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European Committee for the Prevention of Torture  
and Inhuman or Degrading Treatment or Punishment  
(CPT)

# **15th General Report on the CPT's activities**

**covering the period 1 August 2004 to 31 July 2005**

Strasbourg, 22 September 2005

The CPT is required to draw up every year a general report on its activities, which is published. This 15th General Report, as well as previous general reports and other information about the work of the CPT, may be obtained from the Committee's Secretariat or from its website:

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## PREFACE

Present times continue to be marked by the fight against terrorism, and there is every likelihood that this will remain the case for some years to come. The manner in which this challenge is met has particular significance for democratic societies committed to human rights and the rule of law. Will they find the way to fulfil the obligation to protect their citizens whilst at the same time upholding the basic values which form part of their foundations?

There are clear indications that, to date, the right way has not always been found. For instance, reports abound of persons being seized and spirited away without due process, and of incommunicado detention in secret holding facilities. Those reports have been lent further credence by recent legal proceedings; in June 2005, Italian judicial authorities issued arrest warrants against 13 foreign agents for the “aggravated abduction” of a person in a Milan street in February 2003; also in June 2005, a German court acknowledged that witnesses whom it had sought (in vain) to hear were being held in “unknown locations”. And evidence continues to come to light of resort to torture and inhuman or degrading treatment in various places, in the context of the fight against terrorism. It is important in this area to be clear about one’s understanding of the terms being used; to give a concrete example, in the CPT’s opinion, to immerse persons under water so as to make them believe they might drown is not a professional interrogation technique, it is an act of torture.

Employing methods of the kind described above (or aiding and abetting others to do so) is not the way democratic societies are meant to go about their business, not even in the most testing of times. But there can be little doubt that such methods are on occasion being used today by agents of democratic societies, including in certain parts of Europe. This type of action will not serve anyone’s interests well.

The universal recognition of the prohibition of torture and inhuman or degrading treatment, and the collective enforcement of that human right at European level, occurred in the immediate aftermath of a world war, during which untold barbarities were committed in pursuit of intolerable ideologies. And it was a time of continuing uncertainty and danger. Is there anything so different about the international climate of today that would justify a change of course? In fact, it is precisely at a time of emergency that the prohibition of torture and inhuman or degrading treatment is particularly relevant, and the strength of a society’s commitment to the fundamental value it embodies truly put to the test.

Like the prohibition of slavery, the prohibition of torture and inhuman or degrading treatment is one of those few human rights which admit of no derogations. Talk of “striking the right balance” is misguided when such human rights are at stake. Of course, resolute action is required to counter terrorism; but that action cannot be allowed to degenerate into exposing people to torture or inhuman or degrading treatment. Democratic societies must remain true to the values that distinguish them from others.

## ACTIVITIES DURING THE PERIOD 1 AUGUST 2004 TO 31 JULY 2005

### Visits

1. The CPT organised seventeen visits totalling 157 days during the twelve-month period covered by this General report. Of those visits, eleven (totalling 121 days) formed part of the CPT's annual programme of periodic visits and six (36 days) were ad hoc visits which the Committee considered were required by the circumstances.

Reference should also be made to the talks between senior Russian officials and representatives of the CPT, held in Moscow and Rostov-on Don from 26 to 28 January 2005. They focused on the Committee's findings during its ad hoc visit to the North Caucasian region organised two months earlier.

2. The above represents a small reduction in the CPT's visit-related activities as compared to the previous year. In fact, staff changes within the Committee's Secretariat have been hampering the intended increase in the annual visit programme. However, this situation should be resolved in the coming months (cf. also paragraph 37).

3. The following countries received periodic visits during the period 1 August 2004 to 31 July 2005: Albania, Belgium, Cyprus, Hungary, Italy, Moldova, Poland, Russia, San Marino, Serbia and Montenegro, and Slovakia.

The visit to Serbia and Montenegro was the first by the CPT to that State Party, and the Committee is pleased to record that its delegation received very good cooperation at all levels. This was certainly due in no small part to the two-day information seminar for government officials and other interested parties organised in Belgrade in September 2004, shortly before the visit.

4. As always, the programme of each periodic visit embraced various types of establishments (police stations, prisons, psychiatric hospitals, institutions for minors) located in different parts of the country concerned. Further, particular attention was given during certain visits (for example, to Belgium, Hungary, Italy and Poland) to the treatment of foreign nationals detained under immigration legislation.

5. The six ad hoc visits carried out by the CPT during the period covered by this General Report concerned Azerbaijan, Bosnia and Herzegovina, France (La Réunion), Malta, Russia (North Caucasian region) and the United Kingdom.

6. The main purpose of the CPT's **ad hoc visit to Azerbaijan in May 2005** was to examine the situation at Gobustan Prison, which accommodates all of the country's life-sentenced prisoners as well as other prisoners serving long terms. Disturbing reports concerning the treatment of inmates of this prison had been received by the Committee. The visit also provided an opportunity to take stock of recent developments in the Azerbaijani prison system as a whole.

7. During the **December 2004 ad hoc visit to Bosnia and Herzegovina**, the CPT re-examined the situation in two psychiatric establishments (Jakeš Institution for the Treatment, Rehabilitation and Social Protection of chronic mental patients, and Sokolac Psychiatric Hospital) which had been found to display major deficiencies when first visited by the Committee in the Spring of 2003.

8. The CPT's **ad hoc visit to La Réunion (France) in December 2004** was the first time that the Committee had visited this overseas administrative district (département d'outre-mer). The visit was triggered by reports indicating that prison establishments in La Réunion were facing difficulties, in particular as a result of overcrowding. The CPT's delegation examined conditions in two of the three prisons on the island. The opportunity was also taken to review the situation as regards police custody, following the instructions on the dignity of persons detained by the police issued by the Minister of the Interior on 11 March 2003.

9. The background to the **ad hoc visit to Malta in June 2005** was the sharp and unprecedented increase in the number of illegal migrants arriving in the country since 2001, a situation which had placed a considerable burden on the Maltese authorities. Faced with critical reports of the conditions under which immigration detainees were being held and certain allegations of deliberate physical ill-treatment, the CPT had already carried out an ad hoc visit to Malta in January 2004.

The main purpose of the Committee's subsequent visit in June 2005 was to examine the manner in which its recommendations concerning the detention centres for foreigners had been implemented. Information was also sought on the inquiry into incidents in January 2005 at one of those centres (Safi Barracks), in the course of which a number of detainees had been injured.

10. The **ad hoc visit to the North Caucasian region of Russia in November/December 2004** was the seventh organised by the CPT to this part of the Federation since 2000. To date, the reports on the Committee's visits to the North Caucasian region have not been authorised for publication. However, the two public statements concerning the Chechen Republic issued by the CPT in July 2001 and July 2003 give a clear insight into the facts found by the Committee and its major concerns and recommendations.

During the 2004 visit, the CPT reviewed progress in tackling issues raised in the July 2003 public statement, in particular resort to torture and other forms of ill-treatment by members of the law enforcement agencies and federal forces, forced disappearances and impunity. In addition, the Committee examined for the first time the treatment of persons deprived of their liberty in the Republic of Ingushetia. At the outset of the visit, the CPT's delegation went to School No. 1 in Beslan (North Ossetia-Alania) and paid homage to the victims of the terrorist attack which took place there in early September 2004.

11. The **July 2005 ad hoc visit to the United Kingdom** was in part a sequel to visits organised in February 2002 and March 2004. Those latter visits focused on the treatment of persons detained pursuant to Part IV of the Anti-Terrorism, Crime and Security Act 2001, which provided for the administrative detention for an indefinite period of foreign nationals suspected of being international terrorists. Following a House of Lords judgement of 16 December 2004, Part IV of the 2001 Act was abrogated and replaced by the Prevention of Terrorism Act 2005.

During the ad hoc visit in July 2005, the CPT examined the practical operation of the 2005 Act and met various persons served with control orders under that legislation. Attention was also given to the treatment of persons detained in relation to offences under the Terrorism Act 2000; in this connection, the CPT's delegation visited Paddington Green High Security Police Station and Belmarsh Prison. Further, the issue of "diplomatic assurances" in the context of deportation procedures was raised during talks with officials.

The Committee's delegation also went to Frankland Prison, in order to examine the situation of a person convicted by the International Criminal Tribunal for the former Yugoslavia who is serving his sentence in the United Kingdom. Further information about this specific monitoring activity is given in paragraphs 14 and 15 below.

12. The level of cooperation shown towards CPT visiting delegations by the competent national authorities continues, in general, to be very high. Meetings with Ministers and senior officials at the beginning and end of visits almost invariably take place in a constructive atmosphere. Further, in the great majority of cases at local level, CPT delegations enjoy rapid access to places visited and are provided with the information they need.

13. That said, there are still isolated examples of a hostile reception and /or of attempts to disguise the true situation, in particular in certain law enforcement establishments. Members of CPT visiting delegations are not perturbed by discourteous, provocative or deceptive behaviour; however, such an attitude towards an international delegation hardly inspires confidence as to the manner in which the officials concerned treat persons in their custody.

More importantly, in the course of certain visits during the last twelve months, there were clear indications that some prisoners interviewed by the CPT's delegation felt unable to speak freely because they had been warned against making any complaints and feared repercussions. Further, on occasion, allegations of actual reprisals have been received. It must be stressed that any kind of intimidating or retaliatory action against a person before or after he has spoken to a CPT delegation would be totally incompatible with the obligations of Parties to the Convention. If the CPT were to receive solid evidence of such action, it would consider making a public statement under Article 10, paragraph 2, of the Convention.

## Monitoring on behalf of the International Criminal Tribunal for the former Yugoslavia (ICTY)

14. In the course of 1999, the ICTY requested that the CPT accept the task of monitoring, in certain States, the treatment of persons serving sentences imposed by the Tribunal. Following consultation of the Committee of Ministers of the Council of Europe, an exchange of letters between the Tribunal and the CPT regulating this question was finalised in November 2000; those letters are reproduced in Appendix 5 of the Committee's 11th General Report (CPT/Inf (2001) 16). In brief, it was understood that, following its written approval, the CPT could be designated to monitor the conditions of detention and treatment of persons convicted by the ICTY, in a State which had agreed to accept the transfer of the prisoners concerned for the purpose of the enforcement of their sentences.

15. The exchange of letters was activated in the context of an Enforcement Agreement concluded between the United Kingdom and the ICTY in 2004. The first transfer of a prisoner under that Agreement occurred on 20 December 2004, and the treatment and conditions of detention of the person concerned were monitored by the CPT during the Committee's ad hoc visit to the United Kingdom in July 2005.

## Meetings and working methods

16. The CPT held three one-week plenary sessions during the twelve months covered by this General Report – in November 2004, and March and July 2005. A total of seventeen visit reports were adopted by the Committee at these three meetings, ten of them according to the expedited procedure (under which draft visit reports circulated at least two weeks before a plenary session are adopted without debate, save for paragraphs in respect of which a discussion has been specifically requested in advance).

Besides the adoption of visit reports, plenary sessions are the occasion to review the ongoing dialogue with Parties to the Convention, hold thematic discussions on issues related to the CPT's mandate and prepare future visits. Much of this activity takes place in the context of subgroups of the Committee – delegations responsible for visits, the medical group, the working group on the Committee's "jurisprudence", etc.

17. The CPT seeks to enrich its discussions at plenary sessions by inviting outside speakers. Recent guests have included Sir Nigel RODLEY (member of the UN Human Rights Committee and former UN Special Rapporteur on the question of torture) and Judges Josep CASADEVALL and Françoise TULKENS of the European Court of Human Rights. The CPT plans to hold an exchange of views later this year with the present UN Special Rapporteur on the question of torture, Mr Manfred NOWAK.

The Committee also had a fruitful exchange of views with the Secretary General, Mr Terry DAVIS, during its November 2004 meeting, the first CPT plenary after he took office.

18. More generally, the CPT remains keen to promote synergy with other bodies on issues related to its mandate, both within and outside the Council of Europe.

The CPT was very pleased to be able to contribute to the work of Council of Europe committees concerning the revision of the European Prison Rules and the preparation of guidelines on the forced return of foreign nationals. Some specific comments on these matters will be made later in this report. The Committee also welcomes the invitation it received to make a presentation at the Seminar on the protection of human rights in the fight against terrorism, organised by the Steering Committee for Human Rights (CDDH) and held in Strasbourg in June 2005. The CPT follows closely the work of the Parliamentary Assembly, and there are regular contacts between the Committee's Secretariat and the staff of the Human Rights Commissioner, Mr Alvaro GIL-ROBLES. The increasing number of references to CPT reports in judgements of the European Court of Human Rights should also be highlighted; of course, this latter development has been made possible by States agreeing to lift the veil of confidentiality and place CPT material in the public domain.

19. Looking beyond the Council of Europe, there have been several examples during the last twelve months of good cooperation between CPT visiting delegations and OSCE field missions, and of the participation of CPT representatives in training activities for national officials organised by the OSCE. Further, the CPT took an active part in the Human Dimension Implementation meeting organised by the OSCE in Warsaw in October 2004, and the same will be the case at the 2005 meeting.

Regular contacts are also maintained with the International Committee of the Red Cross (ICRC). In particular, in May 2005, the CPT's Bureau had the opportunity to meet the President of the ICRC, Mr Jakob KELLENBERGER, and several senior ICRC officials for a broad-ranging exchange of views.

At the Council of Europe's Third Summit in Warsaw (May 2005), the Heads of State and Government, when addressing relations with the European Union, called for strengthened cooperation between the EU and specialised Council of Europe bodies, including the CPT. The Committee's delegations do on occasion meet with EU representatives in the course of visits, in particular in certain countries of the Balkan and South Caucasian regions. Moreover, there are regular contacts with representatives of the European Commission concerning the CPT's findings in EU candidate countries which are in the public domain. The CPT will strive to develop cooperation with relevant EU bodies; strengthened relations may be possible, for example, in the context of finding means of ensuring the effective implementation of the Committee's recommendations (cf. also paragraphs 21 to 23).

20. Reference should also be made to the Optional Protocol to the United Nations Convention against Torture, which is expected to enter into force in 2006. This will lead to the setting up of a Sub-Committee on the Prevention of Torture as well as national preventive mechanisms. The Optional Protocol explicitly encourages the Sub-Committee and regional bodies such as the CPT to "consult and cooperate with a view to avoiding duplication", and the CPT has already tabled a specific proposal aimed at facilitating that process (cf. the Committee's 13th General Report - CPT/Inf (2003) 35, paragraph 22).

In the meantime, the CPT stands ready to share its experience with those responsible for setting up the new mechanisms provided for by the Optional Protocol. Representatives of the Committee have already participated in meetings on this subject organised by the Association for the Prevention of Torture in association with the Office of the UN High Commissioner for Human Rights.

21. On-site monitoring of the treatment of persons deprived of their liberty is not an end in itself; to be worthwhile, it must be accompanied by effective means of ensuring the implementation of recommendations made. It is first and foremost for Parties to the Convention to take decisive action to improve the situation in the light of the CPT's recommendations. However, it is also incumbent upon the Committee itself to explore all avenues to promote the taking of such action by the Parties.

22. Reference was made in the 14th General Report to the idea of organising a pilot project in a limited number of countries amongst those experiencing difficulties with the implementation of the CPT's recommendations, especially those requiring significant financial investment (cf. CPT/Inf (2004) 28, paragraph 13). A document fleshing out this proposal has just been presented to the Committee of Ministers, and the CPT hopes that it will be viewed favourably; it could do much to ensure that the Committee's recommendations lead to tangible results.

23. The CPT is also rethinking its working methods in order to deal with situations where key recommendations repeated after multiple visits remain unimplemented. Yet another visit or the issuing of a public statement are not necessarily the best tools with which to make progress. A more intense dialogue involving face-to-face discussions with the relevant national authorities will be the route chosen in appropriate cases; there have been recent fruitful examples of this approach.

Further, more might be done by the CPT to ensure that its main concerns are fully understood by national authorities as from the outset. In certain cases, the Committee will seek to organise high-level talks simultaneously with the transmission of a visit report, thereby providing the opportunity to highlight and, if necessary, clarify the most important recommendations.

## Publications and media relations

24. Authorisation by States of the publication of CPT visit reports remains the norm, and this authorisation now tends to be given more quickly than in the past. During the last twelve months, reports on thirteen visits have been published by the Committee, at the request of the governments concerned. These publications include, for the first time, reports on visits to Azerbaijan and Bosnia and Herzegovina. At the time of writing, 146 of the 187 visit reports so far drawn up have been placed in the public domain. A State-by-State table showing the current situation is set out in Appendix 4.

25. Reference has been made in previous General Reports to the “information pack”, containing various materials describing the CPT’s modus operandi and the standards it has developed. Further translations and updates of the pack have been produced during the last twelve months; it is currently available in seventeen languages. The pack is posted in all of those languages on the CPT’s website, and printed copies can be obtained from the Committee’s Secretariat.

Further, a new edition of the CD-ROM containing the whole of the CPT’s website will be issued in October 2005.

26. With a view to assisting the media when reporting on the CPT’s work, a videokit has been produced by the Council of Europe’s Directorate of Communication and Research (DCR). Primarily aimed at TV journalists, it contains a series of reconstructions of events linked to the Committee’s activities. Copies of the videokit in BETA format are available from the DCR; copies in VHS and DVD format (suitable for human rights training) can be obtained from the CPT’s Secretariat.

## ORGANISATIONAL MATTERS

### The Warsaw Summit

27. At their Summit meeting in Warsaw on 16 and 17 May 2005, the Heads of State and Government of the Member States of the Council of Europe drew up an Action Plan laying down the principal tasks of the Organisation in the coming years. In that Plan they declared: “We shall continue to support the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the unique role it plays, through its visits to places of detention, in improving the conditions of detained persons.”

The CPT is extremely grateful to the Heads of State and Government for this mark of their commitment towards the Committee’s activities.

### The Convention establishing the CPT

28. On 5 October 2004, the Principality of Monaco became the 46th member of the Council of Europe, and the Monegasque Government has undertaken to sign and ratify the European Convention for the Prevention of Torture within one year of joining the Organisation. Plans are already being made for the CPT’s first periodic visit to Monaco in 2006.

29. With Monaco’s ratification of the Convention, the CPT’s natural constituency will be almost fully represented. However, as is clear from the map in Appendix 3 showing the Committee’s field of operations, there remains one notable exception, namely Belarus. Belarus is not a member of the Council of Europe. However, that does not mean it cannot become a Party to the European Convention for the Prevention of Torture. The Council of Europe’s Committee of Ministers is empowered – and on its own initiative – to invite any non-member State to accede to the Convention. When the time is ripe from a political standpoint, such an invitation to Belarus could be both a sign of the Organisation’s wish to forge closer links with that country and a reminder of the obligations which membership of the Council of Europe entails.

30. Reference was made in the previous General Report to consultations underway with a view to ensuring the application of the Convention throughout the territory of Serbia and Montenegro, including Kosovo (which is currently under interim international administration). This involves ensuring that the CPT will enjoy in Kosovo – as in every other part of its field of operations – access to all places of deprivation of liberty, under the conditions laid down in the Convention.

Access for the CPT to places where persons are detained by an authority of the United Nations Interim Administration Mission in Kosovo (UNMIK) has been guaranteed by an Agreement between UNMIK and the Council of Europe signed on 23 August 2004 (cf. Appendix 8 to the CPT’s 14th General Report – CPT/Inf (2004) 28). However, reaching similar arrangements in respect of detention facilities operated by the “international security presence in Kosovo” (KFOR) – which also has the power to detain civilians in Kosovo – is proving to be a protracted process. On 28 February 2005, the CPT’s President had an exchange of views with the Political Committee of the North Atlantic Treaty Organisation (NATO), in order to explain the Committee’s *modus operandi* and remove possible misunderstandings. Since then, there would appear to have been little progress. The CPT can only hope that the consultations, which it understands are still taking place, will eventually bear fruit.

## CPT membership

31. Two new CPT members took up office during the twelve months covered by this General Report: Ms Olivera VULIĆ (in respect of Serbia and Montenegro) and Mr Vitolds ZAHARS (Latvia). Further, the following members were re-elected: Mr Fatmir BRAKA (Albania), Mr Zdeněk HÁJEK (Czech Republic), Mr Pétur HAUKSSON (Iceland) and Mr Mauro PALMA (Italy).

The following members of the CPT left the Committee during the last twelve months, on the expiry of their terms of office: Ms Ioanna BABASSIKA (Greece), Ms Emilia DRUMEVA (Bulgaria), Ms Anhelita KAMENSKA (Latvia) and Mr Eric SVANIDZE (Georgia). The CPT wishes to place on record its gratitude to the above persons for their contributions to the Committee's work.

32. At the time of publication of this General Report, the CPT has 37 members. The seats in respect of Bosnia and Herzegovina, Georgia, Greece, Ireland, the Netherlands, the Russian Federation, the Slovak Republic and Ukraine are currently vacant.

33. Following the entry into force on 1 March 2002 of Protocol No. 2 to the Convention, a system for electing members for half of the seats on the CPT once every two years has been progressively introduced; this system was described in detail in the 12th General Report (cf. CPT/Inf (2002) 15, paragraph 22). As is clear from Appendix 5, this process is now close to completion. Instead of expiry dates for seats of the Committee occurring at various dates, the expiry of half of all members' terms is now concentrated on 19 December of every second year. At the same time, the fact that CPT members can now be re-elected twice (another change introduced by Protocol No. 2) will no doubt help to maintain a degree of continuity of experience within the Committee. The CPT has been considering the implications for its working methods of the possible simultaneous change in a significant portion of the Committee's membership.

34. As the CPT has stressed in the past, the Committee's effectiveness will ultimately depend on the quality of its membership. The CPT appreciates the considerable care taken by the relevant bodies within the Parliamentary Assembly and, subsequently, by the Committee of Ministers when examining lists of candidates for membership.

The CPT understands that the Bureau of the Assembly has recently sought to improve the written information provided on candidates, through the introduction of a model curriculum vitae, and that the possibility of enhancing the selection procedure in other ways is currently being examined. It might be noted here that, in certain countries, the procedure used to establish the list of candidates to be submitted to the Bureau of the Assembly is transparent in nature and involves interviews of the persons concerned. The CPT welcomes this approach. The introduction of an interview element at some stage of the procedure within the Council of Europe might also be considered.

35. As regards current professional expertise within the CPT, there has been an increase in the number of members with practical experience of prison work; the Committee hopes this trend will continue. The CPT still requires more members with first-hand knowledge of the work of law enforcement agencies and of immigration issues. The psychiatric profession is currently well represented within the Committee, though additional expertise in child psychiatry would be useful. The Committee would also benefit from the presence among its members of more doctors with relevant forensic skills, in particular as regards the observation and recording of physical injuries.

## Administrative and budgetary questions

36. During the period covered by this General Report, three seasoned staff members – Mr Jan MALINOWSKI (Head of Unit), Mr Cyrille ORIZET and Ms Bojana URUMOVA – left the CPT's Secretariat to take up other duties; together they totalled twenty-two years of experience with the Committee. The CPT would like to express its appreciation of the valuable work they performed for the Committee.

These departures prompted a general review of the unit structure within the CPT's Secretariat; the current organigram is set out in Appendix 6.

37. The above-mentioned situation combined with certain other staff-related factors has obliged the CPT to scale back the programme of visits originally planned for 2005. At present, it is envisaged that a total of 150 visit days will be organised during that year, as compared to the 185 days for which budgetary appropriations were provided. Nevertheless, the full programme of 10 periodic visits for 2005, as announced in November 2004, will be carried out.

Provided the staff situation now remains relatively stable and no time is lost in filling any vacancies, a visit programme of 185 visit days is feasible in 2006. And the CPT hopes finally to reach its long-standing target of 200 visit days per year in 2007; this volume of visit days will enable the Committee to ensure that each of the forty-six Parties to the Convention receives a periodic visit on average every four years, and at the same time leave sufficient scope for the different types of ad hoc visits required in the circumstances.

However, for this to be possible, Unit 3 in the CPT's Secretariat will have to be brought up to the same strength as the other two units, by the addition of a B4 post and a further A2/A3 post. The CPT is very grateful to the Secretary General for having included the B4 post in his budget proposals for 2006.

## SOME COMMENTS ON ISSUES RELATED TO THE CPT'S ACTIVITIES

### Diplomatic assurances

38. Reference was made in the Preface to the potential tension between a State's obligation to protect its citizens against terrorist acts and the need to uphold fundamental values. This is well illustrated by the current controversy over the use of "diplomatic assurances" in the context of deportation procedures. The prohibition of torture and inhuman or degrading treatment encompasses the obligation not to send a person to a country where there are substantial grounds for believing that he or she would run a real risk of being subjected to such methods. In order to avoid such a risk in given cases, certain States have chosen the route of seeking assurances from the country of destination that the person concerned will not be ill-treated. This practice is far from new, but has come under the spotlight in recent years as States have increasingly sought to remove from their territory persons deemed to endanger national security. Fears are growing that the use of diplomatic assurances is in fact circumventing the prohibition of torture and ill-treatment.

39. The seeking of diplomatic assurances from countries with a poor overall record in relation to torture and ill-treatment is giving rise to particular concern. It does not necessarily follow from such a record that someone whose deportation is envisaged personally runs a real risk of being ill-treated in the country concerned; the specific circumstances of each case have to be taken into account when making that assessment. However, if in fact there would appear to be a risk of ill-treatment, can diplomatic assurances received from the authorities of a country where torture and ill-treatment is widely practised ever offer sufficient protection against that risk? It has been advanced with some cogency that even assuming those authorities do exercise effective control over the agencies that might take the person concerned into their custody (which may not always be the case), there can be no guarantee that assurances given will be respected in practice. If these countries fail to respect their obligations under international human rights treaties ratified by them, so the argument runs, why should one be confident that they will respect assurances given on a bilateral basis in a particular case?

40. In response, it has been argued that mechanisms can be devised for the post-return monitoring of the treatment of a person deported, in the event of his/her being detained. While the CPT retains an open mind on this subject, it has yet to see convincing proposals for an effective and workable mechanism. To have any chance of being effective, such a mechanism would certainly need to incorporate some key guarantees, including the right of independent and suitably qualified persons to visit the individual concerned at any time, without prior notice, and to interview him/her in private in a place of their choosing. The mechanism would also have to offer means of ensuring that immediate remedial action is taken, in the event of it coming to light that assurances given were not being respected.

41. It should also be emphasised that prior to return, any deportation procedure involving diplomatic assurances must be open to challenge before an independent authority, and any such challenge must have a suspensive effect on the carrying out of the deportation. This is the only way of ensuring rigorous and timely scrutiny of the safety of the arrangements envisaged in a given case.

42. The CPT intends to follow closely developments in States Parties to the European Convention for the Prevention of Torture in relation to the practice of diplomatic assurances. The Committee would also be happy to contribute to any consideration of this subject at the Council of Europe. The time would indeed seem ripe for a collective discussion of all the issues involved, in order to ensure that current practice is in full conformity with the obligations which flow from the prohibition of torture and inhuman or degrading treatment.

## Guidelines on the forced return of foreign nationals

43. On 4 May 2005, the Committee of Ministers adopted Twenty Guidelines on forced return\*. The origin of the Guidelines lies in Parliamentary Recommendation 1547 (2002) on expulsion procedures in conformity with human rights and enforced with respect for safety and dignity. When replying to the Assembly, the Committee of Ministers expressed support for the idea of drawing up a code of good conduct for expulsion procedures that “would make it possible to lay down the various guidelines developed by different bodies within the Council of Europe in one pragmatic text to be used by governments when developing national legislation and regulations on the subject”. Terms of reference were given to the Ad hoc Committee of Experts on Legal Aspects of Territorial Asylum, Refugees and Stateless Persons (CAHAR) to prepare such a code, and it was provided that this work should be carried out in consultation with the CPT.

44. The CPT was very glad to have been associated with the preparation of the Twenty Guidelines. Indeed, as from the beginning of its activities, the Committee has been giving particular attention to the treatment of persons deprived of their liberty under aliens legislation. The CPT set out in its 7<sup>th</sup> General Report some of the main issues pursued by the Committee in relation to such persons (cf CPT/Inf (97) 10, paragraphs 24 to 36), and in its 13<sup>th</sup> General Report described a number of principles which it had developed as regards the forced removal of foreign nationals by air (cf. CPT/Inf (2003) 35, paragraphs 27 to 45).

The CPT intends to provide a comprehensive account of its standards in relation to immigration detainees in the substantive section of a future General Report. For the time being, the CPT is pleased to note that *the Twenty Guidelines reflect many of the standards already developed by the Committee, in particular as regards conditions of detention pending removal and the procedures to be followed in the event of forced removal*. The Committee would like to take this opportunity to make a few remarks on certain specific issues.

45. Guideline 10 (1 to 3) in general supports the principle, defended by the CPT, that persons deprived of their liberty under aliens legislation for an extended period should be accommodated in facilities specifically designated for that purpose, offering material conditions and a regime appropriate to their legal situation and staffed by appropriately qualified personnel. That said, it is regrettable that it was found necessary to qualify this recommendation with the term “normally”. It is not uncommon for CPT visiting delegations to encounter immigration detainees who have been held for weeks and sometimes months in airport lounges or ordinary police stations, subject to mediocre material conditions of detention and deprived of any form of activity. Such situations must cease.

Similarly, the CPT is concerned by the stipulation in Guideline 10 (4) that persons detained pending removal should not “normally” be held together with ordinary prisoners. In the CPT’s view, it should be very exceptional for immigration detainees to be held in prisons, and even in such cases they should always be held quite separately from remand or sentenced prisoners.

46. The CPT welcomes the emphasis placed in Guidelines 6 (2) and 10 (5 to 7) on the need to ensure that persons detained pending removal have access to a lawyer and a doctor, are able to inform their relatives of their situation, and are informed of their legal situation and rights. Similarly, it has noted with interest the references in Guidelines 5(2) and 9(2) to the need to make provision for legal aid in connection with remedies against a removal order or detention.

In this context, the Committee wishes to underline that the right of access to a lawyer should apply as from the very outset of the detention period and include the right to have a lawyer present during interviews/hearings with the immigration and other authorities concerned. Further, ensuring effective access to a lawyer entails provision of legal advice in a language understood by the immigration detainee either directly or with the aid of a trained interpreter.

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\* Document CM(2005)40 final, accessible at <http://www.coe.int/cm/>

47. Chapter V. on the procedure for forced removals addresses many of the issues raised by the CPT in its 13<sup>th</sup> General Report, which is quoted extensively in the Comments on the Guidelines involved. Guideline 15 rightly highlights the importance of giving detained persons the possibility to organise their return. Further, the CPT welcomes the unambiguous statement in Guideline 19 (2) that restraint techniques and coercive measures likely to obstruct the airways partially or wholly, or forcing the returnee into positions where he/she risks asphyxia, “shall not be used”.

However, the CPT is concerned by the wording of Guideline 19 (3), which leaves open the possibility for escort teams not to be offered specific training in the use of the authorised means of restraint (in apparent contradiction with Guideline 18 (2), which provides that escort staff should receive adequate training, including in the proper use of restraint techniques). In the Committee’s view, such training is essential, in order to reduce the risk of ill-treatment to a minimum. The CPT would also like to stress, in relation to Guideline 16 (3), that in the event of an abortive deportation operation, a medical examination of the person concerned should be *obligatory*. As the Comments on the Guideline makes clear, this is as much in the interests of escort staff as of those of the person concerned.

48. Finally, it goes without saying that the CPT greatly welcomes the clear reminder, given in Guideline 2 (1), of the well-established obligation not to send a person to a country where there are substantial grounds for believing that he or she would run a real risk of being subjected to torture or inhuman or degrading treatment or punishment.

The Committee stated in its 7<sup>th</sup> General Report that in view of the potential gravity of the interests at stake, a decision involving the removal of a person from a State’s territory should be appealable before another body of an independent nature prior to its implementation. Guideline 5 recalls that there must be an effective possibility of challenging a removal order before an independent body, and spells out that the remedy shall provide “rigorous scrutiny” of any claim that the removal would expose the person concerned to torture or inhuman or degrading treatment or punishment. As for the question of suspensive effect, it is stipulated that the exercise of the remedy should have this effect when the person concerned has “an arguable claim” that he/she would be subjected to such treatment if returned. In the CPT’s view, whenever a claim is made of a risk of torture or other form of ill-treatment, one should always err on the side of caution and accord the remedy suspensive effect; in such cases, this is the only way of being absolutely sure that the remedy will be effective.

## Revision of the European Prison Rules

49. Since they were first introduced in 1973, the European Prison Rules (EPR) have played an important role in the development of prison systems, guiding prison policy and practice in the member States of the Council of Europe as well as influencing the approach to prisons in countries beyond.

First revised in 1987, the process of a further revision began in 2003, the task being given to the Council for Penological Cooperation (PC-CP). This second revision of the EPR has taken place against the backdrop of work carried out by the CPT, which has been organising visits to places of deprivation of liberty – including prisons – since 1990. The PC-CP’s terms of reference as approved by the Committee of Ministers stipulate that the work undertaken by the CPT should be taken into account and refer to the need to consult the Committee as and when appropriate.

50. The CPT welcomes the open approach adopted during the revision process. The Committee has been able to make written comments on the various texts as they have evolved, and representatives of the Committee have had direct discussions with the drafters. The CPT’s President was also invited to attend the Conference of Directors of Prison Administration and Probation Service in November 2004, at which a first draft of the new EPR was considered. The positive reception which has been accorded to the CPT’s views is greatly appreciated by the Committee.

The revision process is now nearing completion and the CPT would like to take this opportunity to make some brief remarks, in the light of the most recent version of the draft revised Rules\*. At the outset, it should be emphasised that *there is a high degree of consonance between the revised EPR and the principles and recommendations contained in CPT visit reports as well as in the Committee’s General Reports*. Further, the CPT appreciates the frequent references to its standards in the Draft Commentary on the revised Rules.

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\* This text can be obtained from the Directorate General of Legal Affairs of the Council of Europe (e-mail: dgi.cdpc@coe.int).

51. The proposed changes to the content and structure of the EPR reflect well the positive developments in prison policy and practice in Europe over the last two decades. The strengthening of the Basic Principles is a particularly important advance, notably the inclusion of the precepts that “persons deprived of their liberty retain all rights that are not lawfully taken away by the decision sentencing them or remanding them in custody” and that “restrictions placed on persons deprived of their liberty shall be the minimum necessary and proportionate to the legitimate objective for which they are imposed”.

Reference should also be made to the new Basic Principle that “prison conditions that infringe prisoners’ human rights are not justified by lack of resources”; this is of particular relevance in view of the serious overcrowding currently affecting many prison systems in Europe. Overcrowding is a cancer which, if left unchecked, will lead to inhuman and degrading conditions and, more generally, hinder efforts to re-integrate prisoners into society. In this connection, the CPT welcomes the innovatory rule that national law shall provide mechanisms for ensuring that the minimum requirements for prisoners’ accommodation are not breached by overcrowding.

The important public service carried out by prison staff is now highlighted in the Basic Principles, and rightly so. The CPT is particularly pleased to see the emphasis placed in this principle and later rules on the recruitment, training and conditions of employment of persons working within prisons. Indeed, the cornerstone of a humane prison system will always be properly recruited and trained staff who are committed to professional standards of custodial care, as articulated in the EPR.

The Basic Principles now stress that all prisons shall be subject to regular independent monitoring, in addition to governmental inspection. This is another important development. There are various possible models of independent monitoring mechanisms at national level, and the revised rules understandably do not seek to impose a particular approach. That said, the CPT believes that in large prison systems, it is very desirable for the independent monitoring system to include mechanisms operating at local level, in relation to an individual or just a few establishments. This should ensure that the situation in each prison is effectively monitored on a regular and frequent basis.

The Basic Principles also define the scope and application of the EPR and, in this connection, stipulate that “persons who are suffering from mental illness and whose state of mental health is incompatible with detention in a prison should be detained in an establishment specially designed for the purpose”. The CPT fully agrees. However, the same Basic Principle then appears to leave the door open to such persons sometimes nevertheless being held in prison. The CPT acknowledges that, in reality, mentally ill persons in need of care in a psychiatric facility are at times to be found in ordinary prisons. But this is a phenomenon that needs to be combated, not regulated. A prisoner whose state of mental health is found to be incompatible with detention in a prison should be transferred without delay to an appropriately equipped hospital facility; that facility could be a civil mental hospital or a specially designed psychiatric facility within the prison system.

52. The quality of life in a prison will depend in no small measure on the standard of its health-care service. Consequently, the CPT was pleased to note the considerable attention given to health care in the revised EPR. The Committee is firmly attached to the principle of equivalence of care – namely that prisoners are entitled to medical treatment and care in conditions comparable to those enjoyed by patients in the outside community. In this connection, it welcomes the provisions in the revised EPR highlighting the close links which should exist between, on the one hand, health care and policy in prisons and, on the other hand, the administration of health care and definition of health policy in the community at large. The CPT shares the view that the most effective way of ensuring that such links exist is for the provision of health care in prisons to be contracted to the general health-care system.

53. One thorny issue in the field of health care in prisons concerns the role of prison doctors in relation to disciplinary matters. Medical practitioners working in prisons act as the personal doctor of prisoners, and ensuring that there is a positive doctor/patient relationship between them is a major factor in safeguarding the health and well-being of prisoners. Obliging prison doctors to certify that prisoners are fit to undergo punishment that might have an adverse effect on their health is scarcely likely to promote that relationship. Consequently, the CPT is very pleased to note that the rule in the 1987 version of the EPR laying down such a requirement will be removed in the revised EPR; this is a significant step forward.

However, this still leaves open the question of the prison doctor's role vis-à-vis prisoners who are undergoing disciplinary sanctions which might adversely affect their health and, more particularly, the punishment of disciplinary confinement. It is not uncommon for prison doctors to be required to visit such prisoners on a daily basis and advise the prison director if the termination or alteration of the measure is necessary for medical reasons, and the 1987 version of the EPR reflects this position. There are divergent - and strongly held - views as regards the acceptability of such an approach.

For some, the need to protect prisoners against the harmful consequences of sanctions such as disciplinary confinement must be seen as paramount. Holders of this view believe that in the absence of a requirement to visit on a daily basis, there is a real risk that prisoners undergoing punishment will lose adequate access to the doctor; they argue that not all prison doctors can be relied upon to properly monitor such prisoners on their own initiative and that prisoners in need of care may not themselves request to see the doctor or may even be unable to do so. For others, the requirement of a daily visit is potentially harmful to the doctor/patient relationship as it amounts to the doctor confirming on a daily basis that the prisoner concerned *is fit for continued punishment* (unless he advises the prison director to the contrary). Holders of this view fully accept the need for prison doctors to be very attentive to the situation of prisoners undergoing punishment, but argue that their visits to such prisoners should be on their own initiative and not imposed by prison regulations.

The revised EPR maintain the requirement of a daily visit by the doctor, but at the same time make concessions to the opposing view. The issue is dealt with in a medical rather than disciplinary framework and in a generic manner, covering all prisoners held under conditions of solitary confinement; the possibility is left open for the daily visit to be carried out by a qualified nurse rather than the doctor; and, perhaps most importantly, the doctor is no longer required to advise the director whether termination or alteration of a punishment measure is necessary, but instead has a general duty to report to him whenever a prisoner's health is being put seriously at risk by continued imprisonment or any condition of imprisonment. This is probably as close as one is going to get to reconciling the different positions on this subject.

54. The CPT understands that the revised European Prison Rules could be adopted already in the course of 2005, and it very much hopes that this will be the case. The new rules will constitute an important reference point for the Committee. More generally, they will help to promote the consistent implementation in practice of up-to-date, positive standards for the treatment of prisoners, both in Europe and elsewhere.

# **APPENDICES**

## APPENDIX 1

### The CPT's mandate and modus operandi

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) was set up under the 1987 Council of Europe Convention of the same name (hereinafter "the Convention"). According to Article 1 of the Convention:

"There shall be established a European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment... The Committee shall, by means of visits, examine the treatment of persons deprived of their liberty with a view to strengthening, if necessary, the protection of such persons from torture and from inhuman or degrading treatment or punishment."

The work of the CPT is designed to be an integrated part of the Council of Europe system for the protection of human rights, placing a proactive non-judicial mechanism alongside the existing reactive judicial mechanism of the European Court of Human Rights.

The CPT implements its essentially preventive function through two kinds of visits – periodic and ad hoc. Periodic visits are carried out to all Parties to the Convention on a regular basis. Ad hoc visits are organised in these States when they appear to the Committee "to be required in the circumstances".

When carrying out a visit, the CPT enjoys extensive powers under the Convention: access to the territory of the State concerned and the right to travel without restriction; unlimited access to any place where persons are deprived of their liberty, including the right to move inside such places without restriction; access to full information on places where persons deprived of their liberty are being held, as well as to other information available to the State which is necessary for the Committee to carry out its task.

The Committee is also entitled to interview in private persons deprived of their liberty and to communicate freely with anyone whom it believes can supply relevant information.

Each Party to the Convention must permit visits to any place within its jurisdiction "where persons are deprived of their liberty by a public authority". The CPT's mandate thus extends beyond prisons and police stations to encompass, for example, psychiatric institutions, detention areas at military barracks, holding centres for asylum seekers or other categories of foreigners, and places in which young persons may be deprived of their liberty by judicial or administrative order.

Two fundamental principles govern relations between the CPT and Parties to the Convention – cooperation and confidentiality. In this respect, it should be emphasised that the role of the Committee is not to condemn States, but rather to assist them to prevent the ill-treatment of persons deprived of their liberty.

After each visit, the CPT draws up a report which sets out its findings and includes, if necessary, recommendations and other advice, on the basis of which a dialogue is developed with the State concerned. The Committee's visit report is, in principle, confidential; however, almost all States have chosen to waive the rule of confidentiality and publish the report.

## APPENDIX 2

**Signatures and ratifications  
of the European Convention for the Prevention of Torture  
and Inhuman or Degrading Treatment or Punishment**

Member States of the Council of Europe	Date of signature	Date of ratification	Date of entry into force
Albania	02.10.1996	02.10.1996	01.02.1997
Andorra	10.09.1996	06.01.1997	01.05.1997
Armenia	11.05.2001	18.06.2002	01.10.2002
Austria	26.11.1987	06.01.1989	01.05.1989
Azerbaijan	21.12.2001	15.04.2002	01.08.2002
Belgium	26.11.1987	23.07.1991	01.11.1991
Bosnia and Herzegovina	12.07.2002	12.07.2002	01.11.2002
Bulgaria	30.09.1993	03.05.1994	01.09.1994
Croatia	06.11.1996	11.10.1997	01.02.1998
Cyprus	26.11.1987	03.04.1989	01.08.1989
Czech Republic	23.12.1992	07.09.1995	01.01.1996
Denmark	26.11.1987	02.05.1989	01.09.1989
Estonia	28.06.1996	06.11.1996	01.03.1997
Finland	16.11.1989	20.12.1990	01.04.1991
France	26.11.1987	09.01.1989	01.05.1989
Georgia	16.02.2000	20.06.2000	01.10.2000
Germany	26.11.1987	21.02.1990	01.06.1990
Greece	26.11.1987	02.08.1991	01.12.1991
Hungary	09.02.1993	04.11.1993	01.03.1994
Iceland	26.11.1987	19.06.1990	01.10.1990
Ireland	14.03.1988	14.03.1988	01.02.1989
Italy	26.11.1987	29.12.1988	01.04.1989
Latvia	11.09.1997	10.02.1998	01.06.1998
Liechtenstein	26.11.1987	12.09.1991	01.01.1992
Lithuania	14.09.1995	26.11.1998	01.03.1999
Luxembourg	26.11.1987	06.09.1988	01.02.1989
Malta	26.11.1987	07.03.1988	01.02.1989
Moldova	02.05.1996	02.10.1997	01.02.1998
Monaco	*	*	*
Netherlands	26.11.1987	12.10.1988	01.02.1989
Norway	26.11.1987	21.04.1989	01.08.1989
Poland	11.07.1994	10.10.1994	01.02.1995
Portugal	26.11.1987	29.03.1990	01.07.1990
Romania	04.11.1993	04.10.1994	01.02.1995
Russian Federation	28.02.1996	05.05.1998	01.09.1998
San Marino	16.11.1989	31.01.1990	01.05.1990
Serbia and Montenegro	03.03.2004	03.03.2004	01.07.2004
Slovakia	23.12.1992	11.05.1994	01.09.1994
Slovenia	04.11.1993	02.02.1994	01.06.1994
Spain	26.11.1987	02.05.1989	01.09.1989
Sweden	26.11.1987	21.06.1988	01.02.1989
Switzerland	26.11.1987	07.10.1988	01.02.1989
“the former Yugoslav Republic of Macedonia”	14.06.1996	06.06.1997	01.10.1997
Turkey	11.01.1988	26.02.1988	01.02.1989
Ukraine	02.05.1996	05.05.1997	01.09.1997
United Kingdom	26.11.1987	24.06.1988	01.02.1989

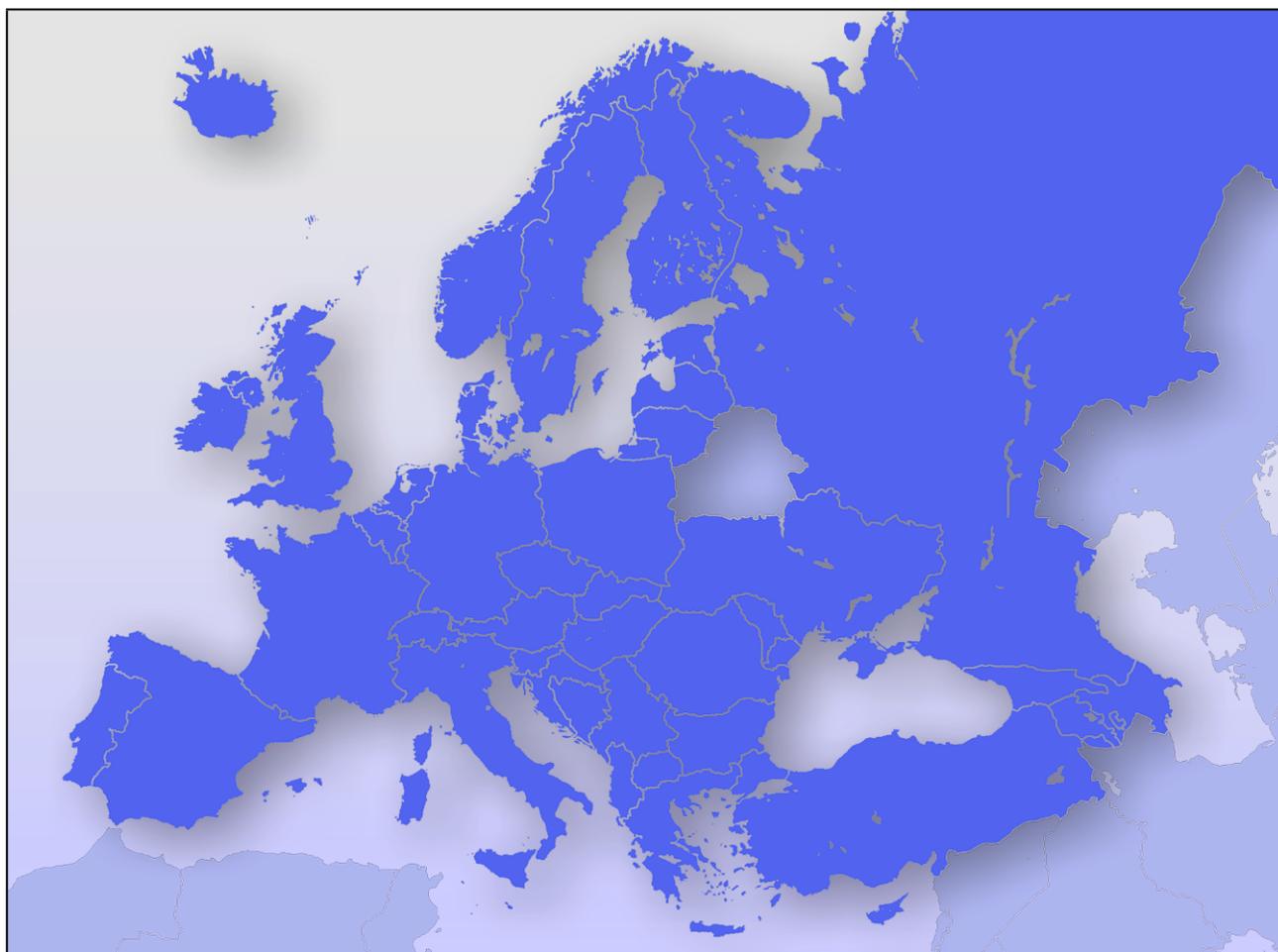
Note The Convention is open for signature by the member States of the Council of Europe.

Since 1 March 2002, the Committee of Ministers of the Council of Europe may also invite any non-member State of the Council of Europe to accede to the Convention.

\* On 5 October 2004, Monaco became the 46th member of the Council; it has undertaken to sign and ratify the Convention setting up the CPT within one year of joining the Organisation.

## APPENDIX 3

### The CPT's field of operations



Note: This is an unofficial representation of States bound by the Convention.  
For technical reasons it has not been possible to show the entire territory of certain of the States concerned.

<b>States bound by the Convention</b>	<b>Prison population *</b>
<b>45 States</b>	<b>1 794 697 prisoners</b>
<ul style="list-style-type: none"> <li>- Albania</li> <li>- Andorra</li> <li>- Armenia</li> <li>- Austria</li> <li>- Azerbaijan</li> <li>- Belgium</li> <li>- Bosnia and Herzegovina</li> <li>- Bulgaria</li> <li>- Croatia</li> <li>- Cyprus</li> <li>- Czech Republic</li> <li>- Denmark</li> <li>- Estonia</li> <li>- Finland</li> <li>- France</li> <li>- Georgia</li> <li>- Germany</li> <li>- Greece</li> <li>- Hungary</li> <li>- Iceland</li> <li>- Ireland</li> <li>- Italy</li> <li>- Latvia</li> <li>- Liechtenstein</li> <li>- Lithuania</li> <li>- Luxembourg</li> <li>- Malta</li> <li>- Moldova</li> <li>- Netherlands</li> <li>- Norway</li> <li>- Poland</li> <li>- Portugal</li> <li>- Romania</li> <li>- Russian Federation</li> <li>- San Marino</li> <li>- Serbia and Montenegro</li> <li>- Slovakia</li> <li>- Slovenia</li> <li>- Spain</li> <li>- Sweden</li> <li>- Switzerland</li> <li>- "the former Yugoslav Republic of Macedonia"</li> <li>- Turkey</li> <li>- Ukraine</li> <li>- United Kingdom</li> </ul>	<p>(Main source: Council of Europe Annual Penal Statistics (SPACE I, Survey 2003); data as at 1 September 2003)</p> <p>* It should be noted that the CPT's mandate covers also all other categories of places where persons are deprived of their liberty:</p> <ul style="list-style-type: none"> <li>- police establishments</li> <li>- detention centres for juveniles</li> <li>- military detention facilities</li> <li>- holding centres for aliens</li> <li>- psychiatric hospitals</li> <li>- homes for the elderly</li> <li>etc.</li> </ul>

## APPENDIX 4

**State-by-State table showing the number of visits by the CPT,  
visit reports sent to Governments and reports published**

<b>States</b>	<b>Number of visits</b>	<b>Number of reports sent</b>	<b>Number of reports published</b>
Albania	6	5	4
Andorra	2	2	1
Armenia	2	2	1
Austria	4	4	4
Azerbaijan	3	3	1
Belgium	4	3	3
Bosnia and Herzegovina	2	2	1
Bulgaria	4	4	4
Croatia	2	2	1
Cyprus	4	4	3
Czech Republic	2	2	2
Denmark	3	3	3
Estonia	3	3	3
Finland	3	3	3
France	8	8	7
Georgia	2	2	2
Germany	4	4	4
Greece	5	5	5
Hungary	4	4	3
Iceland	3	3	2
Ireland	3	3	3
Italy	5	5	4
Latvia	3	3	2
Liechtenstein	2	2	2
Lithuania	2	2	1
Luxembourg	3	3	3
Malta	5	4	4
Moldova	7	6 (a)	3
Netherlands	6	6	6
Norway	3	3	3
Poland	3	3	2
Portugal	6	6	4
Romania	6	5 (b)	4 (c)
Russian Federation	13	10 (d)	1
San Marino	3	3	2
Serbia and Montenegro	1	1	0
Slovakia	3	3	2
Slovenia	2	2	2
Spain	8	8	7
Sweden	4	4	4
Switzerland	4	4	4
“the former Yugoslav Republic of Macedonia”	5	5	4
Turkey	17	15 (e)	9 (f)
Ukraine	4	4	4
United Kingdom	10	9	9

(a) Covering the seven visits.

(b) Covering the six visits.

(c) Covering five visits.

(d) Covering twelve visits.

(e) Covering the seventeen visits.

(f) The Turkish authorities have also authorised the publication of five reports which relate to visits from 1990 to 1996. These reports will be published as soon as possible.

## APPENDIX 5

## Members of the CPT

(listed in order of precedence – as at 22 September 2005) \*

Name	Member in respect of	Term of office expires
Ms Silvia CASALE, President	United Kingdom	18/12/2005
Mr Andres LEHTMETS, 1st Vice-President	Estonia	29/01/2006
Mr Marc NÈVE, 2nd Vice-President	Belgium	19/12/2007
Mrs Ingrid LYCKE ELLINGSEN	Norway	19/12/2005
Mr Mario BENEDETTINI	San Marino	19/12/2007
Mr Florin STANESCU	Romania	19/12/2007
Mr Zdeněk HÁJEK	Czech Republic	19/12/2007
Mr Pierre SCHMIT	Luxembourg	19/12/2009
Mr Ole Vedel RASMUSSEN	Denmark	03/10/2005
Mrs Renate KICKER	Austria	19/12/2009
Mr Aleš BUTALA	Slovenia	19/12/2009
Mrs Veronica PIMENOFF	Finland	19/12/2007
Mr Petros MICHAELIDES	Cyprus	19/12/2007
Mr Mario FELICE	Malta	19/12/2007
Mr Pétur HAUSSON	Iceland	19/12/2007
Mr Mauro PALMA	Italy	19/12/2007
Mr Fatmir BRAKA	Albania	19/12/2007
Mr Eugenijus GEFENAS	Lithuania	19/12/2007
Mr Jean-Pierre RESTELLINI	Switzerland	19/12/2009
Mr László CSETNEKY	Hungary	30/10/2005
Ms Günsel KOPTAGEL-ILAL	Turkey	29/01/2006
Mr Roger BEAUVOIS	France	19/12/2005
Mrs Hildburg KINDT	Germany	19/12/2005
Ms Tatiana RĂDUCANU	Moldova	19/12/2005
Mrs Marija DEFINIS GOJANOVIĆ	Croatia	19/12/2005
Mr Esteban MESTRE DELGADO	Spain	19/12/2005
Ms Isolde KIEBER	Liechtenstein	19/12/2005
Ms Ann-Marie ORLER	Sweden	19/12/2005
Mr Zbigniew HOŁDA	Poland	19/12/2007
Mr Vladimir ORTAKOV	"the former Yugoslav Republic of Macedonia"	19/12/2007
Mr Lätif HÜSEYNOV	Azerbaijan	19/12/2007
Mr Joan-Miquel RASCAGNERES	Andorra	19/12/2007
Ms Asya KHACHATRYAN	Armenia	19/12/2007
Mr Vitolds ZAHARS	Latvia	19/12/2007
Ms Olivera VULIĆ	Serbia and Montenegro	19/12/2009
Ms Anna GAVRILOVA-ANTCHEVA	Bulgaria	19/12/2009
Mr Celso José DAS NEVES MANATA	Portugal	19/12/2007

\* At this date, the seats in respect of the following States were vacant: Bosnia and Herzegovina, Georgia, Greece, Ireland, Netherlands, Russian Federation, Slovak Republic, Ukraine.

## APPENDIX 6

## Secretariat of the CPT

Mr Trevor STEVENS	Executive Secretary
Ms Geneviève MAYER	Deputy Executive Secretary
Secretariat:	Ms Janey COPE MASLEN Ms Antonella NASTASIE

Central section	
Ms Florence CALLOT	Administrative, budgetary and staff questions
Mr Patrick MÜLLER	Documentary research, information strategies and media contacts
Ms Mireille MONTI	Archives and publications

## Units responsible for visits \*

Unit 1		
Mr Fabrice KELLENS, Head of Unit	<ul style="list-style-type: none"> <li>• Albania</li> <li>• Austria</li> <li>• Belgium</li> <li>• Estonia</li> <li>• France</li> <li>• Germany</li> <li>• Italy</li> <li>• Latvia</li> <li>• Liechtenstein</li> </ul>	<ul style="list-style-type: none"> <li>• Lithuania</li> <li>• Luxembourg</li> <li>• Malta</li> <li>• Norway</li> <li>• Romania</li> <li>• San Marino</li> <li>• Switzerland</li> <li>• Turkey</li> </ul>
Ms Muriel ISELI		
Mr Michael NEURAUTER		
Mr Elvin ALIYEV		
Ms Yvonne HARTLAND, Administrative assistant		
Secretariat: Ms Nadine SCHAEFFER		

Unit 2		
Ms Petya NESTOROVA, Head of Unit	<ul style="list-style-type: none"> <li>• Armenia</li> <li>• Azerbaijan</li> <li>• Bulgaria</li> <li>• Croatia</li> <li>• Denmark</li> <li>• Finland</li> <li>• Georgia</li> <li>• Hungary</li> <li>• Iceland</li> </ul>	<ul style="list-style-type: none"> <li>• Moldova</li> <li>• Poland</li> <li>• Russian Federation</li> <li>• Serbia and Montenegro</li> <li>• Slovenia</li> <li>• Sweden</li> <li>• Ukraine</li> </ul>
Mr Edo KORLJAN		
Mr Borys WÓDZ		
Mr Johan FRIESTEDT		
Mr/Ms ..., Administrative assistant		
Secretariat: Ms Maia MAMULASHVILI		

Unit 3		
Mr Hugh CHETWYND, Head of Unit	<ul style="list-style-type: none"> <li>• Andorra</li> <li>• Bosnia and Herzegovina</li> <li>• Cyprus</li> <li>• Czech Republic</li> <li>• Greece</li> <li>• Ireland</li> <li>• Netherlands</li> </ul>	<ul style="list-style-type: none"> <li>• Portugal</li> <li>• Slovakia</li> <li>• Spain</li> <li>• “the former Yugoslav Republic of Macedonia”</li> <li>• United Kingdom</li> </ul>
Ms Caterina BOLOGNESE		
Mr Marco LEIDEKKER		
Secretariat: Ms Morag YOUNG		

\* The Executive Secretary and the Deputy Executive Secretary are directly involved in the operational activities of the Units concerning certain countries.

## APPENDIX 7

### Countries and places of detention visited by CPT delegations during the period 1 August 2004 to 31 July 2005

#### I. Periodic visits

##### A. Albania (23/05/2005 - 03/06/2005)

###### Establishments under the authority of the Ministry of Public Order

- Durres Pre-trial Detention Centre
- Gjirokastra Pre-trial Detention Centre
- Peshkopi Pre-trial Detention Centre
- Tepelena Pre-trial Detention Centre
- Gjirokastra Police Station
- Peshkopi Police Station
- Police Station No. 2, Tirana
- Police Station No. 3, Tirana
- Police Station No. 4, Tirana
- Police Station No. 6, Tirana
- Shkodra Police Station
- Tepelena Police Station
- Vlora Police Station

###### Establishments under the authority of the Ministry of Justice

- Kruja Special Institute for Mentally Ill, Drug-Addicted and Elderly Prisoners
- Prison Hospital, Tirana
- Shkodra Pre-trial Detention Centre
- Tepelena Prison
- Tirana Prison No. 302
- Tirana Prison No. 313
- Tirana-Vaqar Prison
- Vlora Pre-trial Detention Centre

###### Establishments under the authority of the Ministry of Health

- Vlora Psychiatric Hospital

##### B. Belgium (18/04/2005 - 27/04/2005)

###### Law enforcement establishments

- Central Police Station (Rue du Marché au Charbon), Brussels
- Anderlecht (Rue Démosthène) and Molenbeek (Rue du Facteur et Quai des Charbonnages) Police Stations
- Holding cells at Liège Court of Justice
- INAD Centre, Brussels-National Airport
- Repatriation Centre 127bis, Steenokkerzeel

###### Prisons

- Andenne Prison
- Namur Prison (in particular the Psychiatric Annex and the Disciplinary Unit)

###### Psychiatric establishments

- Forensic Psychiatric Departments at the Sint-Kamillus University Psychiatric Centre, Bierbeek
- Jean Titeca Hospital, Brussels

###### Other establishments

- "De Grubbe" Closed Centre for the temporary placement of minors, Everberg

**C. Cyprus (08/12/2004 - 17/12/2004)**Police establishments

- Police Prison (Block 10 of Nicosia Central Prisons)
- Central Police Stations of Larnaca, Limassol and Paphos
- Aradippou Police Station
- Lycavitos Police Station, Nicosia
- Holding facilities for immigration detainees at Larnaca Airport and at the former Famagusta Police Station, Larnaca

Prisons

- Nicosia Central Prisons

Psychiatric establishments

- Athalassa Psychiatric Hospital

Establishments for children

- Nicosia Hostel, Latsia
- Paphos Home for Children

**D. Hungary (30/03/2005 - 08/04/2005)**Establishments under the Ministry of the Interior

- Police Central Holding Facility, Budapest
- 3rd District Police Station, Budapest
- 6th/7th District Police Station, Budapest
- Kalocsa Police Station
- Kiskunhalas Police Station
- Orosháza Police Station
- Csongrád County Main Police Directorate, Szeged
- Kiskunhalas Border Guard Holding Facility for Aliens
- Orosháza Border Guard Holding Facility for Aliens
- Rösztke Border Guard Station
- Szeged Border Guard Directorate

Establishments under the Ministry of Justice

- Budapest Remand Prison (Unit III)
- Kalocsa Prison for Women
- Szeged Prison
- Judicial and Observation Psychiatric Institute (IMEI), Budapest

Establishments under the Ministry of Youth, Family, Social Affairs and Equal Opportunities

- Home for Persons with Psychiatric Disorders and Mental Disabilities, Kiskunhalas

**E. Italy (21/11/2004 - 03/12/2004)**Establishments under the Ministry of the Interior

- Temporary Holding Centre for Foreigners in Agrigento, Caltanissetta, Lampedusa and Trapani
- Police Headquarters (Questura), Rome
- Civitavecchia Police Station
- Railway Police Station, Rome-Termini Railway Station
- Police Headquarters (Questura), Verona

Establishments under the Ministry of Justice

- Civitavecchia Remand Prison
- Verona-Monterio Prison
- Parma Prison

Establishments under the Ministry of Economy and Finance

- Guardia di Finanza Station, Civitavecchia

Establishments under the Ministry of the Defence

- Regional Carabinieri Headquarters, Verona
- Carabinieri Station, Lampedusa

Establishments under the Ministry of Health

- Department of Psychiatric Diagnosis and Treatment of San Giovanni di Dio Hospital, Agrigento
- Secure rooms for detained persons, Verona General Hospital.

**F. Moldova (20/09/2004 - 30/09/2004)**Law enforcement establishments

- Centre, Buiucani, Rîscani and Ciocana Police Stations, Chişinău
- EDP (temporary detention facility) of the Chisinau Police Inspectorate
- EDP of the Centre for the fight against economic crime and corruption, Chişinău
- EDP and Police Stations of Briceni, Balti, Sângerei, Soroca, Telenesti

Prisons

- Prison No. 3, Chişinău
- Colony No. 4 and Prison No. 15, Cricova
- Pruncul Prison Hospital
- Reeducation Colony for Minors, Lipcani
- Unit for life-sentenced prisoners, segregation unit and future hospital for prisoners suffering from tuberculosis at Prison No. 17, Rezina

**G. Poland (04/10/2004 - 15/10/2004)**Police establishments

- Municipal Police Command, Białystok, ul. Bema 4
- Provincial Police Command, Cracow, ul. Mogilska 109
- 3rd District Police Command, Cracow, ul. Pędzichów 5
- Municipal Police Command, Elbląg, ul. Tysiąclecia 3
- County Police Command, Giżycko, al. 1-go Maja 26
- Municipal Police Command, Olsztyn, ul. Partyzantów 23
- Municipal Police Command, Suwałki, ul. Pułaskiego 26
- Metropolitan Police Command, Warsaw, ul. Nowolipie 2□
- District Police Command, Warsaw - Bielany, ul. Żeromskiego 7
- District Police Command, Warsaw - Praga Południe, ul. Grenadierów 73/75 and ul. Umińskiego 22
- District Police Command, Warsaw - Wola, ul. Żytnia 36
- Provincial Police Command, Wrocław, ul. Muzealna 2/4
- Police Command, Wrocław - Śródmieście, ul. Grunwaldzka 6
- Police establishment for children in Cracow
- Police establishment for children in Elbląg

Border Guard establishments

- Detention facility at the Kuźnica Białostocka Border Crossing
- Detention facility of the Podlaski Border Guard Unit, Białystok
- Border Guard post in Szudziałowo
- Detention facility of the Warmińsko-Mazurski Border Guard Unit, Kętrzyn
- Detention facilities at Warsaw International Airport

Prisons

- Cracow Remand Prison and Prison Hospital
- Warsaw-Mokotów Remand Prison and Prison Hospital
- Wołów Prison

## H. Russian Federation (14/06/2005 – 27/06/2005)

### Ministry of Internal Affairs

#### *Moscow City and Region*

- Arbatskyi Militia Department, Moscow
- Krasnoselskyi Militia Department, Moscow
- 65th Militia Division, Golyanovo district, Moscow
- Sokolniki temporary holding facility (IVS) and Division of Internal Affairs, Moscow
- Voykovskyi temporary holding facility (IVS) and Division of Internal Affairs, Moscow
- Reception and Distribution Centre No. 1 of the Main Directorate of Internal Affairs, Moscow
- Reception and Distribution Centre No. 2 of the Main Directorate of Internal Affairs, Moscow
- Khimskyi temporary holding facility (IVS) and Division of Internal Affairs, Khimki

#### *Republic of Mordovia*

- Zubova Polyana temporary holding facility (IVS) and Division of Internal Affairs
- Torbeevo temporary holding facility (IVS) and Division of Internal Affairs

#### *Rostov Region*

- Azov temporary holding facility (IVS) and Division of Internal Affairs
- Bataysk temporary holding facility (IVS) and Division of Internal Affairs
- Novocherkassk temporary holding facility (IVS) and Division of Internal Affairs
- Proletarskyi District Militia Department, Rostov-on-Don
- Rostov-on-Don temporary holding facility (IVS) and Division of Internal Affairs

### Federal Security Service (FSB)

#### *Moscow City*

- Pre-trial establishment (SIZO) "Lefortovo", Moscow

#### *Rostov Region*

- Pre-trial establishment (SIZO), Rostov-on-Don
- Regional Directorate of the FSB, Rostov-on-Don

### Federal Service for the Execution of Punishments

#### *Moscow City*

- Unit for prisoners sentenced to life imprisonment at pre-trial establishment (SIZO) No. 2 ("Butyrka"), Moscow

#### *Republic of Mordovia*

- Colony No. 1 in Sosnovka, Zubovo-Polyanskyi District
- Colony No. 13 for women in Partsa, Zubovo-Polyanskyi District
- Mother-and-baby unit at Colony No. 2 for women in Yavas, Zubovo-Polyanskyi District

### Psychiatric establishments and psycho-neurological homes ("internats")

#### *Moscow Region*

- Central Clinical Psychiatric Hospital of Moscow Region

#### *Rostov Region*

- Psycho-neurological home for children, Azov
- Psycho-neurological home for adults, Novocherkassk

### Other places

- Transit zone at Sheremetyevo-2 Airport, Moscow

**I. San Marino (08/02/2005 - 11/02/2005)**Law enforcement establishments

- Headquarters of the Gendarmerie
- Headquarters of the Police

Prisons

- San Marino Prison

Psychiatric establishments

- Neuro-psychiatric Service at the General Hospital of San Marino

Establishments for the elderly

- Home for the Elderly of the Republic of San Marino
- "Villa Oasi" Home for the Elderly

**J. Serbia and Montenegro (16/09/2004 - 28/09/2004)**Establishments under the authority of the Ministry of Defence of Serbia and Montenegro

- Penal and Correctional Military Prison, Niš
- Military barracks, "Bubanjski heroji", Niš
- Military barracks "Panteleji", Niš

Establishments under the authority of the Ministry of the Interior of Serbia

- 29 November Street Police Station, Belgrade
- Palilula Police Station, Belgrade
- Voždovac Police Station, Belgrade
- Vracar Police Station, Belgrade
- Zvezdara Police Station, Belgrade
- Reception Centre for Foreigners, Padinska Skela, Belgrade
- Police Station, Bujanovac
- Central Police Station, Niš
- Police Station, Preševo

Establishments under the authority of the Ministry of the Interior of Montenegro

- Podgorica Police Department
- Bar Police Department
- Budva Police Station

Establishments under the authority of the Ministry of Justice of Serbia

- Belgrade District Prison
- Sremska Mitrovica Penitentiary Reformatory
- Correctional Penal Facility "Prison Hospital", Belgrade

Establishments under the authority of the Ministry of Justice of Montenegro

- Spuž Correctional Facility
- Spuž Remand Prison

Establishments under the authority of the Ministry of Health of Serbia

- "Laza Lazarevic" Psychiatric Hospital

Establishments under the authority of the Ministry of Health of Montenegro

- Special Psychiatric Hospital Dobrota, Kotor

**K. Slovakia (22/02/2005 - 03/03/2005)**Police establishments

- Regional Police Directorate, Bratislava
- Dubravka District Police Directorate, Bratislava
- Dubravka Sub-district Police Department, Bratislava
- Stare Mesto-Východ District Police Directorate, Bratislava
- Regional Police Directorate, Košice
- District Police Directorate, Trebišov
- Sub-District Police Department, Trebišov

Prisons

- Bratislava Prison
- Ilava Prison
- Košice Prison

Psychiatric establishments

- Sokolovce Psychiatric Healthcare Centre
- Veľké Zálužie Psychiatric Hospital

Social Services Homes

- Veľký Biel home for disabled women

## II. Ad hoc visits

**A. Azerbaijan (16/05/2005 - 20/05/2005)**

- Gobustan Prison
- Strict regime penitentiary establishment No. 15, Baku

**B. Bosnia and Herzegovina (14/12/2004 - 17/12/2004)**

- Jakeš Institution for the Treatment, Rehabilitation and Social Protection of chronic mental patients, Modriča
- Sokolac Psychiatric Hospital

**C. France (Reunion) (13/12/2004 - 20/12/2004)**Law enforcement establishments

- Saint-Denis Police Headquarters, Malartic Street
- Le Port Police Headquarters, Avenue of the Paris Commune
- Territorial Gendarmerie Brigade at La Possession, Pablo Neruda Street
- Joint Custody unit of the Territorial and Research Gendarmerie Brigades at St Paul

Prisons

- Saint-Denis Remand Prison
- Le Port Prison

Other establishments

- Secure rooms in Felix Guyon General Hospital

**D. Malta (15/06/2005 – 20/06/2005)**Police establishments

- Police Headquarters, Floriana
- Ta' Kandja Police Complex, Siggiewi
- Malta International Airport Custody Centre, Luqa
- Open Centre for Foreigners, Hal Far

Military establishments

- Lyster Barracks, 1st Regiment of the Armed Forces, Hal Far
- Safi Barracks, 3rd Regiment of the Armed Forces, Safi

**E. Russian Federation (North Caucasus) (24/11/2004 - 01/12/2004)**Law enforcement establishments

- ORB-2 (Operational/search bureau of the Main Department of the Ministry of Internal Affairs of Russia responsible for the Southern federal region), Grozny
- IVS (temporary detention facility) of the Ministry of Internal Affairs of the Republic of Ingushetia, Nazran

Prison establishments

- SIZO (pre-trial establishment) No. 1, Grozny
- SIZO No. 2, Chernokozovo
- SIZO of the Federal Security Service (FSB), Vladikavkaz

**F. United Kingdom (11/07/2005 – 15/07/2005)**

- Paddington Green High Security Police Station, London
- Campsfield House Immigration Removal Centre, Kidlington
- Belmarsh Prison, London
- Frankland Prison

