Ognian, aged 32, from Bulgaria, has been in this prison for three months awaiting trial. He was arrested in May 2010 for smuggling people and spent the first three months at Komotini Police Station. There, the police were verbally abusive, shouting a lot but he did not receive any beatings. In this prison there are thirty people in his cell for a maximum capacity of fifteen. The toilets were broken and there were cockroaches everywhere.

Adil Shawkat, aged 39, from Iraq, was arrested in 2009 and held at Alexandroupoli Police Station for 20 days and then transferred to this prison. He was convicted for 20 years for smuggling people. At the police station he was beaten by four or five police officers with the handle of a pistol and a flashlight. He had not been beaten in this prison. In his cell there were 27 to 30 people with only 24 beds. He had access to a phone but no access to a lawyer because he did not have any money.

Rodopi Police Station, Komotini Visited on 13 October 2010

The Special Rapporteur was received by Commanding Officer **Hristos Stamboulis**, chief of police station, and **Lambros Tsiaras**, chief of CID.

The police station provided for 4 cells with 14 detainees. The cells were said to be frequently overcrowded due to overcrowded prisons refusing further transfers. According to the detainees, there were 32 detainees one week prior to the visit, according to the police chief only 22. The head of the CID rejected any allegations of ill-treatment in the past claiming that he was present during all interrogations relating to serious offences. He claimed to not have received one allegation of ill-treatment during his past 10 years of office. The cells were fairly clean and at the time of the visit the 14 detainees that were in the facility had their own bed. The detainees had regular access to the toilets and showers although reportedly there was only cold water and no soap. Some detainees were already held at the police station for over two weeks without being able to leave the cells to exercise.

Individual cases

Four Greek male detainees have been there for 3 weeks, 3, 5 and 6 days. They can go to the toilet whenever they wish, but there is no hot water. Food is only provided once a day in the afternoon, but families are not allowed to bring food. They can receive visits every day except weekends from 5 to 7 pm for 10 to 15 minutes. They meet the visitors in the corridor outside their cells. During arrest, people are usually beaten by the police. They do not wish to complain out of fear of reprisals (new beatings or longer detention). Beatings also occur during interrogation by the CID in the 3rd floor.

T.S.O. is for 67% mentally disabled from an accident and suffers from schizophrenia, which is confirmed on his medical records and by the forensic expert. On Friday 8 October, he came 5 minutes too late to his court hearing and was beaten and kicked by 3 or 4 police officers. He still has fresh injuries on both legs and one finger from these beatings which were examined by the forensic expert. He needs to be brought to a psychiatric hospital.

Engin Aptous Oglou, Greek citizen aged 38, grew up in Germany and speaks German perfectly. In 2004, an arrest warrant was issued against him because he had injured somebody. He served 7 months in remand detention in Augsburg and after his conviction and sentence to 5 years and 3 months; he also served 10 months of his prison sentence in Würzburg. Since his family lives in Xanthi, it was decided that he could serve the rest of his sentence in Greece. On 28 May 2010 he was extradited to Greece and was sent on 1 June from Athens directly to the Police Station of Komotini. Instead of being transferred to a prison, he was forced to stay 18 weeks in the overcrowded police cell because the prisons are too full and there are problems with his papers. Two days ago, there were still around 30 detainees kept there. In the third floor, the CID officers beat detainees frequently, as he could witness during these months.

Hardid Bogdani, aged 25, from Albania, was arrested on 10 October 2010 at the train station in Komotini while hiding behind a train wagon from 20 police officers who were searching for escapees from Fylakio Migration Detention Centre. One of the police officers hit him with the fist in the face more than twenty times. On his face, the detainee displayed clear marks of the ring the officer was wearing on his hand. The wounds were confirmed by the forensic expert to the mission. During transfer to Komotini Police Station, the detainee was hit on the head and insulted by another officer. Upon arrival at the police station, he complained about ill-treatment but his wounds were neither documented nor did he receive medical treatment. He was not abused at the police station but complained about the

frequent overcrowding in the cells. He also raised the lack of warm water in the showers, the lack of soap and the limited access to phone calls.

Herfan Razenfer, aged 24, from Pakistan, was arrested on 27 September 2010 at the train station in Komotini on account of smuggling of persons. He was not abused during his arrest and brought to Komotini Police Station for a couple of hours before being transferred to Iasmos Police Station. The next day he saw the District Attorney and was then again transferred to Komotini Police Station for his detention on remand. He complained about the overcrowding of the cells both in Iasmos and Komotini Police Stations. He had kidney stones causing him pain when using the toilet. He had not yet been able to see a doctor and was denied to be brought to the hospital. He was afraid to have to stay at Komotini Police Station for a longer time due to the overcrowding of prisons. He was told by the District Attorney that he may have to wait up to one and a half year until trial.

A **male detainee**, from Greece, had been detained in the facility for ten days. He was arrested for possessing 6 g. of hashish and pled guilty. He was sentenced to 90 days imprisonment for not being able to pay a fine of 500 Euros. He had no claims of torture or ill-treatment by the police. He was in a cell with four other persons.

Venna Migration Detention Centre, Rodopi Visited on 13 October 2010

The Special Rapporteur was received by **Nikolaos Mavrogiannis**, who has been the chief of the centre for the last 5 years. Venna Migration Detention Center, established in 2002/03, was a former agricultural storage facility with six big cells and two open yards. The capacity is 220, at the time of the visit there were 203 detainees. It received male detainees from other border guard and migration detention centres in the region. The director complained about the conditions being inadequate for detainees and the staff. Due to the inadequate maintenance neglected by the prefecture the facility was in a very poor state. The cells were not being cleaned as the contracted cleaning company only takes care of the office premises. The large cells were dirty and very poorly lit during the day. During night a strong light at the entrance prevents the detainees from sleeping. Most detainees were provided with a concrete bed and some only with a mattress on the floor. They were provided with only thin blankets and no adequate clothing making many of them freeze. The detainees were not informed about the length and reasons for detention or the asylum procedure. Although there was an open space surrounded by a high wall and fences, the detainees were only rarely allowed into this space, allegedly for security reasons. The atmosphere was highly agitated and reminded of a concentration camp. Many detainees complained about the rough attitude of the guards.

Individual cases

Cell 1

Group interview of around 34 male detainees from Palestine, Iraq, and Syria. The one who has been there for the longest has been there for two months. They can go out briefly every three days and do not get enough food. They complain about the fact they do not receive soap, that the water is cold, that they do not have razors and that they do not have enough clothes. They all say that they are cold during the night. They say a doctor comes every day except the weekend, but that he can only communicate in Greek. Some detainees complain they were recorded as Tunisians although they are from Palestine, and with a wrong date of birth, but cannot communicate in Greek with the officers. Many are scared to request asylum because they do not want to spend more months in detention in Venna. Several of them mention they would like to be transferred to Feres Border Guard Station,

because of the outside yard that they can access during the day, where they can see the sunlight. There were no complaints about beatings or ill-treatment. Most of them complained that they requested lawyers to help them, who charged them a lot of money and never came back to visit them. They explain there is a mafia of lawyers taking advantage of the precarious position of migrants. The Syrian detainees express big fears that due to the readmission agreement between Turkey and Greece they will be deported back to Syria, where they face risks of torture and years of jail.

Cell 2

Five male detainees from Iran were arrested by port authorities on a boat 80 days ago with a group of 40 Iranians. The boat had broken down and they surrendered to the authorities who towed them to the port of Santorini. Upon arrival at the port they were beaten, kicked, hit with batons, and strangled by around 20 officers. They were forced to sign a document in Greek they could not understand. They were afraid to apply for asylum before the Greek authorities, having heard that this may entail negative consequences. They were detained in Santorini for 20 days in a small warehouse together with women and children. It was very overcrowded and dirty; they did not receive enough food, no sanitary products and had no access to a doctor. They were only allowed to leave their cells 20 minutes a day. After a few days they went on a hunger strike. When loudly protesting during their time out of the cells, 8 police motorcycles came and the officers beat and kicked the protesters to force them back in their cells. As a consequence they were not allowed to leave their cells for eight days. They were transferred from Santorini to Aspropyrgos on a passenger boat where they had to sit handcuffed in front of all passengers, which they experienced as very humiliating. They were detained 27 days in Aspropyrgos in very overcrowded and dirty cells with unhygienic toilets, no warm water, no clean clothes and no possibility to exercise. Then they were transferred for one night to Thessaloniki and then one night to Venna from where they were being deported to Turkey in the early morning without prior warning. They had explained to the authorities at numerous occasions that upon return to Iran they would risk being tortured. In Turkey they were held for 15 days. When the Turkish authorities heard about their persecution in Iran, they sent them back to Greece. They had been detained in Venna for 20 days and complained about the harsh treatment of the officers and the poor conditions of detention.

A male detainee, aged 31, from Iran, complained about the psychological ill-treatment by the officers, who would constantly humiliate, insult and bully them. For example, when the detainees asked them to close the doors to the cell earlier at night they would close it later just to bother them. The detainees are very intimidated by the officers. In one case he had witnessed a 16 year old boy detainee being beaten for not being able to tie his shoelaces fast enough when leaving the cell.

Five Male detainees from Palestine arrived at Venna eleven days ago. Upon arrival they were forced to sign papers in Greek they did not understand. They would have been beaten otherwise. They complained that it is very difficult to sleep at night. They had to share mattresses on the floor where there are lots of mice. They have not left their cells more than once since they arrived. They have no contact to the outside world since their phone cards do not work with the phones at the facilities. **Osama Alkhteb**, aged 20, complained about strong stomach pain and thus could not sleep. The doctor did not properly examine him and gave him pain medication that did not help. **B.H.** aged 17, from Palestine, had been detained for 20 days. He was incorrectly registered as an adult. He was very cold, only wearing an undershirt and not being provided with any additional clothes.

A., aged 20, from Iraq, had been detained at Venna for 33 days. He fled Iraq as a member of a persecuted religious sect. He was arrested at Feres Border Guard Station from where he was transferred to Venna after some days. He was separated from his sister who could go to

Athens. He could not contact her, having no access to a phone. He was very worried about her, knowing that she has nothing and sleeps on the streets. He complained about the cold. He was not provided with any clothes or shoes and was barefoot. He had stomach pain but the doctor only provided him with two tablets that had no effect.

A.A., aged 30, from Iran, was arrested in September at the Greece-Turkey border and detained at Feres Border Guard Station for twelve days. Upon arrest he was beaten with a baton on the legs. He was then taken to Alexandroupoli Police Station before the Chief of Police who issued him a deportation order and an interim detention order. He had been detained in the Venna facility for eight days and had not been beaten. Every three days detainees get one hour of exercise. They receive food three times a day but it is often mouldy. There are no blankets and everyone is cold. The cell is full of mice and cockroaches. He used the phone by buying an expensive phone card from the guards which was 4 Euros per minute.

M.A.A and **M.T**, aged 16, from Iraq, had spent twelve days in the facility. They were first detained at Feres Border Guard Station. They have not been able to call their family. Neither had documentation and were not able to prove their ages so they were not identified as minors. There were 36 people in the cell and this number had stayed constant.

George Kasharian, aged 25, from Palestine, said the police registered him as being from Iraq. He had been detained in the facility for 90 days, and was here the longest of all.

Hassam Mohammed, aged 28, from Palestine, lost all his family in Palestine and had one brother in France, who he was trying to join. He was first detained at Feres Border Guard Station and had been in this facility for one month. Police registered him as being from Syria. He said the police did this so they can deport him back to Turkey. He received a deportation order. He was able to understand what it said because he saw an information note in Arabic that described what the official document said.

Wael Sayed Ramadam, aged 18, from Palestine, had epilepsy and a problem with his heart. He was detained in the facility for seven days. He requested medical attention and medical forensic expert who examined him confirmed this need.

Abdau Hassan, aged 22, from Palestine, had been detained in the facility for 15 days. Police documented him as being from Syria and gave him a deportation order. He said he was asthmatic (the forensic medical doctor could not confirm this allegation).

Cell 4

Group interview of 21 Georgians and 2 Chechens, who complained primarily about the conditions of detention and the lack of medical treatment. Six detainees have hepatitis C, and one had a heart attack and problems with his prostate, without receiving proper medical assistance. They also have not been informed about the reasons and the length of their detention. In addition, they do not know what consequences an asylum application would have. Nobody was beaten by the prison guards, but they are rough and often threaten and verbally assault them. There is only cold shower and the possibility for one telephone call per day. They are only allowed in shifts to go out to the open space, which means that they are outside their cells only every third day for roughly one hour. The director, although mentioning detainees can stay out about 2 hours every third day, confirmed this policy and tried to justify it with security reasons and lack of staff. Six Georgians prefer to go back to Georgia rather than staying in these inhuman conditions any longer.

Alexi Tsoulelskiri, from Georgia, has been granted asylum in Austria and had lived there for four and a half years before he went to Georgia to visit his sick mother. On his way back via Turkey, he crossed the border to Greece by foot and was arrested.

Uhianitse Pochokki, from Georgia, has asylum in France and visited his mother in Athens without documents. He was arrested in the bus. The Georgian consulate has not been informed about their arrest.

Alexandroupoli University Hospital: Psychiatric Clinic Visited on 14 October 2010

The Special Rapporteur was received by **Maria Samakouri**, Deputy Director and psychiatrist who had a good awareness of issues of ill-treatment in psychiatric settings. The clinic had no close wing but keeping voluntary and involuntary patients in the same facilities. The clinic had 22 beds in one or two-bed rooms. Five persons were held involuntarily and one person was a irregular migrant transferred from Venna detention center and guarded by a police officer. The clinic was clean and adequately kept. There was a common room with television and an adjacent outside area. At the time of the visit a group of young immigrants was brought by a police car from Feres for a child psychiatrist test.

Individual cases

A male detainee, aged 23 from Iran, had been brought to Alexandroupoli Hospital one day ago because he fainted at the Migration Detention Center in Venna. He was examined by doctors and expected to be released on the same day. The detainee was previously held at Venna for 38 days. He reported that police officers there did not care for them. Eleven days after being brought to Venna, the detainee saw a fellow detainee having a heart attack. Despite the continuous requests by detainees, the officers refused to take care of the fellow detainee right away. After some time had passed, they came and gave him a pill. Next morning the fellow detainee was picked up by an ambulance that brought him to a hospital for check-up. He was brought back to Venna shortly after, and his health problems continued. The detainee complained that the cells at Venna are infested with mice. They jump on the detainees during the night which is why many detainees have problems sleeping. The detainee had not slept for three nights in a row which he said was confirmed by the doctor at Venna.

Feres Border Guard Station Visited on 14 October 2010

The Special Rapporteur was received by Police Chief **Spyridou Daskaris**, a particularly knowledgeable officer who showed great professionalism and care for the detainees, and acknowledged the difficulty of his task. He had provided the detainees with the possibility to access a small outside yard but his staff was completely overwhelmed by the situation. The Border Guard Station had two cells with 14 mattresses each, and thus a capacity of 28. At the time of the visit there were 123 detainees in the cells, 75 persons in the left cell, 21 in the right cell and 27, arrested the same morning, in a corridor next to the right room. The latter were said to be processed and brought to Soufli. According to the police chief this was an unprecedented high number caused by the arrest of 170 persons the day before. Each cell had separate toilets and showers and an adjacent outside yard. The cells were in a very poor state, in particular the cell to the left. The cells were dark and dirty. There was much trash on the floor and the cells were reportedly not being cleaned. The left cell was very wet due to water entering through the roof. They had an additional 14 mattresses spread out on the floor, many of which were very dirty and wet due to the water on the floor. Several detainees had to sleep on the floor. The detainees were only provided with thin blankets and no additional clothes and thus complained about the cold. The washrooms

and toilets were filthy and run-down. In my opinion, the showers in the right cell were functioning but the detainees had no soap to clean themselves. Due to the unforeseen number of detainees there was not enough food for everyone leading to fights among detainees during the distribution. The cleaning was outsourced by the Prefecture to a private cleaning company and the cleaning ladies were too afraid to enter the cells.

Individual cases

M.E., from Afghanistan, aged 17, and other unaccompanied minors (4 boys aged 15, and 3 of 17), arrived three days earlier in Greece and went voluntarily to the police. The police officers were neither good nor bad, they did not use force. In Afghanistan, they had paid to the smugglers 4000 USD per person. They had walked 12 hours through the mountains from Iran to Turkey and another 6 hours through the jungle from Turkey to Greece. His cousin, aged 32, lives in Athens. He wishes to go to Sweden where he has a friend.

S.K. and **K.W.**, both aged 17, from Iran, said that the border police registered them as aged 18, therefore adults. They had been detained in the facility for twenty days. They were being taken care of by other Iranians in the cell. The Police Chief gave them the fax number of the stations and told them to have their families send documents to prove their age. They were allowed to call their families to convey this information but since then have had no contact with them. They crossed the river and were put into a car by smugglers; the police chased them and some people escaped out of the car but they were in the back and could not jump out. The police car hit their car, and they thought they were going to die. The ones who escaped were caught and they were all taken to Komotini Police Station.

A.R., aged 27, from Iran, had been detained in the facility for 15 days. Before that he spent two months in Komotini Police Station where he had surrendered himself to the authorities. He also spent three days in Komotini Hospital because he was very sick and fainted. He had many headaches due to numerous beatings by police in Iran. He had seen the doctor in this facility and was given a pill but it was not sufficient. He is not drinking the water because he said it made him ill.

Seven minors, aged 15 or 17, from Afghanistan, had been detained in the facility for two days after they surrendered themselves at the bridge. They had not suffered any police brutality but the conditions in the facility were terrible. They had not been allowed to make a telephone call.

A male detainee, aged 24, from Palestine, has fled persecution and was detained at the border guard station for almost two months. He and his friends from Palestine wanted to make an asylum claim but cannot communicate with the officers due to a lack of interpreters. He complained that the officers are very overworked and stressed. He shared the mattress with three others. The food was given out by detainees and there were a lot of fights, leaving some people without food in the end.

A male detainee from Somalia had been detained for 7 days and complained that he had to sleep on the bare wet and cold floor.

Mersinidi Migration Detention Center, Chios Island Visited on 15 October 2010

The Special Rapporteur was received by **Yorgo Kakoussios**, Deputy Chief of the migration detention center, employed by the local prefecture. The center situated a few kilometres outside of the town was comprised of 10 metal containers with 12 beds each, a small kitchen, toilet, showers and air conditioning. It had a capacity of 120 and at the time of the visit held 58 detainees. Two or three years ago, when migrants to Greece mainly arrived via

the Mediterrean route it was reportedly often overcrowded holding up to 220 people. At the time of the visit some containers were closed down. Families can share a container. The conditions of detention were good. The containers were clean and equipped with a fridge, air-conditioning and a water kettle. The containers were usually open during the entire day but conflict among detainees six months prior to the visit brought the authorities to close the containers for a few hours during the early afternoon. The provision of food and health care appeared to be sufficient. There was a nurse at the center on a daily basis, weekly visits by a doctor and an ambulance car for emergencies. The children had toys donated by residents of Chios. The prefecture is responsible for the maintenance and the police for security. But contrary to the migration detention centres and border police stations in the Evros region, the director from the prefecture is present and feels responsible for the maintenance of the detention centre.

Individual cases

Group interview of ten male detainees from Iran (3) and Iraq (7). They have been there since 2 September, and they do not know how long they will stay in detention. They think the officers do not know this fact either. All of them came from Turkey by boat, and were actually planning to go to Italy, but the boat's motor broke in the middle of the sea. They had paid 600 Euros each to the smugglers. The two captains of the boat are in prison. They were never beaten by the police. They are helped by a lawyer from the UNHCR who works in the island and come once or twice a week. They say the food is good. Most of them say they have troubles sleeping at night since they wake up at any little noise because of their state of anxiety. They mention the guards are good to them, and that it is easy to access a doctor when needed. Since they have their cell phones, they are called by their families. However, they complain that they cannot go to Western Union to receive the money their families send to them, because in the past a detainee escaped on the way to the office. They assess that the worst in their life is not to know anything about their future. They do not understand the asylum procedure well, but do not wish to remain in Greece because they fear they would never be integrated in the society because of the language issue mostly.

Parastu Mohamed Rashid and Volan Mahmud Mohamad, both aged 22, from Afghanistan, have not complained about the conditions in the facility (apart from that they have had to stay in the containers at noon from 12 to 4 pm) but wish to leave Greece. They met each other during their flight. He got the permission to leave the country within one month, and the deadline was the day after the interview. He was told that if he did not leave the detention facility, he would have to go to prison. But he did not wish to leave without her. She was originally registered as Iraqi and, therefore, not released. Then she has claimed to be Afghani which, according to the interpreter, might be true. During the debriefing the Special Rapporteur requested that they should be allowed to leave together.

A.S.M., aged 30, from Iran, has two kids aged 9 and 7. Her husband was politically active in Iran. In 1999 they were both fleeing to the Northern part of Iraq. He stayed in Iraq, but she had health problems with her breast and decided to leave with her kids and Mr. **Khabat Ismail**, aged 26 years, who belongs to her family and wished to accompany them.

A male detainee, aged 50, from Turkey had fled from persecution and was arrested on a small boat with 120 others by the Greek coast guard. The coast guard have treated them well and they received an initial medical examination by a doctor. The next day, after they were registered and their fingerprints were taken, they were brought to the migration center. He did not understand why he is detained because his family resides legally in Germany. He once saw a lawyer but did not know why and for how much longer he will be detained. He had received no information about the asylum procedure. He had tooth pain but no access to a dentist and only received pain killers. He could not receive any money from his

relatives since the detainees cannot access a bank. Otherwise he described the treatment and the condition of detention as adequate.

A.R., aged 24, from Iran had been detained at the facility for 43 days. He attempted to get to Italy in a boat but his boat got into trouble and he landed in Greece. The coast guard were very helpful; they helped everyone out of the boat. There were three persons in his container. The conditions were good, there were showers and the food was not bad.

Hamza Haili and **Shadia Haili**, from Iraq, and their three children aged 5, 6 and 7 have been detained at the facility for 45 days. In September they came from Turkey in a small boat and there was a problem with the boat and the coast guard helped them. There used to be fifteen persons in the container but now only two families share a container – the other family was a woman with her two children. The mattresses were not very good. The children had lice; they had skin problems and were cold. The food was not good. They had a fridge and the drinking water was ok. The police have been kind to the children and let them run around.

H.A.H., aged 16, from Iraq has been detained in the facility for 40 days. He gave a document to a lawyer he hired to prove his age but he has never received his identification back and never seen the lawyer again. The day before he met with UNHCR officers and an interpreter. He was waiting to be sent to another island to a juvenile centre where the facilities were less restricted.

Chios Prison, Chios Island Visited on 15 October 2010

The Special Rapporteur was received by Prison Director, **Mihalis Gialis** who ran the prison since 1972 and his brother **Argyris Gialis**, chief guard since 1983.

The prison consists of 6 chambers with 18 beds and 2 mattresses each and 3 chambers with 10 beds each. In addition, there is one cell for 2 people used for the elderly or sick and one cell for solitary confinement. The capacity of the prison is 120 but at the time of the visit 163 persons were being detained. Of all prisoners 52 were pre-trial detainees and 105 foreign nationals. There are 62 persons working at the prison in 4 shifts. The severe overcrowding had increased the problems with drugs and inter-prisoner violence. According to the director, the prison had been renovated and cleaned over the last weeks. A doctor came every Monday, Wednesday and Friday. The prison regime is as follows: At 7.45am the gates open and detainees can go to the inner yard; 8 am breakfast; at 11 the yard is closed but they can move freely inside the building; 11.30 lunch; 12 medicine; 12.30 head count and order to go back to the chambers; at 3 pm the chambers open again and from 3.15 to sunset they can go to the yard; 7.30 medication; and at 8 pm the gates close again.

The cells were very small and overcrowded. At the time of the visit, the cells were fairly clean although some cells had problems with cockroaches. Many prisoners complained about the diet and hygiene conditions. There were little recreational activities offered to the detainees and only 41 detainees could work at the prison which was decided by a special committee. The health care provided was inadequate and the doctor was young and inexperienced. Conjugal visits were not allowed and permission of visits was only granted for direct blood relatives but not for friends. The detainees stated that it was difficult to complain or be heard in case of arbitrary or discriminatory treatment. In comparison to other prisons, such as Kos and Komotini which were both much more overcrowded but taken well care of by their respective directors, the overall conditions of Chios Prison were fairly poor.

Individual cases

Group interview of 23 male detainees from Greece and Albania. They all complained about the overcrowding and mentioned that lifers should especially be put in smaller cells. There are fights due to the lack of beds for all, and some have to be three in one bed. The Albanians perceived that there is a discrimination against them relatively to jobs, and that Greeks have priority. They also said that Albanians do not have the right to go on leave, and therefore cannot go to agricultural prisons. Since in the island the water is not drinkable, the detainees complained that they have to buy water since no water is supplied to them except the tap water. The Government, however, informed that Chios detention centre is equipped with two water tanks with a total capacity of 16 tonnes, which, it said, is adequate for detainees' water needs. The detainees also complained about the limited activities provided to them, and said there are no workshops, woodwork, school or a gym, but only some books.

A male detainee, aged 21, Greek, grew up in Chios and lived in Athens for three years to study. He was arrested in February 2010 after a bank robbery by 4 or 5 officers, who handcuffed him and beat him with their hands. They brought him to Chios Police Station in a specific room to the left, next to the office of the Chief. 10 to 15 officers came in and beat him by shifts during 8 hours. He was handcuffed in the back, and they beat him all over the body, his face included, with sticks, gun butts and hands. This happened again several times during an entire week, and he spent days and nights in that cell without seeing a doctor. His request to see a lawyer was denied as well. After a week, he was brought to the prosecutor, with the face totally swollen, but did not dare to say anything since 5 police officers were next to him. After the hearing, he went back to the police station for two more days, and was then brought to the prison.

Triantafilos Kyriazis, aged 29, is an uneducated young man with serious psychiatric problems who was forcefully arrested in Samos on suspicion of having set fire to the forest. He signed a document which he could not read after the fire brigade coerced him to plead guilty. He was accompanied by **Georgios Mitsos**, aged 31, who told most of the story as the younger man had difficulties to speak. They had asked for a psychiatric investigation but the court in Samos had refused on 20 August 2010. All of them were beaten by the police in Samos in a special police room used for beatings. Then they were transferred to Chios Prison. Although there were no obvious conditions and there was neither time for a complete and thorough psychiatric evaluation, the psychiatric problems were evident according to the forensic expert who examined him.

Issouf Auror suffered from diabetes and was in need of special treatment which he did receive but, according to his opinion, not in sufficient quantity..

Paleohoris Panayiotis, aged 29, was released on 31 July 2010 after having spent three and a half years in prison. On 7 October 2010 he went with his girlfriend to Samos, where he was arrested by the police on suspicion of possession and possible trafficking of drugs. During the night from 9 to 10 October, he was beaten by 3 police officers (2 are named Costas and Thomas) with a black iron baton all over his body. The beatings lasted for 10 minutes, and after 2 hours interruption again for 5 minutes. They only found 0,5 g heroine with his girlfriend but nothing on him. His girlfriend was not allowed to visit him. During the forensic assessment performed by the medical forensic expert no traumatic lesions were found that could corroborate the allegations of ill-treatment, but of course they could have disappeared due to the time past since the alleged beatings.

Goudas Omiros, aged 39, has been using drugs for 21 years. He was going to be released soon and wished to be transferred to a drug rehabilitation centre where he could get methadone treatment. In Korydallos, he did receive methadone, but not here. His case was

raised with the Ministry of Health and it was requested that he should receive rehabilitation treatment.

A male detainee complained that he had been beaten for 15 days at the 11th floor of the Headquarters of the Attica Police in Athens. He has been a drug addict, was brought to the police headquarters in his underpants and interrogated while suffering from withdrawal symptoms which were used to get a confession for murder. But he did admit that he had unintentionally killed somebody.

Asad Hashami, aged 44, from Pakistan, had been detained in the facility for one and a half months. He has been in Greece legally since 1998. He was arrested in Athens in August 2010 for possession of false documents. He said he renewed his visa and was given false documents. He was convicted and serving an 8 month sentence. There were 24 people in the cell, sometimes they had to sleep on the floor.

Abdullah Izan, aged 28, from Turkey, is a Kurd and was arrested in January 2008 in Athens. He was beaten up by a police man in civilian clothes during interrogation. He did not make a complaint. The police hit him with their fists and feet. He said it was very cold in the facility in winter. They needed cleaning materials for the cell like mops, and washing powder as the cell is dirty. He said he did not know why he was in prison.

L.D., aged 53, from Belgium, was arrested in mid June 2010 in Chios when on holiday with the family and accused of stealing a credit card. He was in pre-trial detention and told he must wait one year for his trial. He had not had access to a lawyer or an interpreter. He has communicated with the Belgium Embassy. His son sent him money for bail but it never arrived. There was one shower for 24 persons, sometimes there is no hot water. He has had cardiac problems and used medicine.

Mohamed Souleman, aged 33, from Palestine, has been detained in the facility for nearly three months. The police arrived at his hotel and ordered everyone out. He had to take off his clothes and hand over his money. The police beat him. He had no idea when he would be released. He slept on a dirty and ripped mattress.

Wesam Atta, aged 25, from Egypt, came on a boat to Greece. He had been in pre-trial detention for three months. He said someone put drugs in his belongings. He was waiting for his trial date.

Salum Alial Hamid, aged 25, from Palestine, was arrested by the police in July 2009 as he took a boat to Greece from Turkey. The police said he was the captain of the boat, he said the real captain ran away. He was charged with trafficking. He has received a 9 year sentence. He had an appointed lawyer who was assigned the day before the trial and he could not communicate with him. The lawyer did not know anything about the case. There was only one witness, the police officer who said he was the captain. They had to cook their food next to the toilet which often overflows. The floor and the showers were very dirty and there was no toilet paper.

Munir Shahid, aged 31, from Iraq, was initially sentenced to 18 years. He appeared in court again and his sentence was reduced to six years. He has served three and half years of his sentence in the facility. He wanted to know why he has not been released. He said the building was very cold in winter and very overcrowded. They needed more materials to clean, like mops and soap.

Abzal Juragul, aged 24, from Afghanistan, was arrested in September 2008 with 16 other persons while entering Greece on a boat. Upon arrest three coast guard officers beat him on the boat. They brought him to the offices of the Mytilini coast guard where they handcuffed him and he was beaten and kicked all over his body. He was refused drinking water. Despite visible signs of beatings he was not examined by a doctor upon arrival at Chios prison and his wounds were not documented by the authorities. After 12 and a half months

of detention he was brought before a judge who charged him with 25 years for smuggling of persons. He could not communicate to a lawyer before the trial. The prosecutor or judge did not inquire about his treatment and even when he complained to his interpreter during trial he received no reaction.

John Koutoumanos, aged 27, and **Mateo Agelopoulos**, aged 33, from Greece described the treatment of the prison officials as good. The cell was however overcrowded and one person had to sleep on a mattress on the floor. They complained about the quality of the medical treatment, the doctor being too young and not qualified. There was no access to a psychologist. The mattresses and blankets were very dirty and there were many cockroaches in the cell. The detainees were not provided with sufficient cleaning agent and were not allowed to order it with their own money. Drinking water and phone calls also had to be paid by the detainees and the quality of the food was described as poor.

Chios Police Station, Chios Island Visited on 15 October 2010

The Special Rapporteur was received by Deputy Police Director Mr. Efstratios Kourasani . There were four police cells which were spacious and clean and a small outside yard. The facilities had recently been painted and cleaned. The facility had a capacity of 12 holding 5 detainees at the time of the visit. In the past, the cells have reportedly been overcrowded. The Government stressed in a note provided on 3 March 2011 that since 2010, there has been increased inflow of irregular immigrants in the area of Evros (borders) which results in a large number of non-nationals being detained in the EXPAs (Special Facilities for Non-Nationals) of Venna-Rodopi and Fylakio-Orestiada, often exceeding the prescribed capacity of such Centres. This is due to the large number of arrests in this area, while there is substantial reduction of irregular immigrant flows through our eastern sea borders, which is also due to the activation of FRONTEX in the region. As a result, a small number of persons are detained in the EXPAs of Vathy-Samos and Mersinidi-Chios.

Individual cases

Mohammed Amanullah, aged 24, from Bangladesh, came in June 2009 to Greece. On 1 September 2010, he was arrested by 2 police officers in Athens. He was handcuffed behind his back, they verbally assaulted him, but he was not beaten. He was held for one month at the Akropolis Police Station in Athens, but not in a cell. It was difficult to sleep, he had no shower and received food only once per day. He was also verbally abused. On 28 September he was transferred to Chios Prison, and before the interview he was transferred to Chios Police Station, where he waited for his papers to be cleared.

A male detainee, aged 20, from Albania, had been detained in the facility for three days. He was arrested because he did not have papers. He has been treated fine. He was in a cell with three other people. He had access to the toilet and the shower. There was very little heat. He had not asked to speak to a lawyer as he said it would be useless.

A male detainee, aged around 30, from Iraq, came to Greece in 2008. He spent 3 months at Akropolis Police Station because he did not have papers. There he was beaten several times after being handcuffed and with a motorbike helmet on the head in CID custody. Once he received an electric shock with a taser because he went on a hunger strike to protest about the lack of information detainees receive. The shock was so strong that he fainted. He was later held at Omonia Police Station because he had remained in Greece despite the order to leave the country within 30 days. He was again blindfolded with a helmet, handcuffed and beaten. The following day the pain was so strong that he could not walk anymore. He spent until today four months in the prison for a debt he had not repaid and was transferred to the

police station just before the arrival of the Special Rapporteur. Since he is in Greece, he already signed in three occasions the notice to leave the country within 30 days. However, he was then always released in the streets. He assumes that the readmission agreement between Greece and Turkey does not apply to migrants who are not held in the Evros area, because of the cost to drive the migrants back to the Turkish border. He was therefore feeling very confident about the fact that once back in Athens, police officers would not send him to Turkey to be deported to Iraq, but would rather free him in the streets.

Detention Cells at Venizelos Airport, Athens Visited on 16 and 19 October 2010

Wing for men

The Special Rapporteur was received by Chief of Police **Giorgios Arkoumanis**. The detention facility comprises three sections where in a total of 103 detainees were kept. 88 detainees were kept in the first section, reserved for men who try to leave Greece with false documents. 15 detainees are kept in the other sections, dedicated to political asylum seekers, including Dublin II returnees, women and families.

In general, the conditions in the men's cells are inhuman because of extreme overcrowding which exceeded five times the capacity. During the debriefing the police officers admitted that the detention facilities were inhuman because they were designed for 2 detainees each and used by 10. They were never left out of their cells to exercise or breathe fresh air. The authorities admitted that 2 toilets (and showers) for the 88 men and only one telephone are not sufficient. The detainees were forced to regularly urinate in bottles. The officers had asked for a 2nd phone for the men but had not received it. But the authorities insisted that they did their best to accommodate the wishes of the detainees. The officers working there are particularly sensitized but their working conditions are also inhuman. They said that they cannot provide towels but that soap is provided. They provide proper food and take care of religious restrictions. The cleaning is provided by cleaning services, but they cannot give bleach to the women as requested by them.

This first wing comprises of nine cells numbered from 13 to 21. Within the cells, detainees from all nationalities are mixed together and there is no effort to group them by culture, language or citizenship. Most of the detainees have been caught trying to exit the country with false documents. In principle, the cells are made for 2 detainees each, but for a long time these cells are incredibly overcrowded. UNHCR told the Special Rapporteur they could not even enter the cells because of the terrible conditions (up to 130 detainees). On the day of the Special Rapporteur's visit 88 detainees were being held..

There was a long corridor with 2 toilets and showers on one side (since toilets and showers are together, one cannot use them separately, which means that showers can, in principle, only be used during the nights) and 9 cells on the other side. On one end of the corridor were desks where officers work and guard, and on the other end of the corridor the personal belongings of the detainees were kept.

On the other side of the cells, there is an open corridor with a terrible smell as the detainees throw bottles with urine and plastic backs used for defecation out of the cells because there are not sufficient possibilities to use the 2 only toilets available. There is no open space where the detainees could walk. They can only leave the cells for a few minutes in order to go to the toilets, perhaps to take a shower or to use a public telephone in the corridor. Under the criminal procedure code, they can only be detained here for up to 3 days, but in reality, these detention facilities are used for administrative detention purposes. The punishment of 2 or 3 months for attempting to illegally leave Greece is only symbolic as they are in fact in detention pending deportation. According to the officers they are not kept longer than 25

days. Several detainees were kept in detention pending deportation to their home countries although they were detained at the Airport when they had attempted to fly back home.

Wing for ‘on-the-spot’ asylum seekers

The second wing of the facility was for political asylum seekers, including Dublin II returnees. According to UNHCR it is for ‘on the spot’ asylum seekers. Nine persons were detained in semi-open cells composed of three bedrooms with four two six bunk beds, a small corridor and showers and toilets. They could always move within this area but had no access to outdoor exercise. All detainees were provided with their own bed. The detainees were held in that area between 5 and 18 days, the conditions were adequate although the detainees stated that it has just been cleaned and would often be much dirtier. They also complained that they would not receive sufficient soap and razors. Besides they did not complain about their treatment or the conditions of detention. Three came from Pakistan, two from Syria and one each from Morocco, Egypt, India and Bangladesh.

Wing for women and children

The third section of the airport detention facility was more spacious, had beds, good toilets and bathrooms with liquid soap. However, the detainees lacked toys, medicine and diapers for children.

Individual cases

Cell 13

Albert Cakolli, aged 35, from Kosovo, had been detained in the facility for 30 days. He was detained at the airport for possessing false documents. He was threatened by police and the guards were very rude. There were eleven people in the cell, sometimes there have been fifteen people. They were allowed out of the cell for the toilet but only for two minutes. They had to bang on the cell door very loud and for a long time before the guards opened the door. They used a plastic bottle in the cell to urinate during the night. He has had only one shower. There was no soap to wash his clothes and he was not provided with a change of clothes. There were only five mattresses. He has been seen by a doctor a number of times, the medication he has been given did not work.

Olsian Preci, aged 24, from Albania, had been detained in the facility for six days for possessing false documents. The guards yelled and were very rude. He was able to make a telephone call but only for one minute with a guard standing right next to him.

Alabied Fawazim, aged 31, from Syria, had been detained in the facility for 33 days. He was detained coming back from Syria on a Syrian passport with a Greek residency document. He has been in Greece for five years. The police did not explain why he was detained. He phoned a lawyer who did visit the facility. There was a terrible smell in the cell. They urinated in a plastic bottle which was hung on the window and was only emptied every 24 hours.

A male detainee, aged 36, from Somalia, had been detained in the facility for four days. He was detained at the airport while trying to board a plane to leave Greece. He was taken to the basement of the airport and was beaten by one police officer while four others watched. He was punched in the mouth and ears. He was brought before the court. He had no interpreter and was then brought back to the facility. He had not been able to shower.

Cell 14

Group interview of 10 detainees from India (2), Georgia (1), Pakistan (5), Albania (2). Those longest detained were from India (37 days), Pakistan (27 days) and Georgia (15

days). The cell was terribly overcrowded with an awful smell. They complained that they could only go at certain times to the toilet and almost never used a shower. Of all detainees, only 3 (from Albania, Georgia and India) were able to take a shower because one police officer was nicer and has sometimes permitted them to shower. There was no soap and towel in the shower and no shaving possibility (the officers said they provide a soap but no towels). They also complained that they cannot use the telephone, smoking was not allowed and the blankets were dirty. They received food 3 times (9am, 2 pm and in the evening) consisting of sandwiches, salad and macaroni, but almost no fruit. Nobody complained of beatings or other forms of ill-treatment. They also complained that they paid for a lawyer but can see him or her only for 5 minutes before the court hearing. They finally complained of very restricted access to their personal belongings but the officers said that they were always allowed access to their belongings in the corridor.

Balwinder Singh, aged 33, from India, had paid 2000 € for documents to go back to India and had an air ticket when he was arrested by the police in Athens on 10 September 2010 at 1.30 pm. He was charged with possession of illegal documents and got a detention order until expulsion of a maximum of 6 months. Sometimes, he shared this cell with 15 or 16 people.

David Pancylaia, from Georgia, had a proper passport but with a false visa. Since his cousin lived in Italy, he bought a ticket to Italy and was arrested when he tried to leave Greece. Since he suffered from hepatitis C he expressed his wish to go back as quickly to Georgia for the purpose of medical treatment. Although it was not possible to do a medical laboratory confirmation of the clinical situation, a medical examination was performed on the detainee that confirmed the possibility of an acute liver inflammation.

Cell 16

Raduam Sayed Cherif, aged 27, from Algeria, had been detained in the facility for 22 days. He was arrested while stealing, taken to court and found not guilty and then detained for having no documents. He was not able to access the toilet when needed. He knocked on the cell door during the night to urinate but received no answer so he urinated in a plastic bottle. He was on hunger strike along with three others; only drinking tap water. He had a problem with this stomach and was not able to breathe. A doctor came and took a blood sample.

Teton Kidita, aged 40, from Algeria, had been detained in the facility for 22 days. He was living in Belgium and then expelled back to Algeria. He tried to come back to Belgium through Greece. He was only able to use the phone for one minute. He had tried to call his mother but when the phone was answered it was his brother. When the guard heard a male voice (because he was standing right next to the phone) the guard hung up the phone and hit his head with the phone. He was on a hunger strike. He had problems with his head from a prior accident and he finished his medicine two days ago.

Al Abd Ahmed, aged 41, from Egypt, had been detained in the facility for 17 days for possessing false documents (fake residency card). He had a valid Egyptian passport and did not understand why he has not been sent back to Egypt.

Sergei Brianself, aged 41, from Ukraine, had been detained in the facility for eleven days. He had a valid plane ticket to go to Ukraine via Rome but when he tried to board the plane he was stopped. He said he had bought a ticket via Rome because it was less expensive than a direct flight but police detained him at the airport. He was on a hunger strike. He was having dizzy spells and fainting. He had self-inflicted bite marks on his wrists from trying to calm himself.

Iqbelmoasar Mazher, aged 20, from Pakistan, had been detained in the facility for eight days. He was detained at the airport trying to board a plane to Italy to meet up with his

brother. The police beat him around the mouth. He had not had a shower since being detained.

Rashib Iqbal, aged 33, and **Mirza Umer**, aged 23, had been arrested 25 days ago for possessing false travel documents. They complained about the aggressive behaviour of the officers who would often shout at them. They did not receive sufficient sanitary products to keep clean and wash their clothes which made the detention in an overcrowded cell even more difficult. They had no exercise or activities and could not access any other belongings from their luggage than their clothes.

A **male detainee** from Senegal was arrested at the airport on 4 October 2010 for the possession of a false passport. He was taken to an office at the airport for interrogation. He was racially insulted and slapped in the face by an officer in order to admit that he was using someone else's passport. He was told that he would be released upon confession. After one hour interrogation he admitted that it was not his passport and he was brought to the detention area. The next day he was brought before the attorney but only afterwards he could talk to a lawyer. He had been told that he would have to stay at least 15 days but did not know what will happen to him in the future. Due to the very limited access to the shower he displayed skin problems. He had only rare access to a doctor who did not provide him with medication. Due to his skin problems the officers let him access the shower more regularly.

Cell 17

Group interview of 8 male detainees from Afghanistan, Albania, Somalia and Tunisia who have been held up to 60 days. They were 14 in total but 6 were in court. One of them explained he was hit in the legs by an officer after he was calling him to use the toilets because of a stomach problem. The man from Somalia had a bladder problem. The findings of the forensic expert of the Special Rapporteur corroborated his statement, and he recommended sending him to a hospital. Several of them complain that they are forced to remain in the cell although they accept to buy a new plane ticket and go back to their countries.

Cell 18

A **male detainee**, from Palestine, had been detained for 16 days. He has been charged for forging travel documents but has not been told what will happen to him. He complained about the harsh and aggressive treatment by the officers. They would insult them, grab them violently and push them around. He had once been able to receive a visitor from abroad who was despite the long journey to Greece not allowed to meet him without direct supervision by an officer and for no longer than 5 minutes.

A **male detainee**, from Somalia, had a medical condition due to which he had to access the toilet more than just two times a day. Once when he continuously knocked the door to be left out, an officer opened the door and kicked him to the ground.

A **male detainee**, from Tunisia, detained for 60 days complained that he has not been able to inform his parents about his whereabouts.

Cell 19

Group interview of 10 male detainees from Algeria, Afghanistan, India, Iran, Nigeria, and Syria, who have been held between 2 and 25 days. They say that they are all sick because of the pasta they received the day before. An Indian detainee is feeling very bad and was not allowed to see a doctor. They all complain about the fact they can go to the toilets only three times a day, and not at all during the night, and have only access to the telephone for one minute per day. They say they have no room to sleep and that they are cold at night.

Most of them say they could not take a single shower since they arrived. They have not been beaten but say that the officers speak to them roughly in Greek.

Cell 20

Group interview of 10 male detainees from Albania, Afghanistan, Iraq, Mongolia, Pakistan, Romania, Senegal, Somalia and South Africa, who have been held between 2 and 16 days. Some of them tried to leave the country with false papers and were caught.

Magnus Grant, aged 29, from South Africa, overstayed in Greece after his visa had expired for some days. He had asked his Embassy whether this would constitute a problem at the airport, and was told that in the worst case he would have to pay a fine. However, he was arrested three days earlier, and brought to this cell without being able to make a phone call. He went to court and said that he was willing to repay a flight to go back home, but the judge ignored that and sent him back to the cell. He then fainted as he has a heart problem but could not see a doctor. He was in an obvious state of panic.

A male detainee, from Romania, has been detained for 8 days. He asked more than ten times to take a shower but this was refused. He has a strong stomach-ache.

Cell 21

Group interview of 8 detainees from Pakistan (3), Albania (3), Moldova (1) and Egypt (1). Until recently, they were 13 people in the cell. The longest time in detention was 22 days (Pakistani) and 15 days (Egyptian). They confirmed that they can go 3 times a day to the toilet (when the door of their cell is opened). At these occasions, they also fetch water. Sometimes they were allowed to use a shower during the night but there were no towels or soap. Sometimes they were also granted access to their personal belongings. They received food 3 times a day (sandwich for breakfast, warm lunch and dinner). Smoking was prohibited. Nobody claimed to have been beaten.

Vasyle Cozari, from Moldova, had a ticket to go back to Moldova dated 11 October (Air Moldova 9U873). He checked in at 2 am with a valid passport but a false visa when he was arrested and kept in a normal room at the airport. In the morning he was brought to the airport police station, went before the court and paid 87 €. He got a sentence of 2 months suspended. He waited to be deported although he was actually trying to go back home. He needed to go home urgently as he had asthma and his wife was four and a half months pregnant. The case was raised with the police officers in order to speed up his voluntary return.

Lorenc Allajbeu, aged 32, **Ermes Rushi**, aged 28 and **Cemal Mussarei**, aged 18, all from Albania, wished to go home voluntarily. Mr. Allajbeu said that he had met his British wife in December 2004 in London. They married in 2008 in Albania and have a 19 months old son together. She also has a daughter, his stepdaughter. He was arrested when he attempted to go via France to the UK. He urgently needed to see a dentist and wished to go home to Albania. He would also pay his ticket himself. Later the Special Rapporteur received a call from his wife in London stating that he had been beaten up by the police after he left the facility on 16 October. For this reason the Special Rapporteur undertook a second visit on Monday 19 October. Mr. Allajbeu explained that after the Special Rapporteur had left (at 4.30 pm) he had asked to call his wife in London but his request was denied. When he complained he was told to clean the corridor which he refused. As a reprisal, he was beaten in his face and kicked with the boots by one police officer in the cell. Also the other detainees confirmed this ill-treatment. But the forensic expert did not find medical evidence to corroborate this story. In fact no recent traumatic lesions were found that could corroborate the allegations. This could also be due to the small intensity of an eventual aggression. After midnight he was finally allowed to call his wife and gave her the

telephone number of the Special Rapporteur. They also said that another guy had been beaten because he had asked to use the toilet outside the official hours.

E.A., aged 38, from Egypt, arrived in 2006 in Greece and stayed here for one year. In 2007 he went to France where he lived until 2010. In August 2010 the French police arrested him for lack of papers. He spent 22 days in prison. They could not send him back to Egypt as the Embassy did not wish to accept him. On 13 September 2010 he was sent to Greece. He could enter the country but did not find work here. He decided to go back to Egypt and bought an Egyptian Air ticket for 7 October from Athens to Cairo (A 3930: he showed his ticket). He checked in with his Egyptian passport and his luggage was sent to Cairo. But since his Greek residence permit had expired he had to pay a fine. The procedure took so long that he missed his flight for 10 minutes. The police told him he could buy another Olympic Airways ticket for the evening of the same day for 181.15 €. He did not have the money, and they brought him to the Airport Police Station. He was very angry about this unfair treatment and complained about a problem in his eye which the forensic expert examined, concluding that it was a chronic situation that did not need an urgent intervention, but that justified, however, medical attention..

Wing for women and children

Two female detainees from Somalia, aged 21 and 28, and the baby of one of them, 6 months old, came to Greece via Turkey. They were arrested without violence, and brought to a border guard station. After some days, they were brought to Athens by bus after paying 50 Euros each to the police officers for the ticket. They were left alone at the railway station. They went to a park to sleep and heard that in Omonia Square they could find help and a job. One says she did things with men for money in order to buy fake passports and food for the baby. They were arrested three days earlier at the airport while trying to leave the country and go to France with these fake documents. On Thursday they were brought to court but could not understand anything since there was no interpretation and signed documents. The mother of the child was in a terrible state of anxiety since her child was very sick but she was denied access to a doctor and had not received any medicines. The forensic expert confirmed that the baby had strong fever and needed to see a doctor. The mother added that she had received only one diaper since her arrival three days earlier. The baby did not have toys, and they did not have anything else than their bed. They were both crying a lot in reason of their situation and the uncertainty of the length of the detention as well as the next steps to go to France. They felt put aside by the men they met in Omonia Square, and stated that as women they had even fewer chances to find a job, or understand how the system works since their possibilities to integrate with a group of people were low. They both complained about the racism of the officers and of the people they have met since their arrival in Europe.

A female detainee, aged 19, from Afghanistan, and her mother, have been detained for three days. They had been handcuffed and had been sent to court but there was no interpreter so they were brought back to the facility. Before that they had been held in Soufli Border Guard Station for three days. There were fourteen people being held in one large room. There were two showers and two toilets that smelled. They wanted bleach for the toilets to clean them. They did not have toilet paper or soap and shampoo. They said that they received food but could not eat it because they thought it was pork.

A female detainee, aged 30, from Somalia, was seven months pregnant. She had been detained in the facility for 10 days and had not been seen a doctor. She was having light contractions and pain. She was handcuffed when first detained. She had to pay to get water. She said she could not eat the food because she thought it was pork.

A female detainee from Belarus, aged 43, and **a female detainee** from Russia, aged 23. The Russian woman was arrested at the airport when she attempted, together with her

boyfriend, to go back to Russia. She will be allowed to travel home on Monday. The detainee from Belarus wished to work in Greece and also managed to work for some time. Then she was back in Belarus and returned to Greece. Because of a false document she received a sentence of 3 months suspended.

A **male detainee**, aged 32, from Morocco, had been transferred from the overcrowded men's detention facilities after one day because of his asthma. He slept in a separate room but could mix with the women and families. Later at the debriefing, the reason invoked why no other male detainees were in that section as well was that when it happened in the past, they damaged the cells.

Kos Police Station, Kos Visited on 16 and 17 October 2010

The Special Rapporteur was received by Chief of Police **Dionysios Kapandritis**. There were seven men and two women detained in separate cells.

The police station is in a government house which was built in the years 1927 to 1929 and which houses the Sub-Prefecture of Kos, the courts and the Greek Police. The detention cells can be found in the ground floor, both for men and women. There were seven detainees in the men's section: three Iranians, and one detainee from Greece, Egypt, Afghanistan and Eritrea. The cells were fairly spacious and clean but a bit dark. Detainees could leave their cells and communicate freely with the others. A toilet and a shower were available and freely accessible by the detainees.

During the debriefing, the chief of police said that he had been in this position only for 5 days. He was not very cooperative when the Special Rapporteur asked questions. He said that he was trying to get more funds to improve the conditions of detention. In general, the police station made a fairly good impression. Some detainees were seen released after the visit of the Special Rapporteur which he could verify the next day.

Individual cases

A.R., aged 35, from Iran, came by boat from Turkey and landed in Kos on 15 August 2010, together with 5 other Iranians. The others had no passports and were released 2 days ago (with 1 month notice to leave), whereas he came with a valid passport and was not released. He thought that he was in trouble because he did not throw away his passport as the others did. During the arrest, he was handcuffed in front but not beaten. They received food 3 times a day (bread and tea for breakfast, warm lunch and dinner) which was not good. They received no soap or shampoo and could not use the telephone. The next day he was released.

X, aged 23, from Iran, arrived from Turkey without his parents' agreement and came voluntarily to Kos, where he was arrested by the Port police. He wished to go back to Iran.

A.A., aged 38, from Iran, said that he lived in the UK between 2000 and 2010. Since 2009 he took medicine against hepatitis C and became depressive. This is the reason why he was sent from the UK to Iran on 23 March 2010. But he decided to go back to the UK illegally. He arrived in Greece from Turkey and wished to go to Athens.

Y, aged 19, from Afghanistan, arrived from Turkey via Northern Greece and travelled to Athens. Then he went by boat to Kos in order to fly to Germany. He was arrested at the airport when he wanted to board the plane. He was going to be set free soon.

K., from Egypt, has been for 4 years in Greece but his residence permit expired 2 years ago. He came to Kos to search for work. He was arrested on 21 April 2010 and spent almost 6 months in this police station. He was going to be released on 21 October after having

served 6 months. He was once beaten here in front of the others but he had started the fight with the police out of frustration because he had to stay longer than all the others here. Sometimes there were up to 25 people in the cells.

Female Section

Pechant Timoti, aged 33, from Nigeria, had been detained in the facility for nearly six months. She had been living in Greece for ten years and was on Kos Island to look for work on the island. She was arrested for not having valid documents. There have been a maximum of four people in the cell designed for two people. There was some natural light and they were allowed to exit the cell to use the telephone. She said she expected to go to court soon when the six month limit was reached.

A female detainee, aged 34, from Greece, had only been in the facility one day as she had been brought from Korydallos Women's Prison in Athens where she had been in custody for twelve months. She was charged with drug trafficking in Rhodos and ordered to pay 20,000 Euro to make bail. She could not make bail so she has been held in pre-trial detention. In Korydallos there were so many fights among the prisoners that she had to be put in a special cell.

Kos Prison

Visited on 16 October 2010

The Special Rapporteur was received by Prison Director **Vassilis Karathanos**, and Chief Guard **Alexandros Lois**.

From all prisons visited in Greece, this made the best impression. The director knew every single prisoner, and could answer all questions. He admitted that the medical services were very poor, since no doctor, nurse or dentist served in the prison. There was only one young practitioner who came every Saturday. Most importantly, the director had urged the authorities that dental care should be provided in the prison.

The facility comprised with a garden, laundry and washing machines, an orthodox church, a kitchen, a restaurant, paintings by detainees, an inside yard and outside yard where the detainees could play soccer and basket ball. It was a fairly open prison: the doors of the chambers are open from 7.30am to 12pm and from 2.30pm to 7 pm. When the doors are open, prisoners are free to go to the inner yard, to the workshops and gardening or play in the outer yard. There seem to be no unreasonable restrictions. Detainees can use the laundry machines once a week. Hot water is provided by solar energy. The chambers are clean, have beds and mattresses as well as satellite television.

At the time of the visit, there were a total of 104 prisoners, but one was on leave. Of the 104, 51 were convicts and 53 in pre-trial. Also, 54 of them were Greeks and 50 foreigners. The official capacity is 45, thus the prison was severely overcrowded. Nevertheless, it made a good overall impression.

Individual cases

Benjabor Sony, aged 35, from Algeria (living in France), was on holiday with his friends in Kos when the police arrested him in July 2009. In the Kos Police Station, 5 to 6 policemen hit him with their fists and plastic batons all over his body. He broke one tooth and sustained injuries on his head, back and legs. He spent 11 days at the police station. The police officers took away 2200 € as well his watch and jewellery. Then he was transferred to the Kos Prison, where the conditions were nice. The food was good, he could use the telephone any time; social services and the church helped them.

Zahir Ghozi Nahib, aged 26, from Iraq (living in Italy) was arrested on 1 or 2 October 2010, when he was visiting his friends, during a fight with a Greek in a bar. The police brought him to Petrou Ralli Police Station. He was handcuffed for 2 days with his hands on the back while sitting on the floor of his cell. He was kicked and beaten on his ear. He complained about cock roaches in the prison and the fact that telephone calls were not private. He was allowed to be visited by his wife on Wednesday, Saturday and Sunday from 8 to 11 am and from 3 to 6 pm.

Manolis Barbaris, aged 29, from Greece, had a motorbike accident 1 year ago, was treated in the hospital, but his plaster was taken off too early. He alleged that he needs surgery. The forensic expert examined him and thought that at this late stage, nothing useful could be done any more. The traumatic lesions were absolutely fixed and consolidated, and a surgery would very probably not produce any special benefit.

A male detainee, aged 36, from Greece, had been in pre-trial detention in the facility for seven months awaiting trial. Before that he had spent nine days at Kos Police Station. He was an admitted drug addict. When he was in the police station he was in withdrawal and never went to see a doctor. In this facility he asked to see the doctor and waited five months to see one. There were too many people in this prison, a lot of them slept on the floor. He had access to a lawyer and his family was able to visit him.

Nikolaos Manikaros, aged 37, from Greece, has been in pre-trial detention for five months. He also spent one month in the hospital. The doctor said he should go to a psychiatrist but he was not transferred. There was no psychologist in the prison. A nurse was supposed to visit regularly but never did. He said that he had epilepsy. The forensic doctor examined him and advised authorities that he should be seen by a psychiatrist.

M.Y., aged 27, from Iran, is a Kurd and had been detained in this facility for 50 days. Before that he spent three months in Omonia Police Station in Athens. He had applied for asylum.

A male detainee, aged 39, from Greece, had been detained in the facility for two years. There was no medical check when they entered the prison, no one checked for contagious diseases. Due to the overcrowding, some of the prisoners had hepatitis and did not want to spread it to the children when they came for family visits. There was no doctor's office; no place to do an examination. He had a problem with his leg and was given medicine but there was no follow-up. They cleaned the facility with their own products that they bought. The guards were nice but there was not sufficient money to adequately feed everyone.

Pavlos Tripilitis, aged 22, from Greece, had been detained in the facility for four months. He had a terrible problem with his teeth but there was no access to a dentist. Problems were due to lack of tooth care and were not from a traumatic origin, according to the medical forensic expert. He would have to pay for dentist and he had no money. He said he was beaten by four police officers when he was detained in Rhodos. He said they beat him with their hands and feet.

Agiou Panteleimonos Police Station, Athens Visited on 17 October 2010

The Special Rapporteur was received by **Thomas Fakalis**, Lieutenant in charge. The cells were fairly spacious, but dark. The police station is located in a particularly tense area of Athens. The Lieutenant acknowledged that the conditions of detention are inhuman. He also mentioned that neo-Nazi groups put a lot of pressure on police to detain migrants.

Individual cases

Christopher Lisowski, aged 50, from Poland, had been detained in the facility for four days. He was arrested by five police officers who did not beat him but verbally abused him. He had been living in Greece since 1985. He had to stand most of the day as there was no room. He slept on a mattress on the floor. He had access to a shower.

R., aged 56, from Iran, had been detained in the facility for one week. He had asthma but had not seen a doctor. **I.R.**, aged 22, from Afghanistan, had been detained in the facility for ten days. He had a heart problem and had not seen a doctor either.

A male detainee, aged 25, from Algeria, was arrested on the streets a month ago by ten police officers on motorcycles because he did not have his documents with him. He was hit with batons and kicked. When one of the officers wanted to bang his head against a wall, he pretended to faint and dropped to the ground. He was brought to the hospital for a check-up where he was neither treated nor were his wounds documented. After two hours he was transferred to the police station. He was brought to the CID on the fourth floor where he was placed on a seat outside. He was hit by officers on his arms and back on four occasions and officers who passed slapped him or spit at him. After approximately 8 hours of repeated abuse outside the offices he was brought to the arrival cell of the CID for 20 days. He was not allowed to take a shower during that entire period. The first two days he was not given any food, later only once a day.

A male detainee, aged 16, from Algeria, was falsely registered as 20. He had been detained for 7 days despite the possession of valid documents ('white card'). He said that the officers threw his documents away. He did not know why and how much longer he would be detained.

A male detainee, aged 36, from Patras in Greece, was in a cell on his own, downstairs, after he was hit in the head by a CID officer on his way back from the toilets. He is a strong injection drug user and has spent five days without any substitute. He was denied access to the hospital when he was feeling terribly sick because of the lack of heroin. The forensic expert examined him and concluded he was in intense suffering, needing for medical observation.

Agiou Panteleimonos Criminal Investigation Department, Athens Visited on 17 October 2010

The Special Rapporteur was received by CID Commander in charge, **Dimitris Diamantidis**. As it was the case at Omonia Police Station, and later at Akropolis Police Station, detainees held in police custody informed the Special Rapporteur about cells holding detainees in CID offices. The Ministry of Citizen's Protection did not mention CID holding cells and seemed to be unaware of their existence.

On the CID floor, there was one unofficial cell measuring about 11m². There were 10 detainees kept there, sharing 1m² each. It was totally dark and filthy with bad air, and only a small hole in the wall. There were no windows or lights in the cell. The temperature was very hot. In addition, many detainees smoked against the stress.

The detainees were too afraid to come out for interviews, and strongly feared of reprisals. The Special Rapporteur assessed Agiou Panteleimonos CID as being one of the worst place of detention visited in Greece.

Individual cases

A male detainee, aged 32, from Morocco, has been held in this small cell for 11 days. He is terribly afraid to speak to the Special Rapporteur because of fear of reprisals. When he was arrested, CID officers put him on the ground and handcuffed him, but did not beat him. He says they are treated like pigs, and were 23 detainees in the cell until some days ago. He complains that he can go to the toilets only if the officer in charge is nice. He says he sleeps on cardboard since there is no bed and only one long bench. He has no blanket either.

A male detainee, aged 40, from Afghanistan, has been held for 7 days in CID custody. He speaks very low because of fear of the officers next to the cell, and states that one of them, the commander, is particularly violent. He was asked for his pink card during a control in the street, and did not carry it with him. Police officers therefore brought him here, without violence. He was then beaten in the ribs five times by the Commander's fists. He said that he feels very afraid since the officers often come and beat people in the cell, and sometimes are three to beat one detainee.

A male detainee, aged 20, from Palestine, was arrested 3 days ago by several police officers and pushed to the ground. Also neo-Nazis were there, and a fight between right and left wing people had broken out, but no neo-Nazis were detained. He was accused of theft. At the police station, there were no more beatings. They received one or two cold meals per day and could use the toilet twice a day. They used this opportunity also to fetch water. He went with two African men to the court but they had no access to a lawyer. On 26 October he will have the next court hearing.

A male detainee, aged 18, from Georgia, came to Greece 2 weeks ago and stayed with his aunt in Athens. On 15 October, he was picked up by the police in the street as he had no documents and was brought before the court. The day after the interview, he was going to the court again where he hoped his aunt was present.

A male detainee, from Albania, has been a drug addict and was very agitated and angry since he was dependent on methadone but has not received any medicine in time. He was told to wait another 2 hours.

**Akropolis Police Station, Athens
Visited on 18 October 2010**

The Special Rapporteur was received by Chief of Police **Constantinos Kaldis**. In the official holding cells at the 2nd floor of Akropolis Police Station, there were 15 irregular migrants kept and registered. There were four cells, a shower and two toilets, connected by a small corridor. The cells were fairly dark and the air was bad. During the past month, there were up to 30 detainees kept there. It is semi-open, and detainees can walk in that area at any time, and also access the telephone. They receive food twice a day. But they do not have access to a doctor.

The court usually drops the criminal charges (on theft, possession of drugs etc.), but they remain in administrative detention, in which they are systematically kept for up to 6 months.

During the interviews, the Special Rapporteur was told that there is a CID holding cell on the fourth floor of the building. The visit of the CID is described in the next section.

Individual cases

Group interview of six male detainees from Somalia and Palestine, who have been held in the police station for up to 45 days. They all complain about the food that is very repetitive and bland. They also say that they have no room to sleep and no light at all. They all affirm

they have been beaten by CID officers. One said that he was beaten heavily, and that the CID officers quickly put ice on his swollen face since he had to go to court. They say they are treated like dogs.

Shahzad Aslam, aged 26, from Pakistan, was arrested on 18 September 2010 for allegedly possessing a stolen cell phone. Upon arrest he was beaten in the neck and on the arms by 7 police officers and then brought to the police station. He was held in the small waiting room of the CID for 15 days. The first three days several officers regularly hit him in the neck, yelled and spit at him. He was not provided with food or water unless he paid for it. Then he was brought before a judge who dismissed the charges and transferred him to the regular police cells for administrative detention. He was a heart patient but was refused access to a doctor unless he would pay for it himself.

A male detainee, from Pakistan, was arrested one month ago, brought before a judge who dismissed all charges, and is now held in administrative detention. He experienced no abuse during his arrest. He was refused access to a doctor but instead was just given painkillers by the police officers. He received no soap and could not use the telephone because he had no money to pay for it. Due to the frustration about his detention and the poor conditions he has cut himself before.

M.A., aged 26, from Eritrea, was arrested without papers 3 days ago. The two police officers arresting him beat him and kicked him in the stomach for no apparent reason. The first day he had to stay at the CID in the fourth floor, and then he was transferred to an arrival cell outside the regular police cells with no direct access to the toilet or the shower. He could access the toilet whenever requesting it but had not been able to take a shower yet. He wanted to apply for asylum but has never managed due to the many applicants queuing at the Petrou Ralli offices. The officers at the police station rejected the responsibility to take up and forward his asylum claim.

A male detainee, aged 18, from Afghanistan, was first detained and handcuffed (including at night) for ten days in the CID cell on the fourth floor of the facility with five to ten other persons. He waited one week to have a shower. The police treated him fine during the arrest. He was then taken to a cell on the first floor where he had been detained for 1 ½ months. There were sometimes up to 30 persons in the cell. He had access to a shower in this cell. There was one small window but no light, either natural or artificial in the cell. There was no doctor visiting and no medications available. He was initially arrested in Omonia Square for using drugs and then the police held him for not possessing valid documents. He had a lawyer visit him but the lawyer did nothing.

A male detainee, aged 42, from Iraq, was initially held upstairs on the fourth floor for three days. He had been detained in the cell on the first floor of the facility for 36 days. He was detained for having no documentation. He contacted a lawyer, who came to visit one time, took the money and then he never saw him again. The air was stifling hot; he could not breathe.

Akropolis Criminal Investigation Department, Athens Visited on 18 October 2010

On the information of the detainees of the second floor, the Special Rapporteur decided to visit the fourth floor of the building where the CID offices are, and discovered that detainees were also held there in a cell, which was actually a very small waiting room next to the CID offices.

There were four detainees, in a small waiting room, not designed to be a cell. These detainees do not seem to be registered at all and are also not counted in the figures provided

to the Special Rapporteur by the Ministry of Citizens Protection, as it was also the case for Omonia and Agiou Panteleimonos Police Stations.

In the cell, the air was barely breathable because of the smoke. There were no beds, only chairs and a bench. There was garbage all over the floor, and several chairs they used for sleeping. There were no toilets in the cell either, and detainees have access to them only in the evening. They receive no food from the police, but families can bring food. The conditions of detention in the 2nd floor are much better than in the 4th floor.

Detainees held on the second floor in police custody say that the worst they experienced in this police station was the treatment at the CID, where they were regularly beaten by CID officers. The detainees in CID custody were very afraid of reprisals.

The Special Rapporteur conducted a joint debriefing with the Chief of Police and the Chief of the CID, who both denied any knowledge of torture or beatings and claimed that they provide the best possible treatment to the detainees. The Chief of Police, in particular, claimed that every detainee receives an information sheet with all their rights and that he provides all services, such as telephone calls with lawyers and relatives, constant supply of water and showers, and three meals a day to all detainees including those at the 4th floor. However, when he wishes to show the receipt of the day's food order for 19 people, he could not find it. He also strongly maintained that since he is in this position (26 March 2010), no form of torture or beatings had happened. The Chief of the CID is somewhat more open and self-critical. He arrived here on 14 November 2009 and had not received any complaint of torture either. But he admits that the conditions of detention had deteriorated since March 2010. The main problems were identified as the inhuman living conditions for detainees. In his opinion, the temporary holding facility in the 4th floor might be acceptable for 1 to 2 hours but not for any longer. He acknowledges that the CID keeps detainees there for up to 3 days, and said that food and water was provided by the Chief of Police.

According to both officers, people arrested on a criminal charge are brought to the CID and can be held there for up to 3 days. They check their criminal records and bring them before the courts. If they are then kept in administrative detention, they are brought to the cells in the 2nd floor. A decision to release them can only be taken by the Aliens Department.

Most of their explanations are in contradiction to all the interviews conducted. The statements by the detainees were more credible than those of the police officers. The Chief of Police seemed to be very concerned about his authority and responsibility for the entire police station, unlike in other police stations where chiefs stated clearly that CID was under a completely separated authority.

Individual cases

A male detainee from Iraq who has political asylum since 2007 was arrested four days earlier in the streets for possession of ecstasy pills. He was beaten upon arrest, and strangled by an officer. He was then beaten again on the second floor of the police station, by police and CID officers. He will not raise this fact in court because he is too afraid of reprisals.

A male detainee from Algeria was arrested three days earlier at the bank while he was taking money in order to leave the country and because he had no papers. He was not beaten, but complains that there is no bed in the cell, only one bench and chairs, and that detainees have to sleep on the chairs. Also, there is no window and he says that the smoke hurts him a lot. Finally, he complains that detainees in CID do not receive any food from the officers, and cannot take a shower.

A male detainee from Tunisia has been here for three days. He was heavily beaten by CID officers. The forensic expert said that his story is corroborated by the fresh and large scars on his face, skull and fingers. The traumatic lesions were totally compatible with the allegation presented. He could not see a doctor. He also complains that he received no food at all, and could not take a shower. He showed to the Special Rapporteur that he can drink from a pipe that is falling from the roof, on the wall. He is very afraid and does not dare to speak much. In the middle of the interview, he is roughly asked to go to court by the officers and leaves.

Korydallos Men's Prison, Athens Visited on 18 October 2010

The Special Rapporteur was received by the Prison Director Prison Director Mr. Zannides Korydallos Prison is the biggest prison in Greece. It was designed for 800 prisoners but holds presently 2256 plus 20 new arrivals. It is divided into 6 different buildings. Blocks A, B, C and D are built in the same way: 3 floors of 40 single cells each, i.e. 120 prisoners per bloc. Presently each cell, built for one detainee, holds up to 4 of them. Blocks E and F were added later. Block A is presently used mostly for Greeks, Bloc B for drug offenders, Blocks C and D for foreigners. Persons of the same nationality are put together in the same cells. A part of Block C is dedicated to vulnerable people. Block E is for detainees from other prisons who are brought before a court and for migrants in administrative detention. Block F is for people who are held for debt to the Greek State and for special categories, such as police officers, prison guards and people fearing for their lives. The disciplinary cells are between Blocks C and D, but are now used as normal cells because of overcrowding.

From 8 to 11 am, the cell doors are open in most blocks and detainees go to the outside yard but cannot mix with prisoners from other blocks. Lunch is from 11 to noon, and from 12 to 3.45 pm the cell doors are closed. From 3.45pm until sunset the detainees can go again to the yard. Those in the punishment cells are allowed one hour each in the morning and in the evening out of the cells. The vulnerable people unit in Block C is constantly locked down because of an escape in 2008. The detainees held there can therefore not go out at all.

There are jobs for a total of 600 prisoners, and presently 550 have work. Most detainees are in pre-trial detention.

Any new detainee must have an initial medical screening. In 2010, they found injuries from beatings by the police, but no further action was taken. There is a special complaints procedure against prison guards, and the prosecutor can be directly contacted, even by anonymous letter.

The Forensic Expert visited the Korydallos Psychiatric Prison Hospital. He reported to the Special Rapporteur that the injecting drug users (IDU) do not receive substitute treatment or specific medical attention. According to the information received, Korydallos does provide methadone and the forensic expert observed the kind of substitution therapeutics that were available.

On Saturday 16 October, there was a serious incident in Block C. Fights broke out between different ethnic groups, in particular Iraqi Kurds and Algerians. A number of detainees and guards were injured, and some had to be brought to the hospital. According to detainees the fight really sparked with the general frustration about the conditions of detention and the judicial system. As a consequence, all prisoners in the 2nd and 3rd floor are locked down. When the Special Rapporteur visited Block C, prisoners were extremely agitated. Shouted from inside the cells and started to light fires both outside and inside the building.

Individual cases

Block A

This block was completely overcrowded and detainees were very noisy and restless. The conditions of hygiene were very bad. The Special Rapporteur observed many cockroaches and bugs. It was cold, and most detainees complained about the lack of food, and its quality.

Stan Marius, aged 23, **Cubahit Gabriel Adrian**, aged 30, **Borhan Mihai**, aged 29, **Damalache Tudor Costel**, aged 34, and **Davel Ilie Stefat**, aged 22, had been detained on remand for four to six months. They have not alleged any abuse during arrest or in the prison. They complained about the discrimination of foreigners in accessing a workplace. They expressed concerns that in the prisons they mix serious criminals with pre-trial detainees. Also they criticized that there is no initial blood test upon arrival at the prison thus exposing them to a risk of infectious diseases, in particular tuberculosis and HIV/AIDS. The quality of the medical treatment was said to be very bad. The doctor would not really listen to the detainees but only hand out painkillers. One of the detainees recently fainted due to a kidney problem and the doctor's advice was to drink more water. The quality of the food was very poor. The detainees tried to always cook by themselves which was difficult since there were no refrigerators available. They complained about the mattresses being very dirty and uncomfortable leading to back pain. The biggest problem was said to be the overall poor hygiene of the prison with cockroaches everywhere.

Male detainees from Ghana, Nigeria and Somalia have not received sufficient clothes or clean blankets. They complained about the filthiness of the mattresses that are infested with cockroaches.

A male detainee, from Greece, was serving a 32 year sentence for trafficking 3.2 tonnes of cocaine. He had served three years to date in the facility. He had a lawyer. His wife and child visited him once a week for 15 minutes behind a glass barrier. He saw his child one time a month in an open setting. Many people used heroin inside the facility. There was easy access as the drugs were thrown over the fence. If they needed medicine they had to pay for it themselves. There were no library facilities. If they undertook an educational program it helped reduce the amount of time to be served.

Block C

The atmosphere is extremely tense because the prisoners in the first and second floors, where the fights occurred some days prior to the visit, were still locked down. Prisoners were shouting, banging the doors, and started to light fires both outside and inside the building.

A male detainee, aged 39, from Greece, speaking German was heavily beaten and kicked during his arrest by the police 8 months ago. He was arrested for possession of hashish, since Greece has one of the harshest drug laws in the world. There is no therapy for drugs. If the police claim that one has drugs, one must prove the opposite. Police officers also stole personal belongings, such as computers, from the detainees. The worst police station, in his opinion, was Kalifea Police Station. Legal aid lawyers were not efficient as they just have finished their law studies. Since he had money, he had two of the best lawyers and will be brought to court on 8 December 2010. He has spent already 8 months in pre-trial detention. The conditions in the prison, apart from the overcrowding, were alright if you had money. The food is so bad that he did not eat it, but he could cook his own food. His lawyer has managed that he got one of the few jobs in prison. Because of the sun collectors, there is only 5 minutes hot water in the morning and 5 minutes in the afternoon. His parents could visit him twice a week for 2 hours each. On average, there was one death in prison per month, often related to drugs or suicide. Not all deaths in prison were duly registered

and investigated. In relation to the allegation that not all deaths were duly registered and investigated, the Government informed that all deaths in the detention facilities are fully registered and investigated. Only deaths that occur in hospitals are investigated by the hospital and not by the detention facilities' authorities due to medical privacy.

A male detainee, from Sudan, has been detained in the facility for three months for not possessing valid documents. There were sixteen persons in his cell. They used their own money to buy food and soap. They cleaned the toilets and showers themselves.

A male detainee, from Palestine, had been detained in the facility for two months for not possessing valid documents. There were sixteen persons in his cell. The cell was very dirty, lots of insects and flies. Many people in his cell were here for 6 months to one year for not possessing valid documents. The telephone was not working.

Four male detainees from Albania explain that the first and second floor of C Block was in lockdown because a fight had broken out between Arabs and Pakistanis and they believed an Arab man may have been killed. These things happen all the time. A number of people were injured, including one guard who was badly beaten. The guards ordered a lock down as a disciplinary measure. The prisoners shouted and banged on the doors for hours and setting fire to their clothes and hanging them out the window. Many were in the facility serving long sentences for drug offences.

Block C- Section of vulnerable people

In this block there are 23 detainees in cells of two beds each. The cell doors are open during the day, but the doors of the block, including the doors to the external secured yard, are all the time closed. As a result the detainees can not go out to breathe fresh air, practice any activity or see the sunlight at all.

Two transgender persons from Greece were brought from Corfu to Athens for their court hearing three days earlier. They complained about the fact that the cell is overcrowded and very unhygienic. Also, they mention that the section of vulnerable persons is completely locked down all along the year, and that detainees cannot access the yard, because of an escape that happened in 2008. They therefore have to remain inside the small block all the time. They say that guards and detainees are respectful. The Government informed that the vulnerable persons in Block C of Korydallos Detention Facility were all pre-trials and held in separate cells for their own protection temporarily - contrary to the information provided by some detainees who mentioned they had been in these cells for a rather long period of time. The Government added that these two persons have already been transferred to other detention facilities, in individual cells, for serving their sentence.

Block E - basement used for administrative detention

This block comprises in its basement irregular migrants held in administrative detention. There are 3 cells of 16 people each. The door to the basement is open and detainees can at time access the ground floor, but they cannot go out on the yard. Some have beds; others sleep on the floor as it is overcrowded. The Government informed the Special Rapporteur on 3 March 2011 that the irregular immigrants held in the basement of Block E, are mainly immigrants for deportation to their countries but they have refused to cooperate with the competent authorities for issuing the appropriate travel documents.

The Special Rapporteur noticed hundreds of bugs and cockroaches crawling under the mattresses, in the food and on the floor. The conditions of hygiene were very bad. The Special Rapporteur noticed that the detainees were very agitated and anxious. Also, several detainees had self-mutilation signs.

A male detainee, aged 21, from Algeria, was arrested on 21 May 2010 and brought to the police station at Piraeus. There he was beaten with fists and a baseball bat by the officers. One of his thumbs broke. He was kept at the police station for 5 days without access to a doctor. Then he was transferred to Korydallos Prison where he is detained since. He has had no access to a lawyer and has not seen a judge. He complained about the treatment of the prison guards who regularly insulted and humiliated him. He complained about being detained underground. Due to the humidity in the cells he displayed skin problems.

Group interview with male detainees, who complain that it is colder in the basement, and that they have only one hour of warm water per day. They say that the food is not good, in insufficient quantity (twice a day), and that the kitchen facilities are dirty. Furthermore, they have no access to a doctor.

Korydallos Women's Prison, Athens Visited on 18 October 2010

There are 201 female detainees. On the date of the visit. The detainees are held in a three story building and remandees are not separated from those serving sentences. They live partly in chambers of 16 to 18 people and in cells of 2 to 3. Generally, it is overcrowded but the facility is much better taken care of than the males' part.

The Special Rapporteur noticed a high level of frustration with the conditions of detention and the system of criminal justice in general. The detainees complained about long periods (up to 15 months) of pre-trial detention, lack of access to free legal aid, and long prison terms for comparatively minor crimes, above all drug related offences.

Detainees have to pay for services which should be provided free of charge by the prison administration, such as toilet paper, soap, decent food, etc. Many detainees have serious diseases, such as hepatitis C, HIV, multiple sclerosis, without access to basic medical assistance.

Individual cases

A female detainee, aged 40, from Greece, was arrested on 21 June 2010 by 15 policemen at her home in Drama in the presence of her 6 year-old son. They brought her with handcuffs behind her back to the police station of Drama, together with her son. There she was interrogated and severely beaten on the 1st floor by one CID officer in civilian clothes and by the CID commander in civilian clothes. They beat her in her face, in her back and neck. As a result, two ribs and her cheekbone were broken. She was brought before the prosecutor and the magistrate in Drama. Her face was swollen and she complained about the ill-treatment, but they did not care. From the police in Drama she was brought via a transit centre in Thessaloniki and a similar centre in Athens to Korydallos Prison, where she arrived on 30 June 2010. She immediately requested to be brought to the hospital, but this request was only fulfilled on 16 September 2010, i.e. two and a half months later. At that time, her visible injuries were gone, but the fracture of her cheekbone was diagnosed with an x-ray. There were, however, several women who could witness her swollen face when she was brought to Korydallos Prison.

A female detainee was arrested on 25 June 2010 at Rhodos Island and brought to the police station of Rhodos. There she was interrogated from 7 pm to 2 am. She unsuccessfully demanded a lawyer and a telephone call. Although she was not physically assaulted, she was threatened with 15 years to life imprisonment if she would not cooperate and confess to drug trafficking. She stayed together with an Asian woman for 10 days in the women's cell, and was only provided once a day with food. They brought her to the prosecutor and a magistrate without being defended by a lawyer and assisted by an

interpreter (a police officer assisted with interpretation). After another few days in the police cell, she was brought by boat to Athens and then transferred to Korydallos Prison.

A female detainee, from Brazil, had been waiting one year in pre-trial detention. She had not seen a lawyer as it was too expensive. She said that there were vaginal searches done when one first entered the prison and whenever they exit the prison and return, i.e. visit the hospital. These were done by a male doctor with a female nurse present. The guards imposed disciplinary measures if one refused to sign the consent form for this search. The guards did not sexually or physically abuse the detainees, as most were female guards.

A female detainee, aged 40, from Romania, had been detained in pre-trial for 6 months. Since she could not pay bail she had to wait for her trial up to 18 months in remand. There were 60 Romanians being held in the facility. Most women were held in large chambers with 15-18 people and a few people shared small cells. She had epilepsy and no medication.

A female detainee, from Ghana, had received an 80-year sentence for trafficking 6 kilos of hashish. She had served 7 years of her sentence so far. Many women were serving sentences for drug possession or drug abuse. She was HIV positive so she had her own room. There were two women who were HIV positive. She was able to see a doctor when needed. There were 4 showers on the entire floor shared by more than 150 people. Many of the windows were not able to close and there were large drafts so very cold in winter. They ate the food in the cells with their hands. They had to buy everything themselves - soap, food and clothes.

A.M., aged 41 and other **female detainees**, had not been ill-treated upon arrest or in detention. However, detainees coming back from day paroles are routinely subjected to vaginal searches. They complained about the conditions of detention. They were not given enough cleaning agent to keep their cells clean. As a result there were many cockroaches. They were not given sufficient sanitary products such as toilet paper and soap and had to buy it mostly themselves. There was only warm water for one hour every evening, creating fights among the detainees. The cells were very cold, the windows not isolated and some panes broken. They have complained about the quality of the food and that they are always given rice or pasta. The medical treatment was very poor. The doctors would not really listen to the complaints of the detainees but usually just give sleeping pills and psychotropic drugs. Some detainees were separated from their children and could not see them regularly. The detainees were not allowed to bring their belongings from home but had to buy all things including clothes and bed sheets new. Detainees without any financial means were very disadvantaged. They have complained about the arbitrary treatment by the prison officials who sometimes refuse to buy things for prisoners without any reason. The poor conditions created much frustration among the detainees and many have been cutting themselves.

K.A., a Greek Roma, complained about racial discrimination by the prison officials. She could not receive visitors from abroad. Her minor son was very sick and she could not visit him. Her brother had recently died and she was prevented from going to his funeral.

T.P., aged 28, from Poland, was detained for 3 months. She had a young child with a Greek man she is not married to. She was about to be sent to a prison in Poland against her will. She was afraid of being permanently separated from her child.

A female detainee, from Russia, was subjected to strip searches when returning from visiting her husband in the male prison. She complained that she had no possibility to carry illegal objects with her coming from one prison to another.

A female detainee, from Germany, stated that non-Greeks were discriminated against by the prison officials. She also complained about the smell from the drainage that was not

being cleaned. She said to have respiratory problems caused by the bad ventilation and everyone in the prison smoking.

A female detainee, aged 22, from Poland, complains that there are not enough books and educational material for detainees. She also states that they have limited physical and recreational activities. She was never beaten, but mentioned that the officers can shout at them easily. She would like to have chlorine water to be able to clean the cells properly.

A female detainee, aged around 60, from Greece, was arrested on 2 March 2010 together with her whole family and brought to Gada Police Station. Her family was discharged after 24 hours but she was kept. In order to extract a confession, the officers asked her to seat on a broken chair for 80 hours during which she was not allowed to stand except once to go to the bathroom. After a while, her feet became swollen, and she was hungry since she only received water. She was beaten nights and days by four CID officers, who used their hands, and punched her like a ball. She fell on her back at times, and had bruises all over the body. Once she came back from the toilets, a female officer asked her to get naked, and then made fun of her being so old and out of shape. The most senior officer of the group lifted her several times by the hair. After 80 hours, her face was completely blue, and so were her legs and arms. She was forced to sign papers. She was brought to court, and asked the judge to see a forensic expert. This was denied. She was then brought back to the police station, to a temporary cell, together with many people. Among them were three women, who helped her seat since she was half conscious. Five days later, the officers again brought her back to court and assigned her a lawyer. She refused, but asked to see a doctor. It was refused again. She was brought back to the police station's large common room. On 19 March, she was brought to Korydallos prison, and heard for the first time that she was charged with intention of killing. She was immediately brought to the clinic of the prison and underwent exams. She then used these medical records to launch a habeas corpus petition, and stated she had to confess against herself, but it was rejected for procedural reasons, since one document was not in conformity with the requirements. She is now appealing.

Korydallos Psychiatric Prison Hospital, Athens Visited on 18 October 2010

Korydallos Psychiatric Prison Hospital is located in an old and dilapidated building and lacked the required health staff and modern medical equipment needed to be in accordance with international standards for this kind of health facility. From the visit to the premises, and from interviews with health professionals and detainees, the Special Rapporteur found there was a great commitment and dedication from the health staff, who did their best to compensate for the difficult work conditions. A number of efforts were being made by the present administration to renew the facilities and to implement a new internal organization and provide health psychiatric programs. These efforts were well recognized by the psychiatric population, who were particularly happy with recent changes introduced in the establishment. However, without a substantial investment on the renewal of the facilities and adequate equipment and staff resources, Korydallos will not be adequately prepared for the future.

Echsarkia Criminal Investigation Department, Athens Visited on 19 October 2010

The Special Rapporteur was received by CID Sergeant **Apostolos Zotos**. There were nine detainees held under the authority of the CID. Unlike in other CID facilities, all detainees

were registered. This police station is notorious for drugs, since there are 18 drug therapy centres in the surroundings, covering 1500 injecting drug users (IDU) every day.

Individual cases

A male detainee, aged 31, from Afghanistan, had been detained in the facility for six months and five days. He was arrested for possession of drugs and has applied for asylum. But he did not want to file for asylum because he has heard that it meant he would be detained for longer. He said the police treatment was fine, but the food was terrible. There was no change of clothes, soap or toothpaste available.

A male detainee, aged 32, from Afghanistan, has been detained in the facility for four days. He said that he had been arrested along with a Greek citizen. He said the police took the drugs off the Greek's pocket and put them in his so he was arrested and the Greek was released. He said he was beaten by police upon arrest in the hallway on one of the upper floors of the police station. He was kicked and hit in the back while handcuffed. He said his cheek bones hurt a lot but there were no longer any marks. He was going through drug withdrawal and had not been seen by a doctor. Two nights earlier he was taken to a medical clinic and given an injection of something and then returned to the facility. He said the authorities cleaned the garbage off the floor in the police station half an hour before the Special Rapporteur arrived.

A male detainee, aged 44, from Pakistan, had been detained in the facility for 60 days. He was detained for not possessing valid papers. He had been living in Greece for four years and had contacted a lawyer by phone by using one of the very expensive phone cards. He said the food was terrible. On this day there were 27 people detained in the three cells, this was typical as usually there were between 23 and 28 people here. Many people had to sleep in the hallway.

A male detainee, aged 22, from Somalia, had been detained in the facility for 5 months and 6 days. He was detained for not possessing valid papers. He said sometimes they had to wait a long time to receive food. There was no outdoor space and only a very small window high up on the wall which provided some air.
