



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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REFERENCE: cc/jmnf/jli/follow-up/CAT

3 June 2013

Your Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the fifth and sixth periodic reports of Greece (CAT/C/GRC/5-6) by this Committee, at its 48<sup>th</sup> session, held from 7 May to 1 June 2012. At the end of that session, the Committee's concluding observations (CAT/C/GRC/CO/5-6) were transmitted to your Permanent Mission. In paragraph 32 of those concluding observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year, by 1 June 2013, further information regarding areas of particular concern identified by the Committee in paragraphs 10, 13, 14 and 20 (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective.

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's concluding observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture ([cat@ohchr.org](mailto:cat@ohchr.org)). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Greece on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Your Excellency, the assurances of my highest consideration.

Felice D. Gaer

Rapporteur for Follow-up on Concluding Observations  
Committee against Torture

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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture**  
*(Extracts for follow-up of CAT/C/GRC/CO/5-6)*

**GREECE**

(...)

**C. Principal subjects of concern and recommendations**

(...)

**Allegations of torture and ill-treatment, impunity**

10. The Committee expresses its serious concern at persistent allegations of torture and ill-treatment by law enforcement officials during arrest or detention, including in the premises of the Criminal Investigation Departments (CID). The Committee is also concerned at the limited number of such cases that have been prosecuted, the very limited number of final convictions, and the lack of sanctions due to mitigating circumstances etc, in cases where there have been convictions. The Committee notes that this does not correspond to recent decisions and rulings from international bodies, including the Human Rights Committee and the European Court of Human Rights, as well as persistent allegations and extensive documentation received from other sources. The Committee also reiterates its concern at the continued reluctance of prosecutors to institute criminal proceedings under article 137A of the Criminal Code and that only one case has resulted in a conviction under this article. In addition, the Committee shares the concern of the Special Rapporteur on the question of torture regarding the limited forensic evidence available to corroborate allegations of ill-treatment amounting to torture (arts. 1, 2, 4, 12 and 16).

**The State party should:**

- (a) As a matter of urgency, take immediate and effective measures to prevent acts of torture or ill-treatment, including through public sensitization as well as the announcement and adoption of a policy that would produce measurable results in the eradication of torture or ill-treatment by State officials;
- (b) Promptly amend its interrogation rules and procedures, such as introducing audio or videotaping, with a view to preventing torture and ill-treatment;

- (c) **Duly bring to trial alleged perpetrators of acts of torture or ill-treatment and, if they are found guilty, punish them with appropriate penalties which take into account the grave nature of their acts.**

(...)

#### **Prompt, impartial and effective investigations**

13. While noting the establishment of an Office, within the Ministry of Citizen's Protection, responsible for addressing allegations of arbitrariness against law enforcement personnel, the Committee expresses its concern at information that the Office is not yet operational, that its mandate is reportedly limited to ruling on the admissibility of complaints and that cases will be transferred to the relevant disciplinary bodies of the security forces for further investigation. The Committee thus remains concerned at the lack of an effective independent system to investigate complaints of torture, ill-treatment or excessive use of force and it is concerned at the deficiencies in according protection from ill-treatment or intimidation to victims as a consequence of filing a complaint or giving evidence (arts. 12 and 13).

#### **The State party should:**

- (a) **Strengthen existing mechanisms for monitoring and oversight of the police and other public officials, including by establishing a reliable, independent and accessible complaints system to undertake prompt, impartial and effective investigations into all allegations of torture, ill-treatment or excessive use of force;**
- (b) **Certify that all such allegations are recorded in writing, that a forensic medical examination is immediately ordered, and that the necessary steps are taken to ensure that the allegations are properly investigated. Such an approach should be followed whether or not the person concerned bears visible external injuries;**
- (c) **Ensure that, in cases of alleged torture, suspects are suspended from duty immediately for the duration of the investigation, particularly if there is a risk that they might otherwise be in a position to repeat the alleged act or to obstruct the investigation;**
- (d) **Take effective measures to ensure that all persons reporting acts of torture or ill-treatment are accorded adequate protection.**

(...)

#### **Conditions of detention**

14. The Committee reiterates its serious concern at the failure of the State party's authorities to improve the conditions of detention in its police stations and prisons. The Committee is particularly concerned that the level of prison overcrowding, despite some improvements in certain facilities, remains alarming. The Committee

also expresses its serious concern at the deplorable material and sanitary conditions in many police stations and prisons, insufficient staff levels, including medical professionals, and lack of basic supplies (arts. 2, 11 and 16).

**The State party should adopt urgent and effective measures to ensure that detention conditions in police stations, prisons and other detention facilities are in conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Beijing Rules). In particular, the State party should:**

- (a) **Alleviate the overcrowding in prisons, including through the wider use of non-custodial measures as an alternative to prison sentences;**
- (b) **Take immediate and effective measures to improve the material and sanitary conditions in both police stations and prisons, ensure the provision of basic supplies, and appoint a sufficient number of trained staff, including medical professionals.**

(...)

#### **Administrative detention of asylum seekers and migrants**

20. The Committee expresses its concern at the current detention policy applied to asylum seekers and migrants in an irregular situation, including reports that asylum seekers at border locations are routinely subjected to long periods of administrative detention. The length of detention, in combination with the deplorable conditions of detention, amounts to inhuman or degrading treatment and constitutes a serious hindrance for asylum seekers to apply for asylum. Furthermore, the Committee is seriously concerned at the appalling conditions in the detention facilities, including regular police and border guard stations throughout the country, and particularly in the Evros region, in terms of severe overcrowding, insufficient staff levels, lack of basic supplies, as well as inadequate medical, psychological, social and legal support (arts. 2, 11 and 16).

**The State party should ensure that administrative detention on the grounds of irregular entry is not applied to asylum seekers. In particular, detention of asylum seekers should be used only in exceptional circumstances or as a measure of last resort, on grounds specifically prescribed by law, and then only for the shortest possible time. To this end, alternatives to detention should be duly examined and exhausted, especially with regard to vulnerable groups.**

**The State party should also take urgent and effective measures to improve conditions of administrative detention through alleviation of overcrowding, appointment of a sufficient number of trained staff, and provision of basic supplies, such as medical care and treatment, adequate food, water and personal hygiene items in any facility used for the detention of foreign nationals.**

(...)

32. The Committee requests the State party to provide, by 1 June 2013, follow-up information in response to the Committee's recommendations related to: (a) conducting prompt, impartial and effective investigations; and (b) prosecuting suspects and sanctioning perpetrators of torture or ill-treatment, as set forth in paragraphs 10 and 13 of the present document. In addition, the Committee requests follow-up information on the conditions of detention and administrative detention of asylum-seekers and migrants, as contained in paragraphs 14 and 20 of the present document.

(...)

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