

Greece

List of issues to be considered during the examination of the fourth periodic report (CAT/C/61/Add.1)

Article 2

1. Please provide information on the restrictions to the exercise of the right of detainees to communicate with their families. Please provide statistics on cases where such restrictions were placed.
2. Please indicate which specific data is systematically recorded upon registration of a detainee by the police.
3. Does the State party's domestic law specifically provide that no exceptional circumstances whatsoever, or an order from a superior or a public authority, including in the military, may be invoked as justification of torture?

Article 3

4. Please inform the Committee of the specific safeguards against non-refoulement which are in place and the practice of the State party in this respect. Please provide examples of cases where the authorities did not proceed with extradition, return or expulsion because of the fear that the persons might be tortured.
5. Could you please comment on the allegations by international and national non-governmental organizations which express concern at the continued use of ill-treatment and torture against migrants and asylum seekers, including forceful sedation and electric

shocks in the context of forced deportations, and the alleged impunity which accompanies these acts¹.

6. Please inform the Committee if necessary instructions have been given to border guards and the military to respect asylum principles, to make them fully aware of the rights of persons in need of international protection.

7. Please provide disaggregated data, by age, sex and nationality, on:

a) the number of asylum requests received and the number of those that have been granted asylum or humanitarian status in 2003, including on the basis of having been victims of torture;

b) the number of undocumented migrants arrested in 2003;

c) the number of persons expelled or deported indicating if any of these were rejected asylum seekers.

Article 4

8. Please provide data with respect to persons tried and convicted, including the punishments received, for the crime of torture according to article 137A of the Penal Code.

Article 5

9. Please provide information on domestic legislation establishing universal jurisdiction over the offence of torture.

Article 10

10. Please provide information on the implementation of the training programmes for police officers (students) referred to in the Report, such as the 12-point programme for the prevention of torture and the prevention of cruel treatment during detention. Please also provide up-dated information on training activities for in-service police officers.

¹ OMCT and GHM: Torture and other forms of Ill-treatment in Greece in 2003, The situation of women, Roma and aliens.(Brussels, October 2003). By decision of the Committee this document is attached hereto.

11. Please indicate whether there are programmes to train medical personnel who are assigned to identify and document cases of torture and assist in the rehabilitation of victims.

Article 11

12. Please provide up-dated information on the status of the draft code of ethics referred to in para. 44 of the State party report and detailed information as it pertains to the Convention.

13. Please provide information on the findings and recommendations addressed to the authorities by the Ombudsman and NGOs on their visits to places of detention since 2002?

Articles 12 and 13

14. Please indicate which authority can order the institution of a criminal investigation in cases of torture or cruel, inhuman or degrading treatment? Does this require a formal complaint by the alleged victim? Please update the data contained in the report and provide examples of cases investigated and indicate the results of the proceedings, both at the penal and disciplinary levels.

15. Please describe measures, taken to combat racism and discrimination, in particular racially motivated violence against Roma and other minority groups or foreigners, including prompt and impartial investigations into allegations of offences pursuant to articles 1 and 16 of the Convention. Please also comment on the concerns expressed by the Committee on Economic, Social and Cultural Rights related to reported instances of police violence against the Roma, sweeping arrests and arbitrary raids of Roma settlements by the Police (E/C.12/1/Add.97 para. 11 dated 14 May 2004).

16. Please comment on allegations by NGOs that judicial investigations were not opened into complaints of ill-treatment in a number of cases, where such investigations were opened they were slow and that no police officers were convicted of ill-treatment.

Police officers convicted of manslaughter (referring to shooting and fatally injuring) received non-custodial sentences or prison sentences of less than three years which, under Greek law, may be redeemed by payment. (AI events of 2002).

17. Please describe steps the State party plans to ensure that supervision of detention facilities can be effective and independent.

Article 14

18. Please provide information on compensation measures ordered by the courts and actually provided to victims of torture or cruel, inhuman or degrading treatment since 2000.

19. Please explain if torture victims can obtain compensation through civil suit in the absence of a guilty verdict in criminal proceedings. In this respect, could you please provide statistics and examples of compensation received by victims in such cases.

20. Please provide information on modalities of cooperation and support afforded to non-governmental organizations offering medical rehabilitation to victims of torture.

21. Please provide further clarification to the provisions of article 105 of the Civil Code, in particular related to the possibility of excluding the liability of the State for compensation, according to which: “For illegal acts or omissions of the States bodies in the exercise of public authority entrusted to them, the State is liable for compensation, unless the act or omission was made in violation of a provision for the benefit of general interest.”

Article 16

22. Please provide up-dated information on the number of imprisoned persons and the occupancy rate of the accommodation capacities for 2002 and 2003. Please also provide additional information on steps taken to follow-up to the previous recommendations of

the Committee related to detention conditions and on the creation of separate facilities for undocumented migrants and/or asylum seekers (A/56/44, para. 88 a) and e)).

21. Please provide information on the number of proceedings initiated and convictions under the new law aimed at combating human trafficking (3064/2002) introduced in October 2002².

22. Please provide up-dated information on any new legislation adopted on violence against women. Does such legislation include specific provisions on domestic violence? Please provide information on any other measures taken to prevent domestic violence and to investigate cases reported.

23. Could you please also comment on the allegations by NGOs on the excessive number of illegal proceedings against unaccompanied alien minors including arbitrary arrest and detention, detention with adults, illegal deportation orders and slow procedures for family reunification? (OMCT – GHM report))

Other

24. Does Greece envisage the ratification of the Optional Protocol to the Convention against Torture? If so, does Greece envisage setting up or designating a national mechanism which would conduct periodic visits to places of deprivation of liberty in order to prevent torture or other cruel, inhuman or degrading treatment or punishment?

25. In view of the Commission on Human Rights resolution 2004/41, which calls upon all Governments to take appropriate effective legislative, administrative, judicial or other measures to prevent and prohibit the production, trade export and use of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment, please indicate whether there is legislation in your country aimed at prohibiting such trade and production. If so, please provide information about its contents and

² OMCT (Report 2003 p. 14)

implementation. If not, please indicate whether the adoption of such legislation is being considered.

26. Please provide information on the legislative, administrative and other measures the Government has taken to respond to the threats of terrorism, and please indicate if, and how, these have affected human rights safeguards in law and practice. In this respect, the Committee would like to recall United Nations Security Council Resolution 1456 (2003) para. 6 which specifically states that: “States must ensure that any measure taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law”.