

NATIONAL DATA COLLECTION OF DISPARATE IMPACTS IN THE CRIMINAL JUSTICE SYSTEMS

Greece



**CENTRE FOR
EUROPEAN
CONSTITUTIONAL
LAW**

National research report - English version

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Table of Contents

INTRODUCTION	5
GENERAL INFORMATION OF THE STRUCTURE OF THE CRIMINAL PROCEEDINGS	8
Legal and institutional framework	8
Review of available national data	12
European Committee for the Prevention of Torture	12
The Greek Ombudsman	12
COLLECTED DATA FROM FIELD RESEARCH	13
Conditions of police detention	13
Safeguards during police detention	15
Procedural rights during pre-trial proceedings	23
Conditions of pre-trial detention	31
Demographics	33
CONCLUSIONS	35



INTRODUCTION

The field research took place between November 9th and December 23rd, 2021 in the prisons of Korydallos, located in the southern suburbs of Athens. Based on the desk research conducted during the first research phase, it became evident that a large and highly diversified population of foreign detainees held in the Greek prisons reside in the Korydallos dept. A total of 1807 detainees reside in the prison department of Korydallos I and II, which includes 1650 male and 157 female detainees. A total of 1,137 foreign male detainees resides in the department of Korydallos. At the same time, 55 foreign detainees reside in the women's prison department. The survey sample targeted was selected on the criteria set by Bulgarian Helsinki Committee Association in the research methodology of the project, including convicted prisoners whose criminal proceedings have started after January, 1st 2020.

To begin with, the utilisation of the research methodology aimed to facilitate the gathering of data on disparate impact in the Greek criminal justice system on the dominant ethnic and migrant groups. These mainly come from Albania, Romania, Central Africa and Arabic-speaking countries. Even though the population of foreign detainees include Gypsy/Roma, no certain percentage could be verified as the status of "Roma" is not being declared and thus no gathered data was correlated with the Roma communities. As part of the demographic information collected and analysed in the last unit of the questionnaire, some of the interviewees self-declared/identified that they consider themselves as Roma and they fall under more than one nationality.

Furthermore, it is important to note that the field research conducted in the framework of the EQUALITYDATA project, is the first attempt to impress statistical representation of discriminatory behaviour towards to foreign detainees and draw comparison among other member-states nationals. Though findings of past reports show that abuse by the police to foreigners and Roma people continues to be a common practice in Greek prisons, no specific information. Prior to the field research, desk research was conducted to identify available national statistical data and research to compare with the obtained representative field research data. The results are included in Section 2 of this report. In terms of planning, the field research started as soon as the competent authority (Ministry of Justice, in cooperation with the Ministry of Citizen Protection) approved the conduct of research within the Greek prison departments. According to the Penitentiary Code (article 86A), the elaboration of the scientific research throughout all detention facilities must be approved by the competent authority, following a review of the below aspects regarding the research:

- a) scope of research
- b) research team and coordinator
- c) research methodology and
- d) organisation's GDPR policy

It should be noted that the examination of the request from the respective ministries took approximately 5 months. The approval and official access granted to the Centre of European Constitutional Law was granted on August, 27th 2021 and the subsequent approval from the respective Prison Department was granted on October, 29th 2021. This led to a delay of starting the surveys with detainees, since the possibility of contacting detainees over the phone or via online methods prior to the access was not feasible. The research finally kicked-off on November, 9th 2021 and was completed by December, 13th 2021. Two main factors have delayed the official approval of the access to prisons:

- a) the transfer of administrative jurisdiction from the Ministry of Justice to the Ministry of Civil Protection in April 2021 and
- b) the government-imposed COVID-19 restrictions in prisons until June 2021.

The selection of the Korydallos Prison Departments (I and II) was made on the basis of two statistical facts. Korydallos features the largest prison department among the 32 prison departments of Greece, in terms of capacity and inmates' population (constitutes approximately 20 percent of the total prison area capacity and total number of detainees¹) and the percentage of foreign detainees constitutes 65 percent of the total inmate population, providing ample population sample for our study. Additionally, Korydallos features an organised Sociologists' Department that facilitated the research procedure with the foreign detainees' wings, provided introductory statistical information and communicated with other prison units to support our mission. The response rate to the survey by the detainees was moderately positive, but dependent on their ability to understand the context. The research team facilitated communication and explanations to the detainees. However, the educational level of the interviewees, which in some cases are at primary level, was determinant of their ability to understand the scope and context of the research and provide additional input. Furthermore, though extra guarantees were given to anonymity, the interviewees were hesitant to disclose detailed information of their detention in cases where mistreatment was declared.

Finally, it should be noted that the survey questionnaires were adapted to seven (7) different languages in order to cover the representative languages spoken by detainees in Greek prisons, which included, by order of majority, Albanian (25%), Arabic (20%), Farsi (15%), Urdu (10%), English (5%), Greek (20%) and French (5%). The 'Roma' identity remained the most difficult category to identify, since prisons do not register such information during the entrance procedure and Roma detainees do not declare themselves as 'Roma'. Though there is a clear unwritten perception of the Roma community within the prison system, this is not officially declared, registered or identified in the administration procedures. During this research, we classified interviewees under the Roma/Gypsy category, when they were self-proclaimed as such. It should be noted that this category covers more than one nationality, such as Greek, Bulgarian, Albanian or Romanian, in the case of the Greek prison departments.

From the beginning of the project, the survey methodology was intended to be based on closed-doors, one-to-one surveys with the inmates. However, during the second approval (prison department) process, the administration introduced a new burden: the difficulty to engage prison guards throughout a long-term interview procedure. Therefore, they recommended the distribution of questionnaires in various language versions facilitated by researchers. Their recommendation was, also, included in the official letter or entrance approval communicated to the Ministry of Citizen Protection, which subsequently made our entrance provisional to these terms.

The contribution of the researcher(s) was/were to introduce the scope of the surveys, provide clarifications and encourage the interviewees to include honest feedback on their experiences. In the prison departments of Korydallos (male and female), detainees are, primarily, separated according to ethnicity or religion. The distribution of questionnaires was facilitated by the internal heads of the prison wings, where detainees of foreign origin are separated in. The wing heads helped to distribute, clarify information in the relevant language and re-collect the questionnaires from the wings. The researcher/s were in contact with the wing heads at all times², in order to provide clarifications about the questionnaire and answer questions, as well as to provide assurances about the integrity and anonymity of the process. As also mentioned in the analysis of results, despite both oral and written reassurances, several detainees that originally signed up to the survey, receded in later stages as soon as they read the Consent Forms which required a signature. This percentage corresponds to an equal to 23 percent of the initially willing to participate detainees.

1 General Secretariat for Anti-Crime Policy, 2020 available at [Γενική Γραμματεία Αν εγκληματικής Πολιτικής - Υπ. Προστασίας του Πολίτη \(morocp.gov.gr\)](http://Γενική Γραμματεία Αν εγκληματικής Πολιτικής - Υπ. Προστασίας του Πολίτη (morocp.gov.gr))

2 The researchers were present at the prison departments, in physical presence, every day starting from November, 9th to December 23rd.

Before we move on to the next section of this report, it should be noted that the support provided by the Prison Department administration and the Sociologists Department, amid COVID-19 restrictions and continuous transfers of staff and detainees, was considerable and was crucial for the successful implementation of this activity.

GENERAL INFORMATION OF THE STRUCTURE OF THE CRIMINAL PROCEEDINGS

Legal and institutional framework

The below description of the national institutional and criminal procedure framework includes: a) the different stages of the criminal proceedings; b) the different roles of the police, prosecutors, lawyers and judges at the pre-trial stage of the proceedings; c) the main procedural rights of defendants as enshrined in law; definitions; a brief reference to the frameworks for legal aid and interpretation.

The Greek legal system belongs to the civil law tradition. The Criminal Code is the main codified legislative text of substantive criminal law and the Code of Criminal Procedure (CCP) is the main procedural law statute³. Special criminal laws exist to regulate specific matters with a penal dimension. Directives 2010/64/EU on the right to interpretation and translation, and 2012/13/EU on the right to information have been transposed in Law 4236/2014⁴. Directive 2013/48/EU on the right to access to a lawyer has been transposed in Law 4478/2017⁵. Law 3251/2004 regulates the process for issuing and executing a European Arrest Warrant, as well as the procedural rights of requested persons. Important fair trial rights guarantees are found in articles 6 and 7 of the Greek Constitution⁶. Article 6 contains provisions on arrest, as well as statutory limits for the appearance of an arrested person before a judicial authority, and statutory limits for the duration of pre-trial detention. Article 7 states, among others, that no one shall be punished for crimes not provided for by law enacted prior to their commitment, and that persons wrongfully detained are entitled to compensation.

As far as the **stages of criminal proceedings** are concerned, in Greece they include two main stages: the pre-trial proceedings and the court proceedings:

- a) Pre-trial proceedings are conducted in writing, and are non-public and non-adversarial (art. 33, 34, 241 CPC). Evidence is collected by an investigating judge or investigating officers, depending on the type of investigation conducted. The procedure has some accusatorial features, since the parties can influence the proceedings by submitting applications, adducing evidence, lodging appeals against the decisions of the investigating judge and the prosecutor, etc. The pre-trial stage commences when the public prosecutor orders the prosecution of a crime and is concluded with a decision issued by (a) the prosecutor, (b) the investigating judge with the consent of the prosecutor (when an ordinary investigation is conducted) or (c) the judicial council, who may order the defendant to appear in court or cease the prosecution⁷. Exceptionally, as regards in flagrante offences, the pre-trial stage commences on arrest.

³ Greece, Presidential Decree No 258/1986 'Code of Criminal Procedure' (Κώδικας ποινικής δικονομίας), (OG A' 228/8.10.1986), Greece, Presidential Decree No 283/1985 'Criminal Code' (Ποινικός Κώδικας), (OG A' 106/31.05.1985)

⁴ Greece, Law 4236/2014, 'Transposition of Directive 2010/64 / EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (L 280) (Official Gazette A 33 / 11-2-2014) and 2012/13 / EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (L 142) and other provisions' (Ενσωμάτωση των Οδηγιών 2010/64/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 20ής Οκτωβρίου 2010 σχετικά με το δικαίωμα σε διερμηνεία και μετάφραση κατά την ποινική διαδικασία (L 280) και 2012/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 22ας Μαΐου 2012 σχετικά με το δικαίωμα ενημέρωσης στο πλαίσιο ποινικών διαδικασιών (L 142) και άλλες διατάξεις), (OG A' 33/11.2.2014)

⁵ Greece, Law 4478/2017 'Ratification and adaptation of Greek law on money laundering, detection, seizing and confiscation of revenues from criminal activities and for the financing of terrorism and other provisions' (Κύρωση και προσαρμογή της ελληνικής νομοθεσίας για τη νομιμοποίηση, ανίχνευση, κατάσχεση και δήμευση εσόδων από εγκληματικές δραστηριότητες και για τη χρηματοδότηση της τρομοκρατίας και άλλες διατάξεις) (OG A' 91/23.06.2017),

⁶ Greece, The Constitution of Greece (Το Σύνταγμα της Ελλάδας), available in Greek at <https://www.hellenicparliament.gr/Vouli-ton-Ellinon/To-Politevma/Syntagma/>.

⁷ Greece, The Constitution of Greece (Το Σύνταγμα της Ελλάδας), available in Greek at <https://www.hellenicparliament.gr/Vouli-ton-Ellinon/To-Politevma/Syntagma/>



b) Court proceedings are public, oral and moderately adversarial. The Court’s decision relies on the evidence heard during trial. Witnesses are examined by the Court and the parties and all relevant documents are read out. The defendant has the right to appoint no more than three defence lawyers. For serious crimes⁸ legal assistance is mandatory. The defendant may also request legal assistance before the court hearing. The defendant who fails to appear in Court although duly summoned, is tried in absentia. The civil claimant is not under an obligation to appear in person and can choose to be represented by a lawyer; however, the Court may order him to appear in his capacity as a witness. The criminal procedure is terminated: (a) by the conviction or acquittal of the accused; (b) the definitive cessation of the prosecution, when the right of the accused has been waived or when it has been revoked or the amnesty has been committed or is time-barred (c) the declaration of criminal prosecution is inadmissible in cases of *res judicata*, or in the absence of a criminal offence, an application or permit required for the prosecution of an offence.

As far as the **procedural rights of defendants** at the pre-trial stage are concerned, suspects who are called to provide explanations in the context of a preliminary inquiry have the right to be accompanied by their lawyer, to deny the provision of explanations or to be granted a 48-hour time frame to provide them, to request copies of the case files, and to suggest witnesses and present evidence in their favour. They may exercise these rights in person, or through their lawyer, unless their presence is deemed necessary by the investigating officer conducting the inquiry. The investigating officer is responsible for providing information to the suspect with regards to the above rights. Suspects are also entitled to receive information on the rights mentioned in Article 99A CCP. According to that provision, the relevant information should be provided at first contact with a competent authority (“immediately”), although it is not clarified which authority that may be. Suspects are examined without oath. If they are examined under oath (as witnesses) or if they are denied the presence of their lawyer, what they say cannot be part of the case file against them. All communications with lawyers are confidential. More specifically:

Article 99A CCP⁹ transposes the provisions of Directive 2012/13/EU on the right to information in criminal proceedings. According to its Paragraph 1, all suspects and accused persons, regardless of whether they are deprived of their liberty or not, should be informed immediately, either orally or in writing, of their rights to (a) have their lawyer present during questioning, (b) have access to legal aid, (c) receive information on the charges against them, (d) have access to translation and interpretation services and (e) remain silent. This information must be provided with respect to their specific needs and/or vulnerabilities. The precise meaning of the word “immediately” is not clarified in law. Things are clearer when it comes to suspects and accused persons, who have been deprived of their liberty, i.e. officially arrested (on the basis of an arrest warrant or because they were caught in *flagrante delicto*), or otherwise detained. They must be provided immediately upon apprehension, arrest or placement in detention with a document listing their rights, which they may retain for the duration of the deprivation of their liberty.

These rights are (a) the right to have their lawyer present, (b) the right and conditions for legal aid, (c) the right to be informed on the charges against them, (d) the right to translation and interpretation, (e) the right to remain silent, (f) the right to have access to case files, (g) the right to have a third person or the consular authorities of their country of nationality informed of their deprivation of liberty, (h) the right to emergency medical attention, (i) the right to receive information on the maximum hours or days they can be deprived of their liberty before appearing before a judge and (j) the right to receive information on the legal means to appeal their arrest or detention. This document must be composed in simple words and in a language that the defendant understands. If it

⁸ As serious are considered the crimes where the crime for which the charges were brought before the court is punishable by a life in prison sentence or by a 20-year maximum prison sentence or if the crime has been committed continuously or in the context of a criminal or terrorist organization or a large number of people suffered from it.

⁹ Greece, Article 99A of the Criminal Procedural Code (Κώδικας Ποινικής Δικονομίας) (OG A’ 228/8.10.1986)

is not available in this language the information is provided orally until the document is translated without undue delay. Defendants who are arrested on the basis of an arrest warrant also receive the information contained in the warrant, which they are presented with at the moment of arrest, i.e. (a) the name, surname, place of residence, and description of the defendant's physical appearance, and (b) the crime for which they are being accused and the specific provision in law which they violated.¹⁰ In case of flagrante violations, the competent prosecutor may issue an arrest warrant following the defendant's actual arrest by the police. However, this is not mandatory and it is not clear in law at which time this warrant, if issued, is presented to the defendant. More specifically:

Articles 99 B and 99 C CCP¹¹ establish the rights of accused persons deprived of their liberty to have a third person of their choice or the consular authorities of their country of nationality informed of the deprivation of their liberty (Art. 99 B) and to contact a third person or the consular authorities of their country of nationality (Art. 99 C), in accordance with Directive 2013/48/EU.

Articles 100 - 105 CCP¹² list the rights of accused defendants during the preliminary and ordinary investigation. Accused persons may have their lawyer present with them in every questioning, including when confronting other defendants or witnesses. The investigating judge (or the investigating officer through the prosecutor in preliminary investigations) must appoint a lawyer ex officio if upon the defendant's request. Communication between defendants and their lawyer are confidential and should not be prohibited under any circumstances.¹³ When the accused is brought before the investigating judge or the investigating officer to provide their statement, they are informed of the content of the charges against them. The accused or their lawyer also have access to the files of the case, including the document containing the charges, and may receive copies at their own expense. Access to case files may be restricted when such access may endanger the life or fundamental rights of other persons or to protect important public interests, such as the integrity of another investigation or national security, provided that fair trial rights are not violated.¹⁴ The accused may request a 48-hour deadline to provide their statement.¹⁵ When they appear before the investigating judge or the investigating officer to do so, the latter must explain to them the above mentioned rights (access to a lawyer, ex officio appointment, access to case files, right to request a deferral to provide the statement).¹⁶ In preliminary investigations, the accused, after exercising their rights, may provide their statement in writing.¹⁷ An accused person caught in the act of committing a crime and examined during an emergency preliminary investigation, initiated in accordance with art. 243 par. 2 CCP¹⁸, enjoys all the above-mentioned rights. If their rights are not respected, the examination cannot not be part of the case files and is not admissible later on in the proceedings.¹⁹

As far as the **legal aid framework** is concerned, legal aid in Greece is primarily regulated in Law 3226/2004²⁰ on legal aid for citizens of low income. Persons eligible to benefit from this scheme are low-income EU citizens and third-country nationals lawfully residing in Greek territory, as well as child-victims of specific crimes in accordance with Directive 2011/93/EU, as regards their civil or criminal law claims. Legal aid covers the compensation of the lawyer in pre-trial and trial proceed-

10 Greece, Article 276 of the Criminal Procedural Code (*Κώδικας Ποινικής Δικονομίας*) (OG A' 228/8.10.1986)

11 Greece, Article 99 paragraph B and C of the Criminal Procedural Code (*Κώδικας Ποινικής Δικονομίας*) (OG A' 228/8.10.1986)

12 Greece, Articles 105-105 of the Criminal Procedural Code (*Κώδικας Ποινικής Δικονομίας*) (OG A' 228/8.10.1986)

13 Greece, Article 100 of the Criminal Procedural Code (*Κώδικας Ποινικής Δικονομίας*) (OG A' 228/8.10.1986)

14 Greece, Article 101 of the Criminal Procedural Code (*Κώδικας Ποινικής Δικονομίας*) (OG A' 228/8.10.1986)

15 Greece, Article 102 of the Criminal Procedural Code (*Κώδικας Ποινικής Δικονομίας*) (OG A' 228/8.10.1986)

16 Greece, Article 103 of the Criminal Procedural Code (*Κώδικας Ποινικής Δικονομίας*) (OG A' 228/8.10.1986)

17 Greece, Article 104 of the Criminal Procedural Code (*Κώδικας Ποινικής Δικονομίας*) (OG A' 228/8.10.1986)

18 Greece, Article 243 para 2 of the Criminal Procedural Code (*Κώδικας Ποινικής Δικονομίας*) (OG A' 228/8.10.1986)

19 Greece, Article 105 of the Criminal Procedural Code (*Κώδικας Ποινικής Δικονομίας*) (OG A' 228/8.10.1986)

20 Greece, Law 3226/2004 'Legal aid for citizens of low-income and other provisions' (*Παροχή νομικής βοήθειας σε πολίτες χαμηλού εισοδήματος και άλλες διατάξεις*) OG A' 24/04-02-2004, available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=a7yRfgkOUJI%3D&tabid=132>



ings, court expenses and fees. In parallel to legal aid, a lawyer may be appointed ex officio by the court every time the defendant is being questioned or when they provide their official statement. In this case they do not have to fulfil the conditions for legal aid.²¹

The person wishing to benefit from the legal aid scheme needs to submit an application to that effect, which must include information on all the elements forming the basis of their request, including the subject matter of the case for which the aid is requested and proof of their financial status. Defendants may seek advisory assistance on how to benefit from the scheme from the prosecutor on duty or from the prosecutor in charge of overseeing the detention facility they are being detained at. The application process is free of charge and may be initiated by the applicant in his/ her own name (i.e. the application does not need to be filed by a lawyer, albeit this option is not excluded). The investigating judge may decide to revoke legal aid or limit the assistance provided if the eligibility conditions for it no longer apply or if they never existed in the first place. If the person in need of legal aid is a child victim, in accordance with paragraph 3 of Article 1 L. 3226/2004²² and Directive 2011/93/EU, the court may appoint an attorney to represent the child without following the application process.

Legal aid lawyers are selected from a list, issued monthly by the Bar Association of the court's jurisdiction. Separate lists are created for criminal law cases, on the one hand, and for civil and commercial law cases, on the other. The lawyer appointed through this system must accept and carry out their mandate. Attorney fees as well as any other expenses are assumed by the state and reimbursed after the trial.

As far as the **interpretation framework** is concerned, according to Article 233 CCP²³, if at any stage of the criminal proceedings, a suspect, accused, civilly liable person or witness is being examined, who does not speak or does not adequately comprehend the Greek language, they are immediately provided with an interpreter. If necessary, interpretation services should also be made available for the purposes of communication with their lawyers at all stages of the procedure. The right to an interpreter encompasses the assistance provided to persons with hearing or speech impediments.

The need for interpretation is assessed by all means necessary, throughout the course of the proceedings. If so required, the interpretation may be provided via communication technologies, such as teleconference, phone, or the internet, unless the physical presence of the interpreter is deemed indispensable by the investigating authority. The interpreter is appointed through a list composed by the judicial council to the court. It has to be noted that there is no centrally maintained list of interpreters. These lists are formed by the same Judicial Councils that have the mandate to order that the defendant is brought to trial. In particularly urgent cases and if appointing a listed interpreter is not possible, non-listed interpreters may be engaged as well.²⁴

The defendants have the right to submit written objections before the prosecutor or the judicial council or during the main procedure before the Court in order to quash the decision that interpretation or translation services were not required in their case, or when the quality of these services (interpretation and/or translation was not sufficient).²⁵ Interpretation costs, as well as the costs required to translate material documents, as defined by law, are assumed by the State, irrespective of the outcome of the case. In exceptional cases, the costs are assumed by the suspect or the accused if he/she is demonstrably in a position to cover them.²⁶

21 Greece, Article 100 of the Criminal Procedural Code (*Κώδικας Ποινικής Δικονομίας*) (OG A' 228/8.10.1986)

22 Greece, Law 3226/2004 "Legal aid provision to low-income citizens and other provisions" ("*Παροχή νομικής βοήθειας σε πολίτες χαμηλού εισοδήματος και άλλες διατάξεις*") (OG A 24/4.2.2004) available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=a7yRfgkOUJl%3D&tabid=132>

23 Greece, Article 233 of the Criminal Procedural Code (*Κώδικας Ποινικής Δικονομίας*) (OG A' 228/8.10.1986)

24 Greece, Article 233 para 2 of the Criminal Procedural Code (*Κώδικας Ποινικής Δικονομίας*) (OG A' 228/8.10.1986)

25 Greece, Article 236A para 3 of the Criminal Procedural Code (*Κώδικας Ποινικής Δικονομίας*) (OG A' 228/8.10.1986)

26 Greece, Article 238B of the Criminal Procedural Code (*Κώδικας Ποινικής Δικονομίας*) (OG A' 228/8.10.1986)

Review of available national data

The total number of prison population in Greek prisons in June 2021, including pre-trial detainees/remand prisoners, was 11,001 inmates, according to statistical data provided by the Ministry of Justice²⁷. The prison population has been growing between 2000 and 2014 when it reached the highest since 1936 (12,693 inmates). The following 2 years it has been declining to reach 9,611, to gradually incline again to 10,891 in the closure of 2020.

European Committee for the Prevention of Torture

The findings of the 2019 visit of the European Committee for the Prevention of Torture in the Greek police departments showed that abuse by the police to foreigners and Roma people, continues to be a common practice in Greece (CPT/Inf (2020) 15). The COE delegation was informed of many credible complaints of excessive use of force and unjustifiably tight handcuff ties during extradition, as well as for physical and psychological abuse suspected of committing criminal offences during or in the course of interrogations by the police. The alleged abuse mainly concerned slaps, punches and kicks, as well as blows with clubs and metal objects to the body and head areas. The delegation also took note of some complaints concerning beatings with sticks to the soles of the feet and placing a plastic bag on top from the head during police interrogations, for the purpose of secondment confession and signed deposit. None of the individuals who claimed that had been abused were not allowed to call or contact a lawyer during his initial police interrogation. In addition, a lot was received a large number of complaints of verbal violence against detainees, including racist/ xenophobic remarks by police officers.

The Greek Ombudsman

In its annual reports, the Greek Ombudsman states that Greece has little evidence of racist violence and discrimination based on racial or ethnic origin, in general. With regard to discrimination, only one of the three bodies promoting equal treatment (the Ombudsman) collects data on complaints. As citizenship is excluded from the scope of applicable law and as the Ombudsman's remit is limited to the authorities, the latter receives only one or two complaints per year from non-Greek citizens. Regarding the complaints of Greek citizens, the Ombudsman examined 29 cases concerning Roma in 2009 and 36 in 2010. The Greek Police also informed the Ombudsman, at the request of the latter, that in the first four months of 2013, 16 racist attacks were recorded.

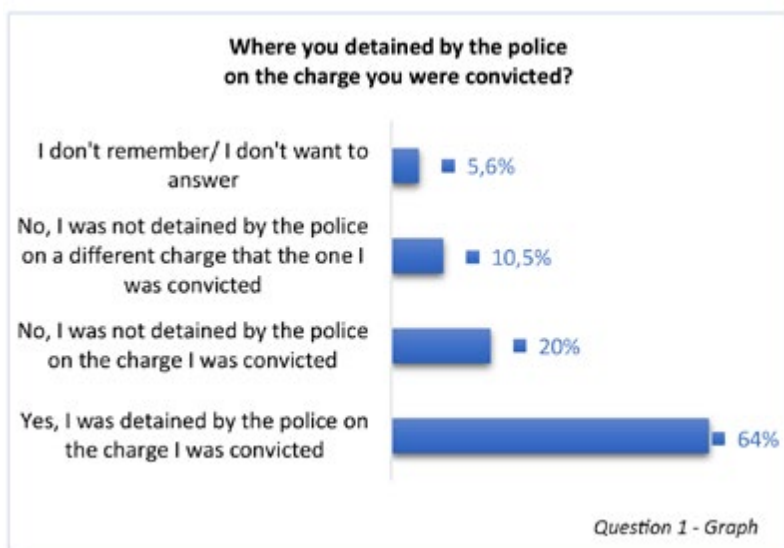
A large number of third-country nationals are still being held in police custody. According to police data, in July 2013, 2,702 third-country nationals were held in police custody. During its missions, the Organization visited the Omonia police station, where it met detainees, who had been there for many months, some for more than six months. The prisoners, but also Police said the months-long detention-posed problems, mainly due to the limited space of the cells, which are designed for pre-trial detention. An essential condition for the police to deal effectively with racist violence is for victims and witnesses to report such incidents to the police. But this is only possible if they have confidence in the police and the judiciary. Therefore, any allegations of police misconduct against persons belonging to minorities, which are also the most likely targets of racist crimes, should be thoroughly and independently investigated.

27 World Prison Brief, 2021 available at: <https://www.prisonstudies.org/country/greece>

COLLECTED DATA FROM FIELD RESEARCH

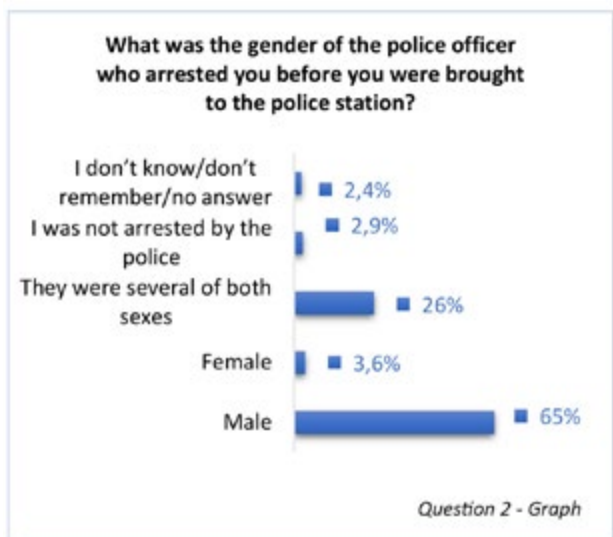
Conditions of police detention

Overall, the large majority of detainees were arrested by the police on the charge they were convicted and have experienced or witnessed violence against other detainees, during their arrest and/or police station arrival. It is noteworthy, though, that the difference between the percentage of Greek detainees and foreign detainees that have experienced or witnessed violence from the police is quite small. That is to say that a little more than half of Greek detainees (51%) have reported the same problems with more than half of detainees of other nationalities (55%). The use of violence and derogatory language towards the detained is a common practice, which increases in likelihood in the cases of younger detainees and is used nearly exclusively on male detainees. According to the information collected, an overall 64 percent of the detainees interviewed were detained by the police on the charge they were convicted, 20 percent were not detained on the charge they were convicted, approximately 10.5 percent were detained on a different charge and 5.6 percent did not remember/preferred not to say. The following graph showcases the overall percentages of answers received in this question.



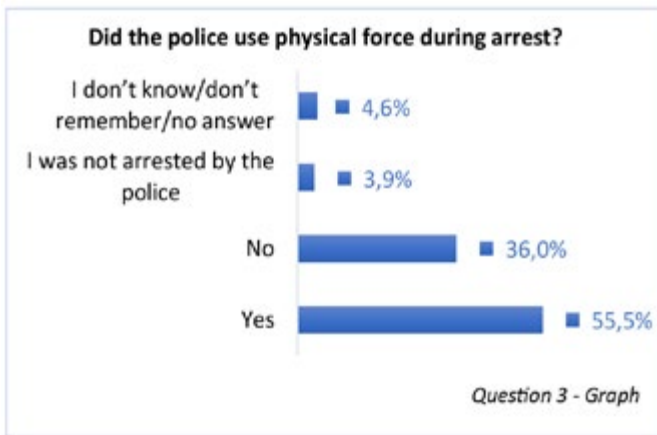
Correlation of the results with nationality, age and gender

When looking at these percentages **arranged by ethnicity/nationality**, 16 percent of Greek detainees were not detained by the police on the charge they were convicted and another 4 percent were detained by the police on a different charge. In the case of all other foreign nationalities, 84 percent were not detained by the police on the charge they were convicted of or were detained by the police on a different charge from the one they were convicted. On a further analysis, from



those that were not detained by the police, 24 percent is Albanian, 15 percent is Greek, 8 percent is Irani, 8 percent is Syrian, 7 percent is Roma/Gypsy, 4 percent is Turkish and the rest are much smaller percentages. From those that were detained on another charge than the one they were convicted; the majority is Albanian (28%) and the second majority is Syrian (13%). These percentages are arranged **by age**, from those that were not detained by the police, 45 percent are between 19 and 30 years old, 29 percent are between 31 and 40 years old, 14 percent are between 41 and 50 years old and less than 10 percent are either 18 years old or over 50 years old. From those that were detained on a different charge than the one they

were convicted, 31 percent are between 31 and 40 years old, 45 percent are between 41 and 50 years old and 18 percent are between 41 and 50 years old. These percentages were arranged **by gender**, from those that were not detained by the police, as well as for those that were detained on a different charge than the one, they were convicted, the large majority was men (97%).



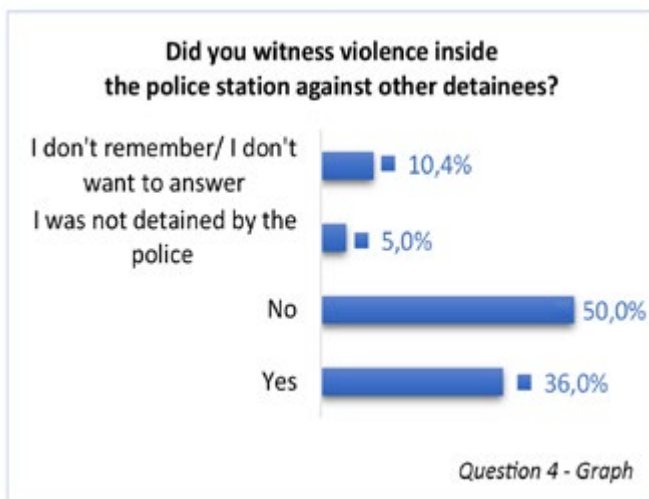
The majority of the detainees interviewed (65%) were detained by male police officers, 3.6 percent were detained by female officers and 26 percent were detained by officers of both sexes. The following graph showcases the overall percentages of answers received in this question.

Regarding the use of physical force, the interviewees were split among those who experienced the use of physical force by the police (55.5 percent) and those who did not experience physical force by the police (36

percent). Less than 4 percent declared to have not been arrested by the police or did not remember/want to answer this question (4.6%) regarding their experience. The following graph showcases the overall percentages of answers received in this question.

Correlation of the results with nationality, age and gender

These percentages **arranged by ethnicity/nationality** showcase those who experienced physical force were by 17 percent Greek and other nationalities covered 82 percent (one third of them are Albanian). An important 7 percent of self-declared Roma/Gypsy has, also, experienced physical force during arrest. Examples of violence include slapping, kicking, beating and swearing. One detainee reported they suffered a vertebral fracture from the beating of 4 policemen, another one a rupture of their ear drum and broken shoulder. Two detainees complained about suffering from injuries and being denied to be taken to the hospital. These percentages **arranged by age** show that less than half of the detainees (41 percent), who experienced physical force were between 19 and 30 years old, 37 percent were between 31 and 40 years old and 15 percent were between



41 and 50 years old. These percentages **arranged by gender** show that approximately 93 percent of the interviewees who experienced violence were men, compared to less than 17 percent of them being women.

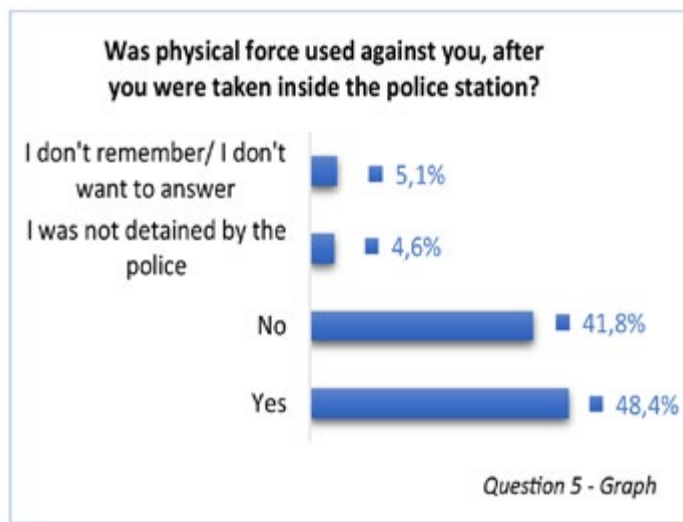
During their detention, the interviewees were asked whether they witnessed the use of violence inside the police station against other detainees. The majority of the interviewees (50%) stated to have not witnessed violence against other detainees, another 36 percent of them had witnessed violence and 8.8 percent did not want to answer. More than 5 percent declared that they

were not detained by the police. The following graph showcases the overall percentages of answers received in this question

Correlation of the results with nationality, age and gender

These percentages **arranged by ethnicity/nationality** showcase Greek detainees by 26 percent

and other nationalities by 73 percent. An important 7 percent of self-declared Roma/Gypsy has, also, witnessed violence against other detainees inside the police station. These percentages **arranged by age** show that more than half of the detainees (44 percent), who witnessed violence against other detainees were between 19 and 30 years old, 32 percent were between 31 and 40 years old and 13 percent were between 41 and 50 years old. These percentages **arranged by gender** show that 95 percent of the interviewees who witnessed violence against others were men and only 5 percent were women.



During their detention, the interviewees were asked whether they experienced violence inside the police station. The majority of the interviewees (48.4 percent) stated that they have experienced violence inside the police station, but a significant percentage has not (41.8 percent). A small percentage (4.6 percent) answered that they were not detained by the police and approximately 5 percent did not remember or want to answer this question. The following graph showcases the overall percentages of answers received in this question.

Correlation of the results with nationality, age and gender

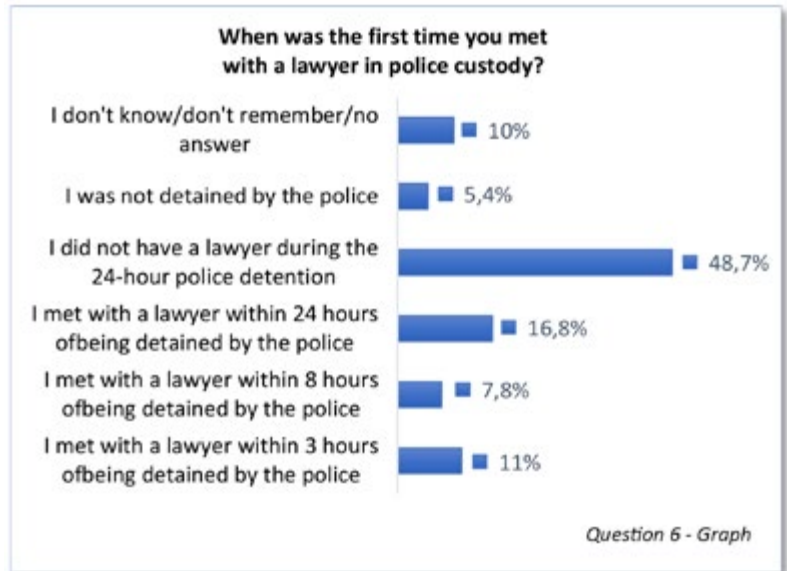
These percentages **arranged by ethnicity/nationality** showcase those Greek detainees who experienced force inside the police station were by 15 percent and other nationalities by 84 percent. More than one third of them were Albanian. These percentages **arranged by age** show that more than half of the detainees (56 percent), who experienced violence in the police station were between 19 and 30 years old and another 42 percent were between 31 and 40 years old. Lastly, 14 percent of those are between 41 and 50 years old. These percentages **arranged by gender** show that approximately 95 percent of the interviewees who experienced violence in the police station are men and only 5 percent is women.

Safeguards during police detention

In general, the percentage of the detainees having access to a lawyer and having them participating in the investigative and evidence-gathering acts is largely problematic. The first problem revealed is that there is a very obvious connection to the nationality/citizenship in this question, since the percentage of Greek detainees, who had access to a lawyer compared to foreign detainees, are 64 percent apart in police custody and 54 percent apart after the charge. No major difference is noticed when it comes to the type of lawyer hired, since nearly half of the detainees of all nationalities (including Greek) who had a lawyer, hired them by themselves or by their relatives. Similarities are also noticed in the number of proceedings that the assigned lawyer took part in; in all nationalities less than one third had their lawyer participating in all procedures. Differences are noticed in the types of acts where a lawyer participated per nationality, with Greek nationals being accompanied by a lawyer during interrogation and before the judge. Less foreign detainees reported the same situation, as well being accompanied by their lawyer mostly when brought before the judge and then during interrogation. Satisfaction with the legal services provided is close for Greek and foreign detainees with a very small difference towards foreign detainees being less satisfied. The second problem revealed is that a large majority of foreign detainees did not meet a relative

after their detention. The large majority is reportedly Albanian and then Turkish, Syrian, Irani and Iraqi, nationalities that are largely in transit through Greece, which might provide an answer as to why they did not see a relative after their detention. The third problem revealed here that is not connected to discriminatory behaviour is that medical examination, shortly after the initial detention, is scarce to less than half of the detainees questioned.

More in detail: in police custody the overall majority of the questionees (48.7%) answered that they did not have access to a lawyer within 24 hours of being detained by the police, less answered (16.8%) that they met with a lawyer within 24 hours of being detained and a similar percentage (11.4%) answered that they met with a lawyer within 3 hours of being detained. Approximately 8 percent met with a lawyer within 8 hours of being detained by the police. The rest of the questionees preferred to not answer this question. The following graph showcases the overall percentages of answers received in this question.



Correlation of the results with nationality, age and gender

These percentages **arranged by ethnicity/nationality** showcase, on the one hand, the absence of a lawyer within the first 24 hours for Greek detainees by 18 percent and other nationalities by 82 percent. At least, one third of foreign detainees who did not have a lawyer were Albanian. On the other hand, when looking at those who had a lawyer within the first 24 hours, nearly 30 percent were Greek and the rest were other nationalities. These percentages **arranged by age** show that, on the one hand, more than 40 percent of the detainees, who did not have a lawyer within the first 24 hours were between 19 and 30 years old and another 36 percent were between 31 and 40 years old. Lastly, 13 percent of those are between 41 and 50 years old. These percentages **arranged by gender** show that 92.5 percent of the interviewees who did not have a lawyer were men and 7.5 percent were women.

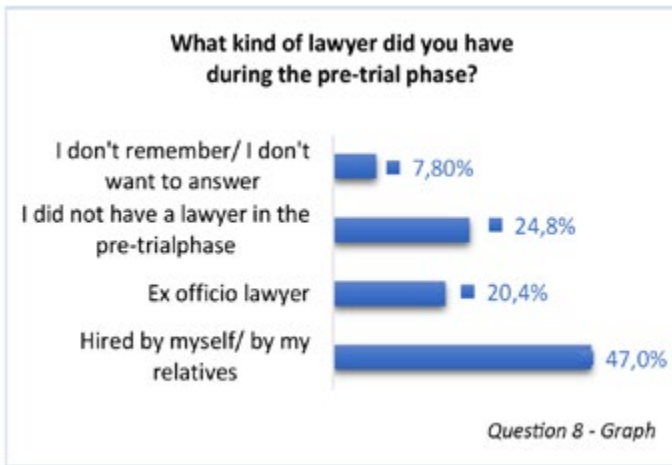


Moving to the pre-trial phase, the majority of the detainees (31.4%) confirmed that they had access to a lawyer from the very beginning and throughout the pre-trial process, but a slightly higher percentage (33.3%) did not have a lawyer in the pre-trial phase at all. Those that had a lawyer in some parts of the pre-trial phase were equal to 27.8 percent and a small percent (equal to 7.8%) preferred not to answer this question. The following graph showcases the overall percentages of answers received in this question.

Correlation of the results with nationality, age and gender

These percentages **arranged by ethnicity/nationality** showcase that 23 percent of Greek detain-

ees and 76 percent of other nationalities did not have a lawyer during the pre-trial phase. At least, one quarter of foreign detainees who did not have a lawyer were Albanian and another 16 percent was Syrian. These percentages **arranged by age** show that more than 44 percent of the detainees, who did not have a lawyer during the pre-trial phase were between 19 and 30 years old and another 33 percent were between 31 and 40 years old. Lastly, 12 percent of those are between 41 and 50 years old. These percentages **arranged by gender** show that 95 percent of the interviewees who did not have a lawyer were men and 5 percent were women.



Nearly half of the detainees (47%) hired a lawyer by themselves or asked their relatives to do so. A smaller percentage (20.4%) were assisted by an ex officio lawyer, while an important percentage declared that they did not have access to a lawyer at all in the pre-trial phase (23.9%). Less than 10 percent (7.4%) did not answer this question. It is noteworthy that the percentage that declared to not have had a lawyer at the pre-trial phase in this question (24.8%) is smaller than the percentage that declared the same in the previous question (33.3%).

We reckon that the difference comes from the initial perception/understanding of the term “lawyer” as the hired lawyer, which was clarified in Question 8 (i.e., hired lawyer versus ex officio lawyer). The following graph showcases the overall percentages of answers received in this question.

Correlation of the results with nationality, age and gender

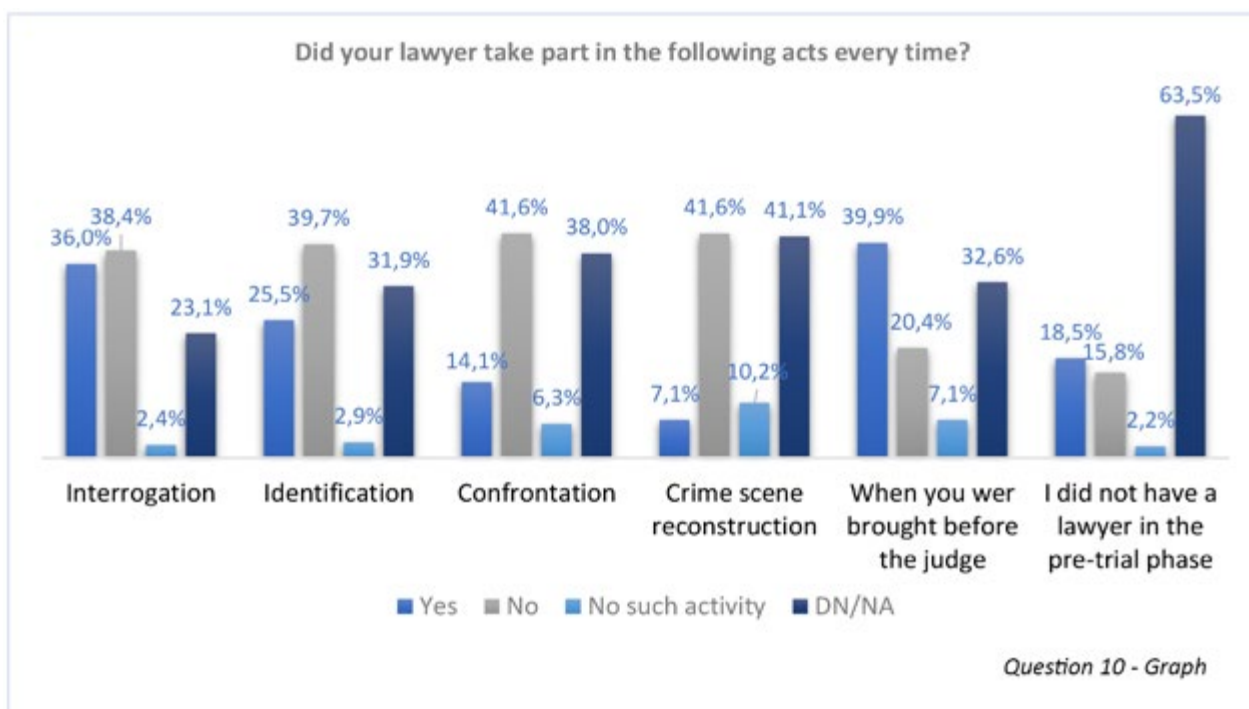
These percentages **arranged by ethnicity/nationality** showcase that 20 percent of those who hired a lawyer by themselves or their relatives were Greek and 80 percent were other nationalities. Only 16 percent of Greek detainees used an ex officio lawyer, while 83 percent of other nationalities chose this option. These percentages **arranged by age** show that 38 percent of the detainees, who hired their own lawyer between 19 and 30 years old and another 32 percent were between 31 and 40 years old. Lastly, 22 percent of those are between 41 and 50 years old. The ones who used ex officio lawyers were by majority (45 percent) between 19 and 30 years old and 34 percent were between 31 and 40 years old. These percentages **arranged by gender** show that 86 percent of the interviewees who hired their own lawyer were men and 13 percent were women. Conversely, the percentage of detainees who used ex officio lawyers were 98 percent, while only 2 percent women did so.



Moreover, the majority of the detainees (38.2%) confirmed the presence of a lawyer to some of the pretrial proceedings, a smaller percentage (21.4%) declared that they had a lawyer for the entire pre-trial procedure, while another similar percentage (22.9%) did not a lawyer at all during the pre-trial. Less than ten percent (7.8%) said to have had a lawyer who did not take part in any of the proceedings, while 9.7 percent preferred to not answer this question. The following graph showcases the overall percentages of answers received in this question.

Correlation of the results with nationality, age and gender

These percentages **arranged by ethnicity/nationality** showcase that 27 percent of Greek detainees had a lawyer during all the proceedings that they took part in, while this percentage falls to 20 percent for other nationalities. The cases where a lawyer did not take part in any of the proceedings along with the detainee was by majority (81 percent) foreign detainees. These percentages **arranged by age** show that 35 percent of the detainees, who had a lawyer during all the proceedings that they took part in were between 19 and 30 years old and another 33 percent were between 31 and 40 years old. Lastly, 28 percent of those are between 41 and 50 years old. The cases where a lawyer did not take part in any of the proceedings along with the detainee was by majority (41 percent) between 31 and 40 years old. These percentages **arranged by gender** show that 80 percent of the interviewees who had a lawyer during all the proceedings that they took part in were men and 20 percent were women. Similarly, the cases where a lawyer did not take part in any of the proceedings along with the detainee were by majority men (97 percent).



When asked regarding the phases of the pre-trial procedure that their lawyer participated in, the questionees confirmed that the lawyer did take part in during the pre-trial phase, the vast majority confirmed that they had a lawyer when taken before the judge (40%), during interrogation (36%), during identification (25%), during confrontation (14%), while a significant percentage (18%) did not have a lawyer at all. The majority of the questionees confirmed to not having a lawyer during crime scene reconstruction or did not answer this question, which is due to the fact that there is no such activity during the pre-trial. The following graph showcases the overall percentages of answers received in this question.

Correlation of the results with nationality, age and gender

These percentages **arranged by ethnicity/nationality** showcase that 46 percent of Greek detainees had a lawyer during interrogation, 43 percent when they were brought before the judge, 25 percent during identification and 15 percent during confrontation. When looking at foreign nationalities, 39 percent had a lawyer when they were brought before the judge, 34 percent during interrogation, 25 percent during identification and 13 percent during confrontation. These percentages **arranged by age** show that the cases where the detainees did not have a lawyer by their

side when they were brought before the judge (which is the most commonly representative act, as answered above) were either between 19 and 30 years old (46 percent) or between 31 and 40 years old (39 percent). The cases where the detainees did not have a lawyer by their side during interrogation (which is the second most commonly representative act, as answered above) were either between 19 and 30 years old (40 percent), between 31 and 40 years old (35 percent) or between 41 to 50 years old (14 percent). These percentages **arranged by gender** show that 97 percent of the interviewees who did not have a lawyer by their side when they were brought before the judge were men and 3 percent were women. Additionally, 91 percent of the interviewees who did not have a lawyer during interrogation were men and 9 percent were women.

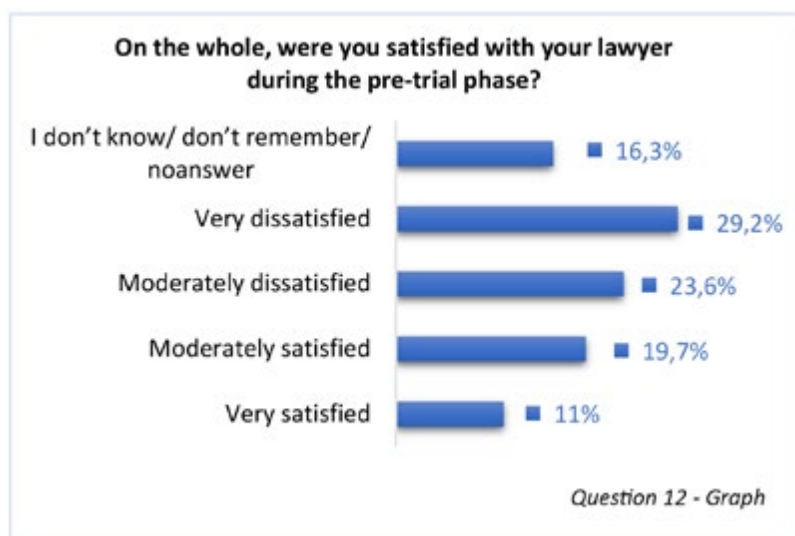


When asked regarding the ability to meet their lawyer in private during the pre-trial procedure, the majority of questionees (33.1%) replied that they did have access to their lawyer in private sometimes but not always, while a rather high percentage of questionees (27.6%) replied that they never had access to their lawyer. Similarly, only 15.1 percent confirmed that they always had private access to their lawyer and 16.1 percent replied that they did

not hold any private meetings with their lawyer during the pretrial phase. The following graph showcases the overall percentages of answers received in this question.

Correlation of the results with nationality, age and gender

These percentages **arranged by ethnicity/nationality** showcase that only 16 percent of Greek detainees declared to always have had private access to their lawyer and 15 percent of other nationalities. The percentage of Greek detainees that had partial private access to a lawyer was 32 percent, while the equivalent percentage of foreign nationalities was 33 percent. These percentages **arranged by age** show that the cases where the detainees have always had private access to their lawyer were by majority either between 19-30 years (32%) or between 31-40 years (34%). The percentage of detainees that had partial private access to a lawyer was by majority between 19-30 years (34%) or between 31-40 years (36%). These percentages **arranged by gender** show that



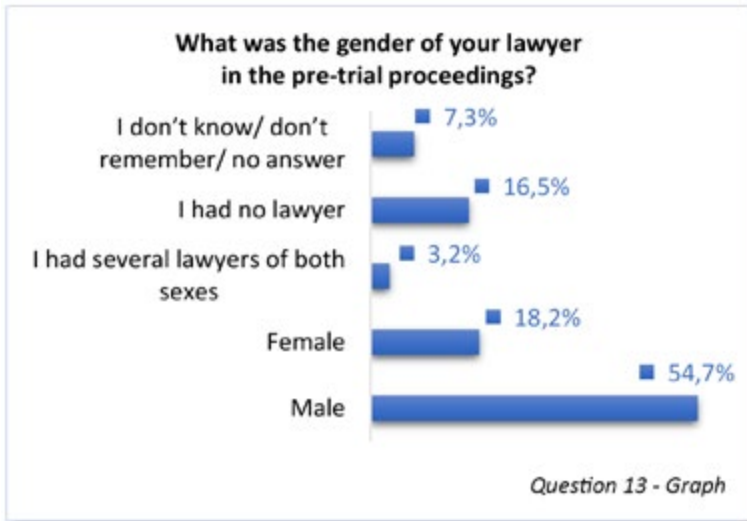
84 percent of the detainees, who had always private access to their lawyer, were men and 16 percent were women. The percentage of detainees that had partial private access to a lawyer was by majority 87 percent men and 13 percent women.

Overall, detainees were moderately satisfied with the legal assistance they received. When asked about how satisfied they were with the services provided by their lawyer during the

pre-trial phase, the majority of detainees (29.2%) declared to be very dissatisfied, the 23.6 percent declared to be moderately dissatisfied, 19.7 percent were moderately satisfied, 11.2 percent were very satisfied and 16.3 percent did not provide an answer. The following graph showcases the overall percentages of answers received in this question.

Correlation of the results with nationality, age and gender

These percentages *arranged by ethnicity/nationality* showcase that the nearly half (48%) of Greek detainees were moderately or very dissatisfied with their lawyer. When it comes to other nationalities, this percentage increases to 53 percent. More than one third of them are Albanian. These percentages *arranged by age* show that the cases where the detainees were moderately or very dissatisfied with their lawyer are by majority (41%) between 19 and 30 years old or between 31



and 40 years old (32%). These percentages *arranged by gender* show that 92 percent of the detainees that were moderately or very dissatisfied with their lawyer were men and 8 percent were women.

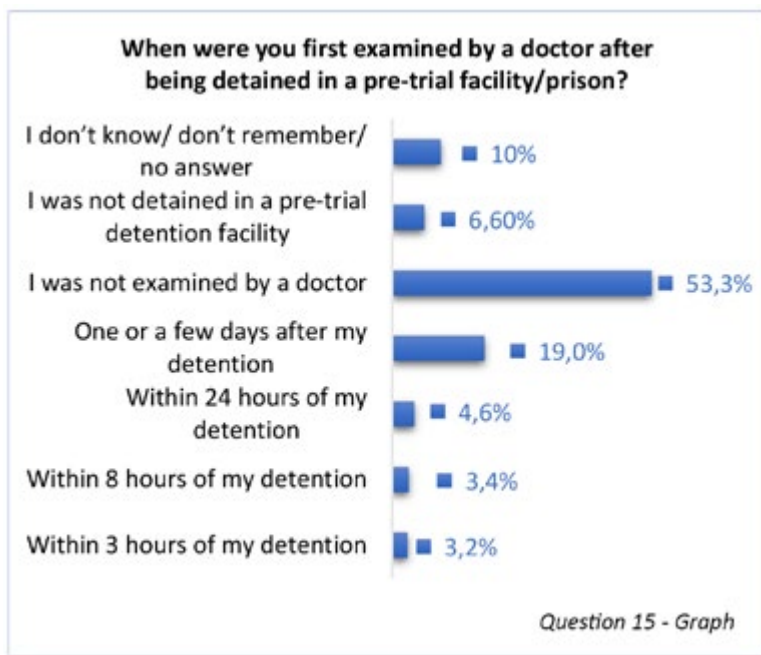
Overall, when it comes to the gender of their lawyer, more than half had a male lawyer (54.7%), only 18.2 percent had a female lawyer, and 3.2 percent had lawyers of both sexes. The following graph showcases the overall percentages of answers received in this question.

Overall, contact with relatives and/ or third parties were restricted. When asked regarding the ability to meet with a relative after being detained by the police, the detainees in their impressive majority (53.5%) did not meet with a relative after detention. Less than one fifth of detainees met with a relative within 24 hours (14.1%). The following graph showcases the overall percentages of answers received in this question.



Correlation of the results with nationality, age and gender

These percentages **arranged by ethnicity/nationality** showcase that only 14 percent of detainees that did not see a relative after their detention were Greek. In their large majority (85%), detainees that did not meet with relatives were foreign nationalities. Nearly one third are Albanian (27%), 6 percent are Syrian, 5 percent are Turkish and another 5 percent are Irani and another 3 percent are Roma/ Gypsy (of various nationalities). The rest nationalities are represented in these charts with very small percentages (<5%). These percentages **arranged by age** show that the cases where the detainees did not see a relative after their detention were by majority (41%) between 19 and 30 years old or between 31 and 40 years old (34%). These percentages **arranged by gender** show that 92 percent of the detainees that did not meet with a relative after their detention were men and only 8 percent were women.

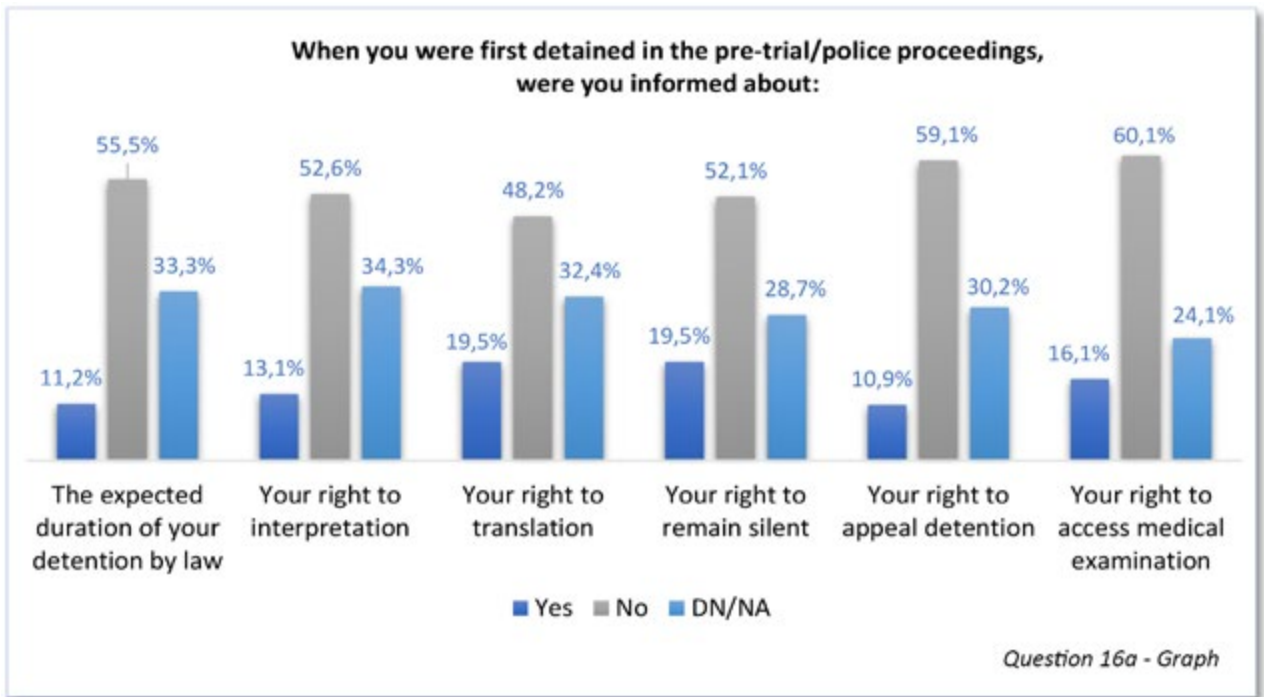


Impressively also, medical examination shortly after the initial detention was scarce to less than half of the detainees questioned. When asked regarding their medical examination after being detained, the majority of the detainees (53.3%) declared to have not been examined by a doctor or medical professional in a pre-trial facility/ prison after charges were brought against them. Less than 20 percent was examined one or few days after their detention and 4.6 percent was examined within 24 hours of their detention. The following graph showcases the overall percentages of answers received in this question.

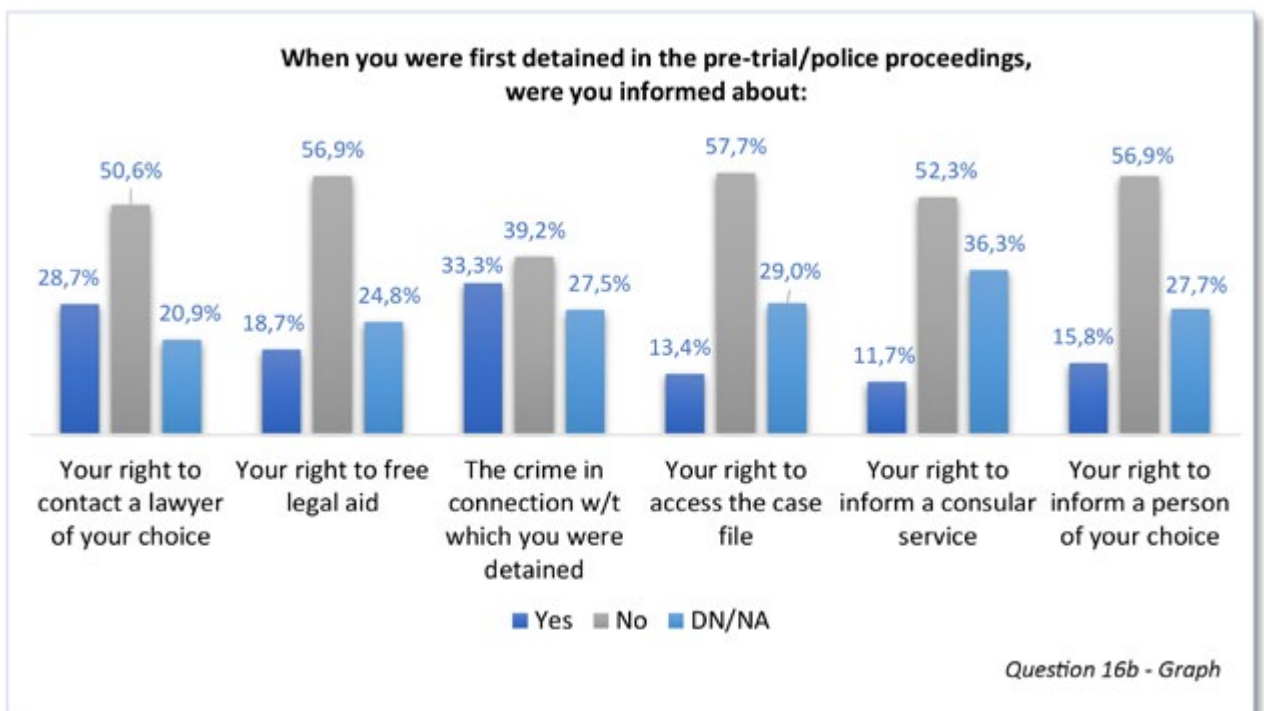
Correlation of the results with nationality, age and gender

These percentages **arranged by ethnicity/nationality** showcase that 65 percent of Greek detainees were not examined by a doctor or medical professional in a pre-trial facility/prison after charges were brought against them. This percentage falls to 58 percent for all other nationalities detained, with Albanian being the most frequent nationality among them (24%) and then Syrian by 7 percent, Iraqi by 5 percent, and Roma/Gypsy of various nationalities by 5 percent. These percentages **arranged by age** show that the cases where the detainees were not examined by a doctor or medical professional, after charges were brought against them were by majority (40%) between 19 and 30 years old or between 31 and 40 years old (34%). These percentages **arranged by gender** show that 90 percent of the detainees that were not examined by a doctor or medical professional were men and only 10 percent were women.

When asked about how they received information about their rights, after they were detained, the large majority (33%) has been informed with regards to the crime that they have committed and 29 percent has been informed about the right to contact a lawyer of their choice, 19 percent has been informed about the right to free legal aid and the right to remain silent, and small percentages have been informed about the right to translation (19%), the right to inform a person of their choice about their detention (16%), the right to access the case file (14%), the right to access medical examination (15%), the expected duration of their detention by law and the right to inform a consular service (11%). The least common right to be informed about was the right to appeal the



detention (10%). It is worth noting that 12 percent of detainees have not been detained during the pre-trial phase. The following graph showcases the overall percentages of answers received in this question.



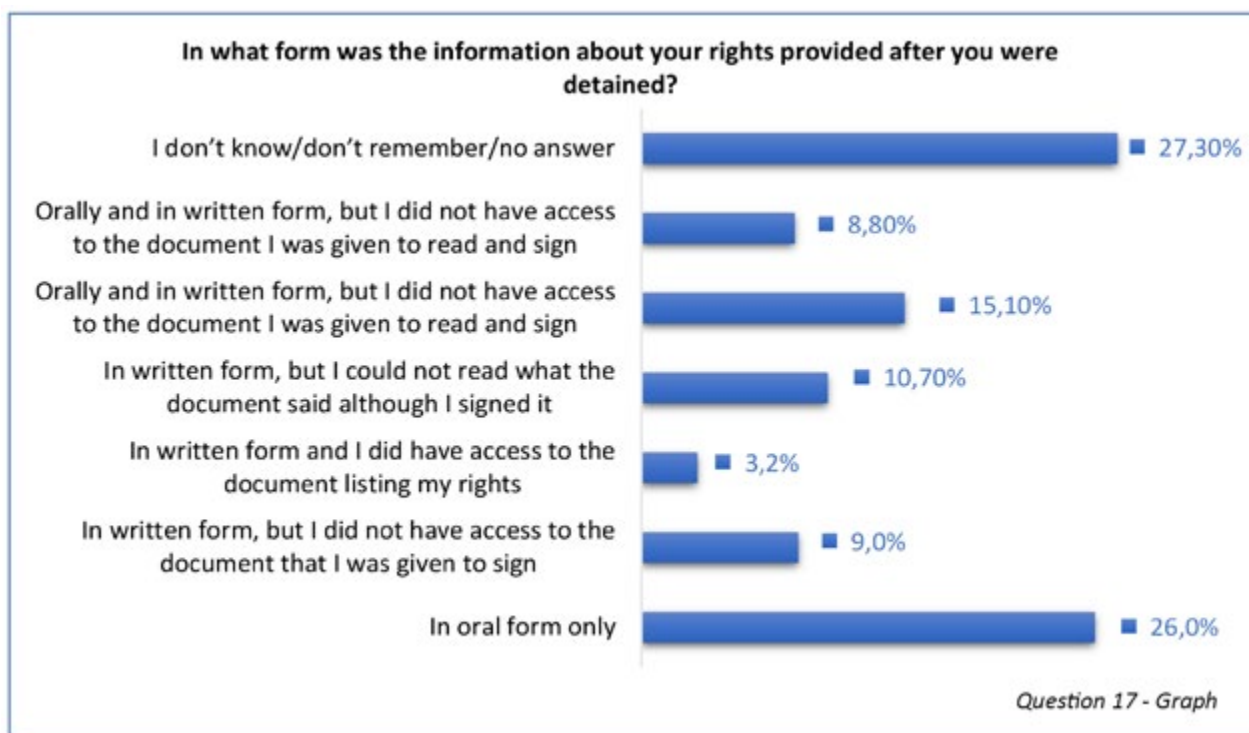
Correlation of the results with nationality, age and gender

These percentages **arranged by ethnicity/nationality** showcase that 56 percent of Greek detainees were informed about the crime in connection with which they were detained, 35 percent about the right to contact a lawyer of their choice and 27 percent about the right to remain silent. These percentages for Albanian detainees fall to 34 percent about the crime in connection with which they were detained, 31 percent about the right to contact a lawyer of their choice and 18 percent about the right to remain silent. Similarly, these percentages for Roma/Gypsy detainees are 8 percent about the crime in connection with which they were detained, 14 percent about

the right to contact a lawyer of their choice and 3 percent about the right to remain silent. These percentages **arranged by age** show the age group between 19 and 30 years old were mainly informed about the crime they were arrested for (32%), the right to contact a lawyer of their choice (27%) and the right to remain silent (21%). The age group between 31 and 40 years old were mainly informed about the crime they were arrested for (33%), the right to contact a lawyer of their choice (15%) and the right to remain silent (20%). The age group between 41 and 50 years old were mainly informed about the crime they were arrested for (30%), the right to contact a lawyer of their choice (36%) and the right to remain silent (14%). These percentages **arranged by gender** show that 31 percent of male detainees were informed about the crime they were arrested for, 30 percent about the right to contact a lawyer of their choice, 30 percent for the right to free legal aid and 20 percent about their right to remain silent. With some differences to men, 51 percent of female detainees were informed about the crime they were arrested for, 22 percent about the right to contact a lawyer of their choice, 11 percent for the right to free legal aid and equally about their right to remain silent.

Procedural rights during pre-trial proceedings

The first major problem revealed in this section is connected to the acknowledgement of detainee rights; less than half of detainees are informed about their rights, when they do, they receive limited information, in oral form mostly and in language that they do not understand, in the cases of foreign detainees. Comparison among nationals and foreign detainees show differences of at least 12 percent in favour of Greeks, however this includes only 1 or 2 categories of rights. This includes the right to interpretation, which is one of the least referred to rights and explains why only one fifth (1/5) of foreign detainees were provided with interpretation services or translation of documents. Even worse, this percentage refers to the translation of documents concerning other court judgements of the case, and not more important documents, such as their own charge, the indictment or the decision along with the motives. Those who used interpretation or translation services were largely dissatisfied. The second problem revealed is that even though all detainees, regardless of nationality, have reported insulting comments, foreign nationalities have mainly reported insults concerning their ethnic belonging. More specifically, Syrian, Gypsy/Roma, Afghan, Albanian



nationalities have mainly reported receiving insulting comments of ‘ethnic belonging’ from representatives of the state. The third problem revealed is that the submission of complaints is not a common practice among detainees. Only half of the detainees that reported the use of violence in the beginning of the research, declared to have submitted a complaint about it. Additionally, the type of complaints submitted are dissimilar among Greek and foreign detainees; Greek detainees have submitted complaints regarding the refusal to meet with relatives, while most foreign detainees complained about the use of violence inside the police station.

In more detail: the largest percentage that did not remember in which form they were informed about their rights (or did not wish to answer), the majority of detainees was informed in oral form only (26%), another 15.1 percent was informed both orally and in written form and did not have access to the document afterwards, 10.7 percent but I could not read what the document said although they signed it and a smaller percentage (9%) was informed in written form only, but did not have access to the document that they signed. The following graph showcases the overall percentages of answers received in this question.

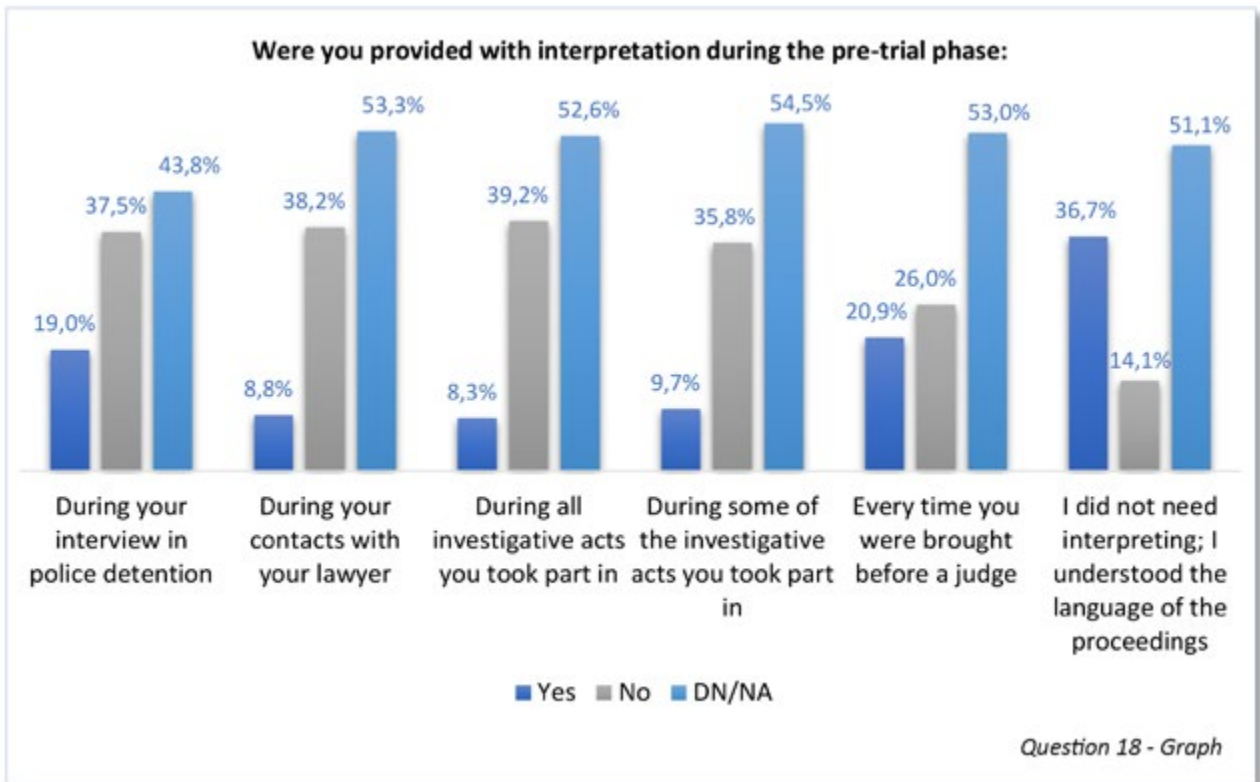
Correlation of the results with nationality, age and gender

These percentages ***arranged by ethnicity/nationality*** showcase that 46 percent of Greek detainees were informed in oral form only and 11 percent were informed in oral and in written form, but did not have access to the document they were given to read and sign. Albanian detainees were informed by 31 percent in oral form and by 9 percent informed in oral and in written form, but did not have access to the document they were given to read and sign. The great majority did not remember if they were informed about their rights. Irani detainees were informed by majority in written form, but could not read what the document said although they signed it. These percentages ***arranged by age*** show that the age group between 19 and 30 years old were mainly informed by majority in oral form only, the age group between 31 and 40 years old were mainly informed in oral form only, the age group between 41 and 50 years old were mainly informed in oral form only. These percentages ***arranged by gender*** show that 24 percent of male detainees were informed in oral form, 15 percent were informed in oral and written form, but I did not have access to the document they were given to read and sign. Female detainees were informed in oral form only by 37 percent.

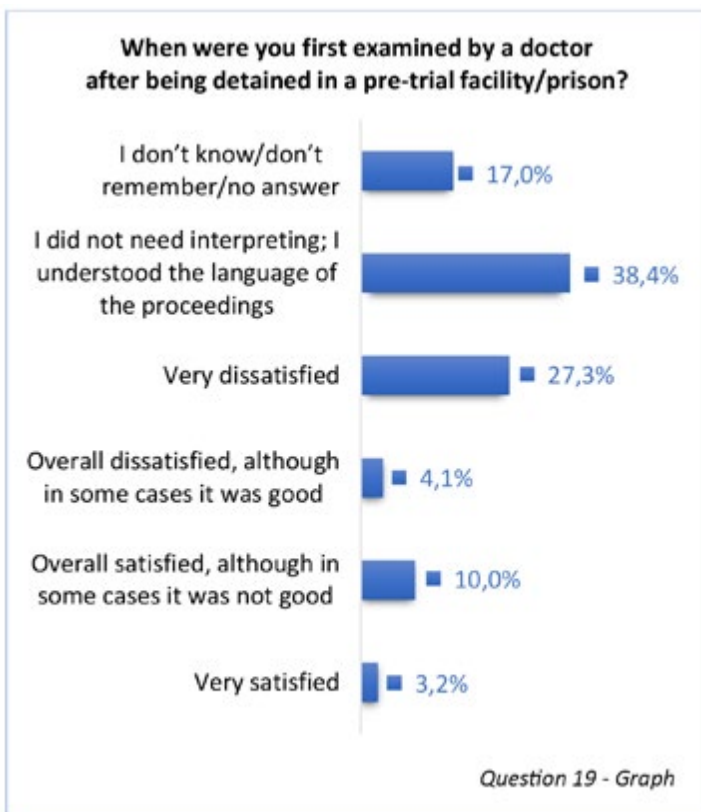
When it came to the right to interpretation/ translation, during the pre-trial phase, detainees that used these services were largely unhappy with the provision of services. More specifically, in relation to the interpretation right, approximately 20 percent of the detainees confirmed to have had an interpretation every time they were brought before a judge, 18 percent had an interpretation during their interview at police detention, 9 percent had interpretation during some of the investigative acts they took part in against 8 percent that had interpretation during all of the them. An 8 percent of the detainees had interpretation service during their contacts with their lawyers. It’s worth noting that, at least, 36 percent stated that they did not need interpretation, because they understood the language of the proceedings - this includes both the Greek detainee’s population, as well as foreign detainees that have spent enough time in Greece to understand the language. The following graph showcases the overall percentages of answers received in this question.

Correlation of the results with nationality, age and gender

These percentages arranged ***by ethnicity/nationality***, excluding Greek detainees, show that 22 percent of foreign detainees were provided interpretation services during their interview with the police and 24 percent when they were brought before the judge. For Albanian detainees, this percentage is 18 percent during their interview and 12 percent before the judge. For Irani detainees, this percentage is 22 percent during their interview and 50 percent before the judge. These percentages ***arranged by age*** show that the age group between 19 and 30 years old were mainly provided interpretation services, during their interview with the police (30%), the age group be-



tween 31 and 40 years old were mainly provided interpretation services, when they were brought before the judge (20%) and the age group between 41 and 50 years old were mainly provided with interpretation services when they were brought before the judge (24%). These percentages **arranged by gender** show that 20 percent of male detainees were provided interpretation services, during their interview with the police and 22 percent, when they were brought before the judge. Conversely, approximately 3 percent of female detainees were provided interpretation services during most cases.



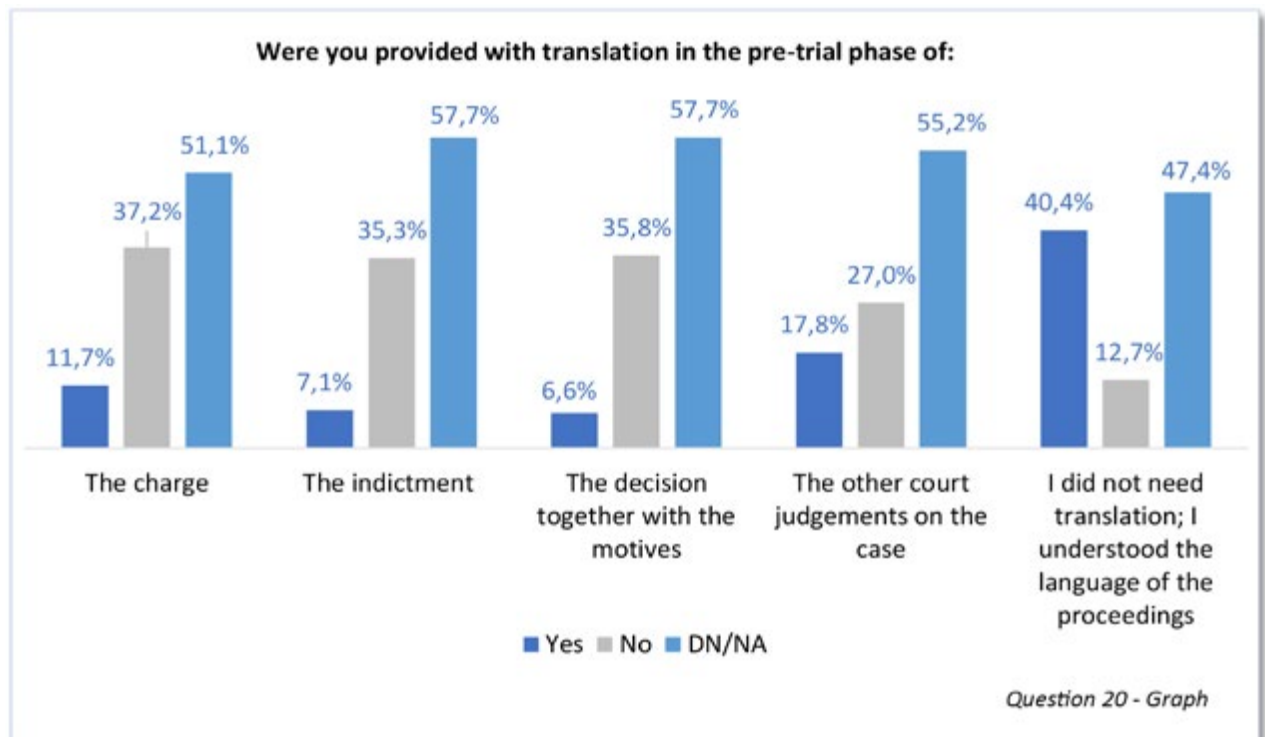
When asked about their satisfaction with the quality of the interpretation, the majority of interviewees replied that they understood the language of the proceedings and therefore did not need interpretation. The rest of the interviewees who made use of interpretation services were very dissatisfied (27.3%) or partly satisfied (10%). A very small percentage of them (3%) was very satisfied. The following graph showcases the overall percentages of answers received in this question.

Correlation of the results with nationality, age and gender

These percentages **arranged by ethnicity/nationality**, excluding Greek detainees, show that 37 percent of foreign detainees were very dissatisfied or partly satisfied with the interpretation services they received. For Albanian

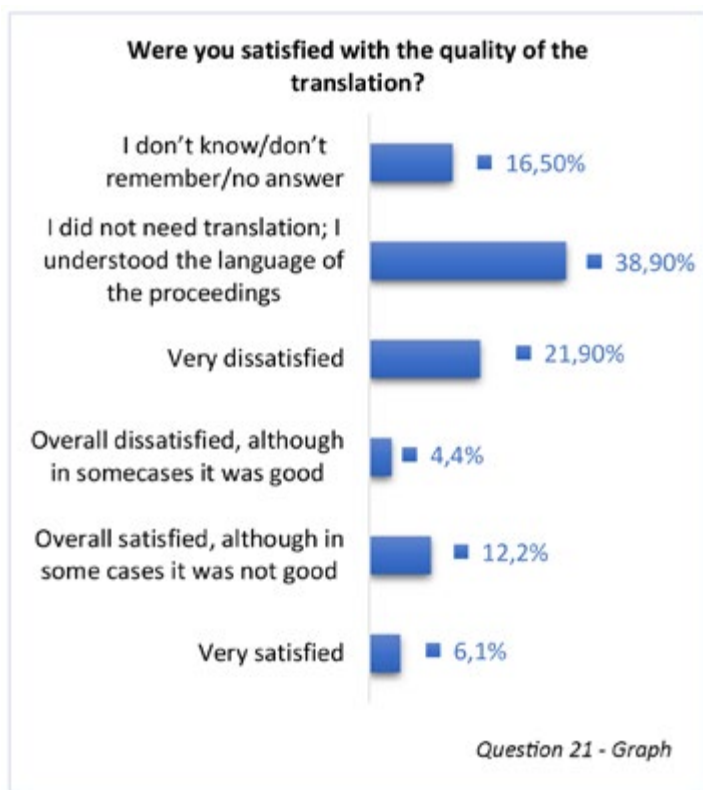
detainees, this percentage is 38 percent, for Afghan detainees 42 percent, for Irani and Iraqi detainees 50 percent. These percentages **arranged by age**, again excluding all Greek detainees, show that the age group between 19 and 30 years old were in their majority (54%) very dissatisfied or partly satisfied with the interpretation services; 47 percent of the age group between 31 and 40 years old was very dissatisfied or partly satisfied with the interpretation services and the age group between 41 and 50 years old were dissatisfied or partly satisfied by 37 percent. These percentages **arranged by gender**, again excluding all Greek detainees, show that 44 percent of male detainees were very dissatisfied or partly satisfied with the interpretation services they received. Only 8 percent of female detainees were very dissatisfied or partly satisfied with the interpretation services they received.

Less than half of the detainees asked (40%) stated that they did not need translation in the pre-trial phase. Most of the detainees who were provided translation services stated that they were provided translation for the other court judgements of the case (17%), a lot less were provided translation in their own charge (11%), the indictment (7%) or the decision along with the motives (6%). The following graph showcases the overall percentages of answers received in this question.



Correlation of the results with nationality, age and gender

These percentages **arranged by ethnicity/nationality**, excluding Greek detainees, show that 22 percent on average foreign detainees were provided translation for the other court judgements of the case, for their own charge (14%), the indictment (9%) or the decision along with the motives (8%). For Albanian detainees, this percentage is 18 percent for the other court judgements of the case, 7 percent for their own charge, 7 percent for the indictment and 2 percent for the decision along with the motives. These percentages **arranged by age**, again excluding all Greek detainees, show that the age group between 19 and 30 years old were provided translation for the other court judgements of the case (34%), for their own charge (17%), the indictment (12%) or the decision along with the motives (9%). The age group between 31 and 40 years old were provided translation for the other court judgements of the case (30%), for their own charge (22%), the indictment (7%) or the decision along with the motives (12.5%). The age group between 41 and 50 years old were provided translation for the other court judgements of the case (22%), for their own charge



(21.9%) or partly satisfied (16.6%) with the quality of translation. Very few were happy with the translation provided (6%). The following graph showcases the overall percentages of answers received in this question.

Correlation of the results with nationality, age and gender

These percentages arranged **by ethnicity/nationality**, excluding Greek detainees, show that 46 percent of the foreign detainees were very dissatisfied or partly dissatisfied with the translation. This percentage becomes 32 percent when it comes to Albanian detainees, 50 percent for Irani detainees, 57 percent for Iraqi detainees and 90 percent for Syrian detainees. These percentages **arranged by age**, excluding Greek detainees, show that the age group between 19 and 30 years old were mostly (37%) dissatisfied or partly dissatisfied with the translation. The age group between 31 and 40 years old were by 40 percent dissatisfied or partly dissatisfied with the translation services. The age group between 41 and 50 years old were by 55 percent dissatisfied or partly dissatisfied with the translation services they received. These percentages **arranged by gender**, excluding Greek detainees, show that 50 percent of the male detainees were very or partly dissatisfied with the translation services provided. Conversely, female detainees were by 15 percent dissatisfied or partly dissatisfied with the translation they were provided with.

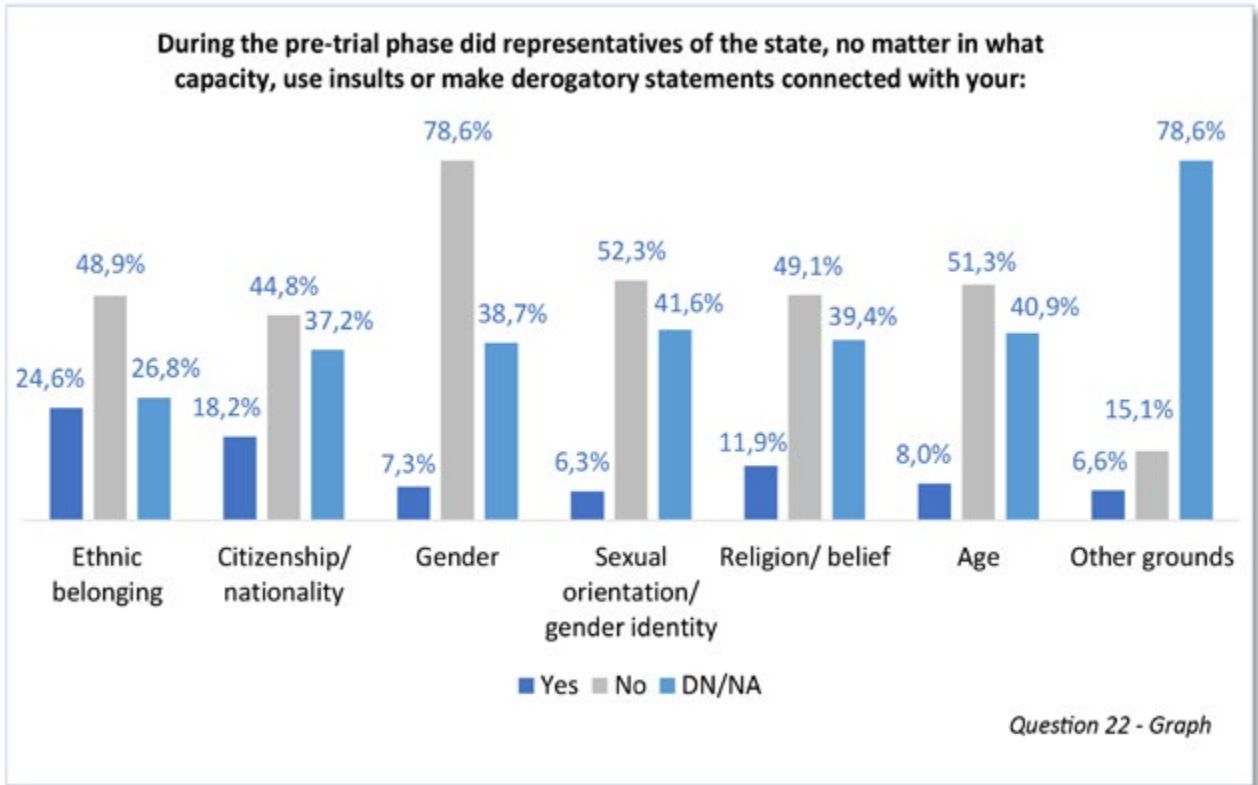
According to the majority of answers, at least 24 percent of the detainees experienced insulting comments of ethnic belonging. Less so evidenced insults regarding their citizenship/nationality (18%), religion (12%), gender/age or gender identity (7%). At least, 26 percent of those interviewed chose not to answer this question. The following graph showcases the overall percentages of answers received in this question.

Correlation of the results with nationality, age and gender

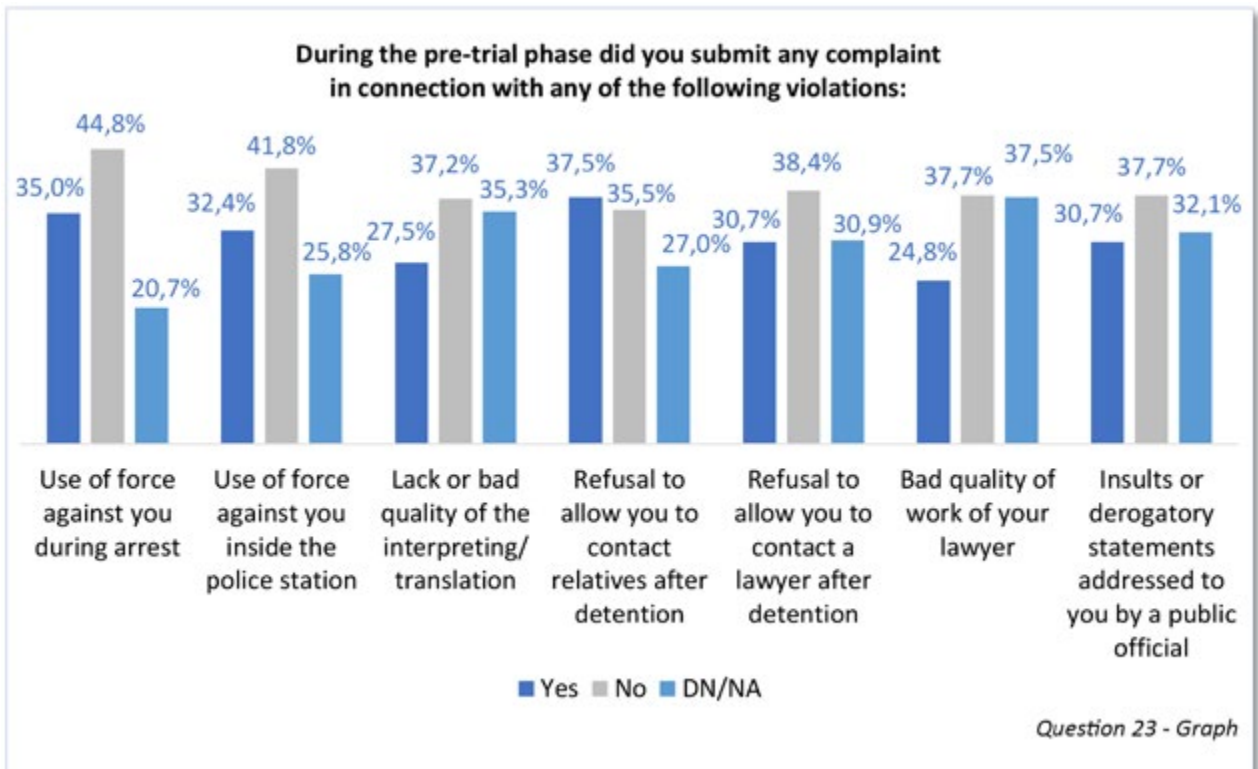
These percentages **arranged by ethnicity/nationality**, show that small percentages of Greek detainees experienced insulting comments of ethnic belonging (7%), citizenship (6%), gender (7%), sexual orientation (8%), religion by (6%) and age (7%). These percentages are higher for Albanian detainees and more specifically when it comes to ethnic belonging (19%), citizenship (15%), gender (5%), sexual orientation (1%), religion by (8%) and age (5%). For Roma/Gypsy detainees these per-

(14%), the indictment (8%) or the decision along with the motives (8%). These percentages **arranged by gender**, again excluding all Greek detainees, show that 20 percent of male detainees were provided translation for the other court judgements of the case, 12 percent did for their own charge, 7 percent for the indictment and 7 percent for the decision along with the motives. Only 3 percent of female detainees were provided translation for the other court judgements of the case, 8 percent did for their own charge, 5 percent for the indictment and 5 percent for the decision along with the motives.

Again here, the majority of the respondents (38.9%) confirmed that they did not need any translation of documents, during the pre-trial proceedings. When used, they were very dissatisfied



centages are higher when it comes to ethnic belonging (44%), but lower in all other aspects, such as citizenship (3%), gender (5%), sexual orientation (3%), religion by (9%) and age (5%). For Syrian detainees these percentages are higher nearly in all aspects, such as ethnic belonging and citizenship (26%), gender (21%), sexual orientation (17%), religion by (26%) and age (21%). The same goes for Afghan detainees, such as ethnic belonging and citizenship (26%), gender (5%), religion by (21%) and age (5%). These percentages, arranged **by age**, show that the age group between 19 and 30 years old experienced insulting comments by at least 8 percent with those receiving insulting comments about their ethnic background reaching 23 percent. The age group between



31 and 40 years old experienced insults mostly about their ethnic background/citizenship with a similar percentage (22%). The same situation is pictured for the age group between 41 and 50 years old and insulting comments they received about their ethnic background/citizenship (24%). These percentages **arranged by gender**, show that male detainees received insulting comments in much wider majority than female detainees, e. g. male detainees experienced insulting comments about their ethnicity/citizenship by 26 percent while female only by 2 percent; 7 percent of male detainees experienced insulting comments about their gender and/or sexual orientation, when 3 percent of female detainees had the same experience; 12 percent of male detainees received insulting comments about their religion against only 5 percent of female detainees; 8 percent of male detainees experienced insults about their age against only 3 percent of female detainees.

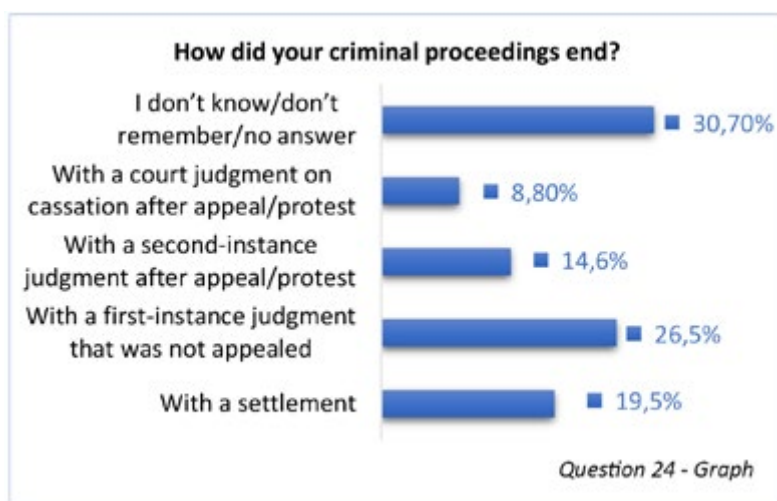
In relation to the complaints submitted during the pre-trial phase, the majority submitted a complaint in connection to the refusal to contact their relatives after detention (37%), followed by the use of force against them during arrest (35%), inside the police station (32%) and the refusal to contact a lawyer after detention (30%). The same percentage experienced insults against themselves or derogatory statements addressed to them by public officials and the smallest percentage submitted a complaint about the bad quality of work from their lawyer (24%). The following graph showcases the overall percentages of answers received in this question.

Correlation of the results with nationality, age and gender

These percentages **arranged by ethnicity/nationality** show that 30 percent of Greek detainees submitted a complaint in connection to the refusal to contact their relatives after detention, followed by the use of force against them during arrest and inside the police station (23%), and the refusal to contact a lawyer after detention (24%), insults against themselves or derogatory statements addressed to them by public officials (18%) and the least percentage submitted a complaint about the bad quality of work from their lawyer (14%). Albanian detainees submitted a complaint in connection to the use of force against them during arrest and inside the police station (44%), followed by the refusal to contact their relatives or a lawyer after detention (38%), insults against themselves or derogatory statements addressed to them by public officials (42%) and the smallest percentage submitted a complaint about the bad quality of work from their lawyer (14%). Roma/Gypsy detainees submitted a complaint in connection to the use of force against them during arrest (41%), followed by the refusal to contact their relatives or a lawyer after detention (26%), insults against themselves or derogatory statements addressed to them by public officials (32%) and the smallest percentage submitted a complaint about the bad quality of work from their lawyer (20%). These percentages **arranged by age** show that the age group between 19 and 30 years old mostly submitted complaints in connection to the use of force against them during arrest and inside the police station (40%), followed by the refusal to contact their relatives or a lawyer after detention (42%). The age group between 31 and 40 years old submitted complaints about the use of force during arrest and inside the police station (34%), as well as the refusal to allow them to contact their relatives, after detention (35%). The age group between 41 and 50 years old submitted complaints mostly about the same categories but with lower percentages, e.g., only 25% complained about not being able to contact a relative or having experienced use of force during arrest and/or in the police station. A slightly higher percentage than other age groups (29%) submitted a complaint about the refusal to contact a lawyer after detention. These percentages **arranged by gender** show that male detainees mostly submitted complaints about the refusal to contact relatives (38%), the use of force during arrest (35%) and inside the police station (36%) and the refusal to contact a lawyer after detention (31%). These percentages are slightly lower for female detainees about the use of force during arrest (31%), the refusal to contact relatives (25%), the use of force inside the police station (14%) and the refusal to contact a lawyer after detention (20%).

The majority of the respondents' criminal proceedings ended with a first-instance judgement that was not appealed (26.5%), while 19.5 percent ended with a settlement. Another 14.6 percent end-

ed with a second judgement after an appeal/protest to the first-instance judgement. Finally, 8.8 percent ended their proceedings with a court judgement on cassation after appeal/protest. It is worth noting that a great percentage of interviewees (30.7%) did not answer this question. In our experience, no detainee is unaware of the judgement made of him and his case; this question was intently not answered in cases, where the interviewed person was afraid that his answers would make him identifiable. The following graph showcases the overall percentages of answers received in this question.

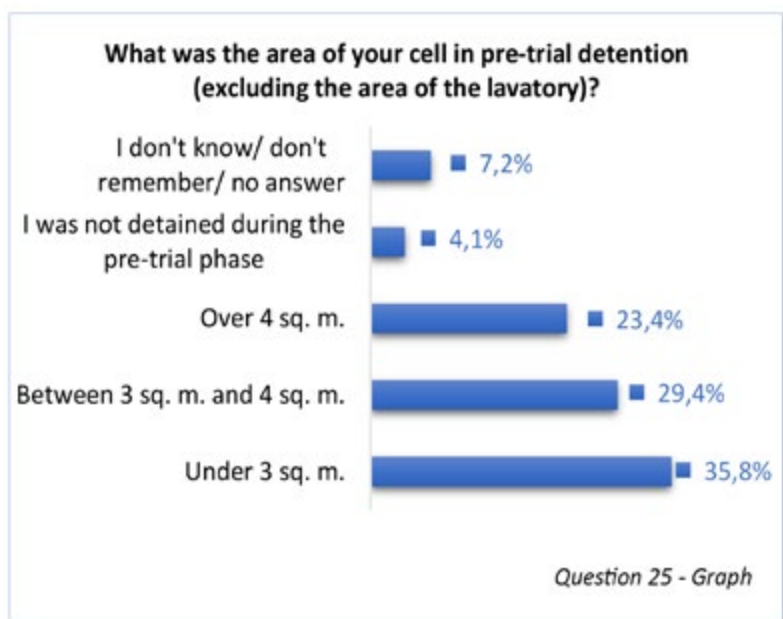


Correlation of the results with nationality, age and gender

These percentages **arranged by ethnicity/nationality** show that 38 percent of Greek detainees finalised their criminal proceedings with a first instance judgement, 27 percent did with a second instance judgement and 9 percent did with a settlement. Albanian detainees finalised their criminal proceedings by 31 percent with a first instance judgement, 14 percent with a second instance judgement and 22 percent with a settlement. Gypsy/Roma detainees finalised their criminal proceedings by 15 percent with a first instance judgement, 8 percent did with a settlement and 17 percent did with a court judgement on cassation after appeal/protest. These percentages **arranged by age** show that the age group between 19 and 30 years old finalised their criminal proceedings with a first instance judgement by majority (25%), with a settlement by (17%), with a court judgement on cassation after appeal/ protest (13%) and with a second-instance judgement after appeal/ protest (12%). The age group between 31 and 40 years old finalised their criminal proceedings with a first instance judgement by majority (23%), with a settlement by (25%), with a second-instance judgement after appeal/ protest (12%) and with a court judgement on cassation after appeal/ protest (5%). The age group between 41 and 50 years old finalised their proceeding with a first instance judgement by majority (28%), with a second-instance judgement after appeal/ protest (20%), with a court judgement on cassation after appeal/ protest (17%) and with a court judgement on cassation after appeal/ protest (4%). These percentages **arranged by gender** show that the majority of male detainees mostly finalised their criminal proceeding with a first-instance judgement that was not appealed (26%), with a settlement by (20%), with a second-instance judgement after appeal/protest (14%) and with a court judgement on cassation after appeal/protest (9%). Similarly, these percentages for female detainees are showing that the majority of female detainees mostly finalised their criminal proceeding with a first-instance judgement that was not appealed (28%), with a second-instance judgement after appeal/protest (17%), with a settlement by (5%) and with a court judgement on cassation after appeal/protest (2%).

Conditions of pre-trial detention

Overall, conditions of pre-trial detention varied per case, but the majority confirmed that they were detained in a very limited space for more than a day, with most of them having little to no contact with their relatives. Additionally, during the open-ended questions more side findings came up regarding the conditions of detention, including multiple detainees staying in one cell, e.g., 8 detainees living in a cell of 4 sq.m. without any ventilation or sanitary provisions. Multiple complaints were, also, made about the quality of food, the lack of hot water and the cleaning frequency. No major differences were revealed regarding the size of the cell or the duration of detention based on nationalities (even though Albanian detainees were reportedly kept in for longer compared to other nationalities). However, it is noteworthy that older detainees were in majority kept for longer than their younger constituents. The main problem revealed the desperate conditions that prevail in the Greek prisons.

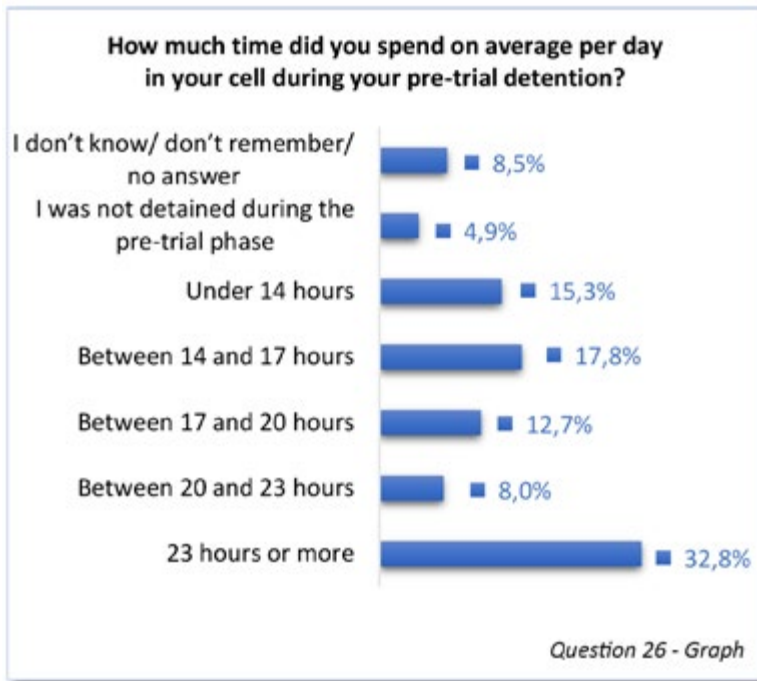


The area of the cells, where detainees were kept during pre-trial detention, was under 3 sq.m. in most cases (35.8%), between 3 and 4 sq.m. in 29.4 percent of the cases. In only 23.4 percent of the cases, they were kept in larger spaces (over 4 sq.m.) and in 7.3 percent of the cases, the interviewee did not remember. The following graph showcases the overall percentages of answers received in this question.

Correlation of the results with nationality, age and gender

These percentages **arranged by ethnicity/nationality** show that 34 percent of Greek detainees were kept during pre-trial detention under 3 sq.m., 41 percent were kept in a cell between 3 and 4 sq.m. and 23 percent were kept in over 4 sq.m. cells. In all other nationalities, these percentages are similar with few differences, i.e., 36 percent were kept in under 3 sq.m., 27 percent were kept in a cell between 3 and 4 sq.m. and 23 percent were kept in over 4 sq.m. cells. Breaking this down to the most frequent nationalities met, 51 percent of Albanian detainees were kept under 3 sq.m., 23 percent were kept in a cell between 3 and 4 sq.m. and 18 percent were kept in over 4 sq.m. cells. One fourth (26%) of Roma/Gypsy detainees were kept in under 3 sq.m. cells, 37 percent were kept between 3 and 4 sq.m. and 13 percent were kept in over 4 sq.m. cells. These percentages **arranged by age** show that the 40 percent of the age group between 19 and 30 years old were kept during pre-trial detention, under 3 sq.m., 27 percent was kept in a cell between 3 and 4 sq.m. and 22 percent were kept in over 4 sq.m. cells. The 35 percent of the age group between 31 and 40 years old were kept during pre-trial detention, under 3 sq.m., 27 percent was kept in a cell between 3 and 4 sq.m. and 28 percent were kept in over 4 sq.m. cells. The age group between 41 and 50 years old was kept mainly in under 3 sq.m. cells (30%), between 3 and 4 sq.m. (33%) and 21 percent were kept in over 4 sq.m. cells. These percentages **arranged by gender** show that 35 percent of male detainees were kept under 3 sq.m., 30 percent were kept between 3 and 4 sq.m. and 22 percent were kept in over 4 sq.m. cells. Similarly, 40 percent of female detainees were kept under 3 sq.m., 22 percent were kept between 3 and 4 sq.m. and 25 percent were kept in over 4 sq.m.

The majority of detainees spent more than a day in their cell. The 15.3 percent spent under 14 hours, another 17.8 percent spent between 14 and 17 hours and 8 percent spent between 20 and 23 hours



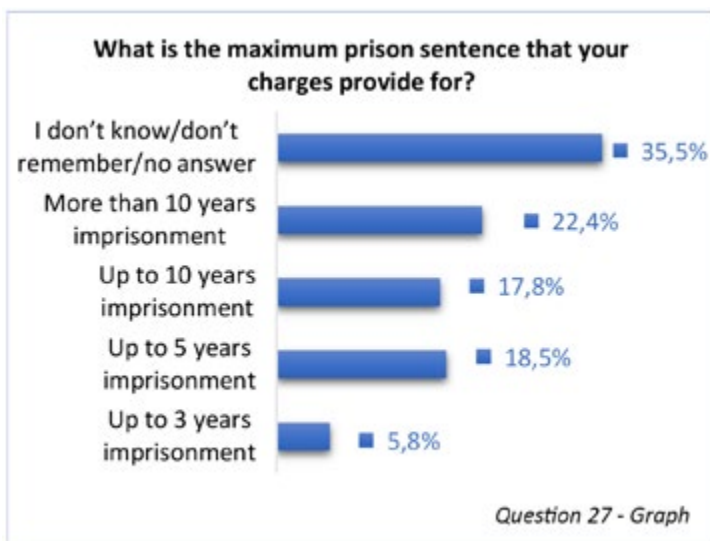
in their cell. Around 5 percent replied that they were not detained during the pre-trial phase. The following graph showcases the overall percentages of answers received in this question.

Correlation of the results with nationality, age and gender

These percentages **arranged by ethnicity/nationality** show that 44 percent of Greek detainees were kept for more than 23 hours in their cell and 18 percent were kept for between 17 and 20 hours. The majority of foreign detainees (30%) was also kept for more than 24 hours in a cell and another 19 percent was kept for between 14 and

17 hours. Thirty-two (32) percent of Albanian detainees were kept in their cell for more than 23 hours and 20 percent of them were kept in their cell for less than 14 hours. Roma/Gypsy detainees were mostly (20%) kept in their cells for more than 23 hours and 23 percent were kept for between 14 to 17 hours. The majority of Irani detainees (77%) were kept for more than 23 hours in their cell. These percentages **arranged by age** show that the 28 percent of the age group between 19 and 30 years old was kept for more than 23 hours in their cell, while 17 percent was kept for between 14 and 17 hours and another 17 percent for less than 14 hours. The age group between 31 and 40 years old was kept in for more than 23 hours by 32 percent and for between 14 and 17 hours by 19 percent. The majority of the age group between 41 and 50 years old (44%) was kept for more than 23 hours and 13 percent was kept for between 14 and 17 hours. These percentages **arranged by gender** show that nearly one third of male detainees (30%) were kept for more than 23 hours in their cell, 18 percent were kept for between 14 and 17 hours, 16 percent for under 14 hours and 13 percent were kept for between 17 and 20 hours. More than half of female detainees (54%) were kept for more than 23 hours in their cell, while 17 percent between 20 and 23 hours.

The majority of interviewees did not provide an answer to this question (35.5%), for the same reason identified in Question 24. Where the interviewed person was afraid that his answers would make him



identifiable, he chose not to answer. The rest of the majority (22.4%) was charged for a maximum sentence of more than 10 years, while 18.5 percent of them were charged with a maximum sentence of 5 years imprisonment. Approximately 17.8 percent received a maximum sentence of up to 10 years of imprisonment, and only 5.8 percent were sentenced for less than 3 years in prison.

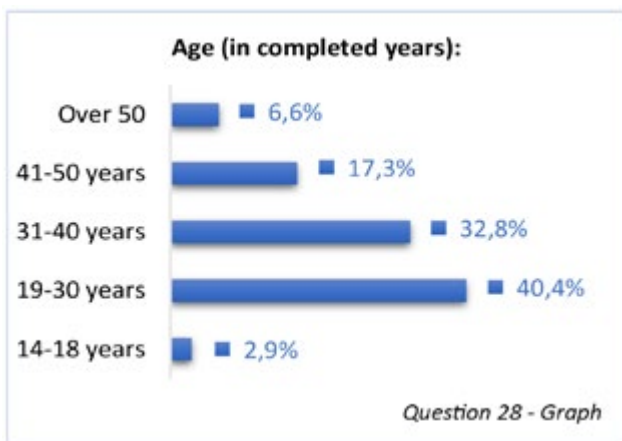
Correlation of the results with nationality, age and gender

These percentages **arranged by ethnicity/nationality** showcase that 34

percent of Greek detainees were sentenced for up to 5 years, 19 percent were sentenced for up to 10 year and 16 percent were sentenced for more than 10 years. Foreign detainees overall were sentenced by 15 percent for up to 5 years, 17 percent were sentenced for up to 10 years and 23 percent were sentenced for more than 10 years. More specifically, 15 percent of Albanian detainees were sentenced for up to 5 years, 20 percent were sentenced for up to 10 years and 41 percent were sentenced for more than 10 years. Additionally, 14 percent of Roma/Gypsy detainees were sentenced for up to 5 years, 14 percent were sentenced for up to 10 years and 11 percent were sentenced for more than 10 years. These percentages **arranged by age** show that the age group between 19 and 30 years old were by majority (24%) sentenced for up to 5 years or up to 10 years (18%). The age group between 31 and 40 years old were in their majority (23%) sentenced for more than 10 years or for up to 10 years (24%). Finally, the age group between 41 and 50 years old were by majority (28%) sentenced for more than 10 years. These percentages **arranged by gender** show that 22 percent of male detainees were sentenced for more than 10 years, 19 percent were sentenced for up to 10 years and another 19 percent were sentenced for up to 5 years. The majority of female detainees (14%) were sentenced for up to 5 years, or for more than 10 years (20%).

Demographics

The majority of respondents to the survey (40.4%) were between 19 and 30 years old, and another 32.8 percent were between 31 and 40 years old. A significant 17.3 percent was between 41 and 50 years old and 6.6 percent over 50 years old. Only 3 percent was in the category of 14 to 18 years,



which merely refers to the detainees being 18 years old, as the Male and Female Prison Departments we conducted the survey to do not have underage detainees. The following graph showcases the overall percentages of answers received in this question.

Correlation of the results with nationality and gender

These percentages **arranged by ethnicity/nationality** showcase that 38 percent of Greek detainees were between 31 and 40 years old

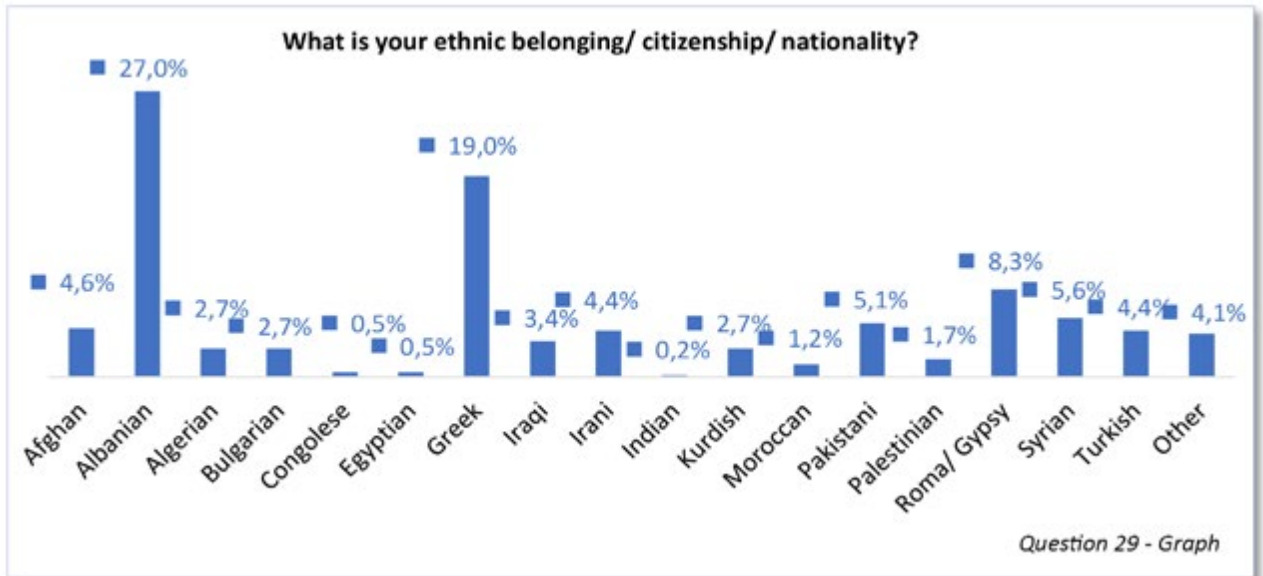
and 22 percent were between 19 and 30 years old. When it comes to other nationalities detained, Albanian detainees in their majority (42%) are between 19 and 30 years old, Syrian detainees in the majority (47%) are between 19 and 30 years old, Pakistani in their majority are (52%) are between 19 and 30 years old and Roma/Gypsy of various nationalities are in their majority (47%) between 19 and 30 years old. These percentages **arranged by gender** show that the majority of male detainees are mainly between 19 and 30 years old (41%) and between 31 and 40 years old (33%). The majority of female detainees are between 31 and 40 years old (34%) and between 19 and 30 years old (28%).

The majority of foreign questionees were Albanian (27%), self-declared Roma/Gypsy (8.3%), Syrian (5.6%), Pakistani (5.1%), Afghan (4.6%), Irani (4.4%), Turkish (4.4%) and Iraqi (3.4%). Other nationalities include: Algerian (2.67%), Bulgarian (2.4%), Kurdish (2.7%), Palestinian (1.7%), Moroccan (1.2%), Congolese (0.5%), Egyptian (0.5%) and Indian (0.2%). A considerable percentage (5.6%) preferred to not declare identity. Greek detainees correspond to 19 percent of participation in this survey, while in real life representation Greek detainees occupy approximately 34% of Korydallos prison departments. Numbers and percentages changed during the survey, since internal transportations shifted the overall populations in between the start and the end of the survey.

However, adaptations were made in order to illustrate the current percentages as described in the introductory part of this report. The following graph showcases the overall percentages of answers received in this question.

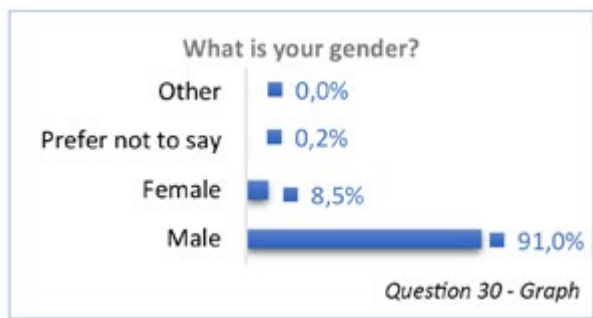
Correlation of the results with gender

These percentages *arranged by gender* show that the majority of Albanian detainees are 86 per-



cent male; Greek are 86 percent male and 14 percent female, Iraqis are 100 percent male; Syrian are 100 percent male, Pakistani are 95 percent male and 5 percent female, Afghan are 100 percent male, Irani are 100 percent male, Turkish are 100 percent male and self-declared Roma/Gypsy are 80 percent male and 20 percent female.

Overall, as indicated in the previous analysis, the majority of the prison population is overwhelmingly male (91%) and this is illustrated in the survey, as well. Originally, more than 12 percent of the answers collected came from female detainees, due to their increased willingness to participate in the survey.



However, the sample was balanced out by reducing female detainees’ responses to correspond to the gender-balance of the Korydallos departments’ population. The following graph showcases the overall percentages of answers received in this question.

Correlations of gender *with nationality/ citizenship* and *age* are illustrated in Questions (28, 29).

CONCLUSIONS

In summary, when it comes to police detention conditions the use of violence remains a constant problem reported by detainees. The majority of detainees interviewed reported to have either experienced or evidenced the use of violence during their arrest or arrival at the police station. The use of violence and derogatory language towards the detained is a common practice, which increases in likelihood in the cases of younger detainees and is used nearly exclusively on male detainees. Safeguard during police detention lacks incredibly when it comes to access to a lawyer. In this case, there is an obvious connection to the nationality/citizenship, with more foreign detainees (notably) reporting no access to a lawyer, either in police custody or after the charge. The large majority of foreign detainees were unable to meet with their relatives after detention, while Greek detainees did not report the same problem. Additionally, medical examination, after the initial detention, is scarce to less than half of the detainees questioned, regardless of their nationality.

The research revealed that procedural rights during pre-trial proceedings are largely problematic with less than half of detainees being informed about their rights, in oral form mostly and in language that they do not understand, in the cases of foreign detainees. Especially with regards to the right to interpretation and translation services, which is one of the least mentioned rights to foreign detainees. Most importantly, the majority of detainees have reported insulting comments addressed to them by representatives of the state. Yet, mainly foreign detainees report these types of comments addressed to them being connected to ethnic belonging. It should be noted that submission of complaints is not that common of a practice with less than one fourth of detainees submitting a complaint regarding misbehaviour experienced or evidenced. Finally, the conditions of pre-trial vary but the majority confirmed the unfortunate conditions prevailing in the Greek prison, which included very limiting space, long hours of detention, but also references regarding the poor quality of food, lack of hot water and cleaning frequency.



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