



***Helsinki Committee
for Human Rights
in Serbia***

Prisons in Serbia

April 2004 – April 2005

Belgrade, May 2005

Prisons in Serbia
April 2004 – April 2005

PUBLISHER:
Helsinki Committee for Human Rights in Serbia

FOR PUBLISHER:
Sonja Bisserko

* * *

AUTHORS:
Marija Jelić
M.D. Igor Kuzmanovic
M.D. Gordana Lukić Samardzija
Natasa Novakovic
Marijana Obradovic

CONSULTANT IN THE PROJECT:
Marija Jelic

Translated by:
Spomenka Grujicic

LAY-OUT:
Nebojsa Tasic

NO OF COPIES: 80

Belgrade, May 2005



*This publication is published thanks to the Assistance of the European Comission
– European Initiative for Democracy and Human Rights and its support to the project
"Prevention of Torture – Support for the Rehabilitation of Victims of Torture"*

Prisons in Serbia
April 2004 – April 2005

Belgrade, May 2005

INTRODUCTORY REMARKS

This publication is the output of the Helsinki Committee for Human Rights in Serbia's activity over the second year of the implementation of the project "Prevention of Torture: Support to the Rehabilitation of Victims of Torture" that is realized thanks to the assistance of the European Commission – European Initiative for Democracy and Human Rights.

Apart from the Helsinki Committee for Human Rights in Serbia, this three-year project includes Bulgarian, Hungarian, Macedonian, Polish and Russian Helsinki committees, as well as the International Helsinki Federation.

At regional level, the project aims at preventing torture, inhuman or degrading treatment or punishment in detention facilities (police stations, prisons, psychiatric institutions, etc.), encouraging non-governmental organizations to regularly visit these institutions and exerting pressure on national governments to make it possible for the non-governmental sector to conduct such monitoring.

The project's objectives, at national level, are as follows:

- To encourage a change in the adverse practice of ill-treatment of persons deprived of their liberty by the police, law-enforcement and prison officers;
- To support legislative reforms in terms of adjusting national legislations to relevant international standards and ratified conventions;
- To raise public awareness about torture and inhuman treatment by the police or other law-enforcement officers, as well as about the situation of persons deprived of their liberty.

The obligations the State Union of Serbia and Montenegro (SMG) took upon itself when admitted to the Council of Europe on April 3, 2003, are fully compatible with the goals the Helsinki Committee for Human Rights in Serbia hopes to attain through the implementation of this project.

As for the SMG's obligations deriving from the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, ratified on July 1, 2004, the state authorities have informed the Committee for the Prevention of Torture about relevant governance bodies to be addressed in the matters of torture, and nominated a liaison officer.

In September 2004, a CPT delegation paid its first visit to the institutions in Serbia-Montenegro, accommodating persons deprived of their liberty. The CPT's report on this visit is not yet available to general public. The report is supposed to be publicized in the months to come.

The Republic of Serbia has taken several concrete steps in the reform of the penal system. Actually, this is the only domain of the Serbian judiciary system that has registered a steady progress. First and foremost, this is evident in the fact that the Central Prison Administration has turned more open to today's penological trends and recognized standards.

Thus, the Central Prison Administration has improved its cooperation with the Council of Europe, OSCE, UNICEF, DFID and other international and local organizations dealing with this specific domain. The Administration has recruited additional full-time staffers, developed an all-inclusive database and formed working groups that are already drafting recommendations and taking steps for their implementation in some domains (organization of medical services, human rights, juveniles deprived of their liberty, etc.). Further, the Center for Education of Prison Personnel has been set up in Nis, thanks to the OSCE's assistance. Detention facilities that were demolished in the 2000 prison riots are being reconstructed, as well as some wings of the Belgrade Penitentiary-Hospital. Last but not least, a donor conference has been convened with a view to improving overall conditions in Serbian prisons.

At legislative level, the fact that a new law on execution of criminal sanctions and a law on juvenile judiciary (highly commended by the Council of Europe's experts) have been submitted to parliamentary consideration, as well as that drafting of some bylaws (rules) is underway, mirrors a major progress.

On the other hand, the actual state of affairs and prevalent conditions in Serbian prisons clearly indicate that Serbia has yet to come to grips with many a challenge until the treatment of persons deprived of their liberty, compatible with at least minimal European standards, takes root.

By providing a comprehensive overview of the situation of Serbian prison, this report is aimed at pinpointing shortcomings and incompatibilities in this domain, and recommending measures to be taken so as to improve not only conditions and practices in individual institutions, but also the prison system as a whole.

The Helsinki Committee for Human Rights in Serbia hopes this report would spur attainment of common goals and help the country to join today's European mainstream.

The Helsinki Committee takes this opportunity to express acknowledgments to the Central Prison Administration, prison directors and staffs, and detainees, whose cooperativeness made this endeavor possible.

MONITORING AND METHODOLOGY

In the period April 2004 – May 2005, the Helsinki Committee's team visited four (4) open penitentiaries-reformatories (Sabac, Sombor Cuprija and Padinska Skela) and one juvenile prison, the Krusevac Reformatory, the only institution of the type in Serbia.

In the same period, the team paid visits to pre-trial and closed units of nine (9) Serbian district prisons.

By realizing these 14 visits, plus 14 visits conducted in the period April 2003 – May 2004, the Helsinki Committee's team has virtually monitored all institutions (28) catering persons deprived of their liberty in Serbia, and thus gained insight into the overall situation of Serbia's prisons.

Up to now, the Serbian legislation has not provided that non-governmental organizations may visit institutions accommodating persons deprived of their liberty. Among other things, this is to be ascribed to the fact that Serbia still lacks a law on non-governmental organizations. Given that it was not possible to formalize the necessary relationship with the Ministry of Justice of the Republic of Serbia, the Helsinki Committee established informal ties with the Central Prison Administration, the authorized body functioning within the Ministry. Actually, this is about a "gentlemen's agreement" according to which, seven days before a planned visit to a specific institution, the Helsinki Committee makes a relevant request in writing and then waits for the Central Prison Administration's written permit.

Each request quoted that the Helsinki Committee needed to have unlimited access to an institution's facilities and rooms, the right to freely communicate with prisoners out of the hearing of prison staff, as well as to freely conduct interviews with prison officers (prison administration, security officers, professionals, etc.).

The Central Prison Administration gave its assent to all requests without undue delay.

A team composed of two jurists, a special pedagogue and a pathologist carried out all the visits.

The visits were planned and carried out along the following schedule:

- The team's meetings with prison directors and heads of prison services;
- Team members' individual interviews with prison directors, heads of services and members of prison personnel;
- The team's tours of institutions and prison grounds;
- The team members' interviews with individual prisoners out of the hearing of prison staffs; as for the interviewees, they were either selected at random from prison registers, volunteered for interviews in the course of visits or explicitly asked to be interviewed – in writing or by phone – prior to a scheduled visit to a particular institution;
- The team's brief consultations on basic observations and findings;
- The team's final meetings with prison directors and institutional personnel.

The monitoring included 6 aspects of confinement: quality and conditions of life (buildings and grounds, equipment, ventilation and lighting, sanitary installations and hygiene; food; and medical service); security; legality of prison regime; social resettlement; contact with the outside world; and institutional personnel.

Each aspect was evaluated on the grounds of the team's observations and information gathered over interviews conducted with prison administrations, personnel (of all services) and prisoners, as well as from other sources such as prison records (whenever available).

Visits to district prisons, i.e. pre-trial wards (for persons standing trials) were planned and carried out in a manner that differed from the one applied to the institutions accommodating prisoners under sentence.

Firstly, a president of a district court with jurisdiction over a district prison, rather than the Central Prison Administration, is in charge of supervising untried prisoners and execution of detention measures.

Secondly, domestic legislation provides that untried prisoners may contact persons in the outside community only with the consent of presiding judges.

Therefore, the team was in no position to interview untried prisoners. For, the team could have not known in advance the exact identities of untried prisoners or presiding judges, as well as whether or not these prisoners wanted to be interviewed.

The team draws attention to specificity of the information quoted throughout this report and obtained from some prisoners or members of prison staffs. This refers to pieces of information that was impossible to fully assess, verify and thus analyze. Therefore, some passages of the report may be ascribed to subjective evaluation and interpretation.

A standardized procedure enabling comparing of various institutions was applied. The procedure included standardized questionnaires focused on prison administrations, institutional personnel and prisoners, observation registers and standardized forms for entry of other relevant data

Once all information related to a specific institution was systematized and compiled in a report, the Helsinki Committee, in letters to the Central Prison Administration and a relevant prison administration, highlighted its basic findings and recommendations.

Quarterly reports – including overall findings and recommendations - were drawn up after several prison visits and addressed to the same authorities.

Having visited all institutions planned under the project, systematized and analyzed all gathered information, the team drew up the report presented in the sections below.

CACAK DISTRICT PRISON

Date of the visit: May 28, 2004

Type of institution: semi-open

Population: men/adults

Number of sentenced prisoners: 26

Number of untried prisoners: 47

Number of prisoners sentenced for misdemeanor: 7

Composition of the monitoring team: two jurists, a physician and a special pedagogue

Note: As provided by law, the team was allowed to interview prisoners under sentence only.

Quality and Conditions of Life

I

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY INSTALATIONS AND HYGIENE

Located in downtown Cacak, the prison building is within walking distance of the town's court and the Secretariat of the Interior. Though the prison's untypical architecture leaves a beholder under the impression that the ambience inside is a humane one (the prison look more like a mountain lodge), its layout and size are inappropriate for the purpose. The vicinity of the court and the Secretariat of the Interior facilitates communication and transfer of prisoners, but it is the prison's layout and size that make proper accommodation of both untried and convicted prisoners almost impossible. The building's layout and size hinder normal functioning of the personnel as well.

The closed section accommodating untried and sentenced prisoners is particularly affected by inadequate space. Dormitories – some of which have triple bunk beds - do not have enough cubic meters of space. As the prison was being whitewashed at the time of the team's visit, the prisoners were placed in overcrowded rooms and had no access to toilets. Since there are no living quarters in this section, the prisoners spend most of the day in a corridor furnished with chairs and tables.

Windows in the closed section are so constructed that they do not allow sufficient entrance of fresh air and natural light. Artificial lighting is appropriate.

Though the furniture is old, all prisoners have new lockers of their own and access to TV sets.

General hygiene is kept in good order and beddings are changed twice a month.

The prison has a central heating system. According to the interviewed prisoners, the prison premises are adequately heated in wintertime.

The bathroom is clean and tidy. However, showers are not partitioned. The prisoners take showers once a week. To keep their persons clean throughout a week, untried prisoners either place bottles with water on windows to be heated by sun or security officers bring them hot water in buckets.

The size of the solitary is adequate. It is furnished with a new bed, a table, a chair, a radiator, a washbasin and a toilet bowl. Though the window allows the entrance of fresh air and natural light, its size is inadequate and the window, in the team's view, should be replaced by a bigger one.

The room housing sentenced prisoners in the semi-open section is located in a separate building. It is bigger, sunnier and better ventilated than other rooms. However, its 10-bed capacity is not adequate for the number of the prisoners allocated to this section. Some of them, therefore, have to sleep in the closed section.

The building has living quarters where prisoners take their meals, watch TV or are engaged in other activities.

All prisoners wear their own clothing, which they keep clean by themselves.

B) KITCHEN, MASS HALL AND FOOD

The kitchen and storages are located in the building of the semi-open section. The mass hall for the prisoners accommodated in the semi-open section is clean and tidy, and makes a part of the living quarters. On the other hand, the prisoners allocated to the closed section are served their meals on a small table placed in the corridor. As only one table is available, they have to eat in shifts.

A medical doctor controls the quality of the food once a week. No irregularities have been registered over the past six months.

A qualified cook prepares the meals. Prisoners also work in the kitchen. Weekly menus are prepared in advance and have to be authorized by the prison director. Special diets are prepared if prescribed so by a medical doctor.

The interviewed prisoners only complained of insufficient fresh fruits. According to them, the quality of the food is better on workdays than on weekends.

There is no canteen in the prison. Necessary foodstuff is supplied once a week to the prisoners who have ordered it.

C) MEDICAL SERVICE

As the prison has not organized the medical service, a doctor engaged on part-time basis provides medical treatment to some 70 convicted and untried prisoners. The doctor, a specialist in internal medicine, has been working for the Cacak prison for 13 years now. Since no visiting days have been set, the doctor comes whenever called in. So, his visits to the prison range from several times a week to one visit in ten days.

On admission, only the prisoners who specifically ask for it are medically examined. Medical records are not compiled for prisoners. Given that annual registers of medical services provided to the prisoners are not kept (the prison only keeps the records of medical examinations), the team could not obtain detailed information about medical treatment and nursing care. As the prison doctor put it, he is called in to provide first aid 3-4 times a month.

The prisoners are medically examined in the room usually occupied by security officers. As one security guard is always present during medical examinations, medical secrecy is not observed.

To make an appointment with the prison doctor, a prisoner has to apply to security officers. When the doctor is vacationing, the town's emergency ward provides medical treatment to the prisoners. In such event, security officers are those who decide whether or not a prisoner needs to be medically treated.

Dental services are provided by the local medical center and are free of charge. A prisoner may, on request, obtain services from a dentist running private practice but has to pay for it from his own pocket.

The doctor is obliged to examine every prisoner punished by solitary confinement and decide whether he is fit for such punishment. The doctor said that he visited the prisoners in solitary confinement on daily basis.

No in-patient ward can be organized in the prison. Sick prisoners who need to rest are allowed to stay in their rooms. There is no pharmacy in the prison. Medicaments are supplied by civilian pharmacies on the doctor's prescription and have to be paid from the prison's budget. Dosed by the doctor, medicaments are distributed by security officers. Medicaments are kept in boxes placed outside the premises occupied by the prisoners. An arrangement as such severely jeopardizes the qualified control over distribution of drugs.

No prisoner has been transported to a civilian hospital or the Belgrade Penitentiary-Hospital over the past six months. Around 15 prisoners have been examined by specialists in the same period (mostly by surgeons, orthopedists and specialists in internal medicine).

Psychiatric care boils down to occasional transports of prisoners to the local medical center where they talk to a psychiatrist.

Out of three prisoners with diabetes, one is on insulin therapy. Three prisoners suffer from cardiac disease. According to the doctor's estimate, around 10 prisoners are dependent on psychoactive substances.

No prisoner has a transmittable disease or is HIV positive. As for inter-prisoner violence, only one case of the prisoner with light injuries has been registered over the past six months. One suicide case has been registered in the past 18 months.

The prison doctor has delivered one lecture on diabetes (his subspecialty) to the prisoners and plans another one on AIDS. The prison staff has not been trained in recognizing indications of suicidal risk.

Periodic and systematic statistics of signs of violence are not kept. Such information is only entered in the records of medical examinations. According to the doctor, the records are available to the prisoners. Any sign of violence observed is reported to the prison director. The director partakes in drawing up reports that are submitted to relevant authorities whenever an alternative solution should be found for the prisoners who suffer from serious diseases and are, therefore, unsuited for continued detention.

The doctor says that he has developed good communication with prisoners, their families and lawyers in the matters related to the prisoners' state of health. Not a single case of a prisoner refusing medical treatment has been registered.

The prison administration controls the doctor's performance and professional competence.

The interviewed prisoners did not complain of medical care provided to them.

II

Incompatibilities with or Departures from the Law on Execution of Criminal Sanctions (LECS), the House Rules on District Prisons (House Rules), the European Prison Rules (EPR) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment Standards (CPT Standards)

- Inappropriate size of the dormitories accommodating untried and sentenced prisoners (Art. 58, Para 1, LECS; Art. 14, Para 1, House Rules; Para 46 and 50, CPT Standards, CPT/Info (92)3; Para 13 CPT Standards, CPT/Info (97)10; and Para 28 and 29, CPT Standards, CPT/Info (2001)16);
- When entering the prison or after admission, all prisoners are not physically examined by a medical doctor, and medical files for the prisoners are not compiled (Para 33 and 39, CPT Standards, CPT/Info (93)12);
- A competent medical officer is not present on prison premises round the clock (Para 35, CPT Standards, CPT/Info (93)12);
- Distribution of medicines is not appropriately supervised (Para 38, CPT Standards, CPT/Info (93)12);
- Medical examinations are not conducted out of the hearing and out of the sight of prison officers (Para 51, CPT Standards, CPT/Info (93)12);
- The prison staff has not been trained in recognizing indications of suicidal risk (Para 58, CPT Standards, CPT/Info (93)12);
- Signs of violence observed are not entered into a special register and periodic statistics of injuries are not compiled for the attention of the prison administration (Para 60-62, CPT Standards, CPT/Info (93)12);
- The prison staff has not been trained in dealing with particular forms of prison pathology (Para 75 and 77, CPT Standards, CPT/Info (93)12).

III

Recommendations

- The prison should be relocated to another building the layout of which secures adequate accommodation of sentenced/untried prisoners and normal functioning of the prison staff;
- "Triple" bunk beds should be immediately removed and bigger windows should be mounted;
- At least one qualified male nurse should be engaged on full-time basis;
- All prisoners should be medically examined on admission and their medical files should be compiled;
- Distribution of medicines should be properly supervised;
- Medical examinations should be conducted in a room providing confidentiality;
- The prison staff should be trained in dealing with specific forms of prison pathology;

- The prison staff should be trained in recognizing indications of suicidal risk;
- Information about transmittable diseases should be circulated both to the prisoners and to the prison staff;
- Signs of violence observed should be entered into a special register and periodic statistics of injuries should be compiled for the attention of the prison administration.

Security

I

Apart from overcrowding, the position of a mechanical engineering workshop and two storehouses belonging to the town's police department influence the prison's external and internal security. Namely, these facilities are located in the courtyard of the semi-open section. In the team's view, the very fact that scores of people daily come in and out of the workshop and storehouses allows the impermissible communication with prisoners, which may easily jeopardize both internal and external security. This is the more so since the prisoners assigned to semi-open treatment program spend almost the entire day in the courtyard. The team saw a woman pushing a pram freely walking into the courtyard. Security officers explained she was a prisoner's wife who was often bringing him lunch packages. While leaving the prison, the team saw a prisoner leaning of the fence and leisurely talking to a passerby.

The prison's surveillance system is outdated. Security officers take it should be replaced by a new one. Further, in their opinion, a watchtower should be placed by the wall topped with barbed wire that surrounds the exercise area of the closed section. According to the head of the security service, inadequate number of conveyances also jeopardizes the prison's security. At the moment, the prison has only one police van at its disposal. An additional police van, said the head of the security service, would solve the problem. On average, the prison organizes 3-4 transfers of prisoners within the town limits and one outside the town. The head of the security service and the prison director alike were critical about the location of the workshop and storehouses. The director said, "I am often unaware of the identity of people coming in."

In spite of the problems referred to in the paragraph above, not a single escape or breach of rules related to prison leaves has been registered over the past 12 months. Further, no case of inter-prisoner violence, thefts, injuries and self-mutilation have taken place in the same period, said the interviewed prisoners and members of the staff.

According to the head of the security service the complement of security officers (17 + 11) is adequate is adequate to maintain the safety of prisoners and the staff alike. However, the basic level of security would be impaired should the prison administration rely on full-time officers (17) only.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

No major incompatibilities have been observed.

III Recommendations

- The workshop and the storehouses should be relocated from the prison's compound;
- The surveillance system should be modernized.

Legality of Prison Regime

I

When entering the prison all untried prisoners are informed about basic house rules. Copies of the house rules are posted in their dormitories. The same procedure is applied when it comes to newly

arrived sentenced prisoners. However, the latter have access to only one copy of the house rules, which is kept by a prisoner in charge of it.

Generally speaking, all interviewed prisoners are satisfied with staff-prisoner relations. The prisoners and the staff agree that the prison is a peaceful place – violent incidents are rare and harassment, thefts or smuggling of cell phones are not regular occurrences.

Only once a prisoner's wife tried to smuggle in a letter, said the head of the security service.

Statistics for 2003 show that instruments of restraint were used on 12 occasions. Further, no prisoner lodged a complaint about excessive use of force. Disciplinary measures have been taken against 4 prisoners – two were punished by solitary confinement and two prisoners were deprived of privileges. One complaint was turned down.

In the same period, no prisoner appealed to a higher authority for having been deprived of some of his rights.

The interviewed prisoners mostly complained that the daily exercise in the fresh air was restricted to 15-30 minutes. The prison administration justified short walks by the lack of adequate space and security reasons. On the other hand, the prisoners take that the exercise regime is more determined by security guards' good will than security reasons.

Due to overcrowding the prisoners sentenced for misdemeanor are accommodated together with those under longer sentences.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Prisoners' right to at least 2-hour exercise is not observed. (Art. 59, LECS; Para 47 and 48, CPT Standards, CPT/Info (92) 3).

III

Recommendations

- All prisoners without exception should be offered the possibility to take outdoor exercise as provided by law.

Social Resettlement

I

The reeducation service has one employee only. However, she is primarily tasked with keeping prison register rather than with reeducation.

There is no team in charge of prisoners' admission, observation and classification. Therefore, all newly arrived prisoners are firstly questioned by security officers, rather than by a qualified staffer. Given that the educator has no office of her own she cannot provide any serious individual treatment to the prisoners no matter how willing she is. The prison has no library. Instead, prisoners may order books to read within the "Book Heals" project that is realized in tandem with the town library. The cooperation between the prison and the town library has been smooth so far, and plans are made to expand it.

No arrangements have been made for prisoners' schooling or vocational training. However, educational structure is appropriate – the majority of the prisoners has finished secondary schools.

The prison's job classification envisages neither a special service nor a person in charge of prisoners' training and engagement in prison work. This can be justified to a certain extent by the fact that the prison administration has only recently begun to adapt the prison commune with a view to engaging the prisoners in purposeful activities.

Some 15 prisoners are presently accommodated in the open and semi-open section and 10-odd in the closed section. The former are being employed in the outside community only. However, bearing in mind overall unemployment, a minimal number of prisoners works for companies outside the institution.

The prisoners housed in the closed section are not engaged in any form of prison work since the prison has not a single production facility. Though security considerations do preclude many types

of work, which are usually provided for prisoners in open and semi-open units, this should not mean that forms of occupational and therapeutic activities cannot be arranged for the prisoners in the closed section.

The prison has no room enough to organize recreational or sport activities.

Further, no room has been set aside for religious ceremonies. The prisoners whose treatment programs allow frequent leaves may exercise their right to religious observance in the outside community, but prisoners awaiting trials and those accommodated in the closed section cannot.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Prisoners shall be enabled to maintain their physical and mental health, exercise their rights to work and religious observance, as well as to get engaged in purposeful activities that encourage and develop their sense of responsibility and self-confidence, as well as interest in the treatment provided to them. A satisfactory program of activities can do much to counter deleterious effects upon a prisoner's personality of living in closed units. (Art. 46, 47, 48 and 49 House Rules; Art. 78, LECS; Para 47 and 48, CPT Standards, CPT/Info (92) 3; Para 32, CPT Standards, CPT/Info (2001) 16).

III

Recommendations

- A program of recreational activities, as diverse as possible, should be developed with a view to prevent prisoners' negative conduct. This particularly refers to the prisoners in the closed unit;

- All avenues should be explored so as to make it possible for all prisoners to be engaged in purposeful activities;

- One educator at least should be employed on full-time basis – he or she should be exclusively in charge of prisoners' reeducation;

- All alternative solutions should be considered in order to tackle the problem of the prison's inadequate layout, i.e. lack of room.

Contact with the Outside World

I

The prisoners are free to write (and receive) as many letters as they want to. However, they rarely exercise this right as most of them are under relatively short sentences. All letters are forwarded to and inspected by the prison director.

Not a single letter has been confiscated over the past 6 months.

The prisoners usually communicate with persons in the outside community by phone. One phone booth is installed in the semi-open section and the prisoners may use it freely and talk as long as they want. On the other hand, no phone booth is available to the prisoners in the closed section. Whenever they need to place a call they must ask for a permit. They have to use office phones and prison officers are always present on such occasions.

Almost all prisoners receive visits and packages. The number of visits they are allowed to depends on their treatment programs. A prisoner may contact his lawyer whenever necessary.

A hall for family visits and meetings with lawyers is available to untried and convicted prisoners in the closed unit. The prisoners in the semi-open unit receive family visits in the sheltered area in the courtyard.

There are no separate rooms for spousal visits or private visits with children.

According to the prison administration, the number of radio and TV sets available to the prisoners is sufficient. Daily papers are supplied to the prisoners who have subscribed to them.

Pre-release preparations do imply no special programs or activities. All release activity taken by prison personnel boils down to final meetings with a prisoner and, occasionally, with his family as well.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The guiding principle should be the promotion of contact with the outside world; any limitations upon such contact should be based exclusively on security concerns of an appreciable nature or resource considerations. In this context, there is the need for some flexibility as regards the application of rules on visits and telephone contacts (Para 51, CPT Standards, CPT/Info (92) 3; Para 66, EPR).

III

Recommendations

- The prisoners in the closed unit should make their calls with no officers present on such occasions;
- A makeshift facility able to provide more adequate conditions for family visits should replace the sheltered area in the courtyard.

Institutional Personnel

I

As referred to in the paragraphs above, the prison has no training and employment service. Given that no staffer is exclusively in charge of these duties, the team obtained relevant information from the prison director. According to him, engagement of one officer who would be tasked with proper functioning of the service, i.e. development of the prison's commune, is planned.

On the other hand, one officer with university diploma – a special pedagogue – has been engaged for the prisoners' reeducation. However, since no one else is competent to keep the prison register and perform other administrative duties, she has to do it instead of dealing with prisoners' social rehabilitation. Administration takes up too much of her time and, therefore, she cannot focus her attention on the rehabilitation process. Though she attends team meetings, the team left under the impression that she hardly has the last word when it comes to prisoners' treatment programs.

Therefore, the team cannot but conclude that reeducation and social rehabilitation are not considered top priorities by the prison administration or institutional personnel.

The special pedagogue says she like her job. However, the team takes that overall climate in the prison and inter-staff relations cannot but make her dissatisfied and less efficient. Overtime is occasional and is remunerated. No disciplinary measures have been taken against any member of the prison personnel over the past 6 months.

The security service employs 17 officers, plus 11 officers who used to work for the prisons in Kosovo. Only one security officer has graduated from a higher school, while the rest have finished secondary schools.

No disciplinary or criminal proceedings have been instituted against any security officer over the past 6 months.

The prison director takes that security officers should be trained in staff-prisoner relations, proper use of the instruments of restraint and martial arts. Officers themselves are aware that such courses would help them to perform their duties more efficiently and are, therefore, interested in attending all forms of in-service training.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The reeducation service regulates the work of other participants in the process of reeducation (Art. 17, LECS);
 - The prison administration shall introduce forms of organizations and management systems to facilitate communication and cooperation between various services with respect to the treatment and re-socialization of prisoners (Para 59, EPR; Para 27, CPT Standards, CPT/Info (2001) 16);

- During their career, all personnel shall maintain and improve their knowledge and professional capacity, i.e. arrangements should be made for their wider experience and training. The cornerstone of a humane prison system will always be properly recruited and trained prison staff who know how to adopt appropriate attitude in relations with prisoners and see their work more as a vocation than as a mere job (Para 51, 52, 54 and 55 EPR; Para 26, CPT Standards, CPT/Info (2001) 16).

III Recommendations

- Admission department should be formed or one officer at least should be engaged on full-time basis in the reeducation service (preferably, a psychologist);
 - An officer to be exclusively tasked with keeping the prison register should be employed;
 - The prison administration should exert efforts so as to make the entire personnel aware of the crucial role of reeducation has in the prison system;
 - The training and employment service should be set up as soon as possible so as to secure better and more efficient re-socialization of the prisoners;
 - All prison officers should be continually encouraged through training, consultative procedures and a positive management style to aspire to humane standards, higher efficiency and a committed approach to their duties.
 - Positive relations between prison staff and prisoners should be constantly developed and encouraged.

UZICE DISTRICT PRISON

Date of the visit: May 28, 2004

Type of institution: semi-open

Population: men/adults

Number of sentenced prisoners: 29

Number of untried prisoners: 21

Number of prisoners sentenced for misdemeanor: 15

Composition of the monitoring team: two jurists, a physician and a special pedagogue

Note: As provided by law, the team was allowed to interview prisoners under sentence only.

Quality and Conditions of Life

|

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY INSTALATIONS AND HYGIENE

Constructed back in 1920s, the prison – located in downtown Uzice – can hardly be approached by car. Its layout and size are totally inappropriate for such type of institution. In addition, the prison borders on dwelling houses. The only solution to solve all these problems, in the team's view, is the prison's relocation. And yet, recent renovation of offices and the premises accommodating prisoners has somewhat improved the quality and conditions of life.

Actually, the newly renovated unit accommodating untried prisoners looks better than any other prison unit the team has seen during its monitoring missions. New, large windows with barred frames that can be opened wide – and allow entrance of natural light - have been installed in the dormitories the size of which is adequate for the number of accommodated persons. The newly floored dormitories are furnished with new beds, lockers and TV sets. Beddings are also new and kept clean. Toilet bowls and showers are adjacent and the prisoners may take showers at will.

On the other hand, the rooms accommodating sentenced prisoners are overcrowded (8-12 beds in each), unpainted and humid. Wooden floor is in utterly bad shape. These rooms are furnished with much too small shelves on which the prisoners place their belongings.

As the closed unit has no living quarters, the sentenced prisoners spend the entire day in their dormitories.

Partitioned by plastic curtains only, toilet bowls do not provide minimal privacy.

The bathroom is in a better state than other premises and showers are partitioned by walls.

The prison's central heating system connects to the nearby Secretariat of the Interior. According to the interviewed prisoner, the heating is appropriate in wintertime.

The prisoners wear their own clothing, which they keep by themselves.

Though adequate in terms of cubic meters of space, access to natural light and fresh air and necessary facilities, the solitary cell looks neglected and insalubrious – walls are unpainted and humid.

The exercise area (12 by 10 meters) is surrounded by a high wall topped with barbed wire. However, it has a grass lot, a fountain and a shelter that makes it possible for the prisoners to spend time outside their dormitories when it rains.

B) KITCHEN, MASS HALL AND FOOD

Prisoners are served meals in the semi-open unit's living quarters. Though the room does not meet all requirements to be used as a mass hall, it is notably kept clean and tidy.

The kitchen is small but clean and properly maintained.

A medical doctor inspects the food and approves menus once a week during his regular visits to the institution.

The prisoners who assist the cook have not undergone mandatory medical examinations.

Weekly menus are posted in the room serving as a mass hall. The team noted that the prisoners are often served the same daily dishes for lunch and dinner.

Special diets prescribed by the medical doctor are not prepared for the prisoners who need them.

The interviewed prisoners complained that their meals are unvarying and of poor quality, and that they were rarely served milk, milk products and fresh fruits and vegetables.

The prison does not have a canteen. The prisoners may place orders for articles of food, which are supplied to them on weekly basis.

C) MEDICAL SERVICE

Given that the prison does not have a medical service of its own, a doctor who is a specialist in internal medicine and works for a local medical center is engaged on part-time basis. She visits the institution once a week but is always on call to provide first aid. Before she goes on a vacation, she selects one of her colleagues to replace her. Whenever a prisoners needs to be urgently hospitalized, she has him transported to the town emergency ward.

To make an appointment with the doctor, a prisoner has to apply to security officers. Like in most district prisons, security officers are those who decide whether or not a prisoner needs to be medically treated.

The prisoners are medically examined in the room usually occupied by security officers. As one security guard is always present during medical examinations, medical secrecy is not observed. The explanation given to the team was that the doctor might be endangered while conducting examinations.

Medical files are not compiled for the prisoners. The doctor only keeps the record of medical examinations. Further, she is not obliged to submit periodic reports. All the information quoted in the paragraphs below should be looked upon with reservations since the doctor spoke from memory.

According to her, "mostly all" newly arrived prisoners are medically examined on her first visiting day after their admission.

The doctor examines 20-odd prisoners each month. Over the past six months, only one prisoner has been urgently hospitalized, while some 15 prisoners have been seen by specialists of the local medical center (mostly psychiatrists and orthopedists). In the same period, one prisoner has been transported to the Belgrade Penitentiary-Hospital, and 2 prisoners have been hospitalized in the town medical center. One prisoner suffers from hepatitis C, while another one has cardiac disease. The doctor estimates that 40 percent of the prisoners are dependent on psychoactive substances, this way or another.

Dental services are provided by civilian hospitals. Arrangements for such services are made by the prison administration.

The doctor is always consulted about a prisoner's suitability for detention in a solitary. The doctor says she visits a prisoner punished by solitary confinement every day. Bearing in mind that the doctor visits the institution once a week, the team cannot but take this information with a grain of salt.

No in-patient ward can be organized in the prison. Sick prisoners who need to rest are allowed to stay in their rooms. Medicaments are supplied by civilian pharmacies and often have to be paid from prisoners' pockets. They are kept in boxes placed outside the premises occupied by the prisoners. Medicaments are dosed by the doctor but distributed by security officers. Therefore, qualified control over distribution of drugs has not been secured.

Psychiatric care boils down to consultative examinations conducted by a psychiatrist of the local medical center.

According to the doctor, her communication with the prisoners, and their lawyers and families is smooth though occasional.

Information about transmittable diseases is not circulated. Prison officers have not been trained in recognizing indications of suicidal risk. In the event a prisoner is identified as a suicide risk he is sent to see a psychiatrist.

Periodic and systematic statistics of signs of violence are not kept. Such information is only entered in the records of medical examinations. According to the doctor, no prisoner has approached her to complain about being physically maltreated. However, as she put it, she had been called in few months ago to record the injuries a prisoner and a security officer, involved in a fight, had suffered.

Apart from this incident, no case of suicide, attempted suicide or self-mutilation has taken place, according to the doctor.

The doctor partakes in drawing up reports that are submitted to relevant authorities whenever an alternative solution should be found for the prisoners who suffer from serious diseases and are, therefore, unsuited for continued detention.

As the doctor put it, no authority assesses the quality and the effectiveness of her work.

Many interviewed prisoners complained of the functioning of preventive health care. For instance, security officers often do not take prisoners to be examined by specialists though such arrangements have been made. Further, they have to wait too long for psychiatric examinations that are, moreover, conducted in the presence of security officers. Some claim they have not seen the doctor ever since their admission to the institution, while others say they have not been medically examined after arrival. Whether or not they will be transported to the local medical center to be provided dental services depends on security officers' good will, said some of the interviewed prisoners. The prisoners also complained that security officers' decisions related to the necessity of medical treatment were highly restrictive.

II

Incompatibilities with or Departures from the Law on Execution of Criminal Sanctions (LECS), the House Rules on District Prisons (House Rules), the European Prison Rules (EPR) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment Standards (CPT Standards)

- When entering the prison or after admission, all prisoners are not physically examined by a medical doctor (Para 33, CPT Standards, CPT/Info (93)12);
- A competent medical officer is not present on prison premises round the clock (Para 35, CPT Standards, CPT/Info (93)12);
 - Medical files are not compiled for each prisoner;
 - Distribution of medicines is not appropriately supervised (Para 38, CPT Standards, CPT/Info (93)12);
 - Special diets prescribed by a medical doctor are not prepared for the prisoners who need them (Para 38, CPT Standards, CPT/Info (93) 12);
 - In-patient medical treatment and nursing care are not provided to the prisoners (Para 38, CPT Standards, CPT/Info (93) 12);
 - Distribution of medicines is not appropriately supervised (Para 38, CPT Standards, CPT/Info (93) 12);
 - Medical examinations are not conducted out of the hearing and out of the sight of prison officers (Para 51, CPT Standards, CPT/Info (93)12);
 - The prison staff has not been trained in recognizing indications of suicidal risk (Para 58, CPT Standards, CPT/Info (93)12);
 - Information about transmittable diseases is not circulated to the prisoners and the staff (Para 58, CPT Standards, CPT/Info (93) 12);
 - Signs of violence observed are not entered into a special register and periodic statistics of injuries are not compiled for the attention of the prison administration (Para 60-62, CPT Standards, CPT/Info (93)12);

III

Recommendations

- The prison should be relocated to a building suitable for its proper functioning;
- The premises accommodating convicted prisoners and those sentenced for misdemeanor should be renovated in the same manner as those for untried prisoners have been;
- The quality of the food should be improved and special diets should be prepared for the prisoners who need them;
- The medical service should be complemented in terms of qualified personnel;
- All prisoners should be medically examined upon admission;
- Medical files should be compiled and regularly kept updated for all prisoners;

- Distribution of medicines should be supervised by a competent officer;
- A room securing privacy of medical examinations should be set aside;
- The prison staff should be trained in various forms of prison pathology;
- The prison staff should be trained in recognizing indications of suicidal risk;
- Information about transmittable diseases should be circulated to the prisoners and the staff;
- Signs of violence observed should be entered into a special register and periodic statistics of injuries should be compiled for the attention of the prison administration.

Security

I

The prison and the city hall are practically situated side by side. Two years ago, a prisoner – with a helping hand from his "associates" from the outside community – managed to escape through one of the city hall's windows. Because of the prison's location and inadequate layout, the prison administration decided to relocate the area for visitors to the courtyard. However, since the courtyard borders on the city hall anyone inside it can freely watch untried and sentenced prisoners being taken out.

The prison administration emphasized that security considerations made the problem of visits their top priority. Given that a proper solution cannot be found within the prison building, a new wing will be added to it once the relevant administrative procedure is over.

The prison is not walled. The courtyard is the only place where the prisoners can exercise in fresh air. A security officer supervises the prisoners who are in the open for a watchtower.

The prison's surveillance system covers the entrance, a street section and inside corridors. The entrance is electronically locked.

Security is at adequate level, said the acting head of the security service, adding that the prison's position and layout pose the biggest problem in this context. In the event fire breaks out in the prison, the narrow driveway would most probably make it impossible for fire engines to approach the building.

According to the acting head of the security service, no prisoner has escaped or attempted to escape over the past six months. He and the interviewed prisoners alike said that, in the same period, not a single case of inter-prisoner violence or assault against a member of the prison staff has taken place. Neither complained of thefts or destruction of property.

The acting head of the security service said the service was not understaffed bearing in mind the number of untried and sentenced prisoners. He only complained of outdated and inappropriate arms and communications at the service's disposal.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

No incompatibilities have been observed.

III Recommendations

- Unless the entire prison cannot be relocated in near future, a wing to house a visitors' hall should be built as soon as possible. The only entrance to the wing should be placed within the prison building.

Legality of Prison Regime

I

Shortly after admission untried and sentenced prisoners are informed about the house rules. However, the house rules are nowhere posted for all prisoners to see them. As some sentenced

prisoners put it, they were informed about basic house rules by their inmates and have not laid their eyes on a single copy.

Because of the lack of space, the same as in the Cacak District prison, prisoners under longer sentences and those sentenced for misdemeanor are accommodated together.

The prison is a peaceful place, incidents are just minor, and the staff-prisoner relations are correct, said interviewed officers and prisoners alike. According to the prison administration, most offenses relate to smuggling in alcohol, prison leaves and disobedience. The prison statistics show that 10 disciplinary measures have been taken over the past 12 months. All prisoners were punished by deprivation of some of the privileges and not a single one lodged a complaint. In the same period, instruments of restraint were used on 4 occasions. No prisoner complained about excessive use of force.

Because of too many untried prisoners – some of whom must be separated from the rest for security considerations – and the small outdoor area, the prisoners from the closed unit and untried prisoners alike are partially deprived of the right to exercise in fresh air. Their daily exercise lasts 30-odd minutes only.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The house rules are not available to prisoners at all times (Art. 51, Para 3, LECS);
- Prisoners' right to spend at least two hours a day outside their cells is not observed (Art. 59, LECS);
- The prisoners sentenced for misdemeanor are not separated from the prisoners under longer sentences (Art. 290, LECS).

III

Recommendations

- Adequate number of copies of the house rules should be available to the prisoners at all times;
- The security service should take a more flexible approach to security considerations so as to make it possible for the prisoners from the closed unit and untried prisoners to spend at least one hour in fresh air.

Social Resettlement

I

The generally accepted concept of prisoners' social rehabilitation has been implemented for several months now, ever since the prison employed an apprentice special pedagogue. Though to be properly applied the concept calls for engagement of more qualified officers, the team left under the impression that the prison administration was aware of its significance and willing to implement it.

In the team's view, the young apprentice manages well, and properly perceives her duties and the role of reeducation. The interviews with prisoners additionally confirmed an opinion as such. Prisoners take that an educator is supposed to help them solve the problems they are faced with. All interviewed prisoners had a positive attitude towards the new educator.

The educator interviews prisoners on admission and communicates with them on daily basis. However, she has not managed so far to conduct initial interviews with all prisoners. The fact that she has no office of her own but shares the room with administrative personnel considerably hinders her work. With people going in and out of the room, she cannot talk to prisoners in private.

Due to the prison's inadequate layout, prisoners are not appropriately classified and separated. Some 25 prisoners under longer sentences and those sentenced for misdemeanor are accommodated together in the open and semi-open unit, and another 19 in the closed unit.

Not a single member of the staff is in charge of prison work. Inside the prison building prisoners only do chores. The prisoners from the open unit are usually engaged outside the prison either as manual workers or couriers.

Prisoners' earnings depend on their workplaces and working hours, and range from 700 (10 EUR) to 1,500 dinars (20 EUR).

Though as many as 70 percent of the prisoners have finished elementary schools only, the prison has made no arrangements for their vocational or other training.

Recreational and sport activities are also limited by the prison's scarce room. According to the prison administration, prisoners welcome occasional outings when the educator takes them to movies.

The prison has no library of its own. However, prisoners may place orders and get the books they want to read from the town library.

No room is set aside for religious ceremonies. A visiting priest comes to the institution whenever a prisoner asks to see him.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Prisoners shall be enabled to maintain their physical and mental health, exercise their rights to work and religious observance, as well as to get engaged in purposeful activities that encourage and develop their sense of responsibility and self-confidence. (Art. 46, 47, 48 and 49 House Rules; Art. 78, LECS; Para 47 and 48, CPT Standards, CPT/Info (92) 3; Para 32, CPT Standards, CPT/Info (2001) 16).

III

Recommendations

- All avenues should be explored so as to find solutions to the problems caused by the prison's inadequate layout and scarce room (recreational and sport activities, library, an office for the educator, etc.);

- Taking into account low level of prisoners' education on the one hand, and relatively short sentences on the other, the prison should make arrangements for such forms of schooling the prisoners may finish upon release in the outside community;

- Programs providing diversified prison work should be developed.

Contact with the Outside World

I

Prisoners usually communicate with persons in the outside community by phone. There are no major obstacles in the exercise of this right. One phone booth is situated in the open unit, and another one in the closed unit. The phone call schedule is visibly posted. The prisoners from the closed unit make and receive calls in the presence of a security officer.

Prisoners' correspondence is unrestricted. However, the educator checks all the letters they either send or receive.

The premises for prisoners' meetings with their lawyers are small and in utterly bad shape but secure conversations in private.

As there are no rooms for family visits, such visits take place in the courtyard. Some chairs and tables are placed in the open for such occasions. However, the rules regulating frequency and duration of visits – which depend of prisoners' treatment programs – are observed.

There are no separate rooms for spousal visits or private visits with children. Prisoners are granted longer leaves instead.

The number of radio and TV sets available to the prisoners is sufficient. Daily papers are supplied to the prisoners who have subscribed to them.

The prison administration's cooperation with governmental agencies in terms of released prisoners' re-establishment in society does not imply special programs or activities but only ex officio steps (secretariats of the interior and, occasionally, social centers are just notified).

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Visits to prisoners are organized at set times and take place in a room that serves the purpose (Art. 24, House Rules);
- Prison administrations should work closely with the social services and agencies that assist released prisoners to re-establish themselves in society, in particular with regard to family life and employment (Para 89.1, EPR).

III

Recommendations

- The problem of premises for family visits should be tackled urgently;
- The quality of the contact with the outside world and its positive influence on prison population should be improved through closer cooperation with relevant social centers and agencies.

Institutional Personnel

I

As referred to in the paragraphs above, the prison has no training and employment service, while the reeducation service employs one apprentice only.

The educator says she has adapted well in the prison's organizational arrangement and is satisfied with her status in the institution. All she complains of is that she has not time enough to dedicate to prisoners' reeducation, given that she has also to perform the duties of an absent administration officer. However, she works overtime whenever necessary.

She attends team meetings and, in tandem with other services, decides on prisoners' classification and reclassification.

She takes her job rather stressful in terms of responsibility for proper evaluation of each and every prisoner. She says she likes her job, though deems her salary should be adequate to its exacting nature and responsibility that lays on her.

She is notably interested in in-service training and eager to attain new knowledge about modern trends in the domains of pedagogy and penology.

In the team's view, the young apprentice's enthusiasm and her good relations with the prison administration and other staffers promise well that the process of reeducation would improve and turn more efficient.

During her 4-month career in the prison she never breached orders or discipline. The security service enlists 20 officers. The service's job classification envisages 21 security officers.

Only one security officer is a university graduate, while the rest have finished secondary schools. In 2003, disciplinary proceedings were instituted against two officers for having consumed alcohol while on duty. Both officers have been fined.

In the first half of 2004, not a single officer was subjected to disciplinary measures. In the same period, security officers did not frequently fail to show up for work, take long sick leaves or in any other way substantively hinder the service's functioning.

According to the acting head of the security service, security officers were interested in attending courses of training in martial arts, surveillance system handling and firefighting, while the majority of the prison staff would like to be instructed in computer literacy.

No officer said he would like to attend a course of training that would provide him a deeper insight into the protection of human rights of prisoners.

So far, the prison administration has not taken steps to organize courses of training in the domains the officers were interested in.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The prison administration shall introduce forms of organizations and management systems with a view to ensuring cooperation between different services particularly with respect to the treatment and re-socialization of prisoners. The reeducation service coordinates the work of other participants in the process of reeducation. The training and employment service is a significant addition to the reeducation service. (Art. 17 and 20, LECS; Para 59, EPR; Para 27, CPT Standards, CPT/Info (2001) 16);

- Prison personnel should be educated on human rights matters, interpersonal communication, lowering of tension and raising of the quality of life in prison establishments (Para 59 and 60, CPT Standards, CPT /Info (92) 3).

III

Recommendations

- The prison administration should form an admission department and engage at least another officer in the reeducation service (preferably, a psychologist);

- Efforts should be exerted so as to make the entire staff aware of the crucial role of the reeducation service in the process of prisoners' social rehabilitation.

- The possibility of setting up a training and employment service should be considered with a view to contributing to the task of re-socialization;

- All officers and particularly those in daily contact with untried and convicted prisoners should be given the opportunity to attend courses of in-service training, including education on human rights matters and interpersonal communication.

LESKOVAC DISTRICT PRISON

Date of the visit: June 16, 2004

Type of institution: semi-open

Population: men/adults

Number of sentenced prisoners: 159

Number of untried prisoners: 5

Number of prisoners sentenced for misdemeanor: 11

Composition of the monitoring team: two jurists, a physician and a special pedagogue

Note: As provided by law, the team was allowed to interview prisoners under sentence only.

Quality and Conditions of Life

|

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY INSTALATIONS AND HYGIENE

Located several kilometers away from the town, the Leskovac District Prison is surrounded by well-kept grounds. Construction of the detention unit and the closed section began in 1966. Ever since, new buildings (semi-open and open unit) have been erected and numerous renovations have taken place.

Conditions of life in the detention unit (5 untried prisoner at the moment) and in the closed section (25 prisoners) are worse than in the semi-open unit. Beds that are too many for the number of accommodated prisoners overcrowd most dormitories. The dormitories are freshly painted, clean and furnished with floors of parquetry. Though windows are large enough, thick concrete bars mounted on them do not allow adequate entrance of fresh air and natural light.

Thin layers of sponge or very old mattresses cover the beds. Beddings are changed regularly twice a month. Lockers are in bad shape and insufficient.

Conditions of life are even worse in the so-called intensified supervision unit (accommodating some 10 prisoners). Walls are humid and moldy because of old sewers and plumbing.

The prison has no living quarters. Therefore, apart from their daily exercise in the open, the prisoners spend almost the entire day locked in their rooms.

Toilets, bathrooms and sanitary installations are well-kept. The prisoners may take hot water baths twice a week.

Considerably better conditions of life in the semi-open and open unit (accommodating some 120 prisoners) are, to a large extent, in keeping with prescribed standards. Overcrowding figures as major problem in some dormitories wherein as many as 16 prisoners are accommodated.

The unit has a nice, spacious and sunny living room with a TV set. This room is also used as a mass hall.

Radiators are placed in all rooms. According to the interviewed prisoners, premises were adequately heated in wintertime.

Though freshly painted and clean, the solitary cell is too small and has no tap water, toilet bawl and table.

The prisoners wear uniforms while engaged in prison work. Otherwise they wear their own clothes.

Benches, flowers and a summerhouse are to be seen in the large and nicely kept exercise area.

B) KITCHEN, MASS HALL AND FOOD

The untried and convicted prisoners of the closed unit are served meals in their dormitories, which is inappropriate and unhygienic.

The kitchen and the mass hall (actually the living room) in the semi-open unit are in good shape, clean and well-kept.

A trained cook prepares the food with prisoners' assistance. Menus are set a week or two in advance, and have to be approved by the doctor. Meat is served every day, while milk once a week, said the cook.

Apart from bad quality of the food and scarce fruits and milk products, the prisoners mostly complained of unvarying meals. They are always given same dishes for lunch and dinner.

Special diets, prescribed by the doctor, are prepared for the prisoners who need them, as well as for several Islamic prisoners.

There is no canteen at prison premises. Once a week the prisoners may place orders for food articles, which are supplied to them at market prices.

C) MEDICAL SERVICE

A doctor – a specialist in hygienics – has been working for the prison on part-time basis for 30 years now. Though he retired seven years ago, a replacement for him is hard to find, said the prison director. He is assisted by a security officer who is a qualified male nurse. The doctor visits the prison twice on workdays (from 6:00 a.m. to 12:00 noon and from 7-8:00 p.m.) and occasionally on Saturdays.

All prisoners are examined by the doctor on admission and have their medical files compiled. To make an arrangement with the doctor a prisoner has to apply to a security officer but needs not expound his health troubles. The doctor is always on call to provide first aid.

Medical examinations are conducted in the presence of a security officer. This is not only contrary to the standards but also something the interviewed prisoners mostly complained about.

The doctor examines prisoners in a spacious out-patient ward located in the semi-open unit. There is a small medicine cabinet. Conditions in the out-patient ward allow just basic medical examinations. Biochemical tests and other diagnostic procedures are performed by civilian hospitals.

Generally, the doctor supervises the distribution of medicines. However, medicaments are occasionally distributed by security officers – a practice that, to a certain extent, jeopardizes the qualified supervision.

The prison also has the so-called sickroom (actually, an in-patient ward) with 12 beds, a living room with a TV set, sanitary installations and an exercise area. Situated in the closed section, the in-patient ward is physically separated from other premises. The hygiene is about the same as in other rooms – i.e. it is appropriate. Presently, 6 prisoners are hospitalized.

In 2003, the doctor performed 6,421 medical examinations, while 198 prisoners were transported to the town's medical center to be seen by specialists (usually dentists, internists and surgeons).

In the same period, 13 prisoners were hospitalized in the town's medical center. Four prisoners under sentences and 3 untried prisoners were medically treated in the Belgrade Hospital-Penitentiary. Out of five prisoners with diabetes, two are on insulin therapy. Seven prisoners suffer from cardiovascular diseases and one has TB. In addition, one prisoner is with hepatitis C.

According to the doctor, around 10 prisoners are, this way or another, dependent on psychoactive substances.

In the past 6 months, there have been 2-3 cases of inter-prisoner violence resulting in light injuries, while one untried prisoner has tried to commit suicide (the doctor provided this information "from memory").

As for dental services, fillings that are provided by the local medical center have to be paid from prisoners' pockets. Only extractions are free of charge, i.e. the prison covers the costs.

The doctor examines all prisoners punished by solitary confinement. He visits them on daily basis.

Psychiatric care is rather neglected. The doctor sends prisoners to see a psychiatrist in a civilian hospital just from time to time, and is pretty restrictive when it comes to their selection. Some interviewed prisoners complained that they have been waiting to see a psychiatrist for months.

The doctor says he smoothly communicates with prisoners, their families and lawyers, and provides them with all necessary information about prisoners' state of health. However, to impart such information he has to ask a permit from the prison director.

According to the doctor, no prisoner has refused medical treatment during his career in the prison.

The doctor controls the food and general hygiene several times a week.

No courses of training are organized either for prisoners or prison officers. Whenever he identifies a prisoner as a suicide risk, the doctor has him transported to the Belgrade Penitentiary-Hospital.

Systematic statistics of signs of violence are not kept. However, such information is recorded in prisoners' medical files. The doctor says that each prisoner is allowed to see the contents of his medical file. Any signs of violence observed are reported to the prison director, adds the doctor. The doctor partakes in drawing up reports to be forwarded to relevant authorities in the cases of the prisoners whose state of health makes them unsuited for continued detention.

The prison administration controls the quality and effectiveness of the doctor's work.

II

Incompatibilities with or Departures from the Law on Execution of Criminal Sanctions (LECS), the House Rules on District Prisons (House Rules), the European Prison Rules (EPR) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment Standards (CPT Standards)

- Lighting and ventilation in the rooms of the closed section accommodating untried prisoners and prisoners under sentences are not in keeping with prescribed standards (Art. 58, LECS; Para 15 and 16.a, EPR);
- "The room for the disciplinary punishment of solitary confinement shall consist of at least ten cubic meters of space, and have a sanitary device, daily light, potable water, a bed with sheets, a table, a chair and heating." (Art. 130, Para 2, LECS);
- "A convicted person has the right to nutrition that allows him to maintain his optimal health condition and strength..." (Art. 61, LECS);
- Medical examinations are not conducted out of the hearing and out of the sight of prison officers (Para 51, CPT Standards, CPT/Info (93)12);
- Qualified supervision of the distribution of medicines is not fully secured (Para 38, CPT Standards, CPT/Info (93)12);
- The prison staff is not trained in recognizing indications of suicidal risk (Para 58, CPT Standards, CPT/Info (93)12);
- Information about transmittable diseases is not circulated to prisoners and the prison staff (Para 54, CPT Standards, CPT/Info (93)12);
- Injuries observed are not systematically recorded in a special register, and relevant periodic statistics are not compiled for the attention of the prison administration. (Para 60-62, CPT Standards, CPT/Info (93)12);
- The medical staff has not been trained in dealing with particular forms of prison pathology (Para 75 and 77, CPT Standards, CPT/Info (93)12).

III

Recommendations

- Unoccupied beds should be removed from the dormitories so as to allow more room to prisoners;
- Thin layers of sponge that cover beds and old mattresses should be replaced;
- Concrete bars should be removed from the windows of the closed unit so as to allow entrance of natural light and fresh air;
- Each and every prisoner should be provided with a locker of his own;
- The sewers and plumbing of the so-called intensified supervision unit should be urgently and completely repaired;
- The solitary confinement should be relocated to the room that meets prescribed standards;
- The quality and the variety of the food should be improved;
- The medical service should be staffed with appropriate number of qualified personnel;
- Qualified supervision of the distribution of medicines should be fully secured;

- Medical examinations should be conducted out of the hearing and out of the sight of prison officers and other prisoners;
- The medical staff should be trained in dealing with particular forms of prison pathology;
- The prison staff should be made aware of indications of suicidal risk;
- Information about transmittable diseases should be circulated to the prison staff and prisoners;
- Injuries observed should be systematically recorded in a special register, and relevant periodic statistics should be compiled for the attention of the prison administration.

Security

I

The Leskovac District prison consists of three buildings located within the prison compound that is walled up by barbed wire. The barbed wire was mounted to hinder outsiders to walk in the prison compound, rather than to prevent escapes, according to the prison director.

The prison engages 39 full-time security officers, plus 13 officers who used to work for the prisons in Kosovo.

According to security officers, the existing surveillance system is more of a symbol than an efficient device. If they had a state-of-the-art system, said the head of the service, they would have prevented the escape of two prisoners. Namely, with reconstruction works in process (a wing of a building in the closed section is presently adapted) the two took the opportunity and simply climbed over the wall. Before that they had to remove concrete bars from a window, but the noise on the site was so loud that no one heard them banging. Disciplinary measures have been taken against three officers – they have been punished by maximal fines.

The head of the service takes that security in the prison is appropriate in spite of the fact that four prisoners have managed to escape and one tried to escape in the past 12 months.

The actual prison population, i.e. the prisoners housed there in summertime, is not seen as a security risk. However, a more rapid turnover of prisoners in wintertime jeopardizes the prison's security.

No prisoner has physically assaulted a security officer over the past year. According to the interviewed prisoners, not a single serious case of inter-prisoner violence has taken place in the same period, the same as thefts or destruction of property. This was confirmed by the head of the service who added that neither forbidden items have been smuggled in the prison.

The interviewed prisoners did not complain of being physically maltreated by security officers. True, force has been excessively used against prisoners for several times but no one has done anything about these incidents, they said. The Roma prisoners complained that security officers were ordering them to clean toilets. Such orders, as they put it, are rarely given to their non-Roma inmates.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- All direct or indirect forms of racial, gender, ethnic, social and other discrimination are prohibited. (Art. 3, Human and Minority Rights, and Civil Liberties Charter of Serbia & Montenegro).

III Recommendations

- The prison should be equipped with a new surveillance system (cameras with sensors);
- Discrimination of the Roma prisoners should be put to an end – it should not be only them who are ordered to perform insalubrious chores.

Legality of Prison Regime

I

All prisoners are informed about the house rules on admission. Copies of the house rules are available to them as long as they are detained.

Like in most district prisons, prisoners are not classified in keeping with law. The prison accommodates over 20 prisoners under sentences longer than one year, while the prisoners sentenced for misdemeanor are not separated from the rest.

Several sentenced prisoners who are presently on trial for other offenses and are, therefore, placed under high-security regimes are allocated to the so-called intensified supervision unit. Such practice is widespread in domestic prison system and is not considered illegal. Actually, position of such persons is not defined by law.

In the team's view the status of those persons should be clearly defined by the Law on Criminal Procedure, given that the law's provisions that set down the grounds on which measures of detention are taken (Art. 142) or those stipulating that the time spent in custody shall be reduced from the duration of sentences cannot be applied to a number of such cases.

Fifty-seven disciplinary measures have been taken against the prisoners over the past 12 months – 2 prisoners have been punished by solitary confinement, 11 reprimanded and 44 deprived of privileges. Most offenders have failed to duly report to the prison after leaves or refused to obey orders. Not a single prisoner has lodged a complaint against the disciplinary measure taken against him or complained to the prison director.

In the same period, means of restraint have been used on four occasions. No prisoner has complained of excessive or unauthorized use of force.

The same as in other institutions, the information about small number of complaints or no complaints at all indicates, in the team's view, that the grievance procedures are inefficient, i.e. that prisoners do not trust the system, rather than the legacy of prison regimes is perfect.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- "The convicts sentenced on prison terms longer than a year, as a rule, shall be disposed in penitentiary-correctional facilities" (Art. 30, Para 2, LECS);

- "A punished person shall serve prison sentence in a special sector of a county prison and shall be separated from convicted persons" (Art. 290, Para 1, LECS);

- Prisoners should not be placed under high-security regimes longer than the perceived high security risk of such prisoners necessitates. Reconsideration of such exceptional measures should be based on competent staff's regular observation of their behavior. Further, the prison system should solve the problem of inappropriate classification and allocation of prisoners (Para 32, CPT Standards, CPT/Info (2001) 16);

- Effective grievance and inspection procedures are fundamental safeguards against ill-treatment in prisons. Prisoners should have avenues of complaint open to them both within and outside the context of the prison system, including the possibility to have confidential access to an appropriate authority (Para 54, CPT Standards, CPT/Info (92)3).

III

Recommendations

- The prisoners sentenced for misdemeanor should be physically separated from those sentenced for crime;

- The Law on Criminal Procedure should clearly define the status of the sentenced persons who are simultaneously on trial for other offences;

- A new LECS should be passed and relevant bylaws amended so as to provide adequate disciplinary and efficient grievance procedures available to the prisoners who take that some of their rights have been violated.

Social Resettlement

I

Every newly arrived prisoner stays in the so-called admission for a couple of days until he is classified and placed under treatment program. The admission team is incomplete (a psychologist is not included). Whether a sentenced person has been brought by the police or has reported to the prison on his own free will, the length of his sentence and personal traits figure as major classification criteria. Two educators in charge of admission also deal with prisoners' reeducation.

The size of educational groups hardly makes proper reeducation possible (two educators are in charge of some 150 prisoners). Individual and group treatments are additionally hindered by the fact that 60 percent of prisoners are sentenced to up to three-month detention. Most interviewed prisoners either said they had never met their educator or had met him on few occasions only when they explicitly required it.

The prison has made no arrangements for prisoners' schooling or vocational training.

Presently, some 120 prisoners are accommodated in the open and semi-open unit, while around 25 in the closed unit. On 1.5 hectares of farmland – plus 10 hectares of loaned land – the prison has organized a commune wherein some prisoners are engaged in prison work. The capacities of locksmith, carpentry, car repair and legwear workshops enable employment of a minimal number of prisoners. Technology and machines in the commune and the workshops alike are outdated. Some prisoners from the open unit work in the outside community. The number of such prisoners varies depending on vacancies..

According to the prison administration, the prisoners engaged in prison work earn 43.40 dinars per day. This means that their monthly earnings (24 workdays) amount to some 1.050 dinars (14 EUR).

The prisoners from the closed unit are engaged in no work whatsoever. They are not only deprived of the right to work, but also of any possibility to be engaged in purposeful activities, including sports and culture. All they have are appropriate areas where they can take walks.

On the other hand, football and basketball fields are available to the prisoners from the open and semi-open unit. They can also play table tennis and exercise in the open. Occasionally, they are taken to Leskovac to watch football games and other sport events.

The prison library is stocked with some 500 books. According to the prison administration, the prisoners are not interested in reading. As for the prisoners themselves, they find the books available in the library unattractive in spite of the recent supply of new books.

There is no room for religious ceremonies. However, prison officers showed the team the premises that will be adapted to suit the purpose. While the prisoners entitled to frequent leaves may exercise their religious rights outside the prison, those from the closed department are presently deprived of this right.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- A satisfactory program of activities (work, education, sport, etc.) is of crucial importance for the well-being of prisoners. This holds true for all establishments, whether for sentenced prisoners or those awaiting trial. The work is organized in prison workshops and production facilities, as well as in the outside community. Vocational training provided to the prisoners consists of theoretical preparation and practical work in prison workshops (Art. 30 and 46, House Rules; Art. 78, LECS; Para 47, CPT Standards, CPT/Info (92) 3);

- Prisoners should exercise their rights related to the maintenance of their physical and mental health, religion and purposeful activities. Outdoor exercise is of particular importance for prisoners. All prisoners without exception should be offered the possibility to take outdoor exercise daily (Art. 47, 48 and 49, House Rules; Para 48, CPT Standards, CPT/Info (92) 3);

- Prisoners who present a particularly high security risk should, within the confines of their detention units, enjoy a relatively relaxed regime by way of compensation for their server custodial situation. In particular, they should be able to meet their fellow prisoners in the unit and be granted a good deal of choice about activities. The existence of a satisfactory program of activities is just as important – if not more so – in a high security unit than on normal location. It can do much to counter the

deleterious effects upon a prisoner's personality of living in the bubble-like atmosphere of such a unit. The activities provided should be as diverse as possible (education, sport, work of vocational value, etc.). As regards, in particular, work activities, it is clear that security considerations may preclude many types of work, which are found on normal prison location. Nevertheless, this should not mean that only work of a tedious nature is provided for prisoners (Para 32, CPT Standards, CPT/Info (2001) 16).

III Recommendations

- The possibility of daily sport activities in the open should be offered to the prisoners from the closed unit;
- A program of recreational activities should be developed and made fuller with a view to preventing prisoners' negative conduct and idleness. This refers, in particular, to the prisoners classified as a high security risk as a program as such can do much to counter deleterious effects upon their personalities of living in the closed unit;
- Work activities should be made as diverse as possible; special program of work activities within the prison should be developed for the prisoners from the closed unit;
- The premises for religious ceremonies should be provided for the prisoners.

Contact with the Outside World

I

Generally speaking, the prisoners rarely exercise their right to correspondence. However, all letters – usually written by the prisoners from the closed department – are inspected by an educator. Not a single letter has been confiscated over the past 6 months.

Like in other institutions, they mostly communicate with persons in the outside world by phone. Though prison officers claimed there were two phone booths in the closed unit, the interviewed prisoners said there was only one. They mostly complained of the relevant procedure – not only are their calls made in the presence of a prison officer, but are also limited to 3 minutes. Bearing in mind that the phoning schedule allows one call a week (subcategory V₂) or two calls a week (subcategory V₁), the team takes that the prison administration should be more flexible when it comes to this mode of prisoners' contacts with the outside community.

Two phone booths are installed in the open and semi-open unit. The prisoners are allowed to make daily calls, which are not supervised.

All prisoners are entitled to receive visits the duration and frequency of which depend on their treatment programs. The same refers to the packages the prisoners receive. All the prisoners complain of is that their packages and money orders are late because of the town's sluggish postal services.

As no room on the prison premises is adequate for family visits, such visits take place in a corridor.

In wintertime the prisoners from the open and semi-open unit receive their visitors in an adequate room furnished like a pub, while in summertime the visits are organized in the open, i.e. in an area that resembles a well-kept park.

Prisoners may confer with their lawyers in private.

The institution is among the few small ones of the type that has a private room for spousal visits. The room is tiny but appropriate.

The number of radio and TV sets available to the prisoners is sufficient, including the unit for the prisoners awaiting trial wherein every room is furnished with a TV set. Radio programs are also aired four hours a day via the prison's public-address system.

Apart from five copies of daily newspapers paid by the prison, the prisoners may subscribe to other dailies and magazines.

According to the prison personnel, their cooperation with relevant agencies in the outside community is rather smooth. Educators are on duty on Sundays when prisoners receive visits. If necessary, they speak to a prisoner's family. As they consider communication with prisoners' families most important, they give initiative for such meetings regardless of visiting hours, said the educators.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The guiding principle should be the promotion of contact with the outside world; any limitations upon such contact should be based exclusively on security concerns of an appreciable nature or resource considerations. In this context there should be some flexibility as regards the application on rules on visits and telephone contacts (Para 51, CPT Standards, CPT/Info (92) 3; Para 66, EPR).

III

Recommendations

- In the team's view, no security considerations preclude placement of yet another phone booth in the closed unit, as well as more flexible rules on telephone contacts for the prisoners whose contacts with the outside world are maximally restricted.

Institutional Personnel

I

Out of the total number of officers working for the security service, six officers have graduated from higher schools, while the rest have finished secondary schools. .

Over the past 12 months disciplinary proceedings have been instituted against 11 officers for serious breaches of orders (negligent work) provided under Art.59 of the Law on the Employment in Governmental Bodies. Eight officers have been fined, while the rest have been acquitted.

In the same period, six officers were subjected to disciplinary proceedings for lesser breaches of orders. Three were proclaimed guilty and the rest were acquitted.

The head of the service said his officers had displayed no interest in in-service training. The prison has organized an English language course that is also attended by security officers.

According to the head of the service, the number of security officers is adequate and corresponds to the prison's capacity. Overtime in the security service is just occasional.

The security staff is under constant stress caused not only by the nature of their job but also by their sense of financial insecurity, i.e. low salaries and unfavorable working conditions.

The head of the service takes that a new surveillance system and courses of in-service training (specialized schools or longer courses of training in the long run) would improve the overall security in the prison.

The institution's organizational arrangements do not envisage a reeducation service or a training and employment service. Two officers are in charge of prisoners' reeducation, and four of them perform the duties of training and prison work. However, no officer is specifically in charge of the latter. An educator keeps the records of prison work and allocates prisoners to workplaces. Apart from an agricultural engineer who oversees the prison commune, three officers with secondary school education are in charge of prisoners' training and work activities (a janitor, a cook and a guard-instructor).

As it seems, no full-time officers are in charge of the prison's production activity.

The officers in charge of prisoners' reeducation hold university diplomas – one is a special pedagogue and the other a sociologist. They attend team meetings. Due heed is paid to their opinions about prisoners' reclassification and privileges to be granted. .

Both educators displayed their interest in in-service courses of training. At the time of the team visit, one of them was away at a seminar dealing with reeducation services.

They say they like their jobs but emphasize that more efficient reeducation process in the prison necessitates another two educators at least. They rarely work overtime for which they are remunerated.

According to the interviewed officers, inter-staff relations are good. However, security tasks are seen as the most important of all.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The prison administration shall introduce forms of organizations and management systems with a view to ensuring cooperation between different services particularly with respect to the treatment and re-socialization of prisoners. The reeducation service coordinates the work of other participants in the process of reeducation. The training and employment service is a significant addition to the reeducation service. (Art. 17 and 20, LECS; Para 59, EPR; Para 27, CPT Standards, CPT/Info (2001) 16);

- During their career, all personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training, i.e. they should be given the opportunity to improve their knowledge and professional capacity (Para 26, CPT Standards, CPT/Info (2001) 16);

- Prison personnel should be educated on human rights matters, interpersonal communication, lowering of tension and raising of the quality of life in prison establishments (Para 59 and 60, CPT Standards, CPT /Info (92) 3).

III

Recommendations

- The possibility for setting up a training and employment service, and for engaging more competent officers should be considered with a view to securing more efficient reeducation of the prisoners;

- An admission department should be made complete through engagement of a psychologist;

- All officers should be continually encouraged to improve their knowledge and professional capacity through courses of in-service training, consultative procedures and a positive management style to aspire to humane standards, higher efficiency and a committed approach to their duties.

PROKUPLJE DISTRICT PRISON

Date of the visit: June 16, 2004

Type of institution: semi-open

Population: men/adults

Number of sentenced prisoners: 59

Number of untried prisoners: 3

Number of prisoners sentenced for misdemeanor: 2

Composition of the monitoring team: two jurists, a physician and a special pedagogue

Note: As provided by law, the team was allowed to interview prisoners under sentence only.

Quality and Conditions of Life

I

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY INSTALATIONS AND HYGIENE

The Prokuplje District prison is situated in downtown Prokuplje, nearby the District Court and the local secretariat of the interior. Constructed back in 1920s, the prison has been reconstructed several times since.

The prison itself consists of two architectural wholes – the administration building and the prison compound with a pavilion housing sentenced and untried prisoners, office of the head of the security service, kitchen and mass hall that is also used as prisoners' living quarters.

The recently renovated and furnished administration building provides adequate working conditions for the administrative staff. On the other hand, the layout and size of the pavilion do not secure appropriate accommodation of the prisoners or normal working conditions for the rest of prison officers.

The rooms are crowded with too many unoccupied beds that stand in the way of prisoners' free movement. Though freshly painted, they seem neglected – the overall hygiene is not properly maintained and the floor is old.

Dirty and old mattresses cover dilapidated beds. As the number of lockers is insufficient and prisoners have nowhere to dry their clothes and linen, their belongings are scattered all over the rooms.

According to the prison administration, the bedding is changed regularly twice a month. However, some interviewed prisoners complained that their bedding had not been changed for over one month. This is explained by insufficient number of washing machines.

The living quarters where prisoners also watch TV is unpainted. The floor is dirty and the furniture is almost falling apart.

The bathroom and sanitary installations are relatively clean and tidy. The prisoners may take baths every day and face no problems when it comes to maintenance of personal hygiene. The prisoners, obliged to wear uniforms, are provided only one uniform each. So, after work and baths, they have to put on the same dirty uniforms.

The prison's central heating system should be urgently remounted, according to the prison director.

No interviewed prisoner complained of inadequate heating.

B) KITCHEN, MASS HALL AND FOOD

The kitchen and accompanying facilities are kept relatively clean and tidy. Meals are served in the living quarters described in the paragraphs above.

Prisoners engaged in kitchen help a professional cook to prepare meals. Menus are set on weekly basis.

The interviewed prisoners' complaints against the food were many. They said dishes were too small to meet their needs, the more so since they worked hard. Milk, milk products and fresh fruits are never on menus. They are served the same dish for lunch and dinner.

Special diets are not prepared for the prisoners with diabetes or other health problems that require specific dietary regimes.

As the prison has no canteen, the prisoners have to place orders for food and toilet articles that are supplied to them once in two weeks.

C) MEDICAL SERVICE

A doctor from the local medical center, engaged on part-time basis, provides medical services to around 60 prisoners. As the doctor was not on the prison premises at the time of the team's visit, basic information about medical and nursing care was obtained from the head of the security service. Therefore, the data given below do not fully reflect the situation in this domain.

The doctor – a specialist in internal medicine – visits the prison twice a week and comes whenever called in.

The doctor examines all prisoners on admission and compiles their medical files. The prisoners apply for medical examinations during morning inspections. As a rule, they have to tell security officers why they need to see the doctor.

The doctor conducts examinations in the room that is usually occupied by security officers. As several officers are always present during medical examinations – according to the prisoners – any kind of medical confidentiality is ruled out in the first place.

As for first aid, security officer are those who decide whether or not the doctor should be called in. The prisoners have access to civilian hospitals. As for dental services, fillings that are provided by the local medical center have to be paid from prisoners' pockets. Only extractions are free of charge, i.e. the prison covers the costs.

The statistics show that 602 examinations have been conducted over the past 12 months. On his visiting days, the doctor sees 2-3 prisoners, said the head of the security service.

Apart from one occupational injury, other injuries have not been registered (the head of the security service provided this piece of information from memory).

The doctor is consulted about a prisoner's suitability for punishment by solitary confinement. The doctor sees the prisoners in solitary confinement on his visiting days.

Given that there is no in-patient ward, the doctor prescribes rest for sick prisoners who need it. According to the interviewed prisoners, security officers disapprove of the prisoners allowed to stay in their rooms and often act contrary to the doctor's orders.

On his visiting days, the doctor doses and distributes medicaments. Medicaments are supplied by civilian pharmacy on prescription, and paid periodically.

The interviewed prisoners say they do not like the doctor because he shows little understanding for their health problems. No matter of the illness or trouble they complain about he prescribes aspirins. In addition, the doctor's harsh and distrustful attitude towards the prisoners considerably hinders any communication with him.

II

Incompatibilities with or Departures from the Law on Execution of Criminal Sanctions (LECS), the House Rules on District Prisons (House Rules), the European Prison Rules (EPR) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment Standards (CPT Standards)

- The medical service is inappropriate in terms of cadres and organizational arrangements (Para 35, CPT Standards, CPT/Info (93)12);
 - Medical examinations are not conducted out of the hearing and out of the sight of fellow prisoners and prison officers (Para 51, CPT Standards, CPT/Info (93)12);
 - The prisoners are obliged to tell security officers why they need to see the doctor (Para 34, CPT Standards, CPT/Info (93)12);
 - There is no out-patient ward to provide medical treatment and nursing care for the prisoners (Para 38, CPT Standards, CPT/Info (93)12).

III Recommendations

- Medical treatment and nursing care should be improved in terms of cadres and organizational arrangements;
- An out-patient ward should be organized;
- Medical examinations should be conducted in a room that guarantees confidentiality;
- The prisoners should approach the doctor without having to explain to security officers why they need to see him.

Security

I

The closed unit's exercise area is surrounded by a wall topped with barbed wire. A watchtower was built in late 1999 after a prisoner managed to escape by climbing over the wall.

A surveillance system, sensors and electronic locks are non-existent. However, except for the above-mentioned prisoner, no other has escaped or tried to escape since.

The officer temporarily in charge of the duties of the head of the security service said the staff was safe and had never been seriously attacked by prisoners.

According to the interviewed prisoners, violent incidents are rare, the same as thefts, destruction of property or cases of self-mutilation.

The team's interlocutor takes that, generally speaking, security is at appropriate level, the staff is usually aware about developments in inter-prisoner relations and that 31 officers are fully capable of securing internal security in the prison.

In his view, the prison should be equipped with a surveillance system and, preferably, with a new conveyance for daily transports of prisoners. The prison presently has only two old police vans, inappropriate for safe and humane transport.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- District prisons are categorized as semi-open institutions wherein security services supervise prisoners' movement and present the only obstacles to escape. (Art. 12 and 30, LECS).

III Recommendations

- The prison should be equipped with adequate technical devices (cameras with sensors);
- Another conveyance for the transport of prisoners should be supplied to the prison.

Legality of Prison Regime

I

While touring the prison the team did not observe a single copy of house rules visibly posted for all to see. According to the interviewed prisoners, they were not officially informed about house rules on admission. "Do what the others do," was all prison officers told them when they were admitted.

According to the statistics provided by the prison administration, only two disciplinary measures – deprivation of privileges – have been taken against prisoners over the past 12 months. In the same period, instruments of restraint have not been used and not a single prisoner has lodged a complaint.

Though the prison seems to be a relatively peaceful place where no serious incidents take place, it is hard to believe that instruments of restraint have not been used over such considerable period.

Some interviewed prisoners told the team that several security officers were treating them rigidly. Some, they added, often use truncheons as a "disciplinary measure."

Judging by available information, the team cannot but conclude that peace and order in the prison are maintained through extremely dominant position of the security service that "disciplines" the prisoners in a manner that has nothing to do with the prescribed procedure. As for the prisoners, they are either uninformed about their rights or afraid of reprisal and, therefore, keep a low profile.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Copies of the LECS and the house rules shall be available to a prisoner throughout his detention (Art. 51 and 2, House Rules);
 - Effective grievance and inspection procedures are fundamental safeguards against ill-treatment in prisons. Prisoners should have avenues of complaint open to them both within and outside the context of the prison system, including the possibility to have confidential access to an appropriate authority (Para 54, CPT Standards, CPT/Info (92)3);
 - It is in the interests of both prisoners and prison staff that clear disciplinary procedures be both formally established and applied in practice; any grey zones in this area involve the risk of seeing unofficial (and uncontrolled) systems developing. Disciplinary procedures should provide prisoners with a right to be heard on the subject of the offences it is alleged they have committed, and to appeal to a higher authority against any sanctions imposed (Para 55, CPT Standards, CPT/Info (92) 3).

III

Recommendations

- Every prisoner should be informed about basic house rules the copies of which should be available to all prisoners at all times;
- The prisoners should be instructed in their right to lodge complaints and have access to a higher authority.

Social Resettlement

I

As the reeducation service is not organized as a separate unit, only one officer is in charge of prisoners' reeducation. Given that this officer was absent at the time of the team's visit, the relevant information was provided by training and employment staff.

There are no admission premises in the prison. Therefore, all newly arrived prisoners are immediately accommodated in dormitories. It is only logical that a multidisciplinary approach in the admission stage cannot be provided by one officer only. This fact questions the validity of prisoners' classification and reclassification, as well as the process of reeducation. The main criterion of the internal classification is the manner in which a prisoner arrived – i.e. whether he was brought by the police or reported on his own free will.

Because of the prison's inadequate layout, all prisoners – those sentenced for misdemeanor and their fellow prisoners convicted of crime – gather after work in a small prison compound. Any substantive difference between treatment programs is hard to define. According to the prison director, all prisoners are classified to semi-open treatment programs because "all of them work." The team was told that not a single prisoner was accommodated in the closed unit.

The prison has a commune of its own – precisely, it has at its disposal 84 hectares of farmland that used to be the town's seed-plot. All sorts of crops are grown and livestock is raised in such a large area. Apart from 6 prisoners, workers who had been taken over from the once seed-plot are working on the farm. Additional workers have to be engaged for harvest.

In the context of reeducation and re-socialization, the farm work is beneficial to the prisoners, as it gives them the opportunity to meet people from the outside community and earn money. However, in the team's opinion, prison work is more perceived as the cheapest labor force than a valuable

addition to the process of reeducation. The prisoner work from 8:00 a.m. to 2:00 p.m. and occasionally on Saturdays as well, just to earn 800-1,000, which is utterly inappropriate to their hard work.

As for recreational activities, the interviewed prisoners complained that they were rarely allowed to use the existing football field and table tennis facility. According to them, the access to these facilities depend on security officers' good will.

Football games with local teams are organized, the local theater performs in the prison, prisoners are taken to movies or swimming pools in the outside community, etc., said the interviewed members of the personnel. Though they did not deny it was true, the prisoners said the events as such are so infrequent that they could not even remember when the last one had taken place.

The prison has some 500 books but not an organized library. While the prison administration said the prisoners were not interested in reading, the prisoners themselves claimed they were unaware there was a book stock at all.

Conditions in the prison do not allow arrangement of the premises wherein the prisoners may exercise their religious rights. According to the prison administration, they are not interested in religious observance.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- "The purpose of work is for a convicted person to gain, maintain and develop his working capabilities, working skills and expert knowledge."

"Realizing economic profit from the work of convicted persons must not interfere with the realizing of the purposes of the work." (Art. 76 and 77, LECS.);

- Although the pursuit of financial profit from industries in the institutions can be valuable in raising standards and improving the quality and relevance of training, the interests of the prisoners and of their treatment must not be subordinated to that purpose (Para 72.2, EPR);

- A satisfactory program of recreational activities for the prisoners is not organized (Art. 48 and 49, House Rules, Para 47, CPT Standards, CPT/Info (92)3).

III

Recommendations

- The prison work should be primarily perceived as an instrument of reeducation, rather than of financial profit;

- Efforts should be exerted with a view to developing a diversified program of recreational activities for the prisoners.

Contact with the Outside World

I

There is only one phone booth on the prison premises available to the prisoners. However, they had no complaints whatsoever, given that they are allowed to make calls every day without a prison officer listening to their conversations.

The prisoners rarely receive or send letters. However, all letters are inspected by an educator. No letter was confiscated over the past 6 months.

Packages and money orders are received smoothly.

The rooms in which the prisoners receive their lawyers and families are small and dark. As due to the lack of space only three visits can take place at the same time, visits are often restricted to 30 minutes. All prisoners are allowed to receive two visits monthly.

The prison's layout makes it impossible to organize a room for spousal visits.

Dailies are supplied only to the prisoners who have subscribed to them. One TV set is placed in the living quarters, and several of them in the rooms accommodating untried prisoners. The interviewed prisoners said they would like to have their own TV sets brought to them but were not allowed to.

The interviewed officers did not complain about inappropriate cooperation with social care centers that assist prisoners in returning to society, family life and employment after release. This is only logical since no pre-release activity whatsoever has been organized in tandem with them. The pre-release activity boils down to formal contacts prescribed by the law.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

No major incompatibilities or departures have been registered.

III

Recommendations

- Conditions in the rooms for visits should be improved as much as possible;
- The prison administration should be more flexible as regards private TV sets prisoners wish to bring in or should provide more TV sets;
- Cooperation with prisoners' families and social care centers should be encouraged.

Institutional Personnel

I

The security service recruits 31 officers – 20 full-time officers have been joined by 11 colleagues who used to work for the Prizren prison. The number of security officers is fully fits in the job classification.

Only one officer is a high school graduate, while the rest have finished secondary schools.

According to the acting head of the security service, officers display no interest in attending courses of in-service training and are not particularly eager to improve their knowledge. Just a few of them plan to pass the necessary exam that would qualify them for the posts of senior guards.

No disciplinary proceedings for serious breaches of orders have been instituted against security officers over the past six months. Two disciplinary proceedings for minor breaches of orders are underway.

As referred to in the paragraphs above, one officer – a pedagogue – is in charge of prisoners' reeducation. Since he was away at a seminar at the time of the team's visit, the team could not have obtained first-hand information about his duties. The interviewed prisoners did not complain of his work with them.

The information related to the training and employment service was incongruous. Namely, the team was told that out of the service's 32 full-time instructors, four were university graduates, 1 has finished high school, 14 have graduated from secondary schools, while 13 were unskilled workers. On the other hand, judging by the information provided in a questionnaire, only one instructor (the head of the service) holds a university diploma.

The head of the service attends team meetings at the level of the institutions and partakes in the procedure of prisoners' classification and reclassification.

None of the interviewed instructors showed any interest in in-service training or other forms of education. Asked whether they liked their jobs, they usually answered, "It could be better."

No disciplinary measures have been taken against instructors over the past six months.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The prison administration shall introduce forms of organizations and management systems with a view to ensuring cooperation between different services particularly with respect to the treatment and re-socialization of prisoners. The reeducation service coordinates the work of other participants in the process of reeducation. The training and employment service is a significant addition to the reeducation service. (Art. 17 and 20, LECS; Para 59, EPR; Para 27, CPT Standards, CPT/Info (2001) 16);

III
Recommendations

- An admission department and a training and employment service should be formed with a view to securing more efficient reeducation of the prisoners;
- The entire prison staff should be kept aware of the crucial role the reeducation service plays in the process of prisoners' social rehabilitation;
- All officers who are in daily contact with prisoners – security officer in particular - should be offered the opportunity to improve their knowledge and professional capacity, as well as their knowledge of human rights and non-violent communication.

NOVI PAZAR DISTRICT PRISON

Date of the visit: October 6, 2004
Type of institution: semi-open
Population: men/adults
Number of sentenced prisoners: 21
Number of untried prisoners: 27
Number of prisoners sentenced for misdemeanor: 4
Composition of the monitoring team: two jurists, a physician and a special pedagogue

Quality and Conditions of Life

|

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY INSTALATIONS AND HYGIENE

Constructed in 1930s the building firstly housed the municipal court. Following some layout adaptation it was turned into a prison. However, the building presently housing a music school and the City Archives remained semidetached and its windows look onto the prison compound.

The prison was thoroughly renovated some 5-6 years ago. Though the level of general hygiene and, to a certain extent, accommodation were improved by the renovation, the building's layout and size remained totally inappropriate for this type of institution.

The dormitories accommodating untried prisoners (4.5 by 4 meters on average) are furnished with 5-6 beds. They are freshly painted, allow sufficient entrance of fresh air and natural light, and have radiators and sanitary facilities. The newly appointed prison director (in office for ten days only before the team's visit) insisted that prisoners should be given new mattresses. Prisoners take baths once a week, while their bedding is changed biweekly. Each prisoner has a locker of his own.

The dormitories accommodating convicted prisoners and those sentenced for misdemeanor are overcrowded. Up to nine prisoners share the rooms the sizes of which are 4.5 by 4 meters. Conditions of life are about the same as in the dormitories for untried prisoners. However, the rooms wherein convicted prisoners are accommodated do not have toilet bowls and tap water. Each time a prisoner needs to go to the toilet he has to summon a security officer by ringing a bell. According to the interviewed prisoners, security officers are not always in the mood to "answer the bell."

Further, since the number of toilets is insufficient, prisoners often have to wait in a queue to use it. Queuing up occasionally causes fights and inter-prisoner violence.

One half of the building is heated by radiators, while the other by stoves.

As the prison has no living quarters, the prisoners spend all the time in their dormitories.

The prison also has no room for solitary confinement. Therefore, the prisoners punished by this disciplinary measure are sent to one of the prison's smaller rooms.

Untried and sentenced prisoners alike wear civilian clothes, which they wash and clean by themselves.

The exercise area within the prison compound is nicely kept – there are small lawns, flowers and a tiny summerhouse.

B) KITCHEN, MASS HALL AND FOOD

Though small, the kitchen is kept clean and tidy and has all necessary appliances. As there is no space for a mass hall, meals are taken to dormitories.

For some time now the prison does not have a professional cook (a vacancy has been advertised). Therefore, a prisoner has been tasked with cooking. Menus are composed on weekly basis and depend on the food supplied to the prison.

The interviewed prisoners complained of the quality and preparation of the food. They are served meat every day, but milk (powdered milk) only for 2-3 breakfasts weekly. Milk products are rarely on menus – the prisoners occasionally get tiny pieces of cheese only. Fresh fruits and salads are never served.

Since most prisoners practice Islam, due attention is paid to their diets.

The prisoners to whom special dietary regimes have been prescribed may formally get them. In practice, however, their families supply them with necessary food.

As there is no canteen on the prison premises, the prisoners place weekly orders for the goods they need.

C) MEDICAL SERVICE

Medical services are provided by a physician specialized in surgery (engaged on part-time basis) and a full-time male nurse who is also tasked with administrative work.

According to the doctor, all sentenced and untried prisoners alike are, as a rule, examined in the prison's medical center after admission and a security officer is present on such occasions. However, the interviewed prisoners said the rule applies to untried prisoners, while sentenced prisoners are examined only if suspected of having a disease or injury.

Whenever they need to see the doctor the prisoners have to apply to the security service, but are not obliged to detail their health troubles. The male nurse provides first aid in the doctor's absence. In afternoons and at night emergencies are treated in the local emergency ward.

Medical examinations are conducted in an inappropriate room used by the security service. At least one security officer on duty is always present.

Specialist examinations and biochemical tests are provided by the town's medical center, the more so since one sphygmomanometer is the sole medical apparatus at the prison's disposal.

Medical files are not compiled for every prisoner. Instead, all medical examinations are recorded in a logbook. Reports that contain medical findings from civilian hospitals are drawn for the prisoners who are transferred to another institution or sent for treatment to a medical center.

Periodical medical examinations are not conducted since most prisoners are under short sentences.

As no prisoner has been punished by solitary confinement over the past two years, there was no need for the doctor to examine such prisoners.

Dental services are provided by the local medical center free of charge.

According to statistics, 496 prisoners have been examined in the past six months. The prison does not keep records of the prisoners transported to the local medical center to be examined by specialists. According to the doctor, on average two prisoners are examined by specialists each week, and one by a psychiatrist.

Over the past three months one prisoner has been hospitalized in the Belgrade Penitentiary-Hospital.

In existing conditions, the prison cannot organize an in-patient ward.

The male nurse supervises the pharmacy and the distribution of medicines. He leaves doses with security officers to be administered to the prisoners who need therapies after his working hours.

Presently, no prisoner is with diabetes, tuberculosis, hepatitis or AIDS. One prisoner with cardiovascular disease is regularly examined by his doctor in the local medical center.

Signs of violence observed are entered into the security service's records, since the prison does not keep statistics about them and no medical files are compiled for the prisoners.

In the event a prisoner complains of maltreatment and bears visible signs of violence, such information is entered into a report for the attention of the prison director. However, no such case has been registered lately.

According to last year's statistics, there were no cases of inter-prisoner violence resulting in injuries, as well as no cases of rape or sexual abuse.

The same refers to suicides. However, a month ago an untried prisoner attempted a suicide and was subsequently placed under the regime of intensified supervision.

The medical staff has not been instructed to provide elementary psychotherapy and occupational therapy.

Health related information is available to the prisoners and communicated to their families and lawyers. Any medical treatment necessitates a prisoner's consent. Though the prisoners are entitled to refuse treatment, no such cases have ever taken place. The prisoners with phobia of injections are given alternative therapies.

The doctor controls the food and general hygiene once a week. His findings are entered into records but no written reports are submitted to the prison administration.

Information about transmittable diseases is circulated to both prisoners and the staff just occasionally and thanks to the male nurse's initiative. The prison personnel have not been educated to recognize indications of suicidal risk. A prisoner showing signs of suicidal risk is placed under the regime of intensified observation.

The medical service does not provide socio-therapeutic programs to the prisoners dependent on psychoactive substance. Instead, such prisoners are sent to the local medical center for treatment.

In tandem with a relevant specialist the medical service puts forth alternative solutions for the prisoners unsuited for detention because of the nature of their diseases or age.

The prison administration controls the medical service's performance.

The medical staff is not educated in various forms of prison pathology.

II

Incompatibilities with or Departures from the Law on Execution of Criminal Sanctions (LECS), the House Rules on District Prisons (House Rules), the European Prison Rules (EPR) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment Standards (CPT Standards)

- "The rooms in which convicted persons live and work must be of sufficient space that each convicted person has, at a minimum, eight cubic meters of space, adequate heating and sufficient lighting. The rooms shall not be humid and must have sanitary and other devices necessary for personal hygiene." (Article 58, LECS);

- Ready access to proper toilet facilities and the maintenance of good standards of hygiene are essential components of a humane environment.

Either a toilet facility should be located in cellular accommodation (preferably in a sanitary annex) or means should exist enabling prisoners who need to use a toilet facility to be released from their cells without undue delay at all times (including at night).

Further, prisoners should have adequate access to shower or bathing facilities. It is also desirable for running water to be available within cellular accommodation.

The CPT would add that it is particularly concerned when it finds a combination of overcrowding, poor regime activities and inadequate access to toileted/washing facilities in the same establishment. The cumulative effect of such conditions can prove extremely detrimental to prisoners. (Para 49 and 50, CPT Standards, CPT/Info (92)3);

- "The room for the disciplinary punishment of solitary confinement shall consist of at least ten cubic meters of space, a sanitary device, daily light, potable water, a bed with bed sheets, a table, a chair and heating." (Article 130, LECS);

- When entering the prison, all prisoners are not medically examined (Para 33, CPT Standards, CPT/Info (93)12);

- A doctor is not on duty in afternoons, at night or during weekends and holidays (Para 35, CPT Standards, CPT/Info (93)12);

- There are no adequate premises and equipment for providing medical treatment to prisoners (Para 38, CPT Standards, CPT/Info (93)12);

- Medical files are not compiled for each prisoner (Para 39, CPT Standards, CPT/Info (93)12);

- Medical examinations are not conducted out of the hearing and out of the sight of prison officers (Para 51, CPT Standards, CPT/Info (93)12);

- Information about transmittable diseases is not regularly circulated both to prisoners and to prison staff (Para 54, CPT Standards, CPT/Info (93)12);

- The prison staff has not been trained in recognizing indications of suicidal risk (Para 58, CPT Standards, CPT/Info (93)12);

- Signs of violence are not recorded in a special register and periodic reports are not drawn for the attention of the prison administration (Para 60-62, CPT Standards, CPT/Info (93)12);

- The medical staff does not posses specialist knowledge enabling it to deal with particular forms of prison pathology (Para 75 and 77, CPT Standards, CPT/Info (93)12).

III Recommendations

- The prison should be relocated to the building with adequate conditions for untried/sentenced prisoners and safe functioning of the institution;
- The dormitories accommodating sentenced prisoners and those under misdemeanor sentences should be renovated, which primarily implies that every dormitory should have a sanitary facility;
 - One room should be equipped and furnished in keeping with relevant provisions so as to accommodate the prisoners punished by solitary confinement;
 - A professional cook should be engaged on full-time basis, and the quality and variety of the food should be improved (menus should include more milk, milk products, fresh fruits and salads);
 - All prisoners should be medically examined on admission, and medical files should be compiled for each prisoner;
 - The medical service should be given one room wherein medical examinations can be conducted out of the hearing and out of the sight of prison officers and other prisoners;
 - The medical staff should be trained in dealing with particular forms of prison pathology and recognizing indications of suicidal risk;
 - Information about transmittable diseases should be regularly circulated both to prisoners and the prison staff;
 - Signs of violence observed should be fully recorded in a special register and periodic reports should be drawn for the attention of the prison administration;
 - The medical service should be included in socio-therapeutic programs for the prisoners dependent on psychoactive substance if such programs are available at the local medical center.

Security

I

The prison's layout and surrounding make it inappropriate from security angle as well.

The prison is equipped with a video surveillance system. The prison compound, except for the administration building, is surrounded by the wall topped with barbed wire and a watchtower.

As of the beginning of 2004, no prisoner has escaped or tried to escape.

In the team's view, the prison administration's decision that the key to the gate leading to the administration building may be entrusted to a prisoner is inappropriate from security angle. On the other hand, such security flaws – deriving either from objective circumstances or problematic decision-making – are "compensated" by an extremely rigid regime under which the prisoners spend 23 hours locked in their dormitories. Given that the prisoners are not kept engaged in any activity (the prison has no living quarters and there are no TV sets in dormitories) the information that there is no inter-prisoner tension and violence seemed the more so questionable. The interviewed prisoners confirmed such information. Only one of them told the team about a fistfight between several prisoners that had taken place in the toilet.

According to the prison administration, instruments of restraint were used only once over the past 12 months. The team takes that this information is also disputable.

The interviewed prisoners did not complain of security officers' attitude towards them. One prisoner only (sentenced for misdemeanor for having been involved in a fistfight on the eve of the second round of local elections in Novi Pazar) complained of security guards conduct – according to him, they forced him to take all his clothes off for three times over one day in order to search him.

The prison has six conveyances, two of which are used for the transfer of sentenced and untried prisoners. On average, one transfer outside Novi Pazar is organized on daily basis.

The security service has functioned smoothly over the monitored period. Appointment of a new prison director has not affected the institution's security. According to the interviewed officers, even the

disputes between the ex-director and the staff had not threatened to jeopardize the prison's security and its functioning.

Speaking about objective security problems, one interviewed officer pinpointed the lack of a video surveillance system, the prison's location and outdated arms. Everything else could not be better than it is, according to him.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The prison personnel should be educated in human rights matters, interpersonal communication, lowering of tensions and raising of the quality of life in prison establishments (Para 59 and 60, CPT Standards, CPT/Info (92) 3)

III

Recommendations

- The prison should be relocated for security concerns;
- Funds should be secured to equip the prison with a video surveillance system;
- The decision to have a prisoner entrusted with the key to the gate leading to the administration building should be reconsidered;
- Courses of training in international human rights standards for the persons deprived of their liberty should be organized for security officers;
- The training of security officers, which should include education on non-violent resolution of conflicts and techniques of coping with passive resistance should be organized.

Legality of Prison Regime

I

On admission to the institution, prisoners are not informed about their rights and duties stipulated by the house rules. The team did not see a copy of the house rules posted on prison premises. The same refers to the interviewed prisoners who even said they were unaware of its existence.

Due to the prison's layout and non-existence of a reeducation service, the prisoners are not properly classified and separated in accordance to their prison regimes. The prisoners sentenced for misdemeanor are thus accommodated together with the rest of the prison population.

Only untried prisoners indicted as accomplices in a crime are separated from one another.

Since too many untried/sentenced prisoners have to share the exercise area, their exercise in the fresh air is limited to two 20-minute walks or three 30-minute walks for the prisoners accommodated in the semi-open unit.

Six disciplinary measures – 3 deprivations of privileges and 3 reprimands – have been taken against the prisoners over the past six months. No prisoner has lodged a complaint.

The legality of the regime is hard to evaluate since the prisoners themselves are unaware of their rights and, therefore, could not tell whether or not their rights have been breached.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- "During the admission procedure, the convicted person must be informed in writing of his rights and duties during the execution of the sentence, and an illiterate convicted person must be orally informed. The text of the law and the act on indoor order must be available to a convicted person at all times during service of the sentence." (Article 51, Para 2 and 3, LECS);

- "Disposition of convicted persons in educational groups shall be made according to the type of criminal offence, personal characteristics, procedural programs and other facts." (Article 54, Para 1, LECS);

- Every prisoner shall on admission be provided with written information about the regulations governing the treatment of prisoners of the relevant category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, all such other matters as are necessary to understand the rights and obligations of prisoners and adapt to the life of the institution. (Para 41.1., EPR).

III Recommendations

- On admission, each prisoner should be informed about his rights and obligations under the house rules, which, along with copies of the LECS should be available to him at all times.

Social Resettlement

I

As a reeducation service and the one in charge of prisoners' training and employment have not been organized in the institution, the team cannot but conclude that basic requirements of social resettlement and reeducation have not been met.

The personnel in charge of security and administration gather information from all newly arrivals and observe them throughout their stay in the prison. Not a single member of the staff is qualified for the implementation of elementary programs for prisoners' reeducation and re-socialization.

The lack of space additionally restricts recreational activities, religious observance, proper classification, etc.

Given that the prison does not have a commune or other facilities wherein the prisoners can be engaged in prison work, the latter boils down to chores and occasional engagements in the town's governmental agencies.

There is no library or a room for religious ceremonies on the prison premises.

Basically, the prison's organizational arrangements are solely focused on the prevention of escapes and inter-prisoner violence.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The administration shall introduce forms of organizations and management systems to facilitate communication between different categories of staff in an institution with a view to ensuring cooperation between various services, in particular with respect to the treatment and re-socialization of prisoners. The reeducation service coordinates the work of other participants in the process of reeducation (Article 17, LECS; Para 59, EPR; Para 27, CPT Standards, CPT/Info (2001) 16);

- All prisoners without exception should exercise their rights related to the maintenance of their mental and physical health, religion and purposeful activities that encourage and develop their sense of responsibility, self-reliance and interest in their treatment programs (Para 46, 47, 48 and 49, House Rules; Article 78, LECS; Para 47 and 48, CPT Standards, CPT/Info (92) 3; Para 32, CPT Standards, CPT/Info (2001) 16).

III Recommendations

- All authorized bodies should join hands for with a view to the establishment of the above-mentioned services;

- Purposeful activities other than chores should be made available to the prisoners.

Contact with the Outside World

I

The prisoners cannot communicate with the outside world by phone as no phone booth is available to them. In exceptional circumstances only they are allowed to make calls from office phones in the presence of a security officer.

The interviewed prisoners did not complain of the procedure related to letters and packages that are inspected prior to delivery.

No letter or package has been confiscated over the past six months.

The provisions stipulating frequency of visits to the prisoners are observed. However, the premises in which prisoners receive their visitors and lawyers are inappropriate. Actually, forced to maximally exploit the available space, the prison administration designated a garage for the purpose. The prison staff makes makeshift arrangements to adjust the garage to the function it is about to serve. For instance, when untried prisoners receive visits, the staff places chairs and a barred partition, which is removed for the visits to sentenced prisoners.

At the time of the team's visit a brand new Fiat Punto, used by the prison director, was parked in the garage.

The prisoners are drastically deprived of the opportunity to be kept informed about the developments in the outside world. Namely, the Novi Pazar prison is among few institutions that have no TV sets available to prisoners. In fact, there is one TV set in a small room resembling a kitchenette that is occupied by one prisoner (the same person to whom the key to the gate is entrusted). Other prisoners can watch it only from time to time.

According to the director, procurement of TV sets tops the list of his priorities and he will do his utmost to have a TV set placed in every dormitory as soon as possible.

Daily newspapers are delivered only to the prisoners who have subscribed to them.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- With the prison director's approval, a prisoner can make phone calls and use the phone booth for the purpose (Article 23, House Rules);

- "A convicted person has the right to read dailies and magazines in his mother tongue, and use other means of mass communication." (Article 96, Para 1, LECS).

III

Recommendations

- A phone booth should be installed in the prison with a view to improving prisoners' contacts and communication with the outside world;

- The prison administration should consider the possibility of having a basement room in the administration building adequately reconstructed so that it can be used as a living room and visitors' hall.

Institutional Personnel

I

There are no vacancies in the security service. Twenty full-time officers, plus two who used to work for prisons in Kosovo, make the service staff.

Only one security officer has graduated from a high school, while the rest have finished secondary schools. As for the staff's ethnic composition (almost the entire personnel work for the security service), over 80 percent of them are Serbs, while over 90 percent of the prison population are Bosniaks.

Disciplinary proceedings have been instituted against one security officer suspected for having verbally assaulted a district attorney.

According to the interviewed officers, there is no need for any kind of in-service training given that all of them «had to pass tests, as provided under the law, before being hired by the security service.» Asked whether his colleagues show any interest to attend courses of in-service training, and take some additional skills may upgrade their professional competence and performance, a security office paused for a while and then replied, «Why should they? They have learned all there is to learn.»

Apart from having no officer in charge of prisoners' reeducation, training and employment, the prison has no jurist to be tasked with administrative duties.

Bearing in mind that even the newly appointed director – a politician by vocation – has no experience whatsoever in penology or judiciary in general, the team takes the prison staff's overall professional capacity inadequate to meet the major objectives of imprisonment. (Article 33, Basic Criminal Code).

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- In view of the fundamental importance of the prison staffs to the proper management of the institutions and the pursuit of their organizational and treatment objectives, prison administrations shall give high priority to the fulfillment of the rules concerning personnel (Para 51, EPR);

- The administration shall introduce forms of organizations and management systems to facilitate communication between the different categories of staff in an institution with a view to ensuring cooperation between the various services, in particular, with respect to the treatment and re-socialization of prisoners (Para 59, EPR);

- "A service for correction shall use methods and procedures to influence the convicts not to commit criminal offenses any more. A service for correction coordinates the activities of other participants in correction."

"A service for training and employment conducts training programs for convicts for enabling them for work, organizes their work and has other activities prescribed by law."

"A general service shall be responsible for legal, administrative, counting, financial, recording and other duties of general meaning for a correctional facility and shall offer legal aid to convicted and to arrested persons." (Article 17, 20 and 22, LECS);

- During their career, all personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized by the administration at suitable intervals.

The training of all personnel should include instruction in the requirements and application of the European Prison Rules and the European Convention on Human Rights (Para 55.2. and 55.4., EPR).

III

Recommendations

- A meeting between the prison administration and officials from the Central Prison Administration should be convened with a view to laying down a new job classification that will enable engagement of competent officers to be in charge of prisoners' reeducation, training and employment, as well as tasked with administrative jobs. The prison's relocation and reconstruction should also be on the table.

VRANJE DISTRICT PRISON

Date of the visit: November 10, 2004

Type of institution: semi-open

Population: men/adults

Number of sentenced prisoners: 29

Number of untried prisoners: 53

Number of prisoners sentenced for misdemeanor: 4

Composition of the monitoring team: two jurists, a physician and a special pedagogue

Note: As provided by law, the team was allowed to interview prisoners under sentence only.

Quality and Conditions of Life

|

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY INSTALATIONS AND HYGIENE

Located in downtown Vranje, the District Prison was constructed as a detention facility in 1960s. Like most prisons throughout Serbia, the Vranje District Prison has not been kept in proper order (particularly in 1990s) and necessitates major and minor adaptations alike.

The prison's layout corresponds to the standards of 1960s, which means that it is rather incompatible with modern norms for detention facilities. Though the prison is supposed to accommodate 110 prisoners and presently houses 86 persons deprived of their liberty, it seems to be overcrowded and short of space.

The dormitories in the detention unit are 4 by 3.10 meters and accommodate as many as 4 prisoners each. Their sizes evidently do not correspond to positive law and international standards.

The same problem plagues the dormitories allocated to sentenced prisoners. They are 4.20 by 3.10 meters and accommodate 6 prisoners on average.

The windows made of opaque, safety glass, and covered with wire nets and bars do not allow adequate entrance of natural light. Such multiple precaution measures had to be taken to prevent direct communication between untried and sentenced prisoners. Namely, the windows of the unit housing untried prisoners look on the dormitories accommodating their inmates under sentence at the distance of some 5-6 meters.

All dormitories are freshly painted, clean, parqueted or covered with synthetic floor and furnished with radiators. Beds, tables and chairs are in good shape. Each prisoner has a locker of his own. The dormitories housing untried prisoners have adjoining toilet facilities with tap water. Bedding is kept in proper order and changed twice a month.

The team could not examine the condition of the solitary cell, given that it was being renovated at the time of the team's visit.

Bathrooms and sanitary facilities are kept clean, though old and, generally, in bad shape. However, showers are not partitioned and there are no radiators. Prisoners take baths once a week.

Plumbing and sewage are dilapidated. Water dripping from pipes soak through the walls and make pieces of plaster fall apart.

A small, though nicely decorated TV room is available to the sentenced prisoners.

Due to overall lack of space, the recreational area is small (15 by 7 meters), but furnished with a shelter and benches.

Bearing in mind the prison's inadequate layout and longstanding neglect, it can be said that overall conditions of life of both prisoners and the staff have been rather improved since a new director was appointed some four years ago.

B) KITCHEN, MASS HALL AND FOOD

The mass hall is small, but sunny and clean. Walls are covered with pictures and the floor with synthetic fabric. The kitchen is located in the basement. Though inappropriately located, the kitchen seems properly maintained. The kitchen staff is medically examined in regular intervals and has sanitary verification files.

A qualified cook prepares the meals with the assistance of several prisoners. Menus depend on supplies, which are procured through tenders. According to the cook, deliveries are either late or great quantities of one or two articles of food are delivered to the prison. More often than not, some articles are not delivered at all.

Given that Albanians make about 50 percent of the entire prison population, the prison management pays heed to their diet. Therefore, beef is usually on menus. However, the interviewed Albanian prisoners said they usually had to rely on food packages sent to them by their families.

The cook also said that special diets could be prepared for the prisoners to whom doctors have prescribed them. However, as he put it, such diets hardly differ those prepared for healthy prisoners.

Milk, milk products, as well as fresh fruits and vegetables are rarely served to the prisoners. And this is what most of them complained of.

There is no canteen in the prison. Necessary foodstuff is supplied once a week to the prisoners who have ordered it.

Food packages figure as usual additional sources of foodstuff.

C) MEDICAL SERVICE

The medical staff includes a specialist in emergency treatment, engaged on contract four months ago, and a full-time male nurse, who also works for the security service to which he is formally assigned.

The doctor visits the prison on daily basis. He usually comes after 1:00 p.m. to take care of the prisoners who have applied for medical examinations. The examinations are conducted in a small out-patient ward (planned to be renovated) furnished with a table, a bed, and a small and inadequately supplied medical cabinet. The team saw only one sphygmomanometer at the doctor's disposal.

All prisoners are medically examined on admission and have their medical files compiled.

To make an appointment with the doctor, a prisoner has to apply to security officers, but needs not explain his health problems. Given that the doctor is on prison premises every day, he examines the prisoners without any delay. In the doctor's absence, the male nurse decides whether or not a prisoner needs urgent care.

In evenings and at night, the town's paramedic service is called in to provide treatment for sick prisoners. The cooperation between the prison and the service is good.

Dental services are provided by the local medical center and are free of charge. Namely, the prison pays for such services provided to convicted prisoners, while a relevant court covers dental expenses for untried prisoners.

Biochemical tests and examinations by specialists are also provided by the local medical center. Prisoners mostly need to see cardiac surgeons, psychiatrists, etc.

The prison cannot make arrangements for in-patient treatment.

Medical files are compiled for all prisoners. Besides, all examinations are entered into a general register. As instructed by higher authorities, the prison administration will be forwarding medical files to other detention facilities wherein prisoners are transferred.

Prisoners do not undergo periodic medical examinations, given that most of them are under short sentences.

The doctor's duty is to examine each prisoner punished by solitary confinement, so as to decide whether or not he is suited for such measure. No disciplinary measure as such has been taken against any prisoner for some time now.

The male nurse supervises the pharmacy and distributes medicines. He leaves doses for the prisoners who need such treatment in his absence with security officers.

According to records, 1,296 medical examinations have been conducted since January 2004. Records of medical examinations provided by the local medical center are not kept. According to the

doctor, 50-60 prisoners on average are examined by specialists every month. Out of this number, 2-3 prisoners are seen by psychiatrists.

Presently, 3 prisoners are hospitalized in the Belgrade Penitentiary-Hospital.

No cases of inter-prisoner violence resulting in serious injuries have been registered over the past three years.

In the same period, no rapes, sexual abuses, suicides or attempted suicides were registered either.

Presently, only one prisoner has diabetes. Most patients suffer from cardiac diseases – 3 have angina pectoris, and another 3 suffer from hypertension.

No prisoner has tuberculosis or AIDS. Two prisoners with hepatitis C have been hospitalized in the Belgrade Penitentiary-Hospital and the Zajecar District Prison.

Five prisoners are actually dependent on psychoactive substances. The doctor takes that doses of tranquillizers administered to them in evening can stabilize them.

According to the doctor, any treatment necessitates a patient's consent. Hardly any prisoner has refused medical treatment so far. If any is prone to refuse a treatment, the doctor usually talks him into it. However, the doctor plans to provide prisoners with the opportunity to refuse medical treatments under the condition they sign such refusal in person.

Information about prisoners' state of health is available to them at all times and imparted to their families and lawyer on request or if so allowed by a relevant court (in the case of untried prisoners).

Medical examinations are conducted out of sight and out of hearing of prison officers and other prisoners.

The doctor and the male nurse control the food and general hygiene once a week. They enter all findings in a special register, but do not submit relevant reports for the attention of the prison administration. Food samples are kept in a fridge for 24-48 hours in the event a bacteriological testing is necessary. Such tests are conducted by the Healthcare-Hygiene Authority.

Information about transmittable diseases is circulated only occasionally – i.e. over informal meetings between the doctor and prisoners or the staff. The staff has not been trained to recognize indications of suicidal risk. In the event a prisoner is identified as a suicidal risk, he placed under the regime of intensified observation or hospitalized in the Belgrade Penitentiary-Hospital.

Signs of violence observed are registered in a prisoner's medical file, rather than entered into special register. Whenever a prisoner complains of being physically maltreated and bears visible signs of violence, his injuries are, in principle, described in a report for the attention of the prison director. No cases as such have taken place over the past 30 days.

The medical service neither develops nor conducts socio-therapeutic programs for prisoners with family traumas or dependents on psychoactive substances.

On the ground of specialists' findings, the medical service draws up reports that are submitted to relevant authorities whenever an alternative solution should be found for the prisoners who suffer from serious diseases or are too old and thus unsuited for detention.

Team meetings are non-existent. Relevant information is imparted to the prison director over regular daily meetings.

The prison staff has not been educated in various forms of prison pathology. Further, it has not been trained in conducting elementary socio-therapeutic and occupational therapies.

Women prisoners are just occasionally admitted to the detention unit. Presently, only one woman is on the premises. She did not complain of treatment and medical care provided to her.

Whenever necessary, women are examined by gynecologists in civilian hospitals. Over the past 12 months, one woman had an abortion in a civilian hospital, for which she had to pay from her own pocket.

No disciplinary measures have been taken or criminal proceedings instituted against the medical staff.

The interviewed prisoners said medical and nursing care are provided to them without delay and adequately. They did not complain of the newly appointed doctor.

II

Incompatibilities with or Departures from the Law on Execution of Criminal Sanctions (LECS),
the House Rules on District Prisons (House Rules), the European Prison Rules (EPR)
and the European Committee for the Prevention of Torture and Inhuman or Degrading
Treatment or Punishment Standards (CPT Standards)

- The rooms in which convicted persons live and work must be of sufficient space that each convicted person has, at a minimum, eight cubic meters of space, adequate heating and sufficient lighting (Article 58, LECS);

- The CPT frequently encounters devices such as metal shutters, slats or plates fitted to cell windows, which deprive prisoners of access to natural light and prevent fresh air from entering the accommodation. They are a particularly common feature of establishments holding pre-trial prisoners. The CPT fully accepts that specific security measures designed to prevent the risk of collusion and/or criminal activities may well be required in respect to certain prisoners. However, the imposition of measures of this kind should be the exception, rather than the rule. This implies that the relevant authorities must examine the case of each prisoner in order to ascertain whether specific security measures are really justified in his/her case. Further, even when such measures are required, they should never involve depriving the prisoners concerned of natural light and fresh air. The latter are basic elements of life which every prisoner is entitled to enjoy; moreover, the absence of these elements generates conditions favorable to the spread of diseases and in particular tuberculosis.

The CPT recognizes that the delivery of decent living conditions in penitentiary establishments can be very costly and improvements are hampered in many countries by lack of funds. However, removing devices blocking the windows of prisoner accommodation (and fitting, in those exceptional cases where this is necessary, alternative security devices of an appropriate design) should not involve considerable investment and, at the same time, would be of great benefit for all concerned (Para 30, CPT Standards, CPT/Info (2001)16);

- In accordance with the standards laid down by the health authorities, the administration shall provide the prisoners at the normal times with food which is suitably prepared and presented, and which satisfies in quality and quantity the standards of dietetics and modern hygiene and takes into account their age, health, the nature of their work as far as possible, religious or cultural requirements (Para 25, EPR);

- A doctor on duty is not engaged to provide medical services in afternoons, at night or during weekends and holidays (Para 35, CPT Standards, CPT/Info (93)12);

- Elementary medical and nursing equipment has not been provided (Para 38, CPT Standards, CPT/Info (93)12);

- The medical staff has not been trained to carry out psychotherapeutic and occupational therapy programs (Para 41, CPT Standards, CPT/Info (93)12);

- Information about transmittable diseases is circulated neither to prisoners nor to the prison staff (Para 54, CPT Standards, CPT/Info (93)12);

- The prison staff has not been trained in recognizing indications of suicidal risk (Para 58, CPT Standards, CPT/Info (93)12);

- Signs of violence are not recorded in a special register, and periodic statistics concerning injuries observed are not compiled for the attention of the prison administration (Para 60-62, CPT Standards, CPT/Info (93)12);

- Socio-therapeutic programs for unbalanced individuals, longstanding drug addicts and aggressive persons have not been developed, the same as programs for their social reintegration (Para 68-69, CPT Standards, CPT/Info (93)12);

- The medical staff does not possess specialist knowledge enabling them to deal with particular forms of prison pathology (Para 75 and 77, CPT Standards, CPT/Info (93)12).

III
Recommendations

- The prison administration should consider the possibility of moving some untried/sentenced prisoners to the dormitories that are not presently occupied;

- The wire net should be removed from the windows;

- Bathrooms should be furnished with some heating devices;
- The possibility of replacing/fixing the existing plumbing and sewage should be taken into consideration, so as to prevent further ruin and humidity;
- The out-patient ward should be furnished with at least basic medical equipment and should be renovated;
- The prison administration should give thought to the possibility of having one room adapted to an in-patient ward with a couple of beds, so as to be able to hospitalize the prisoners with minor diseases;
- The medical staff should be trained in carrying out psychotherapeutic and occupational therapies, as well as those related to prison pathology;
- The prison staff should be trained in recognizing indications of suicidal risk;
- Information about transmittable diseases should be circulated both to prisoners and the staff;
- Signs of violence should be recorded in a special register and periodic statistics should be compiled for the attention of the prison administration;
- In tandem with the reeducation service, the medical service should carry out socio-therapeutic programs for unbalanced individuals, longstanding drug addicts and aggressive persons.

Security

I

The fact that the prison is located in downtown Vranje figures as its biggest shortcoming in the context of security. According to the head of the security service, the prison's layout enables prisoners from adjoining dormitories to communicate through open windows.

The prison's video surveillance system is old but still operable. Video cameras cover all inside corridors. The head of the service takes that another two cameras should be installed to enable the control over the recreational area.

In the context of security, the job classification is also an open question, according to the head of the security service. Namely, he takes that the service is understaffed and calls for engagement of at least one officer per each shift.

The prison has two conveyances – one is brand new. Two conveyances are adequate for the number of daily transports. Security officers are also pleased with their recently renovated offices.

In 2004, no prisoner escaped or tried to escape, and no cases of serious inter-prisoner violence, suicide or self-mutilation were registered. Also, in 2004, security officers did not use instruments of force against prisoners.

The above information was confirmed by the interviewed prisoners.

Further, in 2004, one prisoner tried to smuggle in marihuana, and another a cell phone, though without batteries.

Given its ethnically mixed population (mostly Serbs and Albanians), the Vranje prison is a rather delicate environment in security terms. The team takes that the appointment of a person born in Prizren and with a long career in Prizren prison as the head of the security service was a wise decision. For, he is well aware of local people's mentality, knows customs and languages of both predominant ethnic groups. Besides, his longtime experience in a multiethnic community is most welcome for the prison's smooth and nonviolent functioning.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- No major incompatibilities have been observed.

III Recommendations

- The video surveillance system should be upgraded/replaced.

Legality of Prison Regime

I

Copies of house rules are visibly posted in all dormitories accommodating untried prisoners, while one copy is to be seen in the unit for convicted prisoners. Upon admission, all prisoners are informed about the basics of house rules. To solve the problem of informing the prisoners who speak Albanian only, the prison administration has tasked an Albanian speaking security officer with interpreting. However, a solution as such cannot be a lasting one.

According to prison statistics, only three disciplinary measures have been taken against the prisoners over the past 12 months – two were conditionally punished by solitary confinement and one prisoner was reprimanded. Complaints have not been lodged. One prisoner expressed his grievance to the prison director.

Criminal proceedings have been instituted against one prisoner for marihuana trafficking.

Instruments of force have not been used against prisoners over the past 12-month period.

The interviewed prisoners did not complain about the legality of the prison regime, treatment and the procedure for granting privileges.

In the team's view, it is hard to evaluate the legality of the prison regime, the same as it is hard to believe that instruments of force have not been used against any prisoner for 12 months.

Further, the prison can hardly function properly as long as there is no administration department obliged to provide legal assistance to untried and convicted prisoners alike.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- A copy of the LECS and the House Rules shall be available to a convicted person throughout his detention (Articles 51 and 2, House Rules);

- "A general service shall be responsible for legal, administrative, accounting, financial, recording and other general duties and shall offer legal aid to convicted and arrested persons" (Article 22, LECS).

III

Recommendations

- The House Rules on Detention and District Prisons should be translated into Albanian, bearing in mind that ethnic Albanians make a considerable part of the prison population;

- The administration department should engage a jurist on full-time basis.

Social Resettlement

I

Prisoners' social rehabilitation begins in the admission department where each new arrival is observed for several days. After initial interviews and meetings, an educator, together with the prison director and the head of the security service, classifies each newly admitted prisoner and determines a treatment program for him.

Practically, one educator only, who is also tasked with prisoners' reeducation, makes the admission team. Nevertheless, according to the prison administration, all relevant criteria are taken into consideration in the classification procedure (ranging from the length of sentence and type of offense to personality traits).

Sizes of educational groups are adequate, while treatment provided is mostly individual. The growing number of drug addicts poses the biggest problem in the reeducation process. On the other hand, neither special programs for this category of prisoners have been developed, nor has the staff been trained in dealing with them.

Further, out of 15 prisoners under long sentences the Ministry of Justice has transferred from the Nis prison, 7 are still serving their sentences in this detention facility. The prison administration takes that the staff is neither properly equipped nor trained in dealing with the prisoners under long sentences.

At the time of the team's visit, only two prisoners were under closed regime, while the rest were under open or semi-open ones. The difference between the two regimes is mostly mirrored in privileges granted to the prisoners. Accommodation and conditions of life are practically the same in all units.

Prison labor is almost non-existent. The prison has no commune of its own or other facilities wherein prisoners can be engaged. Therefore, prisoners are usually tasked with chores or occasionally engaged as unskilled workers in the outside community.

Apart from one-hour walks in fresh air, no other recreational activities are organized for the prisoners. Though one room has been adapted to serve as a gym, the team left under the impression that the gym was exclusively available to prison officers.

As it seems, the well-stocked prison library is the only shining example. It was established in the campaign staged under the slogan "Books for Prisons." If prisoners want to read some books that are not available in the library, an educator fetches them from the city library.

Like in most district prisons, the prisoners are mostly left to languish throughout the day. The lack of space and meager funds, however, cannot be used as a pretext for the failure to arrange some purposeful activities for the prisoners.

Further, no room has been set aside for religious ceremonies. The prisoners whose treatment programs allow frequent leaves may exercise their right to religious observance in the outside community, but prisoners awaiting trials and those accommodated in the closed section cannot.

A priest who used to visit the prison comes no longer, since no prisoner seems interested in his services. The prison administration has made an arrangement with a mufti to visit the prisoner of Albanian origin whenever it suits him.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- A satisfactory program of activities (work, education, sport, etc.) is of crucial importance for the well-being of prisoners. This holds true for all establishments, whether for sentenced prisoners or those awaiting trial. The work is organized in prison workshops and various manufacture facilities, as well as in the outside community. Prisoners shall be provided theoretic and practical vocational training in prison workshops (Articles 30 and 46, House Rules; Article 78, LECS; Para 47, CPT Standards, CPT/Info (92) 3);

- Prisoners shall be enabled to maintain their physical and mental health, exercise their rights to work and religious observance, as well as to get engaged in purposeful activities that encourage and develop their sense of responsibility and self-confidence, as well as interest in the treatment provided to them. A satisfactory program of activities can do much to counter deleterious effects upon a prisoner's personality of living in closed units. (Art. 46, 47, 48 and 49 House Rules; Para 48, CPT Standards, CPT/Info (92) 3);

- As regards, in particular, work activities, it is clear that security considerations may preclude many types of work which are fund on normal prison location. Nevertheless, this should not mean that only work of a tedious nature is provided for prisoners (Para 32, CPT Standards, CPT/Info (2001) 16).

III

Recommendations

- The prisoners should be enabled to daily exercise in the fresh air and use the gym at least once a week;

- A program of recreational activities should be developed for the prisoners, so as to prevent negative behavior and idleness;

- Alternative solutions to prisoners' work should be found;

- A room wherein the prisoners can exercise their religious rights should be set aside.

Contact with the Outside World

I

Like in other institutions, prisoners mostly communicate with persons in the outside community by phone. Phone calls are made in the presence of a security officer and are limited to 10 minutes. All prisoners are allowed to one phone call per week, regardless of their treatment regimes. Though only one phone booth is available to the prisoners, they did not complain about this aspect of the contact with the outside world. They take that one 10-minute call per week meets their needs, since most of them are entitled to receive visitors and to leaves.

All convicted prisoners receive visits. The number of visits they are allowed to depends on their treatment programs. Given that the prison is short of space, the same room is used for family visits and meetings with lawyers. As the room is overcrowded on visiting days (Sundays), a nearby corridor has been adjusted to serve the purpose.

The prisoners awaiting trials receive visits in a separate room with a Plexiglas divider.

The prisoners rarely communicate with the outside world via letters. Letters are censored by security officers. Some were confiscated due to foul language.

Over the past six months, one package has been partially confiscated – i.e. drugs have been detected in cookies.

A loudspeaker system is installed in all rooms. Convicted prisoners can watch TV in a separate room. Untried prisoners are allowed to bring in their own TV sets. Newspapers are delivered to the prisoners who have subscribed to them.

The prison staff had no major complaints about the cooperation with relevant institutions in the outside community. An educator is present on premises on visiting days and meets families whenever necessary. According to the staff, the prison administration encourages the maintenance of family ties outside visiting hours. Further, the cooperation with the local social care center is seen as very good.

Pre-release activities imply no special programs.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The guiding principle should be the promotion of contact with the outside world; any limitations upon such contact should be based exclusively on security concerns of an appreciable nature or resource considerations. In this context, there is the need for some flexibility as regards the application of rules on visits and telephone contacts (Para 51, CPT Standards, CPT/Info (92) 3; Para 66, EPR).

III

Recommendations

- The staff should be more flexible as regards the application of rules on telephone contacts and prisoners' correspondence;

- Conditions in the rooms wherein prisoners receive visitors should be improved inasmuch as possible.

Institutional Personnel

I

The prison's organizational arrangements do not imply the establishment of reeducation service or the training and employment service. One officer is in charge of the admission department. As of January 2005, a volunteer has been working for the prison. Once his internship is over he will probably be engaged as a full-timer.

A special pedagogue and a sociologist are in charge of the prisoners' reeducation. In order to meet the standards of a multidisciplinary approach and observation, the prison should have to engage a psychologist.

The two educators said they liked their jobs. However, they emphasized the need for in-service training and other forms of education that would make their work with the prisoners better and more efficient. Overtime is occasional and remunerated. As for cooperation with other members of the staff and inter-staff climate, the educations say they are correct but could be better.

The two educators have not breached orders over the past 6 months.

An employee who used to be in charge of prison work no longer works for the prison. One of the educators is now tasked with these duties.

According to the job classification, the security service is fully staffed. The service lists 19 full-time officers, plus two who have been transferred from Kosovo and are engaged on contract. One security officer has graduated from a higher school, while the rest have finished secondary schools.

Thanks to the prison director and the head of the security service's professional capacities and suitability for their jobs, inter-prisoner and prisoner-staff relations are stable and correct.

Security officers' attitude towards the prisoners is fully in compliance with the standards of their profession. All the interviewed prisoners said the above information held true. None of the prisoners, Albanians and Serbs alike, complained of the manner in which both the prison administration and the entire staff treats him.

The head of the security service has attended the courses of training organized by the OSCE. Other security officers had not had the opportunity yet to attend courses of in-service training. Though they treat the prisoners in a professional way, the head of the security service takes that the process of education and recruitment of security officers should be radically reformed. In his view, officers should be specifically trained for the work in prisons, and more attention should be paid to their personal suitability for the job and general education on recruitment. He also takes that due heed should be paid to modern trends in the domains of penology and human rights of the persons deprived of their liberty.

In 2004, disciplinary proceedings have been instituted against two security officers. Both were fined. One was taken responsible for entrusting a key to a prisoner, while the other for failing to search a prisoner properly.

No criminal proceedings have been instituted against security officers.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The prison administration shall introduce forms of organizations and management systems to facilitate communication and cooperation between various services with respect to the treatment and re-socialization of prisoners.

A reeducation service coordinates the work of other factors of the process of reeducation.

A training and employment service significantly assists a reeducation service. (Articles 17 and 20, LECS; Para 59, EPR; Para 27, CPT Standards, CPT/Info (2001) 16);

- During their career, all personnel shall maintain and improve their knowledge and professional capacity, i.e. arrangements should be made for their wider experience and training (Para 26, CPT Standards, CPT/Info (2001) 16).

III

Recommendations

- The prison administration should set up a training and employment service;
- In this context, a psychologist should be engaged, the same as officers with specialist knowledge in dealing with drug addicts;
- The prison staff should be permanently encouraged to improve their knowledge and professional capacity;
 - Professionalism and favorable climate in the prison should be maintained;
 - The existing job classification in the security service should be reconsidered;
 - Security officers should be educated in the domains of human rights of the persons deprived of their liberty, non-violent communication and peaceful resolution of conflicts.

KRUSEVAC DISTRICT PRISON

Date of the visit: February 17, 2005

Type of institution: semi-open

Population: men and women/adults

Number of sentenced prisoners: 19

Number of untried prisoners: 39

Number of prisoners sentenced for misdemeanor: 14

Composition of the monitoring team: two jurists, a physician and a special pedagogue

Note: As provided by law, the team was allowed to interview prisoners under sentence only.

Quality and Conditions of Life

|

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY INSTALATIONS AND HYGIENE

By its very location, in downtown Krusevac, the prison is inadequate to its purpose. It is surrounded by tall buildings (such as the building of the local post office) than look onto the prison compound.

The prison building was constructed back in 1950s for police custody. Later on, it was enlarged and just partially adapted to serve the purpose of a prison facility.

The two facilities making up the prison are old and humid (roofs are leaking, plumbing and sewer systems are dilapidated), while their layouts are far from adjusted to modern standards of detention.

One facility is used as a detention unit, while the other houses convicted prisoners and those punished for misdemeanor.

In the detention unit, the prisoners awaiting trials are accommodated in the rooms with 6-8 bunk beds. Overcrowding is more than visible since all the rooms are of inadequate size.

Small, high windows are barred and so constructed that they do not allow sufficient entrance of natural light and fresh air.

Toilet bawls and small shower compartments are placed within dormitories. Hot water is available round the clock and prisoners may take showers every day. Beds and mattresses are in rather good shape, while bedding is changed biweekly. General hygiene is maintained inasmuch as the condition of the building allows. Untried prisoners are not provided with lockers.

The entire prison is heated through the town's central heating system.

The solitary cell, located in the detention unit, is utterly inadequate. The cell has neither a sanitary facility nor a chair, let alone that its window allows in natural light and fresh air.

Untried prisoners are allowed 30-40-minute daily exercise, which they take in a 15-by-15-meter yard surrounded by wall and barbed wire.

Conditions in the facility accommodating sentenced prisoners are somewhat better, though basically about the same. Overcrowding also plagues the facility. Unlike untried prisoners, sentenced prisoners are provided with a nicely arranged living room furnished with benches, tables, a TV set, an aquarium and a kitchenette.

B) KITCHEN, MASS HALL AND FOOD

Food is prepared in a small, clean kitchen equipped with all necessary appliances. However, kitchenware is old and should be gradually replaced by new items.

Meals are served to untried prisoners in their room, while sentenced prisoners eat in the living room.

A professional cook with long career in the institution, assisted by two prisoners, prepares the food. The prisoners-assistants are regularly medically examined and accommodated separately from the rest of the prison population.

Weekly menus show that dinners are rather thin, mostly composed of brews of sorts. Milk products and fresh fruits are hardly ever served.

As the prison has no canteen of its own, necessary supplies are delivered from town shops once a week.

C) MEDICAL SERVICE

The prison has no medical service of its own, but engages two physicians on contract. One is a specialist in general medicine and visits the prison twice a week, while the other, coming once a week, is a specialist in neuropsychiatry. If necessary and in emergencies, both doctors come on other workdays as well.

All prisoners are medically examined after admission and medical files are compiled for them. Sometimes newly arrived prisoners have to wait for several days to be examined, since the doctors are not always on prison premises.

As the prison has no out-patient ward, examinations are conducted in the rooms serving other purposes and mostly in the presence of officers from other services.

Since there is no organized pharmacy, medicaments are kept in cabinets that are placed in front of dormitories. Security officers are tasked with distributing medicines. When in 2004 a prisoner swallowed up a large quantity of tablets, the prison administration decided that prisoners should take their doses in the presence of security officers.

To arrange a meeting with a doctor, prisoners have to apply with security officers, who do not perform triage for them. When one of the doctors is not available to provide first aid, prisoners are taken to a local medical center the prison has been cooperating smoothly with.

Dental services are provided by the local medical center. In 2004, such services included 41 tooth extractions and fillings.

Further, out of 2,541 medical examinations conducted in 2004, 1,741 were related to general medicine, while the rest to neuropsychiatry. Specialists examined 392 prisoners – 4 convicted prisoners and one awaiting trial were consequently hospitalized.

Since there is no medical technician to provide injection therapies, 147 prisoners had to be taken to the local medical center for injections. In 2004, 42 biochemical tests were also performed by the local medical center.

At the time of the team's visit, four prisoners were with diabetes (taking medicines, rather than on insulin therapy), seven were with hypertension and two suffered from angina pectoris.

Presently, no prisoner is HIV infected. One is with hepatitis C, while another one is being tested for tuberculosis.

The prison administration estimates that over 50 percent of prisoners are dependents on psychoactive substances. However, the information is not to be taken for granted given that the team could not have checked it with the neuropsychiatrist whom it did not have a chance to meet.

The prison doctor is obliged to lay down in writing whether or not a prisoner is suited for punishment by solitary confinement. The doctor visits such prisoners twice a week only, i.e. on the days he is on duty. The problem can be solved by engaging a full-time medical technician.

Signs of violence observed are not entered into a special register. On the other hand, the positive atmosphere in the prison indicates that cases of violence are rare, if any.

According to the doctor, prisoners have complained of ill-treatment while the Saber operation was on. However, they complained against the police, rather than the prison's security officers. All injuries were duly registered for the attention of the prison director who forwarded the information to a court of law.

One prisoner tried to injure himself by banging his head against a wall. The problem was solved through psychiatric care and placement of the prisoner under intense observation. An earlier case of hunger strike had been solved in the same manner (this prisoner was eventually hospitalized in the Belgrade Penitentiary-Hospital).

No prisoner has ever refused medical treatment or therapy.

Not a single case of sexual abuse, rape or suicide has taken place in the prison (though the prison staff has not been trained in recognizing indications of suicidal risk).

No prisoner has ever died while in the institution.

According to the prison administration, information about prisoners' state of health is available to them at all times, the same as to their families and lawyers. Such information is given to untried prisoners if permitted so by courts of law.

The medical service cooperates well with the reeducation service. The latter has consulted it on several occasions when alternative solutions had to be found for the prisoners unsuited for deprivation of liberty.

The prison administration controls the medical service's performance and allocates funds to it. Formal team meetings are not held, but the doctor is always in touch with the prison director and the reeducation service.

The medical staff has not been educated on various forms of prison pathology. In 2004, one course of in-service training in tuberculosis was organized for the staff in the Republican Healthcare Authority.

Gynecological protection is provided to the women who are occasionally allocated to the detention unit. Only once, long ago, a pregnant woman was on prison premises. Before childbirth she was transported to the Pozarevac Women Prison.

No disciplinary or criminal proceedings have ever been instituted against any medical officer.

II

Incompatibilities with or Departures from the Law on Execution of Criminal Sanctions (LECS), the House Rules on District Prisons (House Rules), the European Prison Rules (EPR) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment Standards (CPT Standards)

- The rooms in which convicted persons live and work must be of sufficient space that each convicted person has, at a minimum, eight cubic meters of space, adequate heating and sufficient lighting (Article 58, LECS);

- In all places where prisoners are required to live or work the windows should be large enough to enable the prisoners, *inter alia*, to read or work by natural light in normal conditions, they should be so constructed that they can allow the entrance of fresh air, while artificial light shall satisfy recognized technical standards (Para 16, EPR);

- "The room for the disciplinary punishment of solitary confinement shall consist of at least ten cubic meters of space, a sanitary device, daily light, potable water, a bed with bed sheets, a table, a chair and heating (Article 130.2, LECS);

- In accordance with the standards laid down by the health authorities, the administration shall provide the prisoners at the normal times with food which is suitably prepared and presented, and which satisfies in quality and quantity the standards of dietetics and modern hygiene, and takes into account their age, health, the nature of their work and, so far as possible, religious or cultural requirements (Para 25.1, EPR);

- Medical officers do not pay daily visits to the prisoners punished by solitary confinement (Article 132, LECS).

- A medical officer is not always present on prison premises (Para 35, CPT Standards, CPT/Info (93)12);

- All medical examinations of prisoners should be conducted out of the hearing and – unless the doctor concerned requests otherwise – out of the sight of prison officers (Para 51, CPT Standards, CPT/Info (93)12);

- Information about transmittable diseases is circulated neither to prisoners nor to the prison staff (Para 54, CPT Standards, CPT/Info (93)12);

- The prison staff has not been trained in recognizing indications of suicidal risk (Para 58, CPT Standards, CPT/Info (93)12);

- Signs of violence are not recorded in a special register, and periodic statistics concerning injuries observed are not compiled for the attention of the prison administration (Para 60-62, CPT Standards, CPT/Info (93)12);

- Socio-therapeutic programs for unbalanced individuals, longstanding drug addicts and aggressive persons have not been developed, the same as programs for their social reintegration (Para 68-69, CPT Standards, CPT/Info (93)12);
- The medical staff does not possess specialist knowledge enabling them to deal with particular forms of prison pathology (Para 75 and 77, CPT Standards, CPT/Info (93)12).

III Recommendations

- The prison should be relocated to a more adequate place, given that relocation is more economizing than reconstruction of the actual building;
- Plumbing and sewers should be replaced; the same refers to windows that should be dismantled and replaced by bigger ones;
- The solitary cell should be furnished in accordance with the standards laid down in the LECS and House Rules;
- Both quality and quantity of food should be improved.
- Medical officers should visit prisoners punished by solitary confinement on daily basis;
- The out-patient ward providing privacy and confidentiality of medical examinations should be organized;
- The medical staff should be trained in carrying out psychotherapeutic programs for unbalanced individuals, drug addicts and aggressive prisoners, as well as programs of social reintegration;
- The prison staff should be trained in recognizing indications of suicidal risk;
- Information about transmittable diseases should be circulated both to prisoners and the staff;
- Signs of violence should be recorded in a special register and periodic statistics should be compiled for the attention of the prison administration;

Security

|

As referred to in the section above, the prison is situated in the very center of the town. The entire prison complex – composed of several facilities and an exercise area – is surrounded by civilian high-rise buildings. Moreover, a skyscraper housing bank officers has been recently constructed close to the prison compound. Its windows look onto the entire prison compound.

In spite of all, the Krusevac prison has no video surveillance system at all. According to the interviewed officers, the security is additionally affected by overcrowding, the short-handed security service and old, dilapidated conveyances. On the other hand, one cannot but be surprised by the fact that no serious incidents, escapes and attempts to smuggle in illegal objects took place in 2004.

In the team's view, such positive trends are to be ascribed to the well-organized security service, officers' professional attitude towards prisoners, 14 extra officers from Kosovo and an educator's commitment to his job. The interviewed prisoners confirmed the team's opinion.

Though provided with an adequate conveyance in 2004 (the only one given to the prison in the past 10 years), the prison still needs another one. Namely, the prison "covers" territories of municipal and district courts in six towns in Serbia. Given that the prison conducts on average 2 transports per day, one adequate conveyance cannot meet its needs.

The acting head of the security service said that the prison had put forth a new job classification envisaging 25 full-time officers instead of 21.

The need for extra hands is justified by the fact that the prison has another location, its commune. "The prison functions properly thanks to the officers who have come from Kosovo. Short-handed as we are, I wonder how we could perform our duties without their assistance," said the team's interlocutor.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

No major incompatibilities or departures have been observed.

III

Recommendations

- The prison should be relocated, preferably in the suburbs;
- Video surveillance system should be installed;
- Yet another adequate conveyance should be provided to the prison.

Legality of Prison Regime

I

All prisoners are informed about basic house rules upon admission. Copies of house rules are posted in almost all dormitories, while copies of LECS are available to prisoners at all times. Moreover, it was in this prison only that the team saw a large poster bearing prisoners' rights in the living room.

According to statistics, 30 disciplinary measure have been taken against prisoners over the past 12 months: 14 prisoners were punished by solitary confinement (10 conditionally postponed), 2 were deprived of privileges and 14 were reprimanded.

Instruments of restraint have been used only once.

No prisoner lodged a complaint against the disciplinary measure taken against him.

The interviewed prisoners said the director and the staff treat them correctly, while force was used only when absolutely necessary. They take inter-prisoner relations good.

No prisoner complained of the manner in which privileges were granted or punishment imposed.

They mostly complained of overcrowding, inadequacy of visiting areas and contacts with the outside world.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- No major incompatibility or departure has been observed.

III

Recommendations

- The existing inter-prisoner and staff-prisoner relations should be maintained.

Social Resettlement

I

Given that a reeducation service as such is non-existent, the team interviewed an officer tasked with prisoners' reeducation and social rehabilitation.

The officer is actually in charge with the entire reeducation process, ranging from initial interviews and classification of prisoners to all further reclassification stages.

Regardless of the fact that only one person performs all these duties, once it has inspected relevant documents and questionnaires, the team left under the impression that this officer's observation and personality assessment of newly admitted prisoners was by far more comprehensive and detailed than the job conducted by entire admission teams in other prisons. The team was told that the prison director, as a rule, approves all classification and treatment related suggestions made by this

reeducation officer. This not only indicates the quality of his assessments, but also his professional capacity for the job.

The main criterion for a prisoner's reclassification is his conduct, as assessed not only by the educator, but also security officers. The prisoners are provided individual and group treatment programs.

Sizes of educational groups are adequate – one group is composed of 20-odd prisoners.

At the time of the team's visit, no prisoner was accommodated in the closed unit, i.e. the prison did not have to cater for the prisoners sentenced for serious crimes and thus unsuited for a semi-open prison.

Dependents on psychoactive substances figure as the major problem the educator has to cope with. However, occasional engagement of a neuropsychiatrist specialized in addictions is of great help to him.

The majority of prisoners have finished elementary schools. The small population of illiterates mostly includes Roma prisoners.

The educator tries his best to teach the illiterates how to read and write. Further, he endeavors to encourage those with elementary schools only to pursue their education through attending courses of vocational training that would foster their integration into society after release. Unfortunately, uncooperativeness of local education centers and the prison's meager resources often stand in his way.

The educator's wish to instruct interested prisoners in computer literacy also mirrors his enthusiasm. As the prison could not have afforded PCs, he brought in his own. The educator has developed systematic and comprehensive databases that considerably facilitate his work and the institution's performance.

The educator takes care of the prison's library stocked with some 1,000 books. As he puts it, he cooperates with the town library that often provides him with extra books. He tries to motivate the prisoners to read by placing lists of new or recommended books on the doors to their dormitories. And indeed, the prisoners have begun to read more than before.

Unfortunately, the repertoire of recreational activities is rather limited. The prison not only lacks space for sport fields, but also funds for organizing such activities.

The prisoners can only play table tennis. However, the table itself is placed in a corridor that is also used to store extra mattresses.

Though no room has been set aside for religious ceremonies, the prisoners are not actually deprived of their right to religious observance given that they can freely profess in the outside community while on leaves.

According to the interviewed prisoners, the educator is always there for them and they can freely talk to him.

A training and employment service has not been organized in the prison. The prison has a commune spreading over some 5-hectare farmland with a facility that can accommodate about 9 prisoners (presently it accommodates 5).

The commune was once owned by the local water supply authority, which still uses some facilities. The prison director plans to enlarge the commune's accommodation capacity, so as to provide work for more prisoners. Consequently, instructors who would make up the service would be engaged.

For the time being, the prisoners are mostly engaged in manual work in the outside community (they work on contract for state-owned or private companies). Few of them grow crops in the commune.

The rest either does nothing at all or does chores.

Prisoners' wages (averaging 1,000 dinars) are partially set aside as their personal savings, while some moneys are given to them to spend at their own free will.

The interviewed prisoners said they would like to work as the best way to fill time.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- A satisfactory program of activities (work, education, sport, etc.) is of crucial importance for the well-being of prisoners. This holds true for all establishments, whether for sentenced prisoners or those awaiting trial. (Para 47, CPT Standards, CPT/Info (92) 3);

- With a view to improving cultural, recreational and sport life of prisoners and maintaining their physical and mental health, the institution organizes cultural, recreational and sport activities. These

activities are organized in spare time and are managed by the reeducation service (Para 48, CPT Standards, CPT/Info (92) 3);

- Sufficient work of a useful nature, or if appropriate, other purposeful activities shall be provided to keep prisoners actively employed for a normal working day (Para. 71.3, EPR).

III Recommendations

- Funds necessary for providing recreational activities to prisoners should be secured;
- The commune's accommodation capacity should be enlarged as soon as possible as a way to solve the problem of insufficient work of useful nature.

Contact with the Outside World

I

Not a single phone booth is available to prisoners. The prison director said it has been some time now that they have requested the Telekom Company to have one booth installed in the institution. He hopes the company would install one soon. Therefore, only in the case of emergency prisoners are allowed to place short calls from offices.

The interviewed prisoners said they faced no problems when it came to their correspondence or family parcels. Their letters are not censored. No parcel or letter has been confiscated over the past 6 months.

All prisoners receive visits the frequency and duration of which depend on their treatment regimes. The rooms for visitors (in fact, cubicles) are neither spacious enough nor adequately located. Namely, there are glass partitions between these "cubicles" and the office for the staff on duty. Prison officers may thus not only watch prisoners and their visitors, but also listen to their conversation. As the rooms are much too small (2 by 3 meters), visits are as short as possible so as to allow higher turnout. The situation is somewhat better in summertime when prisoners may receive visits in the open air.

Prisoners may meet their lawyers whenever necessary. Such visits are also organized in the above-mentioned rooms.

Put together, all these factors considerably undermine prisoners' right to contact with the outside world, their families in the first place.

The prison does not have a room for spousal visits.

On the other hand, the prisoners are kept informed about the developments in the outside community – they have daily papers, two TV sets and transistor radios at their disposal.

Pre-release activities practically boil down to the educator's personal efforts. Inasmuch as he can, he prepares prisoners for the life in the outside community and contacts relevant authorities. According to the educator, most social care centers are disinterested in assisting released prisoners to reintegrate into the society.

II Incompatibilities with or Departures from Relevant Legislation and Rules

- The guiding principle should be the promotion of contact with the outside world; any limitations upon such contact should be based exclusively on security concerns of an appreciable nature or resource considerations (Para 51, CPT Standards, CPT/Info (92) 3).

- Prison administrations should work closely with the social services and agencies that assist released prisoners to reestablish themselves in society, in particular with regard to family life and employment (Para 89.1, EPR).

III Recommendations

- A telephone booth should be installed as soon as possible;

- The prison administration should arrange that visits are received in more adequate premises and thus make it possible for each prisoner to exercise his right to receive visits in keeping with the law.

Institutional Personnel

I

The absence of education and training and employment services has been referred to in the social resettlement section. According to the prison director, there is a discrepancy between the actual number of officers and the complement laid down in the job classification. Actually, the latter envisages a fully-staffed and properly qualified reeducation service.

One educator who replaces the entire service is a sociologist. He has been working for the institution for three years now.

Over these past three years, the educator has managed to develop proper methodology and set goals and tasks that are not only in keeping with domestic legislation, but also with modern trends in penology.

The educator takes that – regardless of his conscientious work – quality treatment calls for engagement of one psychologist at least. The same refers, in the team's opinion, to the engagement of an officer tasked with recreational activities and a jurist in the administration department.

According to the educator, the inter-staff relations are very good. He perceives his duties and role in the institution as crucial, apart from that played by security officers.

No disciplinary measures have been taken against the educator.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The prison administration shall introduce forms of organizations and management systems to facilitate communication and cooperation between various services with respect to the treatment and re-socialization of prisoners.

A reeducation service coordinates the work of other factors of the process of reeducation.

A training and employment service significantly assists a reeducation service. (Articles 17 and 20, LECS; Para 59, EPR; Para 27, CPT Standards, CPT/Info (2001) 16);

- During their career, all personnel shall maintain and improve their knowledge and professional capacity, i.e. arrangements should be made for their wider experience and training (Para 26, CPT Standards, CPT/Info (2001) 16).

III

Recommendations

- The prison should be staffed in keeping with existing job classification;

- Conditions of life and work of the entire personnel should be improved through adequate salaries and other employment benefits for conscientious work.

- Thought should be given to the establishment of training and employment service with a view to rounding off the process of prisoners' reeducation;

- An admission department should be set up and one officer at least (preferably a psychologist) recruited in the reeducation service;

- The educator should pursue his valuable efforts aimed at prisoners' re-socialization (teaching illiterate, encouraging further education, etc.);

- The prison administration should encourage the staff to upgrade its knowledge of dealing with prison population.

NEGOTIN DISTRICT PRISON

Date of the visit: April 6, 2005
Type of institution: semi-open
Population: men and women/adults
Number of sentenced prisoners: 4
Number of untried prisoners: 30

Number of prisoners sentenced for misdemeanor: 3

Composition of the monitoring team: two jurists, a physician and a special pedagogue

Note: As provided by law, the team was allowed to interview prisoners under sentence only.

Quality and Conditions of Life

I

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY INSTALATIONS AND HYGIENE

The Negotin District Prison is practically situated in the town's suburbs. Therefore, access to the prison is relatively appropriate.

The prison was built in early 1950s, which means that its layout is in keeping with the standards of prison construction of the time.

Three buildings make up the prison – a small administration building, a detention facility and the facility accommodating convicted prisoners and those sentenced for misdemeanor. There is also a storehouse, a garage, a boiler room, etc. The prison owns 50 acres of farmland, and has one hectare of uncultivated land at its disposal.

Actually, this is about a very small prison that cannot cater for more than 80 persons. For years now, the prison population has never exceeded 50-60 persons deprived of their liberty.

The prison buildings are in rather good order. They are regularly maintained and whitewashed, and the level of general hygiene is adequate.

The detention unit includes 8 rooms with 6 beds placed in each. The rooms are spacious enough in terms of domestic standards. All have small, bared windows, but so constructed that they allow entrance of fresh air and natural light. The rooms are freshly painted and clean, and there are adjacent sanitary facilities (toilet bowls and basins). However, artificial light is inadequate and untried prisoners cannot read by it. Instead of lockers, prisoners are provided with wooden shelves for keeping their belongings.

Bulk beds are placed in all rooms. Mattresses are in good shape, while bedding is changed twice a month.

As of recently, the prison has been provided with a central heating system. According to the interviewed prisoners, heating is adequate.

Untried prisoners take baths once a week. The bathroom is located outside the detention facility, which is totally inadequate in wintertime.

The bathroom is equipped with four showers and a radiator. Three toilet bowls are partitioned from the rest of the bathroom.

The detention facility has three solitary cells that are not in keeping with the standards laid down by the law.

Namely, though spacious enough, neither solitary cell has a sanitary facility. Only one has a window that allows entrance of fresh air and natural light. All are furnished with shakedowns, tables and chairs. Shakedowns in themselves imply that a person punished by solitary confinement is not allowed to lie down during day, but has to sit on a chair.

The untried prisoners are allowed to one or two exercise each day. These 15-20-minutes exercises are practically their only physical activity. There is no shelter in the exercise area where prisoners may stay in bad weather.

Only two rooms are presently occupied in the facility accommodating sentenced prisoners. Conditions of life in these rooms are about the same as in the rooms for untried prisoners. The only difference is that they are kept unlocked, given that except for one prisoner all are sentenced for misdemeanor and classified under liberal regimes.

This facility has a small living room furnished with two tables, benches and radio and TV sets.

B) KITCHEN, MASS HALL AND FOOD

The kitchen is adjacent to the living room that is also used as a mass hall for convicted prisoners. As the scantly equipped kitchen has no stove, all food is prepared, i.e. boiled in a caldron.

A professional cook prepares the food with the assistance of one prisoner. Both are regularly medically examined.

According to weekly menus, milk, milk products and fresh fruits are never served. The interviewed prisoners strongly criticized the quality and quantity of the food served to them. All their meals are either boiled or come from cans, they said.

Samples of food are kept 24 hours.

When prescribed a special diet by a doctor, a prisoner is usually served the same boiled food, but without spices and oil.

The prison is too small to have a canteen of its own. Goods are delivered from local stores whenever necessary.

C) MEDICAL SERVICE

The prison does not have a medical service of its own but engages two doctors from the local medical center on contract. One doctor is in charge of medical examinations, while the other controls the food.

Doctors working on contract are replaced by their colleagues from the medical center in several-month intervals. As they work by turns, none of them is in the position to improve his knowledge of prison pathology.

In the team's view, both doctors should conduct medical examinations or one of them should be engaged to visit the prison in more frequent intervals. This would provide prisoners/patients with adequate medical observation and care, including examinations that would be conducted not only on weekly basis.

All newly arrived prisoners are medically examined on the doctor's visiting day and medical files are opened for them. Appointments with the doctor are arranged through prison officers. Examinations are conducted in a room used for other purposes as well, and mostly in the presence of a security officer.

Paramedics from the town's emergency ward are called in if a prisoner needs first aid or such prisoner is taken to the local medical center. Periodic examinations of all prisoners are not conducted.

According to the staff, each prisoner punished by solitary confinement firstly undergoes a medical examination. A statement as such is rather questionable given that the doctor visits the institution only once a week. The prisoners placed in solitary confinement are not examined on daily basis. Except for a sphygmomanometer the doctor brings with her, no other medical instruments are available to prisoners. Further, distribution of medicament is not adequately supervised – medicaments are kept in cabinets placed in front of dormitories and are distributed to prisoners by security officers.

Medical statistics are not compiled adequately. The doctor provided all medical information from memory. Accordingly, she estimated that the number of medical examinations averaged 100 per month, while some 10-15 prisoners were seen by specialists in the local medical center. Most of them need psychiatric examinations.

Twenty-odd dental services are provided to prisoners each month. Two or three prisoners are hospitalized in civilian facilities each year, while 10-odd are sent to the Belgrade Penitentiary-Hospital, mostly for surgeries, and cardiac and pulmonary treatments.

Biochemical tests are provided by civilian institutions. The prison does not have an in-patient ward.

Presently, no prisoner is with diabetes. Three prisoners suffer from hypertension. Three months ago, a prisoner had a cardiac arrest.

Though cases of tuberculosis do occur in the prison, according to the prison staff, no prisoner was with it at the time of the team's visit.

Three prisoners are with hepatitis C. No one is HIV infected. One HIV infected prisoner was registered last year.

According to estimates, almost 80 percent of the prison population is dependent on psychoactive substances.

No bodily injuries, rapes, sexual abuses, suicides or deaths have been registered over the past 12 months. Only cases of light self-mutilation, occurring in 2-3-month intervals, have been recorded.

Signs of violence observed are not entered into a special register.

All information related to prisoners' state of health are available to them and to their families and lawyers.

Usually, prisoners do not refuse to be medically treated. The prison staff has not been educated on transmittable diseases or trained in recognizing indications of suicidal risk. A prisoner identified as a suicidal risk is psychiatrically examined and treated accordingly.

No prison officer has been trained in conducting psychotherapeutic programs.

II

Incompatibilities with or Departures from the Law on Execution of Criminal Sanctions (LECS), the House Rules on District Prisons (House Rules), the European Prison Rules (EPR) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment Standards (CPT Standards)

- The rooms in which convicted persons live and work must be of sufficient space that each convicted person has, at a minimum, eight cubic meters of space, adequate heating and sufficient lighting (Article 58, LECS);

- In all places where prisoners are required to live or work the windows should be large enough to enable the prisoners, *inter alia*, to read or work by natural light in normal conditions, they should be so constructed that they can allow the entrance of fresh air, while artificial light shall satisfy recognized technical standards (Para 16, EPR);

- "The room for the disciplinary punishment of solitary confinement shall consist of at least ten cubic meters of space, a sanitary device, daily light, potable water, a bed with bed sheets, a table, a chair and heating (Article 130.2, LECS);

- In accordance with the standards laid down by the health authorities, the administration shall provide the prisoners at the normal times with food which is suitably prepared and presented, and which satisfies in quality and quantity the standards of dietetics and modern hygiene, and takes into account their age, health, the nature of their work and, so far as possible, religious or cultural requirements (Para 25.1, EPR);

- A medical officer is not always present on prison premises (Para 35, CPT Standards, CPT/Info (93)12);

- There are neither adequate premises nor equipment for medical care (Para 38, CPT Standards, CPT/Info (93)12);

- Distribution of medicaments is not adequately supervised (Para 38, CPT Standards, CPT/Info (93)12);

- Medical examinations of prisoners are not conducted out of the hearing and out of the sight of prison officers (Para 51, CPT Standards, CPT/Info (93)12);

- The prison staff has not been trained in recognizing indications of suicidal risk (Para 58, CPT Standards, CPT/Info (93)12);

- Information about transmittable diseases is circulated neither to prisoners nor to the prison staff (Para 54, CPT Standards, CPT/Info (93)12);

- Signs of violence are not recorded in a special register, and periodic statistics concerning injuries observed are not compiled for the attention of the prison administration (Para 60-62, CPT Standards, CPT/Info (93)12);

- The medical staff does not possess specialist knowledge enabling them to deal with particular forms of prison pathology (Para 75 and 77, CPT Standards, CPT/Info (93)12).

III Recommendations

- Small windows should be replaced by bigger ones enabling sufficient entrance of natural light and fresh air, while artificial light in the rooms accommodating untried prisoners should be repaired;
- A bigger window should be installed in the solitary cell that is practically the only one in use; this cell should also be furnished with a proper bed;
- A shelter should be constructed in the exercise area;
- The kitchen should be equipped with a stove that the cook may also bake food for the prisoners; milk, milk products and fresh fruits should be included in menus (and served at least twice a week);
- The prison administration should set up a medical service and secure basic medical equipment;
- Distribution of medicaments should be professionally supervised;
- Medical examinations should be conducted out of the hearing and out of the sight of prison officers and other prisoners, unless the doctor requires otherwise;
- The medical staff should be trained in dealing with particular forms of prison pathology;
- The prison staff should be trained in recognizing indications of suicidal risk;
- Information about transmittable diseases should be circulated both to the staff and prisoners;
- Injuries should be recorded and relevant periodic reports should be drawn for the attention of the prison administration.

Security

I

Security concerns are mostly focused on the detention unit.

To enter the rooms accommodating untried prisoners from their offices, security officers have to pass a metal door that divides the corridor. The same corridor leads to the exercise area surrounded by 5-meter metal wall additionally topped with one meter high barbed wire. Besides a watchtower, the area is covered by video surveillance system. The other part of the yard used by sentenced prisoners is also surrounded by wall, though without barbed wire.

Video cameras also cover the yard, the corridor and the entrance gate.

The prison has once conveyance only. However, this fully meets transfer needs, since 1-2 prisoners have to be transported per week.

The security service recruits 15 officers. One has finished a higher school, while the rest secondary schools. According to the job classification, the security service is understaffed by 20 percent. The head of the service said that was exactly how many extra officers he needed for an appropriate level of security.

As for the untried prisoners, no cases of inter-prisoner violence have been registered over the past 12 months. Though locked in their rooms for almost 23 hours daily, these prisoners have not been engaged in fights that could have threatened the prison's functioning. The team could not check this information through interviews with untried prisoners. However, four sentenced prisoners confirmed the validity of the information obtained from the prison administration.

Thanks to the fact that the head of the service is a black belt in aikido, security officers are specially trained in this martial art. The administration building has a special hall for trainings in martial arts. All security officers must train twice a week. "Competence in martial arts fosters officers' self-confidence. Therefore, their attitude towards prisoners is more relaxed. They do not unnecessarily use truncheons, for they are aware that can easily overcome any prisoner who tries to assault them," said the head of the service. Statistics show that his words held true – in 2004, no officer used a truncheon against a prisoner.

Besides, no prisoner escaped or tried to escape in 2004, and no disciplinary proceedings were instituted against security officers.

In 2004, five officers attended courses of in-service training organized by the OSCE. However, the interviewed officers said there was no need for any in-service training given that their knowledge and skills were sufficient.

Asked whether anything should be changed or improved in terms of security, the head of the service said he needed as many officers as planned in the job classification.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

No incompatibilities or departures have been observed.

III

Recommendations

- The barbed wire should be removed from the fence, so as to prevent possible injuries.

Legality of Prison Regime

I

Though the prison administration said all prisoners were informed about house rule upon admission and copies of the latter were available to them at all times, the team have not noticed a single copy on prison premises. "From time to time, we place them (copies) on doors, but untried prisoners either tear them or use for some other purposes," explained the prison director. The team observed a church calendar in one of the monitored rooms, rather than a copy of house rules.

On the other hand, the interviewed prisoners said they had never set their eyes on house rules. Other prisoners have told them what the rules were about over informal conversation, they said.

The prison is the only one in Serbia that caters for prisoners coming from the municipalities under its jurisdiction (Negotin, Majdanpek and Kladovo). That is why there are only 4 sentenced prisoners. In 2004, the prison accommodated 10 sentenced prisoners.

Namely, back in 1994 the Ministry of Justice decided that all prisoners from this area with sentences qualifying them for this prison should be assigned to the Zajecar Penitentiary-Reformatory that needed extra hands to work on its commune.

A decision as such is contrary to the purpose of punishment, which should be social rehabilitation, rather than profit-making. Further, the decision violates the rights of both prisoners and their families that have to travel 60 kilometers from Negotin to Zajecar.

Moreover, even the four sentenced prisoners have been transferred here from closed prisons and all of them are with long sentences, which, under the LECS, should not be served in district prisons.

One of the four has psychological problems and has been separated from the rest by his free will. He is allowed to short walks in the open and is not engaged in any activity whatsoever. Though the prison director had informed higher authorities in writing that the staff could not provide adequate care for such a mentally disturbed person, the prisoner was nevertheless transferred to this prison.

For the time being, the prisoners sentenced for misdemeanor are not separated from their convicted inmates. Two rooms are presently under reconstruction so as to enable such separation during night at least. This is the more so important since the turnout of prisoners sentenced for misdemeanor amounted to 127 persons in 2004. According to statistics, no disciplinary measures were taken against prisoners, no instruments of force were used against them and they did not lodge complaints in 2004.

The interviewed prisoners did not complain of officers' attitude towards them.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Copies of the LECS and House Rules shall be available to a convicted person at all times (Article 51, LECS; Article 2, House Rules);

- "Convicts who were sentenced on the prison terms shorter than one year, as well as those whose remnants after counting the time spent in arrest and other deprivation of liberty concerning the same criminal offence, shall be disposed, as a rule, in county prisons" (Article 30.1, LECS);

- "A punished person shall serve prison sentence in special sector of a country prison, separately from convicted persons (Article 290.1, LECS).

III Recommendations

- Excerpts from the house rules on detention and district prisons should be visibly posted and several copies of house rules should be available to prisoners at all times;
- The Ministry of Justice's decision on prisoners' assignment to the Zajecar prison should be annulled;
- Further stay of the prisoner with obvious mental disorder should be reconsidered, the more so since the prison cannot provide him with adequate medical and nursing care;
- Prisoners sentenced for misdemeanor should be separated those convicted of serious crimes as soon as possible.

Social Resettlement

I

Given that no competent officer is in charge either of reeducation or vocational training and prison work, the team interviewed the prison director about this aspect of prison life.

As there is no admission department, newly arrived prisoners are immediately accommodated with other inmates. Accordingly, prisoners are not observed upon admission or later on. The prison director explained this by saying that the prison mostly housed untried prisoners and there was no need for an educator to deal with not more than 10 sentenced prisoners.

Interviewed officers said prisoners go to the prison library. On the other hand, interviewed prisoners claimed they were not even aware that there was a library on prison premises. Namely, the room the officers referred to as a library is also used for visits and medical examinations. All the team noticed were some 200 rather old books on shelves.

Though the prison has no room for religious ceremonies, this does not pose a problem when one bears in mind the number of prisoners and liberal regime under which they are classified.

Prisoners are not engaged in any purposeful activity whatsoever. The prison cannot make arrangements for sport or cultural activities. There is a gym that is, according to the prison director, exclusively used for the staff's training in martial arts. His argumentation that "it would not be proper" to have the gym available to prisoners is understandable in the context that prisoners should really not be trained in martial arts. However, the prison administration should consider other forms of exercise for prisoners that could take place in the gym.

Except for 1.5 hectares of farmland, including some 50 acres of the nearby garden, the prison has no other manufacture facilities or workshops. Unfortunately, the farmland is not sufficiently cultivated, as the prison is short both of machines and qualified labor force.

As agriculture is the only activity prisoners can engage in, the team takes the prison should invest in farming mechanization so as to provide workplaces for prisoners.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The issue of prisoners' classification and allocation should be solved within prison system (Para 32, CPT Standards, CPT/Info (2001) 16.)
- A satisfactory program of activities (work, education, sport, etc.) is of crucial importance for the well-being of prisoners. Prison work is organized on prison premises – in workshops and other facilities – and in the outside community. Vocational training of prisoners is conducted through theoretic and practical instruction in prison workshops (Para 47, CPT Standards, CPT/Info (92) 3; Article 30 and 46, House Rules; Article 78, LECS);

III Recommendations

- At least one qualified officer should be engaged full-time to deal with prisoners' reeducation;
- Cultural, recreational and sport activities should be provided to prisoners so as to prevent negative behavior and idleness;
- Funds should be invested in the purchase of farming mechanization; this will not only keep more prisoners actively employed for a normal working day, but will also make their engagement in the Zajecar District Prison unnecessary and, moreover, make it possible to grow fruits and vegetables as additional sources of nutrition.

Contact with the Outside World

I

Not a single phone booth is available to prisoners on prison premises. To placd a call a prisoner has to go to a nearby shop.

The sentenced prisoners receive visits in keeping with their treatment program. However, the room used for visits is totally inappropriate, the more so as it is used for other purposes as well.

Prisoners rarely write or receive letters. Anyway, the relevant procedure is in keeping with legal provisions. No prisoners complained of this form of communication.

No letters or parcels have been confiscated over the past six months.

A TV set and a radio are available to prisoners in the living area. Newspapers are delivered to those who have subscribed to them.

Pre-release activities are practically non-existent. The prison has no staff to deal with preparing prisoners for the life in the outside community, while social care centers are totally disinterested in assisting released prisoners to reestablish themselves in society.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The guiding principle should be the promotion of contact with the outside world; any limitations upon such contact should be based exclusively on security concerns of an appreciable nature or resource considerations (Para 51, CPT Standards, CPT/Info (92) 3).

III Recommendations

- A telephone booth should be installed as soon as possible;
- The prison administration should arrange that visits are received in a room to be used for this purpose only;
- Cooperation with factors in the outside community should be encouraged, particularly with prisoners' families and social care centers.

Institutional Personnel

I

As referred to in the paragraphs above, the prison neither has reeducation and training and employment services, nor qualified officers in charge of these two aspects of social resettlement.

Some elemental forms of the two aspects are entrusted to security officers and the prison director, who are neither professionally capacitated for not trained in dealing with such work.

According to the prison administration a call for vacancies will be announced in near future, the more so since the job classification lays down the posts of officers in charge of prisoners' reeducation and vocational training.

The security service employs 15 officers. Only one of them has finished a higher school, while the rest have graduated from secondary schools. When compared with the relevant job classification, the service is short-handed by 20 percent. The head of the service said security would be at adequate level, if he had these extra hands. However, it remained unclear whether the service is understaffed because no call for vacancies has been announced or because no one applied for the posts of security officers.

In 2005, five officers attended a course of in-service training, organized by the OSCE. The interviewed officers take their professional capacity for their job is adequate and they need not additional training.

As an aikido master, the prison director has been invited on several occasions to the Nis Education Center to assist in training security officers in martial arts.

No disciplinary or criminal proceedings have been instituted against any security officer.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The prison administration shall introduce forms of organizations and management systems to facilitate communication and cooperation between various services with respect to the treatment and re-socialization of prisoners.

A reeducation service coordinates the work of other factors of the process of reeducation.

A training and employment service significantly assists a reeducation service. (Articles 17 and 20, LECS; Para 59, EPR; Para 27, CPT Standards, CPT/Info (2001) 16);

- During their career, all personnel shall maintain and improve their knowledge and professional capacity, i.e. arrangements should be made for their wider experience and training (Para 26, CPT Standards, CPT/Info (2001) 16).

-Institutional personnel should be trained particularly in human rights matters, interpersonal communication, lessening of tension and raising the quality of life in prison establishments (Para 59 and 60, CPT Standards, CPT /Info (92) 3);

III

Recommendations

- The prison administration should set up an admission department and recruit at least one full-timer in charge of reeducation (preferably a psychologist or a special pedagogue) and one full-timer to be tasked with prisoners' training and employment;

- The staff should be permanently encouraged to upgrade their knowledge and professional skills by attending courses of in-service training;

- In tandem with the prison director, the prison administration should introduce regular training in aikido for security officers;

- All security officers should be educated on new and modern attainments in the domain of penology, international standards for prisoners' rights and on methods of nonviolent resolution of conflicts.

SUBOTICA DISTRICT PRISON

Date of the visit: April 14, 2005

Type of institution: semi-open

Population: men/adults

Number of sentenced prisoners: 48

Number of untried prisoners: 37

Number of prisoners sentenced for misdemeanor: 6

Composition of the monitoring team: two jurists, a physician and a special pedagogue

Note: As provided by law, the team was allowed to interview prisoners under sentence only.

Quality and Conditions of Life

|

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY INSTALATIONS AND HYGIENE

Located in downtown Subotica, the prison building was constructed in 1880s as a part of a larger complex that at that time, in Vojvodina, usually included a court, a city hall and a police station.

Though these institutions had been relocated, other occupants (the Recruitment Department and the Statistics Bureau) have moved in the buildings with windows that look onto prisoners' exercise area.

The prison's open unit (commune) is situated some 8 kilometers away from the main building.

Generally speaking, all deficiencies of long duration and outdated layout plague the prison building. It is thoroughly humid, mostly due to ground water that occasionally floods the basement. In spite of regular disinfestations, rats, mice and cockroaches are all over the place.

Apart from the main building, there are facilities housing the prison administration, and pre-trial and detention unit.

Dormitories accommodating untried and sentenced prisoners are located on different floors of the building. A bathroom, a kitchen, a laundry and storages are in the basement.

The rooms accommodating untried prisoners are of adequate size. On average 8 prisoners share one room furnished with bunk beds. Some smaller rooms are presently whitewashed and, therefore, out of use.

All rooms have bared windows that are so constructed that they allow entrance of fresh air and natural light. Artificial lighting is inadequate – though all rooms have fixtures for two bulbs, each has one bulb only.

Metal lockers are available to all untried prisoners. Further, caskets for their valuables are placed in a separate room, and only a prisoner has a key to his casket.

Rooms are kept clean and tidy. Each has a sanitary facility (toilet bowl and washbasin). Beddings are changed twice a week. Prisoners take showers once a week at least.

The prison's central heating system is totally inadequate and should be exhibited as a museum piece, rather than used for heating. Actually, the system is composed of small radiators connected to two boilers taken from old steam-powered locomotives.

The rooms accommodating sentenced prisoners are identical to those for untried prisoners.

Nine shower stalls are available to both categories of prisoners. The bathroom is clean and partitioned so that prisoners may undress and dress themselves out of the sight of those taking showers. Shower stalls should also be partitioned to secure privacy.

Unlike untried prisoners, the prisoners under sentence have a living room wherein they have their meals, watch TV or engage in recreational activities.

There are solitary cells and a room for isolation on the prison premises. The latter's dimensions are 2.5 by 2 meters. Its windows allow entrance of fresh air and natural light. Walls are upholstered with sponge and leather. Instead of a bed, this room is furnished with only a thin mattress. Handcuffs are

fitted to the floor close to the mattress. There is a toilet bowl that is not partitioned from the rest of the room. In spite of all security measures, one prisoner has managed to hang himself on a stocking he has tied to entrance bars.

Sizes of solitary cells are adequate. Cells are well ventilated and have access to natural light. They are fully furnished.

Untried prisoners take exercise in an inner yard with trees, grass lots and flowers.

Several facilities, one of which accommodates sentenced prisoners make up the above-mentioned open unit. Presently, the unit houses only 6 prisoners allocated to two rooms furnished with bunk beds. Conditions of life in the rooms are fairly good, the more so since only use them as sleeping quarters, while spending their days either engaged in prison work or in the small living room.

B) KITCHEN, MASS HALL AND FOOD

The kitchen is situated in the basement. Though its walls are ramshackle, it seems to be well-kept and clean. It is equipped with all necessary utilities such as an oven, a refrigerator, etc., as well as with relatively new kitchenware.

As referred to in the paragraphs above, the prison does not have a mass hall – instead, sentenced prisoners are served their meals in the living room, while their untried inmates take their meals in sleeping quarters.

Assisted by three prisoners, a young, professional cook prepares the food. All of them are sanitarily examined in regular intervals. In terms of accommodation, the cook's assistants are separated from other prisoners.

A nurse daily controls the food prepared for prisoners by tasting it. She enters her findings in a register, but does not submit relevant reports for the attention of the prison administration. Food samples are kept in a refrigerator so as to be sanitarily inspected if necessary. No irregularities in the food preparation have been registered so far.

Special diets, mostly for diabetics, are prepared at the doctor's request.

Menus are composed on weekly basis and are approved by the cook and the prison director. While inspecting several weekly menus, the team noted that milk products and fresh fruits were not served to prisoners, as well as that they were usually given some brews for dinner. Seasonal salads are served to prisoners throughout a year, apart from wintertime when they get canned salads. Vegetables that are grown in the prison's commune are most significant, additional sources of nourishment.

The interviewed prisoners said they were mostly satisfied with the food served to them. They only complained of the lack of fresh fruits and milk products. Further, judging by their statements, the food prepared in this prison is by far better than in other prisons in Vojvodina.

There is no canteen on prison premises. Prisoners place weekly orders and are delivered necessary goods from the town's shops.

C) MEDICAL SERVICE

The full-time nurse and a specialist in general provide medical and nursing care to the prisoners. The doctor has been working for the institution for almost 30 years.

Formally, the prison has no in-patient ward. However, a room with two beds has been turned into a sickroom that is used for short-term isolation of sick prisoners.

Prisoners are medically examined upon admission and prior to release or transfer to another institution.

To arrange meetings with the doctor, prisoners have to apply to security officers, but need not explain their health troubles. Examinations are conducted without undue delay, since, except for weekends, the doctor is daily on prison premises. If a prisoner has to be given first aid in evening or at night, paramedics from the town's emergency ward are called in.

Medical files are compiled for all prisoners. All examinations, findings or observations related to a prisoner's health are entered both in his file and in a general register. Periodical medical examinations are not conducted.

Medical examinations are conducted in the presence of security officers. This practice should be changed, except when the doctor explicitly requests that a security officer should be present during examinations.

It is the doctor's duty to examine each prisoner punished by solitary confinement and decide whether or not he is suited for such disciplinary measure. However, this rule is not strictly observed.

The nurse submits monthly reports on the number of medical examinations for the attention of the prison director. All examinations of newly arrived prisoners and those about to be released, dental services and examinations by specialist provided to prisoners, as well as occupational injuries, cases of self-mutilation, suicide attempts and hunger strikes are enlisted separately. Though kept conscientiously, medical statistics do not include cases of inter-prisoner violence or observed signs of violence resulting from the use of force by security officers.

A medicine cabinet is placed in the out-patient ward, furnished with a bed and elementary medical equipment.

The nurse is in charge of distributing medicaments. When off duty, she leaves doses for prisoners with security officers who watch prisoners taking them. Examinations by specialists and all biochemical tests are provided by the local medical center the prison has developed good cooperation with.

In 2004, medical services provided to prisoners totaled 2,268. From January to March 2005, this number amounted to 643 – 127 prisoners were examined upon admission, 132 before release and 384 on their request.

In the same period, 26 dental services and 12 examinations by specialists were provided to prisoners mostly at local orthopedic, surgical, dermatological and psychiatric wards.

From January to March 2005, one prisoner underwent tests for tuberculosis in the Belgrade Penitentiary-Hospital. He returned to the prison as a patient healed of tuberculosis of the lungs. Three prisoners were sent to the same institution for psychiatric care.

One prisoner went on hunger strike in January 2005, while another tried to kill himself by hanging in March. The team was also informed that one prisoner injured himself intentionally in mid-April (he slashed his arms).

Songs of violence are not recorded. Since medical examinations are conducted in the presence of security officers, a prisoner is in no position to complain to the doctor against ill-treatment by security officers.

Dental services are provided by a private practitioner and paid from the prison's budget when it comes to sentenced prisoners. Courts of law pay dental services provided to prisoners awaiting trial.

Presently, no prisoner is with diabetes, TB or hepatitis. One prisoner suffers from hypertension, while another is with angina pectoris.

The prison administration estimates that 30 percent of the prison population is dependent on psychoactive substances. However, no treatment programs have been developed for this category of prisoners.

The medical staff has not been trained in conducting psychotherapeutic programs.

All prisoners are entitled to refuse medical treatments, but have to testify their refusal in writing.

Last autumn, lectures on drug addiction were organized both for the staff and prisoners. The doctor attended a seminar on AIDS.

The staff has not been trained in recognizing indications of suicidal risk. Whenever a prisoner is indicated as a suicidal risk, he is sent for psychiatric examination and placed under intensified observation.

Socio-therapeutic programs for prisoners are practically non-existent. Only social workers from local centers come to visit the juveniles in the pre-trial unit. Team meetings are not organized. Information is exchanged at informal meetings and by the means of submitted reports.

The medical staff has not been educated on specific forms of prison pathology.

II

Incompatibilities with or Departures from the Law on Execution of Criminal Sanctions (LECS),
the House Rules on District Prisons (House Rules), the European Prison Rules (EPR)
and the European Committee for the Prevention of Torture and Inhuman or Degrading
Treatment or Punishment Standards (CPT Standards)

- The rooms in which convicted persons live and work must be of sufficient space that each convicted person has, at a minimum, eight cubic meters of space, adequate heating and sufficient lighting (Article 58, LECS);

- In all places where prisoners are required to live or work the windows should be large enough to enable the prisoners, inter alia, to read or work by natural light in normal conditions, they should be so constructed that they can allow the entrance of fresh air, while artificial light shall satisfy recognized technical standards (Para 16, EPR);
 - A medical officer is not always present on prison premises (Para 35, CPT Standards, CPT/Info (93)12);
 - The equipment for medical care is insufficient (Para 38, CPT Standards, CPT/Info (93)12);
 - Medical examinations of prisoners are not conducted out of the hearing and out of the sight of prison officers (Para 51, CPT Standards, CPT/Info (93)12);
 - The doctor does not pay daily visits to the prisoners punished by solitary confinement (Article 132, LECS);
 - The prison staff has not been trained in recognizing indications of suicidal risk (Para 58, CPT Standards, CPT/Info (93)12);
 - Information about transmittable diseases is circulated neither to prisoners nor to the prison staff (Para 54, CPT Standards, CPT/Info (93)12);
 - Signs of violence are not recorded in a special register, and periodic statistics concerning injuries observed are not compiled for the attention of the prison administration (Para 60-62, CPT Standards, CPT/Info (93)12);
 - The medical staff does not possess specialist knowledge enabling them to deal with particular forms of prison pathology (Para 75 and 77, CPT Standards, CPT/Info (93)12).

III Recommendations

- The problem of inadequate heating should be solved by connecting the prison to the town's central heating system;
- Small windows should be replaced by bigger ones enabling sufficient entrance of natural light and fresh air; as for artificial light, all rooms should be equipped with two bulbs;
- Milk products and fresh fruits should be included in menus (and served at least twice a week);
- Medical equipment should be supplemented;
- Either the doctor or the nurse should daily visit the prisoners punished by solitary confinement;
- Medical examinations should be conducted out of the hearing and out of the sight of prison officers and other prisoners, unless the doctor requires otherwise;
- The medical staff should be trained in dealing with particular forms of prison pathology;
- The prison staff should be trained in recognizing indications of suicidal risk;
- Information about transmittable diseases should be circulated both to the staff and prisoners;
- Injuries should be recorded and relevant periodic reports should be drawn for the attention of the prison administration;
- The medical staff should partake in implementation of socio-therapeutic programs.

Security

|

Constructed to house a prison, the very building is adequate when it comes to security considerations. However, some problems impair its overall security.

The first problem relates to its decay, the second to the heating system, and the third to the exercise area. Namely, the whole area is surrounded by high-rise civilian buildings referred to in the section above.

It was only after one prisoner escaped while taking his exercise that the prison administration managed to persuade local authorities to have bars mounted on the windows looking onto the exercise area. The prisoner climbed the wall, smashed a window of one of civilian buildings, jumped in and ran away through corridors right into the street.

The prison has an outdated video surveillance system. For instance, at the time of the team's visit the main monitor displaying the exercise area was out of order. While in his booth located in the

midst of the exercise area, a security guard cannot see a recess nearby the entrance to the pavilion. The escaped prisoner actually took the advantage of such position to realize his plan.

The prison has two conveyances. It is obliged to transfer prisoners throughout the Northern Backa District that includes municipalities of Subotica, Backa Topola, Mali Idjos, Senta, Kanjiiza and Ada. The number of daily transports has grown lately, since a number of prisoners had been transferred from the Sremska Mitrovica prison. Nowadays, the prison organizes as many as three transfers per day, let alone 10-odd prisoners working in the outside community, who are to be transported on daily basis.

The interviewed security officers said they were short of at least one special conveyance.

Further, as they put it, the service is understaffed. To illustrate their claim, they said that not a single officer is on duty in the open unit in afternoons and at night.

In 2004, a serious incident took place when a group of prisoners had been transferred from the Sremska Mitrovica prison. Protesting against this measure, they barricaded their room and cut their hands with window glass. Actually they protested against being deprived of some privileges they used to enjoy in the Sremska Mitrovica prison. As negotiations failed, security officers forcefully broke into the room.

Apart from this one, no noteworthy incident took place in 2004. No prisoner escaped, while three of them did not report in after leaves. Further no cases of smuggling in illegal objects were registered.

The interviewed officers also mentioned the case of a prisoner whom they had confidence in and, therefore, assigned him to work in the open unit. After a while, the prisoner returned and said he would go to the open unit no more since he had been tempted to escape. The prisoner confirmed the story over interview.

According to security officers, instruments of force (rubber truncheons) were used against the barricaded prisoners. In their view, force against those prisoners was used with good reason and in keeping with the letter of law.

The interviewed prisoners did not complain of the manner security officers treated them.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- "In the correctional facilities of semi-open type, security guards shall supervise movements of convicts as the only obstacle to escape" (Article 12.3, LECS);

- "A security guard service shall be responsible for security of persons and property in a correctional facility, escort convicts and arrested persons and perform other activities prescribed by law" (Article 18, LECS).

III

Recommendations

- The problem of heating should be solved;

- A new job classification should be adopted, so as to have the service adequately staffed and thus make it possible for security officers to be on duty in the open unit in afternoons and at night;

- The video surveillance system should be replaced by a new one;

- A special conveyance should be purchased.

Legality of Prison Regime

I

All prisoners are informed about basics of the house rules upon admission. Relevant copies are placed in almost all dormitories, while a copy of the LECS is available in the prison library.

The prison is specific for its multi-ethnicity that corresponds to the multiethnic character of Subotica and nearby places (Hungarians, Serbs, Croats, etc.). According to the prison director, developments and events in the outside community have impact on inter-prisoner relations. Ethnically motivated violence involving Serbs and Hungarians, which marked 2004, affected the overall atmosphere in the prison but did not incite any serious incident. All inscriptions on prison premises are

bilingual – in Serbian and in Hungarian. However, the team did not notice a single copy of the house rules or the LECS in Hungarian.

The Office of the Provincial Ombudsman has placed boxes for prisoners' complaints. Only the Office has keys to these boxes. According to the prison director, not a single complained has been addressed to the Ombudsman.

The same as other district prison, this one is affected by the trend of transferring prisoners from bigger institutions. Actually, 20 prisoners who by the length of their sentences and personal characteristic should not have been allocated to a district prison have been transferred from the Sremska Mitrovica prison. Some of them (11) are standing trials for other offenses and are, therefore, accommodated in the closed unit. The team has already pinpointed the necessity to have legally defined the status of the prisoners under sentence, who are simultaneously on trial for some other offenses. Blurred regulation of this subject matter negatively affects overall atmosphere in prisons, since prisoners protest against being classified under closed regimes. Treatment programs for such prisoners in this specific institution is somewhat better than in other district prison, as they are allowed to spend time in living quarters and are not kept locked up in their rooms round the clock.

According to the interviewed prisoners, some of their inmates standing trial for other offenses are, nevertheless, classified under more liberal regimes and even allowed to work in the prison commune. They took such practice was discriminative. The prison director explained that this was about the prisoners who have behaved adequately and earned the administration's trust.

In the context of legality of prison regime, the team pinpoints the case of a prisoner who has been transferred from the Sremska Mitrovica prison. Apart from having to serve his time till 2009, the prisoner manifests signs of mental disorder and has aggressive attitude towards his inmates. He was separated from the rest on his request. In the team's view, this prisoner should be either sent back to the Sremska Mitrovica prison or, if necessary, provided psychiatric care in the Belgrade Penitentiary-Hospital.

Statistics show that 53 disciplinary measures have been taken against prisoners over the past 12 months – 36 prisoners have been punished by solitary confinement, 4 have been reprimanded and 13 deprived of privileges.

No prisoner expressed grievance or lodged a complaint against a disciplinary measure taken against him.

Asked about such high rate of disciplinary punishment, the prison director explained that one-third of measures had been taken against a group caught in the attempt to smuggle in marijuana, while the rest had to do with inter-prisoner violence and returns from leaves in intoxicated states. Because of such incidents, punishment has been more rigorous as of lately.

The interviewed prisoners coming from different ethnic communities did not complain of ethnically motivated discrimination or ill-treatment.

The team noticed that prisoners had to bow their heads whenever someone passed by them and to keep their hands behind their backs. The team takes a practice as such highly degrading.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- "Convicts who were sentenced on the prison terms shorter than one year, as well as those whose remnants after counting the time spent in arrest and other deprivation of liberty concerning the same criminal offence, shall be disposed, as a rule, in county prisons" (Article 30.1, LECS);

- Regrettably, the CPT often finds that relations between staff and prisoners are of a formal and distant nature, with staff adopting a regimented attitude towards prisoners and regarding verbal communication with them as a marginal aspect of their work. The following practices frequently witnessed by the CPT are symptomatic of such an approach: obliging prisoners to stand facing a wall whilst waiting for prison staff to attend to them or for visitors to pass by; requiring prisoners to bow their heads and keep their hands clasped behind their back when moving within the establishment; custodial staff carrying their truncheons in a visible and even provocative manner. Such practices are unnecessary from a security standpoint and will do nothing to promote positive relations between staff and prisoners (Para 26, CPT Standards, CPT/Info (2001) 16).

III Recommendations

- The LECS and the House Rules should be translated into Hungarian;
- The status of sentenced prisoners standing trials for other offenses should be regulated;
- A decree/rule/guidelines on the manner in which persons are sentenced to imprisonment should be passed/adopted;
- The cooperation with the Provincial Ombudsman should be pursued;
- The practices that degrade prisoners should be abandoned.

Social Resettlement

I

Rather than having an organized reeducation service, the prison engages only one full-time educator.

The educator is in charge of all activities related to prisoners' admission and observation, as well as of their reeducation. He deals both with the prisoners under open regime, accommodated within the prison commune, and those in the closed unit.

The educator conducts both individual and group treatment programs. His office is in very bad shape. The team was told that he had to work in the office with broken window for long until the glass was replaced.

The commune's capacity enables open treatment for 6 prisoners. They exercise almost all their rights. All other prisoners are accommodated in the main building regardless of their treatment programs (closed, semi-open or open).

The prison cannot arrange prison work for most prisoners, particularly those assigned to the closed unit. Bearing in mind security considerations, twenty prisoners transferred from the Sremska Mitrovica prison cannot be given jobs in the outside community. Given that manufacturing activity can be organized within the prison building, these prisoners spent entire days in their rooms. One interviewed prisoner said he had exercised in the open for three days. Asked about grievance procedures and their efficiency, a prisoner replied, "The more you keep your mouth shut, the better for you."

Due to insufficient space, the prison cannot arrange separate rooms for prisoners' meetings with their lawyers, religious observance and recreational activities.

Prisoners are allowed to play table tennis twice a week. Those accommodated in the open unit did not complain of the lack of sport activities given that they spend their time engaged in the commune and are kept physically active, rather than being locked up in their rooms. Their nourishment, as they put it, is adequate to the nature of their work.

Most prisoners can exercise their religious rights in the outside community during their frequent leaves. Besides, an Eastern Orthodox priest visits the institution two or three times a week. Asked whether Catholic or Protestant priests visit the institution bearing in mind the multi-religious composition of the prison population, the prison director said that neither those priests nor prisoners had expressed their wish for such visits.

About 70 percent of prisoners have not finished elementary school. The rest have graduated from secondary schools.

The prison has a well-arranged library stocked with some 3,000 books. However, the team left under the impression that prisoners hardly ever went to the library either because they were engaged in prison work or were not motivated for reading. The library offers books in Serbian, Hungarian, Slovakian, German and Albanian languages.

Prisoners are maximally engaged in prison work, but most of them are not motivated for it, said the staff. On the other hand, the interviewed prisoners said they were interested in prison work for it made their time in the prison easier.

The team also noted other discrepancies related to prison work. Namely, prisoners are engaged on the grounds of the prison's needs, rather than in keeping with their professional capacity and preferences. Most of them work for the commune. Though the commune is a small one, they grow

crops and vegetables, and raise stock. Mechanization is adequate. Prisoners' earnings are in keeping with the LECS' provisions.

Some ten prisoners work in the outside community, mostly for the companies looking for manual workers. Presently, those prisoners work for the local nitrogen plant. Given that they often work more than 8 hours per day and are in daily contact with toxic substances, it is obvious that such engagement figures as a potential health risk.

One can only wonder whether the staff is guided by basic principles of imprisonment laying down reeducation, rather than profit-making, as top priority. Precisely, though profit-making may improve conditions of life in the prison, it should not be at the detriment of reeducation.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Prisoners must exercise their rights related to maintenance of their physical and mental health, the right to work, the right to religious observance and the right to other purposeful activities that encourage and develop their sense of responsibility, self-reliance and interest in the treatment provided to them. The existence of a satisfactory program of activities can do much to counter the deleterious effects upon a prisoner's personality of living in bubble-like atmosphere of closed unit. (Para 47, CPT Standards, CPT/Info (92) 3; Para 32 and 33, CPT Standards, CPT/Info (2001) 16); Article 30 and 46, House Rules; Article 78, LECS);

- It is axiomatic that prisoners should not be subject to a special regime any longer than the risk they present makes necessary. This calls for regular reviews of placement decisions. Such reviews should always be based on the continuous assessment of the individual prisoner by staff specially trained to carry out such assessment. Moreover, prisoners should as far as possible be kept fully informed of the reasons for their placement and, if necessary, its renewal; this will, *inter alia*, enable them to make effective use of avenues for challenging that measure.

- Besides, the prison system should resolve the issue of categorization and placement of prisoners (Para 27 and 32, CPT Standards, CPT/Info (2001) 16).

III

Recommendations

- Alternative solutions should be found to all problems sourcing from the prison's inadequate layout and lack of space;

- A satisfactory program of recreational and sport activities should be developed with a view to preventing prisoners' negative behavior;

- Prison work should be primarily perceived as a mode of prisoners' social rehabilitation.

Contact with the Outside World

I

There is only one phone booth in the main building and none within the commune. Each prisoner is allowed to make two phone calls per week.

The prisoners from the closed unit have to apply to the prison director if they want to place calls and may do it only if the latter gives his approval. Some interviewed officers take such procedure unnecessary and deem that prisoners' contact with their families is of major importance.

Letters and complaints are not censored except in the cases of prisoners standing trials for other offenses.

All prisoners receive visits the frequency and duration of which depend on their treatment programs.

Prisoners may contact their lawyers on their request and whenever necessary. As no separate room has been set aside for this purpose, meetings with lawyers take place in the same room wherein other sentenced and untried prisoners receive their visits. The room is divided by partitions made of wood and Plexiglas. Untried prisoners talk to their visitors through such walls, while their sentenced inmates may sit together with people who came to visit them.

One TV set with a DVD is available to prisoners in the living room. Daily newspapers are delivered to the prisoners who have subscribed to them. This is the only institution the team has visited that censors TV programs. Namely, the prison director has ordered that the educator should be one to decide what programs were suited for prisoners.

Referring to the cooperation with relevant authorities, the interviewed officers complained of poor cooperation with some social care centers. The prison administration attaches major importance to communication with prisoners' families.

Prisoners receive visits on Sundays. The educator is always present on such occasions.

Pre-release preparations do not imply any specific program whatsoever. Prior to release, individual meetings are held with prisoners and, occasionally, with their families.

The prison mostly cooperates with courts of law in the matter of conditional releases. The staff underlines that their proposals are often turned down by court commissions. A situation as such negatively affects both the staff and prisoners. On the one hand, prisoners less and less look upon officers as people of authority, while, on the other, the very concept of reeducation is questioned as frequent refusals of conditional releases dishearten prisoners to behave themselves.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Above all, a prisoner must be given the means of safeguarding his relationships with his family and close friends. In this context, there is the need for some flexibility as regards the application of rules on visits and telephone contacts. (Para 51, CPT Standards, CPT/Info (92) 3; Para 66, EPR).

III

Recommendations

- The prison administration should be more tolerant and flexible as regards telephone calls made by the prisoners from the closed unit;

- The prison administration should be more flexible when it comes to TV sets – it should either allow prisoners to bring in their own TV sets or procure more sets with a view to overcoming censorship of TV programs;

- The cooperation between the prison and courts of law should be improved in the matter of conditional releases (this can be attained through more frequent contacts, and coordinated observation of prisoners' social rehabilitation and conduct, particularly when it comes to the prisoners under longer sentences).

Institutional Personnel

I

The security service is the only organized service in the institution. As referred to in the paragraphs above, the entire process of prisoners' social rehabilitation is entrusted to one person only. She is a university graduate and a special pedagogue.

The educator is with a 10-year experience. The team was rather taken by surprise when she said the team meetings or meetings at the level of institution were never held.

However, her views and proposals concerning prisoners are crucial for prisoners' classification and reclassification.

The educator said she like her job. However, the overall atmosphere and relations in the institution make the staff dissatisfied and impair their efficiency, she added.

She considers her job stressful because of the burden of responsibility placed on her, rather than fear from prisoners.

She is notably dissatisfied with her paychecks, particularly when comparing them with those given to other, less educated officers. She occasionally works overtime. No disciplinary proceedings have been instituted against her over the past 6 months.

The educator is interested in attending courses of in-service training. However, she has not been given the opportunity to attend any so far, she said.

The prison has not organized a training and employment service. Under the pretext of economizing on labor force, the prison director has assigned some security officers to perform duties of instructors. These officers, called guards-instructors, are both in charge of security and prison work.

The prison director underlined that he planned to diversify the programs of vocational training for prisoners. The team takes that the prison should either set up a training and employment service or recruit at least one adequately capacitated officer.

Out of 25 security officers laid down by the job classification, the service employs 24. The call for one vacancy has been announced.

Three security officers are university graduates, while the rest have finished secondary schools.

In 2004, disciplinary proceedings were not instituted against security officers.

In the same period, only one officer was on a six-month sick leave.

No officer was fired. All of them duly showed up at work.

Only three security officers have attended a seminar organized by the OSCE in Sremska Mitrovica. The rest have never attended courses of in-service training or manifested any interest in improving their knowledge and skills. The prison administration occasionally convenes team meetings to instruct security officers in the LECS provisions relevant to them.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The prison administration shall introduce forms of organizations and management systems to facilitate communication and cooperation between various services with respect to the treatment and re-socialization of prisoners.

A reeducation service coordinates the work of other factors of the process of reeducation.

A training and employment service significantly assists a reeducation service. (Articles 17 and 20, LECS; Para 59, EPR; Para 27, CPT Standards, CPT/Info (2001) 16);

- During their career, all personnel shall maintain and improve their knowledge and professional capacity, i.e. arrangements should be made for their wider experience and training (Para 26, CPT Standards, CPT/Info (2001) 16).

-Institutional personnel should be trained particularly in human rights matters, interpersonal communication, lessening of tension and raising the quality of life in prison establishments.

- The cornerstone of a humane prison system will always be properly recruited and trained prison staff who know how to adopt the appropriate attitude in their relations with prisoners and see their work more as a vocation than a mere job (Para 59 and 60, CPT Standards, CPT /Info (92) 3; Para 26, CPT Standards, CPT/Info (2002) 16);

III

Recommendations

- Ulagati napore da se u svesti celokupnog osoblja budi i održava ubedjenje o centralnom - The prison administration should endeavor to make the entire staff aware of the crucial role a reeducation service plays in the process of prisoners' social rehabilitation;

- Establishment of a training and employment services should be considered with a view to rounding off the process of prisoners' reeducation;

- Team meetings and meetings at the level of the institution should be regularly convened as mechanisms for unbiased and systematic classification and reclassification of each prisoner;

- The staff should be permanently encouraged to upgrade their knowledge and professional skills by attending courses of in-service training, as well as by other service benefits for their conscientious and good work;

- The entire staff and, in particular, security officers should be encouraged to learn about new and modern attainments in the domain of penology, international standards for prisoners' rights and on methods of nonviolent resolution of conflicts.

SOMBOR PENITENTIARY-REFORMATORY

Date of the visit: September 16, 2004

Type of institution: open

Population: men/adults

Number of sentenced prisoners: 38

Number of untried prisoners: 20

Number of prisoners sentenced for misdemeanor: 7

Composition of the monitoring team: two jurists, a physician and a special pedagogue

Quality and Conditions of Life

I

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY INSTALATIONS AND HYGIENE

The conditions determined by the prison's layout – in both open and closed units – have not changed much since the team's last visit in June 17, 2003.¹

The 200-year old prison building is notably kept in good order. It is painted twice a year and repaired practically on daily basis. However, no matter how much pains the prison administration takes to maintain it properly, the walls that are dilapidated and humid cannot be amended.

Because of the old prison's inappropriate layout the dormitories in closed and open units alike are humid and have small, barred window that do not allow sufficient entrance of natural light and fresh air. In addition, the artificial light is inadequate, while extra beds covered with torn, sponge mattresses not only unnecessarily reduce the floor space, but make the dormitories look overcrowded and insalubrious. For instance, as many as 14 beds are placed in a 6.50 by 5 meters large room, while only three beds are occupied.

Beds, mattresses, if any, and bedding are in relatively good shape. Prisoners keep their belongings and wooden trunks or in old lockers not all of which can be locked.

Washbasins and toilet bawls are partitioned in every room. Weekly showers are mandatory. However, the prisoners can take showers more often if they want to.

Though clean and functional, the bathroom with six showers does not provide any privacy whatsoever. Moreover, in the team's view, the bathroom's capacity is inadequate whenever the prison has to cater more prisoners than usual.

According to prison officers and prisoners alike, heating is appropriate.

The solitary cell is 4.70 by 2 meters large, has high ceiling, a small window, a radiator and all necessary furnishing.

The size of the exercise area – used by convicted and untried prisoners, and located within the closed unit – is adequate. It is surrounded by 5-meter wall with a watchtower. The exercise area is nicely arranged with small lawns, flowers, benches and a tiny summerhouse.

The open unit (accommodating 22 prisoners) is located five kilometers away from Sombor and the "old" building. Actually, it is a modern prison building that fully meets the standards laid down for open units.

B) KITCHEN, MASS HALL AND FOOD

A kitchen wherein the food is prepared for all prisoners is located in the closed section. The kitchen is rather small and has a small window that hardly enables proper ventilation, which makes it look stuffy and insalubrious.

¹ See, "How to Attain European Standards: The Situation of Serbian Prisons 2002-2003," pp. 147-148, the Helsinki Committee for Human Rights in Serbia

The mass hall is situated in the basement. As there is no window to allow entrance of natural light and fresh air, a ventilator has been installed. However, the problem of stuffy air has been thus just partially solved.

The layout of the open unit's kitchenette and the mass hall is adequate. The team takes, however, that the mass hall is too small for some 50 prisoners.

The interviewed prisoners – the same as on the previous occasion – complained of the quality of food or, to put it precisely, of its taste. "No matter what dish they serve us, they are all tasteless," they said. They also complained of scarce milk, milk products and fresh fruits.

Special diets for the prisoners who need them can be prepared in the kitchen. The prison doctor decides the menus for such prisoners.

Once a month, the prison doctor controls the food and general hygiene. No irregularities have been registered during his last inspection.

There is no canteen on prison premises. The prisoners place their orders on a list composed on weekly basis and have the articles of food supplied to them from town shops.

C) MEDICAL SERVICE

The doctor, who is a specialist in forensic psychiatry, has been working for the prison on part-time basis for 40 years now. Though 77 years old and retired he still provides medical treatment to the prisoners since the payment he gets can hardly attract a younger colleague. While he was vacationing a traumatologist who was replacing him turned down the offer for the job. Until two months ago, the doctor was assisted by a security officer who was a professional male nurse. The latter is presently serving his military term and will be probably engaged full-time once he returns to his job.

Another security officer, a professional deficiency therapist who has already been engaged from time to time in the prison's medical service is now helping the doctor.

The doctor visits the prison once a week. He is always available on call, he said, since it only takes him a 10-minute walk from his home.

The doctor examines all newcomers within one week after their admission to the prison. To make an appointment with the doctor, prisoners have to apply to security officers but do not have to detail their health troubles. According to the doctor, he provides first aid whenever called in. In the event he is not at home, the prisoners who need emergency treatment are transported to a local medical center.

Medical examinations are conducted in a tiny out-patient ward located in the closed section. A security officer is always present during medical examinations. According to the prison administration, it was the doctor who explicitly demanded such attendance because he had once been assaulted by a psychotic prisoner.

Medical files are compiled for all prisoners. The doctor examines every prisoner punished by solitary confinement, and visits him once a week or more often if he deems it necessary throughout the period of punishment. However, some interviewed prisoners said that the doctor's visits were not exactly that regular.

Periodic examinations are not conducted under the pretext that prisoners' sentences are on average too short for such form of medical monitoring.

The prison has no in-patient ward or a sickroom.

The doctor examines around 20 prisoners each week. In 2003, 567 prisoners were transported to the local medical center to be examined by specialists (dentists, traumatologists, psychiatrists and urologists). Such large number of prisoners who needed to see specialists is to be ascribed to the growth of the prison population during the "Saber" operation.

The doctor, himself a forensic psychiatrist, conducts 4-5 psychiatrist examinations per month. Only the prisoners who cannot be treated in prison conditions (e.g. those with abstention crises) are sent to the local medical center. In 2003, three prisoners were provided treatment in the Belgrade Hospital-Penitentiary.

Presently, there are 4 prisoners with diabetes, 5 with cardiovascular diseases and 3 with hepatitis B and C. According to the doctor, some 4 prisoners, dependent of psychoactive substances, are now in remission. Four are chronic alcoholics.

No untried or sentenced prisoner suffers from AIDS or is HIV positive. However, this information has been obtained from prisoners' statements or their previous medical records. Namely, prisoners are not tested for HIV upon admission.

Except for teeth extractions that are free of charge, other dental services provided by the local medical centers have to be paid from prisoners' pockets.

The out-patient ward is equipped for basic medical examinations only. Biochemical tests and other diagnostic procedures are conducted in local medical centers.

The doctor says he communicates well with the prisoners, their families and lawyers to whom he imparts information about the prisoners' state of health whenever he deems it appropriate. He underlines that he allows the families to bring in medicines prescribed to the prisoners before they entered the prison.

According to the doctor, no prisoner has refused medical treatment so far. "When you provide them with proper explanations, they accept to be medically treated," he said.

Programs of medical education are not developed either for the prisoners or the staff. The staff has not been trained in recognizing indications of suicidal risk. When a risk as such is recognized (only once throughout the doctor's career in the prison), the prisoners is subjected to intensive observation.

Periodic and systematic statistics of signs of violence are not kept. Such information is entered in prisoners' medical files only. According to the doctor, these files are available to the prisoners. Any sign of violence observed is reported to the prison director.

The doctor also partakes in drawing up reports that are submitted to relevant authorities whenever an alternative solution should be found for the prisoners who suffer from serious diseases and are, therefore, unsuited for continued detention. Occasionally, the prison doctor (psychiatrist), in tandem with a psychologist and a social worker, prepares programs for unstable individuals showing signs of aggressive and violent behavior.

No authority controls the medical service's performance and professional competence.

II

Incompatibilities with or Departures from the Law on Execution of Criminal Sanctions (LECS), the House Rules on District Prisons (House Rules), the European Prison Rules (EPR) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment Standards (CPT Standards)

- "The rooms in which convicted persons live and work must be of sufficient space that each convicted person has, at a minimum, eight cubic meters of space, adequate heating, and sufficient lighting. The rooms shall not be humid and must have sanitary and other devices necessary for personal hygiene." (Article 58, LECS);

- Someone competent to provide first aid is not always present on prison premises (Para 35, CPT Standards, CPT/Info (93)12);

- A medical doctor does pay daily visits to a prisoner punished by solitary confinement (Article132, LECS);

- Supervision of the distribution of medicines is not fully appropriate (Para 38, CPT Standards, CPT/Info (93)12);

- Medical examinations are not conducted out of the hearing and out of the sight of prison officers (Para 51, CPT Standards, CPT/Info (93)12);

- The prison staff has not been trained in recognizing indications of suicidal risk (Para 58, CPT Standards, CPT/Info (93)12);

- Information about transmittable diseases is not circulated both to prisoners and to prison staff (Para 54, CPT Standards, CPT/Info (93)12);

- Signs of violence observed are not entered into a cumulative register, and periodic statistics concerning injuries observed are not compiled for the attention of prison management (Para 60-62, CPT Standards, CPT/Info (93)12);

- The medical staff does not possess specialist knowledge of prison pathology (Para 75 and 77, CPT Standards, CPT/Info (93)12).

III Recommendations

- The prison should be either relocated or thoroughly renovated with a view to removing the present shortcomings;
- Extra beds should be taken out, and the sponge mattresses should be replaced by proper ones;
- The quality and preparation of the food should be improved;
- The medical service should be rearranged in terms of personnel and adequately staffed;
- The doctor should pay daily visits to the prisoners punished by solitary confinement;
- Supervision of the distribution of medicines should be adequate;
- Arrangements should be made so as to secure that medical examinations are conducted out of the hearing and out of the sight of prison officers and other inmates;
- Signs of violence observed should be entered into a special register, and periodic statistics concerning injuries observed should be compiled for the attention of the prison administration;
- The medical staff should be trained in various forms of prison pathology;
- Prison officers should be trained in recognizing indications of suicidal risk;
- Information about transmittable diseases should be circulated to the prison staff and the prisoners alike.

Security

I

The open unit – located on a farm 5 kilometers away from Sombor – is not under any special security regime. Only few security offices assigned to the unit are primarily tasked with keeping unauthorized people from the outside community away from the building and production facilities. Such security arrangements are in keeping with provisions related to open institutions.

Security measures taken in the prison's section situated in downtown Sombor make it look like a closed institution. Dormitories accommodating untried and sentenced prisoners alike have barred windows, while the exercise area is surrounded by barbed wire. Video surveillance system makes it possible for security officers to observe everything that goes on outside the prison and within the exercise area. After several prisoners managed to escape in 2003, a watchtower was added to the video surveillance system and barbed wire.

According to security officers, security is problematic because the building itself is very old and dilapidated, and has been constructed for a monastery. As construction works aimed at adapting the building for a prison have not been properly done, the walls remained porous. After the 2003 escape reinforced wire was added to the basement walls. However, the interviewed security officers take it is not a lasting solution.

Further, the video surveillance system is old and outdated – it provides observation of the prison's exterior and the exercise area only, while corridors and other premises remain uncovered.

Conveyances are in proper state. Out of three vehicles one is newly procured. In 2003, the security service transferred 463 prisoners to other locations – less than two per day on average.

As of the beginning of 2004, no prisoner escaped or attempted to escape. Security officers used force against the prisoners in the closed unit on four occasions only. Truncheons were used twice: security officers intervened to stop an inter-prisoner violence, and restrain a prisoner who had attacked a guard with a mop he had been wiping a corridor with. On other two occasions, security officers restrained prisoners with their bare hands.

According to the head of the security service, security in the prison is appropriate. Only one case of serious inter-prisoner violence had been registered as of the beginning of 2004: on the New Year Eve two prisoners fought over TV channels they wanted to watch. One of them, said the head of the security service, is a rather intolerant person. However, thanks to the fact that security officers duly intervened none of the two was injured.

The interviewed prisoners also said security measures were appropriate. None of them complained of ill-treatment either by prison staff or other inmates.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The prison staff should be educated on human rights matters, interpersonal communication, lowering of tension and raising the quality of life (Para 59 and 60, CPT Standards CPT /Info (92) 3).

III

Recommendations

- Funds should be secured for the purchase and installation of a new and more suitable video surveillance system;
- Courses of training in human rights and non-violent solution of conflicts should be organized for security officers;

Legality of Prison Regime

I

Immediately after admission, all prisoners are informed about basic house rules. Copies of the house rules are posted in living quarters.

Most interviewed prisoners did not complain of the procedure of granting privileges, disciplinary measures taken against them or the staff's attitude. The prisoners and the staff underline that the prison is a peaceful place – violent incidents are rare given that the prisoners are fully aware of the benefits of an open treatment program.

The prison statistics show that, over the past six months, instruments of restraint have been used once and no prisoner has lodged a complaint. In the same period, disciplinary measures have been taken against 13 prisoners – one has been punished by solitary confinement (conditionally suspended), 9 have been reprimanded and 3 deprived of privileges.

As a rule, most disciplinary measures are taken against the prisoners who smuggle in alcohol, do not duly show up after leaves or refuse to perform their duties.

Though the team cannot ground its judgment on sufficient pertinent information, it takes it necessary to pinpoint that the prisoners who escaped in January 2003 were possibly subjected to torture. Namely, according to the anonymous letter the team has received after its visit to the Sombor prison, once captured the runaways, and especially the group's leader, Bulajic, were physically maltreated by security officers. The letter quotes that medical records in the town hospital testify to the torture. Though the Ministry of Justice, the police and the Sombor Center for Social Care had been informed about the incident, no steps were taken to investigate the matter, wrote the anonymous sender.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- "The implementation of provisions and expertise in the execution of correctional facility sanctions shall be controlled through monitoring."
- While monitoring, the authorized person has the right to check the implementation of the rules on the use of force..." (Article 346, Para 2, and Article 348, LECS)

III

Recommendations

- The claim that the runaways have been subjected to torture should be investigated. With a view to preventing torture, the Central Prison Administration should pay particular attention to the treatment of the prisoners who have been captured and returned to the same institution.

Social Resettlement

|

Since the reeducation service works shifts on weekends too, only one educator – actually, the head of the service – was present on prison premises at the time of the team's visit. Other information related to prisoners' social rehabilitation was gathered from the training and employment staff.

The information obtained from the training and employment staff is about the same as it was at the time of the team's previous visit. The prisoners are still provided vocational training in carpentry, metal works and catering. Several hectares of farmland make it possible for prisoners to raise vegetables, tend orchards, as well as to work for the prison's hog, hare, chicken and hen farms. The prisoners' allocation to workplaces depends on pressing needs, as well as on their vocations in the outside community and personal preferences.

The prisoners are given jobs outside the institution. The number of such prisoners varies.

The majority of the prisoners are engaged in various forms carpentry works – they make furniture, beehives (bee program) and painting tools (artistic program). The prisoners from the open unit are maximally engaged in prison work. Their inmates classified to semi-open and closed units are mostly tasked with chores (cooks, cleaners, etc.). Occasionally, some prisoners from the semi-open unit are taken to work in the open unit.

According to the staff, the prisoners work eight hours per day and are free on weekends. However, the interviewed prisoners said they had to work longer – on Saturdays, and, whenever necessary, on Sundays as well. They take the overtime is to be ascribed to the nature of their jobs.

The prisoners earnings depend on the type of the jobs they are assigned and range from 800 (11 EUR) to 1,300 dinars (17 EUR) per month.

Working conditions and precautionary measures are not only acceptable, but also better than in other institutions visited by the team.

The training and employment service just daily monitors and evaluates the prisoners' conducts and their commitment to work. These are the criteria for their reclassification (decided on at weekly team meetings) and most important factors when it comes to early releases, extra weekends in the outside community and free outings. Lists of the prisoners who were granted privileges are displayed on a notice board.

The reeducation service performs its duties with care and meticulously. Apart from educators, the service engages an officer specifically tasked with compiling all necessary information about newly arrived prisoners and general statistics. Thus, information about the prison population's level of education, vocations, family circumstances, etc., is available to the educators at all times, and is most welcome when it comes to taking specific measures aimed not only at their social rehabilitation, but also prevention of negative behavior.

A team composed of a social worker, a pedagogue and a psychologist observes every newcomer and then proposes a treatment program for him. The program includes the prisoner's educator, educational group, workplace, intensity of individual and group treatment, and recreational activities. Further observation and reclassification are conducted whenever the educator deems it necessary. The prisoner's conduct – evaluated not only by his educator, but also by training and security officers – is the major criterion for his reclassification.

While examining the extent in which specific categories of prisoners are included in treatment programs, the team noted a discrepancy. Namely, overall conditions and almost all elements of the reeducation process in the closed unit are on the verge of acceptability, while those in the open unit are among the best the team had the opportunity to observe. The treatment programs in the open unit imply special forms of group treatment such as transactional analysis and have turned out as most successful. One educator is presently undergoing a course of training in Gestalt therapy.

The reasons why intensive group therapies are not provided to the prisoners in the closed unit – divided in appropriately sized educational groups - remain unclear.

It should be noted that a group of 30 problematic prisoners under long sentences was transferred to the prison from the Sremska Mitrovica Reformatory-Penitentiary last year. According to the prison administration, over 80 percent of those prisoners have managed to adapt themselves to new circumstances and are no longer problematic.

The law does not provide organization of schools in open prisons. The prisoners are allowed to attend schools or specific courses of training in the outside community. However, given that the overall level of prisoner's education is rather low, the team takes that the staff should be more concerned with this aspect of social resettlement.

The prison has two libraries – one located in the closed and the other in the open unit. As it seems, the prisoners are not much interested in visiting them, which is only logical when one bears in mind the libraries' rather poor stocks. Some prisoners even said they were unaware of the existence of these libraries. The prison is regularly supplied with several copies of daily newspapers. The prisoners are allowed to subscribe to all sorts of papers and magazines. Radio or TV sets are available throughout the prison premises.

Sophisticated technologies such as video recorders and DVDs are available to the prisoners in the open unit. However, the prisoners said films should be screened to them more frequently.

A variety of recreational activities are available to the prisoners in the open unit only. The prison's has an excellent and well-known painting studio. Further, arrangements are made for singers, theater troupes and lecturers to visit the prison. Once a week, the prisoners from the open unit may use a football field and a gym. The prisoners in the closed unit play table tennis or exercise in the open air.

Most prisoners profess Serbian Eastern Orthodoxy. There are prisoners of other religions as well, given that the prison is located in the multiethnic province of Vojvodina.

Presently, the prison has no spare room for religious observance or visiting priests. Any prisoner wishing to see a priest is allowed to, said the prison administration. However, given that this is an open prison, the prisoners may exercise their religious rights in the outside community.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- A satisfactory program of activities has not been developed for the prisoners in the closed unit (Para 47, CPT Standards, CPT/Info (92) 3; Para 32, CPT Standards, CPT/Info (2001) 16);
 - Education should be regarded as a regime activity that attracts the same status and basic remuneration within the regime of work. Such programs should have as their objectives the improvement of the prospects for successful social resettlement, the morale and attitudes of prisoners and their self-respect (Para 42, House Rules; Para 77 and 78, EPR);
 - All prisoners without exception should exercise their rights related to the maintenance of their mental and physical health, religion and purposeful activities (Para 47 and 48, House Rules; Para 48, CPT Standards, CPT/Info (92) 3);
 - "A convicted person normally works forty hours per week, but working hours can be longer under conditions established by law. A convicted person can be ordered to work outside working hours up to two hours per day maximum on cleaning jobs and other regular duties in a correctional facility" (Para 81, LECS).

III

Recommendations

- Prison work should be seen as an element of prisoners' treatment and successful incorporation into society after release, rather than as a source of the prison's financial profit;
- More care should be paid to the prisoners' education, particularly of those who are illiterate;
- The staff should make arrangements for recreational activities for all prisoners. An extra officer specifically tasked with organizing recreational activities for the prisoners in the closed unit should be engaged if necessary;
- A room should be set aside for religious observance.

Contact with the Outside World

I

Three phone booths – one in the closed unit and two in the open one – meet prisoners' needs when it comes to this aspect of communication with the outside world. The prisoners in the closed unit

are allowed to make daily calls in accordance to a phoning schedule and in the presence of security officers, provided that they have submitted lists of persons they want to talk to.

The prisoners in the open unit may use phone freely and without any supervision.

The prisoners' letters are censored by the reeducation service. The reeducation service takes away the letters it deems threatening or inappropriate, informs senders about it and places such letters in their files.

Over the past 12 months, only one postcard addressed to a prisoner has been confiscated because of filthy language.

All prisoners receive packages smoothly.

All prisoners may receive visits the duration and frequency of which depend on their treatment programs.

A prisoner may meet his lawyer whenever necessary and at his request. Though the rooms for visits are in better condition than at the time of the team's last visit to the prison, they are still not fully adjusted to the purpose. This primarily refers to the visits to the prisoners in the closed unit that take place in the room adjusted to the visits to untried prisoners. In other words, such visits are supervised and visitors and prisoners communicate through a screen.

The prison has a room for spousal and family visits. However, if the team's view the room is not used for this purpose given at the time of the team's visit it was crowded with extra beds and miscellaneous objects.

Pre-release preparations imply no special programs or activities taken by prison personnel. According to them, the cooperation with social care centers and relevant courts is very good. Particular attention is paid to the cooperation prisoners' families since educators are on premises during visiting hours and on weekends.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Visits to prisoners are scheduled and take place in a room set aside for the purpose; such visits may also be organized in appropriate areas in the open (Article 24, Para 3, House Rules);
- A room for spousal visits must be spacious enough, heated, well lit and furnished, and must have an adjacent bathroom (Article 26, Para 2, House Rules).

III

Recommendations

- Arrangements should be made so as to enable the prisoners in the closed unit to directly communicate with their visitors without being supervised;
- The room for spousal and family visits should be made adequate to its purpose.

Institutional Personnel

I

Out of 8 officers planned under the job classification, the reeducation service engages 6 full-time officers. Officers are assigned to the admission department (1), educators' department (3), general statistics department (1) and prison work department (1). A pedagogue, a social worker and a psychologist are in charge of reeducation process.

Three officers are university graduates, two have finished higher schools and one secondary school. Their age averages 30, and careers 5-7 years.

One officer is a postgraduate, while another one is qualified for transactional analysis and Gestalt therapy. All officers are willing to attend in-service courses of training so as to be competent to treat habitual offenders and persons dependent on psychoactive substances.

They take their cooperation with other services fully appropriate, particularly when it comes to the treatment provided to prisoners. This indicates that the service's role and coordinated activities of all factors involved in the process of prisoners' reeducation are perceived as crucial.

All educators take their jobs highly stressful. However, in spite of the fact that they are dissatisfied with their salaries, none of them has resigned from the service.

No disciplinary measures have been taken against these officers over the past 6 months.

According to the information obtained from the training and employment service, two officers have been engaged since the team's last visit. One of them has graduated from a university, while the other has finished a secondary school. The service presently employs 12 officers, which is quite appropriate when one takes into account the number of prisoners engaged in prison work.

Two officers have university diplomas, two have finished higher schools, while the rest have graduated from secondary schools (metal workers, carpenters and agricultural technicians). No officer has undergone in-service courses of training.

As it seems, the service's status has been improved since the team's last visit when some officers said they felt their work was not sufficiently appreciated.

All the interviewed officers did not complain much about their paychecks. Overtime is either paid or officers are given days off. They take their cooperation with other services, the prison administration in particular, has improved.

Team meetings are held daily, while meetings at the level of the entire institution are convened once a week. This is when the head of the service puts forth his recommendations for every prisoner.

The officers consider their job stressful, but are not afraid of being attacked by prisoners. All of them are entitled to shorter length of service.

No disciplinary measures against the service's staff have ever been taken.

The security service engages 30 officers, who are as of recently assisted by 3 officers who used to work for the prisons in Kosovo. The number of officers meets the requirements of the relevant job classification and the prison's needs.

Only one security officer has finished a higher school, while the rest have graduated from secondary schools.

In 2004, one officer was fired, while three officers were on up to one-month sick leaves. These facts did not affect the security in the prison, primarily thanks to the extra hands, i.e. the officers who came from Kosovo.

According to the head of the service, officers are interested in attending courses of training in martial arts and shooting. None of them has displayed any interest in getting instructed in European prison standards.

No charges were pressed or criminal proceedings instituted against the service staff in 2004. One security officer was subject to disciplinary proceedings for having refused to obey orders. He was punished by a disciplinary action.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The prison staff should be adequately qualified and composed of a sufficient number of specialists such as educators, vocational trainers, advisers, social workers, psychiatrists and psychologists. This should not preclude part-time of voluntary workers when that is appropriate and beneficial to the level of support and training they can provide.

The reeducation service coordinates the work of other participants in the process of reeducation.

Along with the reeducation service, the training and employment service crucially assists prisoners' social rehabilitation (Article 17 and 20, LECS; Para 59, EPR; Para 27, CPT Standards, CPT/Info (2001) 16);

- During their career, all personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized by the administration at suitable intervals.

The training of all personnel should include instruction in the requirements and application of the European Prison Rules and the European Convention on Human Rights (Para 55, EPR).

III
Recommendations

- Either the staff should be trained in treatment of special categories of prisoners or specialists should be engaged for the purpose;
- Vacancies in the reeducation service should be filled;
- Conditions of life and work of the entire personnel should be improved through better salaries and other employment benefits for performing their duties properly and conscientiously.

SABAC PENITENTIARY-REFORMATORY

Date of the visit: November 22, 2004

Type of institution: open

Population: men/adults

Number of sentenced prisoners: 78

Number of untried prisoners: 43

Number of prisoners sentenced for misdemeanor: 13

Composition of the monitoring team: two jurists, a physician and a special pedagogue

Quality and Conditions of Life

|

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY INSTALATIONS AND HYGIENE

Accommodation provided to prisoners in the Sabac Penitentiary-Reformatory is about the same as it was at the time of the team's last visit in June 2003.

The prison itself consists of two detention facilities constructed to serve the purpose – i.e. they meet all the standards related to cubic meters per a prisoner, and entrance of natural light and fresh air. All the room are freshly painted and kept clean, and are furnished with radiators. Floors are covered with linoleum.

Each prisoner has a locker located either in his dormitory or in an adjacent corridor. Sanitary facilities are old, but kept in proper order.

In bathrooms, shower sections are divided by curtains. Similar solutions should be applied to showers themselves. Prisoners take showers once a week, while those engaged in prison work may take showers every day.

Mattresses are mostly new. Bedding is changed twice a month. The prisoners are allowed to wear civilian clothes, which they wash by themselves.

Since the team's last visit, the attic has been adapted so as to accommodate 16 prisoners punished for misdemeanor and have them separated from the rest of the prison population. However, since central heating has not been installed in this dormitory, the latter can be used in summertime only.

The prison administration plans to adapt another two rooms in the attic, and turn them into an out-patient ward and a small in-patient one.

The size of the solitary cell is adequate. The cell is furnished with two beds, a table and a chair. The window is so constructed to allow entrance of natural light and fresh air.

Untried and sentenced prisoners from the closed unit exercise in the fresh air in two recreational areas (75 square meters each) surrounded by a 5.50-meter wall topped with barbed wire.

B) KITCHEN, MASS HALL AND FOOD

Though used as a living room too, the mass hall is clean and tidy. The kitchen is also properly maintained and, according to the kitchen staff, equipped with all necessary utensils.

The team could not find out whether the cook is a professional. The interviewed prisoners did not complain of the cook, but of the same meals that are, no matter how tasty, served to them for lunch and dinner.

Menus are composed on weekly basis. Given that the prison has a fish farm, fish is served once a week. Prisoners get milk and milk products once or twice a week. Fresh fruits and vegetables are served only seasonably.

Though special diets can be prepared for all prisoners to whom they are prescribed, they are usually served just to diabetics.

The prison canteen sells goods at market prices. According to the interviewed prisoners, the canteen is well-stocked.

C) MEDICAL SERVICE

The medical service is not organized as a separate unit within the prison. A specialist in general medicine – who visits the institution twice a week (Mondays and Thursdays) and a male nurse provide medical and nursing care to the prisoners. The male nurse is formally appointed to the reeducation service.

The doctor examines all newly arrived prisoners and enters his findings and observations in a medical register. Medical files for each prisoner are not compiled. The prison administration plans to introduce individual medical files by early 2005.

Medical examinations are conducted in a small out-patient ward furnished with a table, a bed, a medicine cabinet and a sphygmomanometer. Examinations are performed out of the hearing and out of the sight of prison officers and other prisoners.

To arrange an appointment with the doctor, a prisoner has to apply to a ward, though he is not obliged to explain his health problems. The prisoners under the open regime may directly go to the out-patient ward.

On the days when the doctor is not on prison premises, as well as in afternoons and at night, medical services are provided by the local medical center, wherein the prisoners can also obtain dental services. However, only teeth extractions are free of charge.

Prisoners do not undergo periodic medical examinations, given that most of them are under short sentences.

The doctor's duty is to examine each prisoner punished by solitary confinement, so as to decide whether or not he is suited for such measure. However, he does not regularly examine the prisoners in the solitary cell, but does so only twice a week when he is on duty.

The local medical center conducts all necessary biochemical tests.

The conditions in the prison as such that they do not allow the establishment of an in-patient ward.

The male nurse supervises the pharmacy and distributes medicines. He leaves doses for the prisoners who need such treatment in his absence with security officers.

Examinations by specialists are also provided by the local medical center. Prisoners mostly need to see orthopedists, cardiologists, surgeons, dermatologists and psychiatrists.

According to the doctor's records, the number of prisoners he examines monthly averages 300. The prison's general medical register is not itemized. A shortcoming as such makes the register quite unpractical when it comes to statistics.

Records about the prisoners sent to the local medical center are not kept. According to the doctor, 2-3 prisoners need to see a specialist each week, and about the same number of prisoners is monthly examined by a psychiatrist.

Presently, there is one prisoner with diabetes, one with hepatitis C and one cardiovascular patient.

No prisoner suffers from tuberculosis or AIDS, and none is HIV positive. The last case of tuberculosis was registered in 2002. Dependents on psychoactive substances mostly come from the population of untried prisoners. So far, no specific programs for their treatment have been developed.

Diagnostics and treatments necessitate a patient's consent. Hardly any prisoner has refused medical treatment so far. If any is prone to refuse a treatment, the doctor usually talks him into it. Information about prisoners' state of health is available to them at all times and imparted to their families and lawyers on request or if so allowed by a relevant court (in the case of untried prisoners).

The kitchen staff is qualified to prepare special diets for the prisoners to whom the doctor prescribes them. So far, such diets have been prepared mostly for diabetics.

No cases of inter-prisoner violence resulting in serious injuries have been registered up to now. The same refers to rapes, sexual abuses and suicides. In August 2004, one prisoner attempted to commit suicide. He was immediately hospitalized in the psychiatric ward of the local medical center.

Two elder prisoners have died while hospitalized in the local medical center, i.e. the Belgrade Penitentiary-Hospital.

The male nurse controls the food and general hygiene organoleptically once a week. He enters all findings in a special register, but does not submit relevant reports for the attention of the prison administration.

Information about transmittable diseases not circulated both to the prisoners and the staff.

The staff has not been trained to provide psychotherapeutic and vocational therapies, or in recognizing indications of suicidal risk. In the event a prisoner is identified as a suicidal risk, he is placed under the regime of intensified observation or hospitalized in the Belgrade Penitentiary-Hospital and the local medical center.

Signs of violence observed are not entered in a special register. In the event a prisoner complains of being physically maltreated and bears visible signs of violence, his injuries are, in principle, described in a report for the attention of the prison director. No cases as such have taken place lately.

The medical service does not cooperate with relevant social care services with a view to enhancing the measures for prisoners' contact with the outside world.

The medical service neither develops nor conducts socio-therapeutic programs for the prisoners with a history of family trauma or dependents on psychoactive substances.

On a court's request and on the grounds of specialists' findings, the medical service draws up reports to be submitted to relevant authorities whenever an alternative solution should be found for the prisoners who suffer from serious diseases or are too old and thus unsuited for detention.

The prison administration controls the performance of the medical service and allocates funds to it.

The medical staff does not possess specialist knowledge of prison pathology.

Women prisoners are occasionally admitted to the prison. Presently, two women are accommodated in the detention unit. Whenever necessary, women are examined by gynecologists in civilian hospitals.

No disciplinary measures have been taken or criminal proceedings instituted against the medical staff.

The interviewed prisoners neither complained of nor praised the medical service. They take that examinations are conducted off-handedly. On the other hand, they are sent to see specialists without undue delay.

II

Incompatibilities with or Departures from the Law on Execution of Criminal Sanctions (LECS), the House Rules on District Prisons (House Rules), the European Prison Rules (EPR) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment Standards (CPT Standards)

- A doctor on duty is not engaged to provide medical services in afternoons, at night or during weekends and holidays (Para 35, CPT Standards, CPT/Info (93)12);
- Elementary medical and nursing equipment has not been provided (Para 38, CPT Standards, CPT/Info (93)12);
- Medical files are not compiled for each prisoner (Para 39, CPT Standards, CPT/Info (93)12);
- The doctor does not daily examine a prisoner punished by solitary confinement (Article 132, LECS);
- The medical staff has not been trained to carry out psychotherapeutic and occupational therapy programs (Para 41, CPT Standards, CPT/Info (93)12);
- Information about transmittable diseases is circulated neither to prisoners nor to the prison staff (Para 54, CPT Standards, CPT/Info (93)12);
- The prison staff has not been trained in recognizing indications of suicidal risk (Para 58, CPT Standards, CPT/Info (93)12);
- Signs of violence are not recorded in a special register, and periodic statistics concerning injuries observed are not compiled for the attention of the prison administration (Para 60-62, CPT Standards, CPT/Info (93)12);
- Socio-therapeutic programs for unbalanced individuals, longstanding drug addicts and aggressive persons have not been developed, the same as programs for their social reintegration (Para 68-69, CPT Standards, CPT/Info (93)12);
- The medical staff does not possess specialist knowledge enabling them to deal with particular forms of prison pathology (Para 75 and 77, CPT Standards, CPT/Info (93)12).

III Recommendations

- In order to improve the prisoners' diets, the latter should be served different meals for lunch and dinner, as well as fresh fruits and vegetables;
- A qualified medical officer should be engaged on full-time basis;
- Necessary medical equipment (gluco-meter and the like) should be provided;
- Medical files should be compiled for all prisoners;
- The medical staff should daily visit prisoners punished by solitary confinement;
- The medical staff should be trained in carrying out psychotherapeutic and occupational therapies, as well as those related to prison pathology;
- The prison staff should be trained in recognizing indications of suicidal risk;
- Information about transmittable diseases should be circulated both to prisoners and the staff;
- Signs of violence should be recorded in a special register and periodic statistics should be compiled for the attention of the prison administration;
- The medical service partake in socio-therapeutic programs for unbalanced individuals, longstanding drug addicts and aggressive persons, as well as in social rehabilitation programs.

Security

I

The Sabac prison is organized in two architectural wholes – a detention facility for the prisoners under sentence, and a detention facility for those awaiting trial.

In terms of layout and security considerations, the pretrial unit resembles a closed prison. Windows are barred, corridors are fully covered by the video surveillance system, and untried prisoners spend entire days locked in their rooms. They are allowed to take daily walks in the recreational area surrounded by a high, concrete, 5.5-meter wall with additional 1.20-meter barbed wire.

The security regime in the unit accommodating the sentenced prisoners is in keeping with the standards for open detention facilities. There are no bars fitted on windows, dormitories are kept unlocked, and no wall surrounds the recreational area.

Cars that have been confiscated as illegal commodity are parked in the prison compound. Prison officers have repeatedly drawn the authorities' attention to the fact that the prison compound was an unsuitable place for the purpose, the more so since someone from the outside could break in and steal the automobiles.

One video camera is installed in the open unit. Another four cameras will be mounted so as to cover the corridor, the kitchen, the playground and the exercise area outside the compound, according to security officers.

The video surveillance system also covers the main entrance and all outer walls of the buildings.

The prison has four conveyances. A brand new "Jumper" police van has been recently donated to the prison. According to the interviewed warden, the number of conveyances is sufficient for three weekly transfers on average.

The warden (who replaces the head of the security service while the latter is vacationing) says that security is at an adequate level. No cases of inter-prisoner violence that could jeopardize security concerns have been registered in the past period. Two prisoners have managed to escape. Security officers have used rubber truncheons against prisoners on three occasions only, said the warden.

The interviewed prisoners and security officers told the team that the only attempted rape had been prevented. This was when officers had to intervene and use truncheons against two prisoners trying to rape their inmate. The third use of truncheon was also considered justified by the prison administration. Actually, a security officer had to use it in self-defense. According to the warden, a prisoner assaulted the officer when the latter attempted to take away from him an illegal object he had refused to hand over.

Both escapes took place in 2004. One prisoner escaped from the open unit, while the other from the hospital where he had been transferred to undergo a minor surgery.

The interviewed prisoners confirmed the information obtained from security officer. They did not complain of the manner in which security officers were treating them. Security officers' attitude was "correct" and "professional," said the prisoners.

The interviewed prisoners did not report any inter-prisoner violence or informal groups threatening internal security. They said they felt safe and secure in the institution, which was not weighted by inter-prisoner tension or staff-prisoner animosity.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

No major incompatibilities or departures have been observed.

III

Recommendations

- The stock of confiscated automobiles should be removed from the prison compound.

Legality of Prison Regime

I

All prisoners are informed about the basics of the house rule upon admission. Copies of the house rules were visibly posted in all the rooms the team monitored.

Over the past 6 months, instruments of force have been used against the prisoners on 6 occasions. At the same time, not a single case of excessive use of force has been registered nor has any prisoner complained of excessive use of force.

In the same period, 13 disciplinary measures have been taken against the prisoners – 11 prisoners have been punished by solitary confinement (two punishments have been postponed), while 2 have been deprived of privileges. The punished prisoners have not lodged complaints.

The interviewed prisoners did not bear grudge about the prison administration and the staff's attitude towards them.

However, the team's attention was drawn to the illegal practice of transferring the prisoners under longer sentences to this prison. Lately, six such prisoners have been transferred from the Sremska Mitrovica prison. Transfers as such – frequent over the past 12 months – are made because some prisons have been renovated on the one hand, and due to the attempt to solve the problem of overcrowding in big detention facilities on the other.

The law provides that the prisoners who have to serve less than one year out of the total term they have been sentenced to, regardless of the length of sentence, may be transferred to open prisons or district prisons. In real life, this is usually about the people who have behaved themselves and are, therefore, transferred to the prisons with more favorable regimes. However, once transferred, they either meet with problems or cause them. Firstly, regardless of their track records, they are allocated to closed unit after admission and thus have to "start from scratch." Forced once again to "earn" better regimes, they often turn revolted.

Secondly – as this is the case of the group transferred from the Sremska Mitrovica prison – such prisoners are prone to demonstrate that they are "bosses," which incites revolt with "old-timers" and opens the door to inter-prisoner violence.

Last but not least, security services in open institutions are not up to dealing with the prisoners under longer sentences and punished for serious crimes. Besides, the transferred prisoners often cannot fit in the surrounding that is by far more liberal than that from which they have come.

Among other things, this is why as many as 34 prisoners have been allocated to the so-called unit under intensified supervision.

In its previous reports, the team has already elaborated the problem of the so-called units under intensified supervision.

The team's attention was also drawn to the problem of conditional release. Namely, the staff emphasizes that their suggestions related to conditional release are more often than not turned down by courts. This negatively affects prisoners and prison personnel alike. Apart from the fact that prisoners

lose faith in prison officers, the problem in itself questions the very concept of reeducation – prisoners are less motivated to behave themselves, which, in return, causes problems to the staff.

The team takes that the issue referred to in the paragraphs above is noteworthy. For, it is the prison staff that directly communicates with prisoners day in day out and can best observe changes in their conduct and the effects of reeducation that is most competent to put forth conditional releases.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- "Convicts who have committed negligent offenses and who were first time sentenced on the prison term less than a year, or exceptionally under three years, shall be disposed in the correctional facilities of the open or semi-open type" (Article 31, LECS);

- It is axiomatic that prisoners should not be subject to a special security regime any longer than the risk they present makes necessary. This calls for regular reviews of placement decisions. Such reviews should always be based on the continuous assessment of the individual prisoner by staff specially trained to carry out such assessment. Moreover, prisoners should as far as possible be kept fully informed of the reasons for their placement and, if necessary, its renewal; this will inter alia enable them to make effective use of avenues for challenging that measure (Para 32, CPT Standards, CPT/Info (2001) 16).

III

Recommendations

- The provisions of the LECS should be duly respected whenever a prisoner is either allocated to a specific detention facility or transferred to another; all aspects of a prisoner's personality should be taken into account when reviewing his transfer to another institution;

- Detention facilities should establish better cooperative ties; this implies, for instance, that a prisoner who was categorized under A2 in one institution should retain the same category when transferred to another;

- In drafting a new LECS, due attention should be paid to the provisions that define the duties of the authority in charge conditional release and relevant procedure;

- The cooperation between detention facilities and courts of law should be improved when it comes to conditional releases (representatives should meet more frequently so as to mutually assess the progress prisoners have made in the re-socialization process, and particularly to evaluate conduct of the prisoners under longer sentences);

Social Resettlement

I

The reeducation service – incorporating the medical service as well – still has no admission department. The staff showed the team a place that was supposed to be adapted to serve the purpose.

Since the team's last visit, the team in charge of evaluating prisoners' personalities has been made complete. Once the 7-day interviewing and observation of each prisoner is over, the team – composed of a social worker, a psychologist and a special pedagogue – puts forth the treatment program for the prisoner.

In tandem with the team, the prison director decides on each prisoner's classification and treatment program. Whenever necessary, prisoners are reclassified at educators' suggestion.

The main criterion of reclassification is a prisoner's conduct, as assessed by educators, security officers and the training and employment service.

Generally, individual treatment programs are applied.

The educators pinpoint the necessity for a different treatment of special categories of prisoners (e.g. drug addicts). The number of prisoners who are dependent on psychoactive substances is evidently on the increase. Since the staff has not been trained in dealing with them and no specific programs have been developed, their treatment programs are the same as those for other prisoners.

The team was presented a prisoner's file showing that a court has ordered that he should be placed under the measure of obligatory treatment for alcohol and drug abuse. However, the Ministry of Justice has decided that this prisoner should serve his term in this institution.

Sizes of educational groups are adequate, i.e. one educator is in charge of 30-odd prisoners. Individual meetings average 2-3 per month, while daily meetings total three. Meetings last about one hour. Conversation is spontaneous, initiated either by educators or prisoners themselves.

Obligatory schooling is not envisaged for this type of institutions. The prisoners eager to continue their education may attend courses in the outside community. According to prison statistics, most prisoners have finished secondary schools.

Prisoners rarely go to the prison library. Actually, as the team noted during its previous visit to the institution, the library is stocked with unattractive and outdated books.

No officer is specifically tasked with organizing recreational activities. Apart from occasional performances by the local folklore ensemble, no other cultural, educational or other similar events are organized in the prison.

There are football and volleyball fields in the open. The prisoners mostly use them in summertime.

The prisoners allocated in the so-called unit under intensified supervision are particularly affected by the lack of organized recreational activities. Practically, except for 30-minute exercises in the fresh air, they spend 23 hours locked in their rooms.

Most prisoners profess Serbian Eastern Orthodoxy. Though prisoners are interested in religious observance, the prison, for the time being, cannot set aside a room for religious ceremonies and visiting priests.

The training and employment service organizes vocational training for prisoners both in the prison and in the outside community.

Vocational training is still provided in the domains of agriculture, stock breeding and catering. The prison has hog and fish farms, hotbeds and large areas of farmland. This is where a high percentage of prison population is employed.

Presently, 10 prisoners work for the local electric power facility and a construction company as manual worker. All prisoners – expect for those in the unit under intensified supervision – are engaged in prison work.

Prisoners work 8 hours per day, i.e. 40 hours weekly. Weekends are free. Overtime is seasonal. Working conditions and occupational safety are similar to those in the outside community, which means that they are rather poor.

Prisoners' wages depend on the type of work they are engaged in and the number of hours they spend at work. Monthly wages average 800-1,300 dinars (10-16 EUR). In the context of prisoners' social rehabilitation, the training and employment service's engagement boils down to daily monitoring and assessing of their conduct and commitment to work. The service's evaluation is most significant when it comes to privileges (conditional releases, extra weekends in the outside community, etc.)

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- A satisfactory program of activities (work, education, sport, etc.) is of crucial importance for the well-being of prisoners. This holds true for all establishments, whether for sentenced prisoners or those awaiting trial. (Article 78, LECS; Para 47, CPT Standards, CPT/Info (92) 3; Para 32, CPT Standards, CPT/Info (2001) 16);

- All prisoners without exception should be entitled to exercise their rights related to maintenance of their physical and mental health, religion, etc. and should be engaged in purposeful activities. With a view to improving cultural, recreational and sport life of prisoners and maintaining their physical and mental health, the institution organizes cultural, recreational and sport activities. These activities are organized in spare time and are managed by the reeducation service. Recreational activities are organized in premises suitable for the purpose (Article 47, House Rules; Para 48, CPT Standards, CPT/Info (92) 3);

- The existence of a satisfactory program of activities is just as important – if not more so – in a high security unit than on normal location. It can do much to counter the deleterious effects upon a

prisoner's personality of living in the bubble-like atmosphere of such a unit. The activities provided should be as diverse as possible (education, sport, work of vocational value, etc.). (Para 32, CPT Standards, CPT/Info(2001)16.)

III Recommendations

- The staff should be encouraged to organize recreational activities for all prisoners; if necessary, someone should be engaged to perform these duties;
- Prison staff should pay more heed to the needs and activities of the prisoners confined in the so-called unit under intensified supervision;
- The library should be stocked with new books;
- A room should be set aside for religious ceremonies;
- Vocational training provided to the prisoners should be more diversified and prisoners' work should not be of manual nature only;
- Prison labor should be perceived as a part of social rehabilitation process, rather than as a profit-making business.

Contact with the Outside World

I

Prisoners still have three phone booths at their disposal. Phone calls are not restricted and do not imply any special procedure whatsoever. Only the prisoners from the so-called unit under intensified supervision make their calls in the presence of a security officer.

Prisoners' letters and complaints to higher authorities are not censored. The administration department forwards all letters to an educator who gives them for further distribution to a prisoner on duty. Letters are just examined but nor read, except in the case of the prisoners in the high security unit.

No letter or parcels have been confiscated over the past six months.

Newspapers are delivered to the prisoners who have subscribed to them. Prisoners may watch TV in the mass hall. For technical reasons TV sets cannot be placed in pretrial and high security units.

All prisoners receive visits the duration and frequency of which depend on prisoners' treatment programs. Rooms for family visits and meetings with lawyers are adequately furnished, spacious enough and well-lit.

The rooms wherein untried prisoners receive their visitors are properly furnished, of adequate size and have barred partitions.

There are no rooms for spousal visits in the prison.

A prisoner may contact his lawyer whenever necessary and on his request.

Pre-release preparations imply no special programs or activities. The cooperation with relevant factors in the outside community (except with courts, due to the above-mentioned problem of conditional releases) is seen as adequate.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- In the case of those prisoners with longer sentences, steps should be taken to ensure a gradual return to life in society. This aim may be achieved, in particular, by pre-release regime organized in the same institution or in another appropriate institution, or by conditional release under some kind of supervision combined with effective social support (Para 87 and 88, EPR).

III Recommendations

- Technical problems (sockets and electrical installations) should be solved, so as to enable placement of TV sets in pretrial and high security units.

Institutional Personnel

|

Out of 5 employees planned in the job classification, the training and employment service still engages only 3. They are all men and their age averages 30-35. One instructor has graduated from a higher school, while the other 5 from secondary schools.

The coordinator of the service is an agricultural engineer, while the other two instructors are veterinary technicians. The coordinator presently attends some university courses, so as to meet the criteria for the post of the head of the service.

No instructor has attended courses of in-service training that would render them fit to deal with prison population.

Instructors' careers average 15 years. One instructor is in charge of 20-25 prisoners.

The interviewed instructors said they were satisfied with their jobs, the prison administration and the cooperation with other services. They take their service enjoys the same status as other services. Team meeting are held on daily basis, while those convened at the level of the entire institution once a week. This is when the coordinator, from the angle of his job, puts forth suggestions for each individual prisoner.

However, the instructors are dissatisfied when it comes to their paychecks and regularity of payments.

Overtime is occasional. The instructors are recompensed for it with days off.

Disciplinary proceedings have not been instituted against any instructor.

They consider their jobs minimally stressful. Asked whether they fear of being attacked by prisoners, they say assaults are always possible, though none has taken place for long.

The reeducation service employs 6 out of 7 educators planned by the job classification. The service includes social workers and special pedagogues, as well as a newly recruited psychologist. The latter has been practically trained for 15 days while working as an intern in the Padinska Skela prison, an institution similar in type. The reeducation service also engages a male nurse, an officer in charge of prisoners' admission and release, and a typist.

Two employees have university diplomas, two have graduated from higher schools, while the rest have finished secondary schools. The service is composed of equal number of men and women, age 40 on average. Over the past 6 months, disciplinary proceedings have not been instituted against any member of the staff.

The entire service staff is properly qualified for their jobs, which they hardly consider stressful. None of them has ever been assaulted by a prisoner.

Though they get their salaries regularly, they are dissatisfied with the amounts on their paychecks. Overtime is occasion and recompensed with days off.

The reeducation staff takes that inter-staff relations are good and that their service plays a crucial role in the process of prisoners' social rehabilitation and resettlement.

All of them said they would like to attend courses of in-service training and learn about new trends in the domain of penology.

The prison engages 33 full-time security officers, plus one officer who has been transferred from Kosovo. According to the job classification, the service is fully staffed.

Only one security officer has a university diploma, while the others have finished secondary schools.

According to the warden, the service functions rather smoothly. No officer was fired in 2004. Only one has been on a long sick leave after car accident.

In 2004, disciplinary proceedings have been instituted against one officer, accused of gross breach of orders. The proceedings are still underway. The officer was in charge of keeping an eye on an untried prisoner, but the latter managed to escape. Other officers were not subject to either disciplinary or criminal proceedings.

Three security officers, including the head of the service and the warden, have attended three courses of training in human rights – two were organized in Sremska Mitrovica and one in Belgrade. According to the warden, information about the sum and substance of these courses has been circulated to all security officers. Further, as relevant literature has been distributed to them, all are informed about the CPT Standards and European Prison Rules. And yet, it would be most beneficial for

the prison should all security officers attend such courses or seminars providing them with insights into the human rights standards and contemporary trends in the domain of penology, said the warden.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Prison staff should be qualified and include a certain number of specialists such as educators, vocational instructors, counselors, social worker, psychiatrists and psychologists. Those and other specialists should be engaged on full-time basis. The latter does not preclude engagement of part-time staff and volunteers whenever the institution can benefit from their support and expertise.

A reeducation service coordinates the work of other factors in the process of reeducation.

A training and employment service crucially assists a reeducation service (Article 17 and 20, LECS; Para 59 EPR; Para 27, CPT Standards, CPT/Info (2001) 16).

- Institutional personnel should be trained particularly in human rights matters, interpersonal communication, lessening of tension and raising the quality of life in prison establishments (Para 59 and 60, CPT Standards, CPT /Info (92) 3);

- On recruitment or after an appropriate period of practical experience, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests, unless their professional qualifications make that unnecessary.

During their career, all personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized by the administration at suitable intervals (Para 55, EPR).

III

Recommendations

- The reeducation service should be fully staffed in keeping with the job classification;

- Prison officers should be trained in dealing with specific categories of prisoners, or specialists should be engaged for the purpose;

- All security officers should permanently improve their knowledge of human rights of the persons deprived of their liberty, non-violent communication and contemporary trends in the domain of penology; in this context, the prison administration should organize pertinent courses of training and seminars;

- Conditions of service of the entire personnel should be improved by adequate salaries, but also by other employment benefits, study trips, etc.

CUPRIJA PENITENTIARY-REFORMATORY

Date of the visit: December 15, 2004

Type of institution: open

Population: men/adults

Number of sentenced prisoners: 196

Number of untried prisoners: 50

Number of prisoners sentenced for misdemeanor: 7

Composition of the monitoring team: two jurists, a physician and a special pedagogue

Quality and Conditions of Life

|

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY INSTALATIONS AND HYGIENE

Though two years have past since its last visit to the Cuprija prison,² the team found the situation on the spot unchanged. Namely, all the three facilities (pretrial, closed and open units, along with the unit located in the "Ada" complex) are still properly maintained and in good shape.

All prison premises and dormitories are freshly painted, clean, sunny, ventilated and properly heated. Bedding is changed once in two weeks.

The rooms accommodating untried prisoners differ in size and capacity (4-10 beds). All have adjacent toilet bowls and tap water. Some are furnished with TV sets, while sizes of some are inadequate in term of cubic meters of space per a prisoner.

The biggest problem still weighting the institution is the dormitory in the closed unit. The 9.5 by 8.5 meter room accommodates 37 prisoners (38 beds), which means that each prisoner has 2.12 meters of floor space. By its very size, this room stands for inhumane and degrading treatment, regardless of the fact that prisoners at there only at night. They spend days in a living room furnished with adequate number of tables and chairs, and with a TV set.

Overcrowding has been plaguing the institution for long. According to the prison administration, renovation and adaptation of a facility in the "Ada" complex is underway. The team saw this facility, which is, once renovated, supposed to accommodate the prisoners from the closed unit and provide by far better conditions of life.

The entire prison has problem with electricity supply (frequent blackouts, inadequate voltage, etc.) and drinking water of questionable quality. Cuprija as a whole faces the problem of quality drinking water. However, unlike citizens who may buy bottled water or solve the problem in some other way, prisoners are mostly deprived of such possibilities.

The bathroom in the closed unit is utterly inappropriate, particularly in wintertime. It is not only dislocated so that prisoners have to walk in the open to reach it, but is also unheated.

The solitary cell is of adequate size, freshly painted, furnished with a new bed and bedding, and a new toilet bawl. It is so constructed that it allows entrance of fresh air and natural light. Artificial lighting is adequate. Though there is a radiator in the cell, it was cold at the time of the team's visit. A prisoner in the solitary confinement told the team that there has been no heating for several days.

The exercise area of the closed unit is not only surrounded by a wall topped with several layers of barbed wire, but also wholly covered by 3.5-meter steel netting. Thus the entire area looks more like a cage.

The open unit, accommodating some forty prisoners, is located in "Ada" complex, two kilometers away from main buildings. The unit meets the standards of decent living in all aspects.

² See, "The Situation of Serbian Prisons in 2002-04: How To Attain European Standards", pp. 122-134, Helsinki Committee for Human Rights in Serbia, Belgrade, 2004.

Prisoners look degrading in the uniforms they are obliged to wear at all times. Moreover, they are provided one uniform each, meaning two shirts, two pairs of underwear, a pair of trousers, and a jacket. It is only logical that prisoners cannot regularly wash and change them.

B) KITCHEN, MASS HALL AND FOOD

The team noted that a progress has been made in this segment since its last visit. Though still small, both kitchen and mass hall in the closed unit have been renovated and are visibly well kept. A month ago, a room has been turned into a staff canteen that looks like any average restaurant in Serbia.

The team could not find out whether the food is prepared by a professional cook or some prisoner. The interviewed prisoners did not complain of meals that are served to them, but of the fact that they rarely get milk, milk products and fresh fruits (in high season, they are served watermelons occasionally).

Special diets can be prepared for the prisoners to whom a doctor has prescribed them.

The prison has no canteen. Prisoners place orders for the goods they need, and the latter are delivered to them once in two weeks.

A male nurse controls the food and general hygiene on daily basis. He enters his findings in a register, but does not submit relevant reports for the attention of the prison administration. Once a month, samples of food are tested by the Healthcare Authority. Over the past twelve months, all the food examined was found edible and clean.

C) MEDICAL SERVICE

A specialist in general medicine, engaged on contract, visits the institution twice a week (Mondays and Thursdays). His working hours depend on the number of prisoners to be examined on each occasion. A full-time male nurse assists the doctor.

Medical examinations are conducted in a small out-patient ward furnished with a table, a bed, a medicine cabinet and basic equipment for general examinations and therapies.

All prisoners are medically examined upon admission and have their medical files compiled for them. On the doctor's visiting days the male nurse tours all rooms, so as to register the prisoners who need to be examined. On other days, prisoners have to apply to security officers who just forward their request for medical examinations.

Medical examinations of the prisoners classified in groups B1, A2 and A1 are conducted out of the hearing and out of the sight of prison officers and other prisoners. However, the prisoners classified in groups V1 and V2 are examined in the presence of security officers.

Diagnostic procedures and treatment imply a prisoner's consent. Namely, any prisoner is entitled to refuse both diagnostic testing and treatment, but has to sign a document declaring that he is in full responsibility of such a refusal.

All information related to a prisoner's state of health are entered into his medical file, while the examinations he has undergone are recorded in a general medical register and, partially, in a computer file. The medical service plans to have all medical data entered in computer files and to introduce some other records such as a record of injuries.

Unfortunately, the team could not have examined computer files, since the PC was out of order. The team, anyway, welcomes the initiative to have all medical information computerized as thus the entire medical situation in the prison and related developments among the prison population easily accessible.

Periodic medical examinations of the prison population are not conducted, given that most prisoners are with shorter sentences.

As referred to in the paragraphs above, the out-patient ward is poorly equipped. Thus, all biochemical tests and specialist examinations are provided by the local medical center. The prison does not keep records of the prisoners sent there to be examined by specialists. According to the male nurse, 5-10 prisoners at the most undergo specialist examinations each week.

The male nurse supervises distribution of medicines. However, the fact that the medical cabinet cannot be locked opens avenues for possible misuse.

The prison cannot organize an in-patient ward.

According to prison statistics for 2003, over the past 12 months 560 examinations were performed for untried prisoners and 3,325 for sentenced prisoners and those serving prison terms for misdemeanor.

The local medical center provides dental services as well. In 2004, 60-odd prisoners got mostly fillings and teeth extractions.

However, the manifest discrepancy between dental service and overall medical services provided to the prisoners (60:3,325) indicates that there must be some shortcomings in the domain of healthcare.

At the time of the team's visit, 5 diagnosed diabetics – one of which was on insulin therapy and a number of patients cardiovascular disease – three of which were with angina pectoris, more than 10 with hypertension, 3 were recuperating from cardiac arrest and 1 suffering from tachycardia.

About 10 percent of the prison population, i.e. 30-odd prisoners, has hepatitis B and C. No prisoner has tuberculosis, AIDS or is HIV infected. In 2003, one prisoner was indicated as AIDS patient. He was transferred to the Belgrade Penitentiary-Hospital, but the diagnosis has not been confirmed.

Presently, some 25 prisoners are dependent on psychoactive substances. The number of drug addicts is obviously on the increase.

The prison does not keep statistics of the injuries observed. Such injuries are registered in prisoners' medical files and, according to the male nurse, mostly relate to hematoma and scratches. No serious injuries have been registered lately. Once a month on average, a prisoner reports a lighter injury resulting from inter-prisoner violence.

Occupational injuries are entered into a separate computer file, said the male nurse. However, the team could not have checked this information given that the computer was out of order.

In 2003, one prisoner injured himself by inserting an object in his colon, while another attempted to commit suicide by slashing his wrists.

Rapes were not registered. However, other forms of sexual abuse within a circle of prisoners have been recorded recently.

The doctor's duty is to confirm in writing whether or not a prisoner is suited for the punishment by solitary confinement. The prisoners placed in solitary cells are regularly examined though not in keeping with law providing daily visits by medical staffs.

Formally, all information concerning prisoners' state of health is available to them at all times. Such information is imparted to their families and lawyers on request and with the prison director's consent (a relevant court's consent in the case of untried prisoners).

The medical staff has not been trained in providing basic psychological and occupational therapies. In 2003, no lectures about healthcare issues were organized for prisoners. Three lectures about drug addiction were delivered to them two years ago.

Information about transmittable diseases are not circulated either to prisoners or the staff. The staff has not been trained in dealing with patients with transmittable diseases, particularly who are HIV infected in terms of nondiscrimination and confidentiality.

The prison staff has neither been trained in recognizing indications of suicidal risk. Whenever a prisoner is identified as a suicidal risk, he is placed under the regime of intensified observation and examined by a psychiatrist. More serious cases are sent to the Belgrade Penitentiary-Hospital.

The medical service neither partakes in nor develops socio-therapeutic programs for the prisoners with histories of family trauma or those dependent on psychoactive substances.

Whenever requested by a relevant court of law, the medical service submits reports on the prisoners for whom some alternative solutions have to be found since they are deemed unsuited for detention because of impaired health or age. However, the service is not informed about its influence on the final outcome in the cases as such.

No disciplinary proceedings have been instituted against the medical staff. Once only, a prisoner expressed his grievance about the male nurse's performance to the head of the security service. After double-checking the prisoner's claim and his medical file, the prison administration decided there were no grounds for instituting disciplinary proceedings.

II

Incompatibilities with or Departures from the Law on Execution of Criminal Sanctions (LECS),
the House Rules on District Prisons (House Rules), the European Prison Rules (EPR)
and the European Committee for the Prevention of Torture and Inhuman or Degrading
Treatment or Punishment Standards (CPT Standards)

- The level of overcrowding in the prison is rather high (Article 58, LECS; Article 14, House Rules; Para 46 and 50, CPT Standards, CPT/Info (92)3; Para 28 and 29, CPT Standards, CPT/Info (2001)16);

- The CPT has been led to conclude on more than one occasion that the adverse effects of overcrowding have resulted in inhuman and degrading conditions of detention (Para 13, CPT Standards, CPT/Info (97)10);

- "Clothing for a convicted person shall not give the impression of belittling or degrading the convicted person.

"In an open correctional facility and in the open section of any correctional facility, the director of the administration may permit the convicted persons to wear their own clothes (Article 64, LECS);

- A doctor on duty is not engaged to provide medical services in afternoons, at night or during weekends and holidays (Para 35, CPT Standards, CPT/Info (93)12);

- Medical examinations are not conducted out of the hearing and out of the sight of prison officers and other prisoners (Para 51, CPT Standards, CPT/Info (93)12);

- The medical staff has not been trained to carry out psychotherapeutic and occupational therapy programs (Para 41, CPT Standards, CPT/Info (93)12);

- The medical staff does not daily examine a prisoner punished by solitary confinement (Article 132, LECS);

- Information about transmittable diseases is circulated neither to prisoners nor to the prison staff (Para 54, CPT Standards, CPT/Info (93)12);

- The prison staff has not been trained in recognizing indications of suicidal risk (Para 58, CPT Standards, CPT/Info (93)12);

- Signs of violence are not recorded in a special register, and periodic statistics concerning injuries observed are not compiled for the attention of the prison administration (Para 60-62, CPT Standards, CPT/Info (93)12);

- Socio-therapeutic programs for unbalanced individuals, longstanding drug addicts and aggressive persons have not been developed, the same as programs for their social reintegration (Para 68-69, CPT Standards, CPT/Info (93)12);

- The medical staff does not possess specialist knowledge enabling them to deal with particular forms of prison pathology (Para 75 and 77, CPT Standards, CPT/Info (93)12).

III

Recommendations

- Funds should be urgently secured for the renovation of the facility in the open unit, wherein the prisoners from the close unit are supposed to be moved; a relocation as such will solve the problems of overcrowding in the pretrial unit, inadequate bathroom and the cage-like exercise area;

- The problem of frequent blackouts and inadequate voltage should be alleviated inasmuch as possible; the same refers to the problem of drinking water that may be at least temporarily solved by digging wells, cistern regularly supplying drinking water, etc.;

- Bearing in mind that the practice related to prison uniforms differs in detention institutions, the prison administration should pass a regulation on uniforms, in keeping with modern standards and tenets of a prisoner's dignity;

- The medical staff should pay daily visits to the prisoners punished by solitary confinement;

- All categories of prisoners should be medically examined out of the hearing and out of the sight of prison officers and other prisoners, unless the doctor requests otherwise for justifiable reasons;

- The medical staff should be trained in providing psychotherapy, occupational therapy, as well as those related to prison pathology;

- The prison staff should be trained in recognizing indications of suicidal risk;

- Information about transmittable diseases such as hepatitis B and C, AIDS, tuberculosis, etc. should be circulated to both prison staff and prisoners in regular intervals;
- Statistics on injuries should be compiled, and relevant periodic reports should be drawn for the attention of the prison administration;
- Socio-therapeutic programs for unbalanced individuals, drug addicts and aggressive prisoners should be systematically implemented.

Security

|

By its layout and security related traits, the open unit – located outside the down – fully corresponds to legal definition of open detention facilities.

Windows have no bars or other obstacles, and the entire complex is not surrounded by a well supposed to prevent escapes.

In 2003, no prisoner escaped. One prisoner did not report to the prison after leave.

All characteristics of the section located in the town correspond to a closed prison. This implies barred windows and locked dormitories and other premises where prisoners spend their days.

Installation of a video surveillance system is underway. Video cameras will be covering the pretrial unit, the administration building, the closed unit and surrounding area.

A video surveillance system will also be mounted in the open unit. The system will cover both the actual facility and the one to be renovated. The prison's commune will be also under surveillance in foreseeable future.

According to the acting head of the security service, the understaffed security service and the number of conveyances at the prison's disposal pose as the biggest security related problems.

The reason why the service is short-handed is to be tracked down to the fact that the institution is legally defined as an open one. However, no heed has been paid to some other factors – the institution includes facilities on two locations, it territorially covers the jurisdiction of 34 municipal and 8 district courts, and scores of untried and convicted prisoners are daily transferred to other location.

In spite of the above-mentioned problems, the acting head of the service labeled the security adequate. This is surely to be attributed to the strict regime and discipline. "Though this is an open prison, it has always been known for its discipline. We have always insisted on order," he said. Parcels sent to the prisoners are examined in detail, and the prisoners themselves are thoroughly searched.

Further, a task force has been formed within the security service. It recruits 10 officers in excellent condition, and well-trained in martial arts and shooting. These officers are equipped with helmets, bulletproof jackets, shields, automatic guns, etc.

On the other hand, the acting head of the security service is dissatisfied with the number of conveyances supposed to provide 3-10 daily transfers. "All we have is one functional police van, another one that is so old that can be used for local transportation only, and two semi-functional patrol cars. This is fully inadequate to meet the institution's requirements," he said.

In 2004, he added, just a few minor cases of inter-prisoner violence were recorded. He specifically referred to the attempt to have an informal group formed in the open unit. The prisoners concerned were transferred to the closed unit once they began to abuse their inmates. On November 20, this group of prisoner confronted security officers, and the latter legally used rubber batons against three prisoners from the group, according to the acting head of the service.

All the prisoners from this group were punished by solitary confinement.

The interviewed prisoners differently assessed security officer's attitude towards them. According to some, security officers were "strict, though professional and correct." On the other hand, other prisoners said that "some commanders behave aggressively and are much to apt to using truncheons."

The team left under the impression that the attention paid to and the funds set aside for security concerns were out of the way for an open institution as such.

The team also takes that regime and discipline in the institution are too rigid, and that security staff-prisoner relations are more than tense.

The team has not registered such rigid discipline and tense atmosphere in other monitored institutions, even in those classified as closed prisons.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The cornerstone of a humane prison system will always be properly recruited and trained prison staff who knows how to adopt the appropriate attitude in their relations with prisoners and see their work more as a vocation than as a mere job. Building positive relations with prisoners should be recognized as a key feature of that vocation.

Regrettably, the CPT often finds that relations between staff and prisoners are of a formal and distant nature, with staff adopting a regimented attitude towards prisoners and regarding verbal communication with them as a marginal aspect of their work.

Where staff complements are inadequate, significant amounts of overtime can prove necessary in order to maintain a basic level of security and regime delivery in the establishment. This state of affairs can easily result in high levels of stress in staff and their premature burnout, a situation which is likely to exacerbate the tension inherent in any prison environment (Para 26, CPT Standards, CPT/Info (2001) 16).

III

Recommendations

- The institution's real needs in terms of the staff should be reconsidered before laying down a new job classification for the security service;

- The possibility of purchasing new conveyances should be taken into consideration;

- Staff-prisoner relations should be improved with a view to both lessening the existing tension and curbing inter-prisoner violence.

Legality of Prison Regime

I

Shortly after admission, all untried and convicted prisoners are informed about basic house rules.

A copy of house rules is visibly posted in the admission department where prisoners stay 7-10 days after being admitted to the institution.

However, copies of house rules and the LECS are not available to prisoners at all time. Instead, they have to ask prison officers to provide these copies to them.

According to the statistics compiled over the past 11 months, security officers have used instruments of restraint against prisoners on 15 occasions. Two prisoners were handcuffed and separated from the rest, while rubber batons were used against 13 prisoners. No prisoner has lodged a complaint for excessive use of force.

According to the prison administration, the force used against prisoners was justified. Asked to specify the cases necessitating the use of such instruments, the acting head of the security service replied, "We mostly had to intervene against informal group, in the cases of inter-prisoner violence and maltreatment, as well as when prisoners physically assaulted security officers."

The interviewed prisoners mostly referred to the excessive use of force related to the attempted sexual abuse of several prisoners from the open unit (described in the paragraphs above). The outcome of the incident was partially recorded in prisoners' medical files.

The interviewed prisoners did not report other incidents, threats or blackmails that would be beyond the usual forms of inter-prisoner violence.

Over the past 11 months, 5 prisoners have been punished by solitary confinement, 38 have been deprived of privileges and 4 have been reprimanded. Only one prisoner complained of the disciplinary measure taken against him, and his grievance was sustained.

In the same period, 11 prisoners have lodged complaints against breaches of their rights and other irregularities.

The interviewed prisoners differently perceived the fairness of disciplinary measure and granted privileges. While some said that these procedures were more or less correct, the great majority

was of the opinion that punishments were too severe and the prison director too restrictive when it came to leaves, free weekends and, in particular, conditional releases.

The problem of conditional releases weights the institution. For, regardless of the prison administration's positive assessments, conditional releases are often turned down by relevant courts. This just fuels prisoners' discontent and burdens the staff that is at loss how to motivate prisoners to behave themselves.

The same as in other institutions, the prison administration pinpointed the problem of the transfer of prisoners with longer sentences to this prison. At the time of the team's visit, 15 such prisoners have been transferred from the Nis prison to the institution's closed unit. Consequences of the presence of this category of prisoners are the same as those detailed in the section 3 of the report on monitoring the Sabac Penitentiary-Reformatory.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Effective grievance and inspection procedures are fundamental safeguards against ill-treatment in prisons. Prisoners should have avenues of complaint open to them both within and outside the context of the prison system, including the possibility to have confidential access to an appropriate authority. The CPT attaches particular importance to regular visits to each prison establishment by an independent body (e.g. a Board of visitors or supervisory judges) possessing powers to hear (and, if necessary, take action upon) complaints from prisoners and to inspect the establishment's premises. Such bodies can inter alia play an important role in bridging differences that arise between prison management and a given prisoner or prisoners in general (Para 54, CPT Standards, CPT/Info(92)3);

- It is axiomatic that prisoners should not be subject to a special security regime any longer than the risk they present makes necessary. This calls for regular reviews of placement decisions. Such reviews should always be based on the continuous assessment of the individual prisoner by staff specially trained to carry out such assessment. Moreover, prisoners should as afar as possible be kept fully informed of the reasons for their placement and, if necessary, its renewal; this will inter alia enable them to make effective use of avenues for challenging that measure (Para 32, CPT Standards, CPT/Info (2001) 16);

- "Three months before completion of a prison sentence, a manager of a correctional facility may release under conditions a convicted person who has served four-fifths of his prison sentence if the convicted person has worked hard and demonstrated good behavior (Article 149, LECS).

III

Recommendations

- Whenever prisoners are transferred to open institutions to serve their remaining prison terms, the LESC's provisions should be fully respected and due attention should be paid to all aspects of such prisoners' personalities;

- In drafting of a new LECS, the necessity to define authorities in responsibility of conditional releases and relevant decision-making procedures should be taken into account.

Social Resettlement

I

In terms of organizational arrangements, the reeducation service incorporates the medical service and the administrative department. To get an insight into the dimension of prisoners' social rehabilitation, the team interviewed the personnel in charge of their reeducation.

Educators are still tasked with observing newly arrived prisoners and their admission to the institution. Though the team was told during its previous visit that a psychologist was on the prison admission team, this now turned out as a misunderstanding. Namely, the prison has never had a full-time psychologist. This means that observation and treatment from psychological angle have been neglected.

Actually, the admission team is composed of a social worker, a general pedagogue and a special pedagogue. The three observe each newcomer for 7-10 days and then put forth a treatment program for him. In tandem with the team, the prison director reviews the prisoner's classification and treatment program, and, eventually, approves them. Educators keep observing the prisoner and, whenever deemed appropriate, propose his reclassification.

The main criterion for a prisoner's reclassification is his conduct, as assessed not only by educators, but also by security officers and the training and employment staff.

According to the staff, only individual treatments and frontal work in groups are provided to prisoners. The staff has to face considerable problems when it comes to the treatment of special categories of prisoners such as drug addicts. Given that they do not possess specialist knowledge on dealing with this group, the treatment provided to it is the same as that to other prisoners.

Sizes of educational groups are inappropriate (three educators are in charge of 200 prisoners), the more so since educators also have to handle admission and observation procedures, relevant reports and the like.

Asked about their attitude towards educators, some interviewed prisoners said they did not even know who was their educator, others that they had to wait for days to speak to an educator, while the rest described their attitude as neutral.

Out of 50 prisoners placed in the closed unit (15-odd are in the admission department), 25 are from the group that has been transferred from the Nis prison.

It is this group – mostly composed of habitual offenders and perpetrators of serious crimes – that, in addition to drug addicts, poses the biggest problem in treatment programs decision making.

Another problem the prison has to cope with are the prisoners initially admitted as first offenders found guilty of negligence, but then, after new proceedings against them, remain in the prison to serve their sentences regardless of the fact that they no longer meet legal criteria for such placement.

Apparently, this is why most interviewed prisoners take that some of their inmates are privileged and that corruption flourishes at higher levels of authority.

The law does not provide mandatory schooling in the type of institution as such. However, all prisoners eager to continue their education may attend relevant classes in the outside community.

According to prison statistics, general level of education is rather poor – the great majority of prisoners have finished elementary schools only.

A new library is presently organized. As it seems, it will be stocked with adequate and attractive books. So far, the prison has managed to collect about 500 books for the library. The library is located within the prison's commune. According to the interviewed prisoners from the closed unit, they usually have to wait for days to have books from the library delivered to them.

The scope of recreational activities available to the prisoners is rather limited. Not a single member of the staff is specifically tasked with organizing and implementing such activities.

The prisoners from the closed unit – located within the administration building – have no opportunity whatsoever to engage in sport activities.

On the other hand, the prisoners from the open unit, i.e. the one situated in the prison's commune, have access to a football field and a variety of other sport and recreational activities. Asked whether the prisoners from the closed unit were occasionally given the opportunity to use these recreational grounds, the interviewed officers replied that was not the case, given that it was hard to organize their transport to the commune, and even harder to prevent possible escapes.

No other recreational or cultural activities are organized in the prison.

The prison has not made arrangements for prisoners' religious observance. However, the team does not consider this as a problem, given that there is a church nearby the prison and the prison population as a whole is entitled to frequent leaves.

Formally, the reeducation service "organizes and implements vocational training both within the institution and outside it." In real life this means that prisoners are mostly engaged in unskilled, manual work. The only vocational training is provided in the prison's woodcutting facility, i.e. relates to carpentry.

The prison has hectares of farmland and farms. Unfortunately, the prisoners from the closed unit are deprived of the possibility to work in the commune, and, therefore, do only chores.

Out of total prison population (200), 15 prisoners presently work in the outside community, 26 are engaged in the commune, 19 in the woodcutting facility and 13 are tasked with chores. Given that

only one-third of the prison population is engaged in prison work, this aspect can be labeled inappropriate.

Technology is about the same as in the outside world. Conditions of work and precautions taken against occupational injuries are poor in spite of the fact that only one occupational injury has been registered so far.

In the context of prisoners' social rehabilitation, the engagement of the training and employment service boils down to daily monitoring and assessment of each prisoner's commitment to his work and overall conduct. The service's assessments play a significant role in granting privileges to individual prisoners.

Prisoners work 8 hours per day, i.e. 40 hours weekly. Weekends are free. Prisoners never work overtime, no matter whether or not the nature of their jobs necessitates overtime engagement.

Prisoners' wages average 1,000 dinars (12 EUR) and depend on the number of working hours.

The absence of organized recreational activities, minimal engagement in prison work, and the understaffed reeducation service open the door to prisoners' negative conduct and idleness.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- A satisfactory program of activities (work, education, sport, etc.) is of crucial importance for the well-being of prisoners. This holds true for all institutions and for all sentenced prisoners, and, inasmuch as possible, for those awaiting trial (Article 78, LECS; Para. 47, CPT Standards, CPT/Info (92) 3; Para. 32, CPT Standards, CPT/Info (2001) 16);

- An institution organizes cultural, educational and sport activities with a view to improving prisoners' mental and physical health. These activities are organized in prisoners' free time and are managed by a reeducation service. Recreational activities are organized in the premises set aside for the purpose. (Articles 47 and 48, House Rules; Para 48, CPT Standards, CPT/Info (92) 3);

- The existence of a satisfactory program of activities is just as important – if not more so – in a high security unit than on normal location. It can do much to counter the deleterious effects upon a prisoner's personality of living in the bubble-like atmosphere of such a unit. The activities provided should be as diverse as possible (education, sport, work of vocational value, etc.). (Para 32, CPT Standards, CPT/Info (2001) 16.)

III

Recommendations

- The reeducation service should be more actively engaged in planning and organizing a program of activities for all prisoners, particularly for those in the closed unit;

- Regardless of problems related to prisoners' internal classification, the staff should maximally attempt to adjust treatment programs to prisoners' personalities;

- Vocational training provided to prisoners and their work should be more diverse;

- Prisoners' work should be primarily perceived in the context of reeducation, but also as a purposeful activity that can do much to counter aggressiveness and idleness.

Contact with the Outside World

I

The only novelty introduced since the team's last visit is the third phone booth in the open unit. The prisoners from this unit are allowed to make phone calls at all times, without any limitations or presence of a security officer.

The prisoners placed in the closed unit are permitted one 5-10-minute call weekly each and can use the phone only in the presence of a security officer. The same refers to the prisoners from the semi-open unit, except that security officers are not necessarily present while they make their calls.

Prisoners' correspondence is unrestricted. Letters are not censored, though the reeducation staff examines all letters and even reads some.

Security officers inspect all packages. No letter or parcel has been confiscated over the past 6 months.

The interviewed prisoners did not complain that their right to receive letter and parcels was violated in any way.

Most prisoners receive visits the duration and frequency of which depend of their treatment programs.

The prison has not organized yet a room for visitors. Therefore, the prisoners still receive visits in a corridor furnished with chairs and tables.

The pretrial unit has a room for family visits and meetings with lawyers. The room is partitioned with bars and wire.

Since a room for spousal visits is non-existent, the prisoners' rights are considerably restricted.

A prisoner may meet with his lawyer at all times.

As referred to in the first section of this report, some dormitories accommodating untried prisoners have TV sets, while a TV set is available to the prisoners from closed and semi-open units in a living room. Newspapers are delivered to the prisoners who have subscribed to them.

Pre-release activities do not imply any special programs or activities. Except for medical centers, the prison just sporadically cooperates with other factors in the outside community.

The prison staff takes that the cooperation with civilian medical centers is inadequate. This mostly has to do with the fact that local medical centers refuse to deal with the prisoners with personality disorders who need to be under systematical and constant observation throughout the duration of their sentences.

Another problem relates to problematic prisoners' post-penal integration into society. Namely, their families are more often than not incapable of dealing with them on their own. On the other hand, medical centers are unwilling to cooperate and provide specialist assistance to such families.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The guiding principle should be the promotion of contact with the outside world; any limitation upon such contact should be based exclusively on security concerns of an appreciable nature or resource considerations (Para 51, CPT Standards, CPT/Info (92)3; Para, 66, EPR);

- The healthcare service may also help to limit the disruption of social and family ties, which usually goes hand in hand with imprisonment. It should support – in association with the relevant social services – measure that foster prisoners' contact with the outside world such as properly equipped visiting areas, family or spouse/partner visits under appropriate conditions, and leaves in family, occupational, educational and socio-cultural contexts (Para 63, CPT Standards, CPT/Info (93) 12).

III

Recommendations

- The prisoners from the closed unit should be allowed to make more frequent phone calls, bearing in mind the significance of maintaining the contact with the outside world, particularly with families;

- Visiting areas and rooms for spousal and family visits should be arranged in the facility about to be reconstructed;

- The cooperation between the prison and local medical centers should be improved so as to keep under observation a prisoner's social rehabilitation within the institution and his post-penal integration into society.

Institutional Personnel

I

Out of 7 officers, as laid down in the job classification, the reeducation service still engages 6. Though the prison administration has announced several calls for a vacancy, no one applied to the post of a prison psychologist.

The reeducation service is composed of a sociologist, a social worker, a special pedagogue and a general pedagogue.

The other two officers in the staff are a male nurse and an administration officer.

Out of 6 officers, 3 have graduated from faculties, one from a higher school and 2 from secondary schools. The service is appropriately staffed in terms of gender equality. Officers' ages average 40.

Over the past 6 months, no disciplinary proceedings have been instituted against any of these officers.

The entire reeducation personnel are qualified for their jobs. They do not perceive their work as stressful. No officer has ever been assaulted by a prisoner.

Though they get their salaries regularly, they are dissatisfied with their paychecks. Overtime is uncommon, the more so since the prison has no funds for adequate compensation. Interpersonal relations are labeled good, while the service's status and role are perceived as crucial in the process of prisoners' reeducation and social rehabilitation.

No member of the reeducation service has ever attended a course in in-service training, either professional or in the area of human rights, staff-prisoner relations, etc.

The information obtained from the training and employment service was somewhat different than the one given to the team during its previous visit. The team could not tell whether it was all about a misunderstanding or misguiding information.

Namely, there is no head of the service, given that no one meets the criteria of professional capacity (university diploma). All instructors have finished secondary schools. However, while previously interviewing these officers, the team was told that the service is managed by a qualified person.

The instructors belong to agricultural (2), carpentry and textile trades, while one officer in charge of procurement has finished a gymnasium.

The instructors' ages average 30-35. Neither of them has attended a course of in-service training. Moreover, it seems they are neither motivated to upgrade their professional capacity and skills.

Asked whether they need to possess other specialist knowledge implied in the nature of the institution, the interviewed instructors replied they have never given a thought to it, though they were fully aware such knowledge would foster their communication with prisoners.

One instructor is in charge of 12-15 prisoners.

The interviewed instructors said they were satisfied with their jobs, the prison administration's performance and their cooperation with other services.

They take the status of their service is equal to that of other services. Team meetings are held on daily basis, while those convened at the level of the entire institution take place once a week.

The instructors are dissatisfied with their paychecks and absence of service benefits. Given that overtime is not remunerated, they try to finish their work during working hours. "Anything can wait till tomorrow, work is not prone to running away," they say.

No disciplinary proceedings have been instituted against the instructors. They do not perceive their work as stressful. No instructor has ever been assaulted by a prisoner.

The security service recruits 32 full-time officers, plus 11 engaged on contract. According to the job classification, the service should employ 36 security officers.

The prison administration has recently announced a call for vacancies. However, only one candidate met the criteria. According to the warden, the prison administration has decided not to recruit new officers for the time being. "A decision as such holds for all detention facilities," said the warden.

No security officer has graduated either from university or higher schools.

Over the past 12 months, disciplinary proceedings have been instituted against one security officer for having slept while on duty. The officer was fined.

In the same period, security officers have not been on long sick leaves or failed to show up for work.

The same as their colleagues in other services, security officers are dissatisfied with their paychecks, which they deem inappropriate to the exacting nature of their work.

Over the past 12 months, 10 security officers have been trained in computer literacy, 3 have attended a course of training organized by the OSCE, while the newly recruited officer has undergone training in the recently established Education Center in Nis.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- So far as possible the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers, trade, physical education and sports instructors. These and other specialist staff shall normally be employed on a permanent basis. This shall not preclude part-time or voluntary workers when that is appropriate and beneficial to the level of support and training they can provide (Para 57, EPR; Para 27, CPT Standards, CPT/Info (2001) 16);

- During their career, all personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training. Arrangements should be made for wider experience and training for personnel whose professional capacity would be improved by this (Para 55, EPR).

III

Recommendations

- Medical and administration services should be separated from the reeducation service by a new job classification. The total of three vacancies would thus make it possible to set up a complete reeducation team, including a psychologist;

- The prison staff should be trained in dealing with specific categories of prisoners or specialist should be engaged for this purpose;

- The conditions of life and work of the entire personnel should be improved through better salaries and service benefits, as well as in-service training, study trips, etc.;

- All security officers should be educated on prisoners' human rights and instructed in methods of nonviolent communication and resolution of conflicts.

PADINSKA SKELA PENITENTIARY-REFORMATORY

Date of the visit: January 18, 2005

Type of institution: open

Population: men/adults

Number of sentenced prisoners: 142

Number of prisoners sentenced for misdemeanor: 28

Composition of the monitoring team: two jurists, a physician and a special pedagogue

Quality and Conditions of Life

|

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY INSTALATIONS AND HYGIENE

The pavilion accommodating prisoners was initially planned to serve as a part of the Belgrade Penitentiary-Hospital, i.e. its layout was adjusted to a closed institution. This is why the pavilion is surrounded by a wire fence that separates it from the rest of the prison complex and makes it look like a closed or a semi-open institution, and metal bars are fitted on the windows.

The pavilion housing both categories of prisoners has visibly deteriorated since the team's last visit (July 23, 2002). Some rooms have been recently painted. However, plaster in most rooms is falling apart due to humidity caused by poor plumbing. Corridors are dirty and unpainted. Ceilings show signs of humidity and are so ruined in some parts that the inner layer of cane mash is in full view. The bathroom on the first floor had to be closed since water from it was dripping on the rooms below.

On the other hand, the wing with offices that is separated from the one housing prisoners by metal bars has been visibly improved. It has been renovated recently and is, therefore, clean, freshly painted and equipped with brand new sanitary facilities.

The prison administration plans to renovate the adjacent "admission" facility that is presently out of action. If minimal standards are duly respected in the process of reconstruction, this facility might significantly improve the overall conditions of prisoners' life.

Though furnished with new beds and lockers, rooms still look overcrowded and neglected. Prisoners' personal belongings are all over the beds, as the number of lockers is insufficient. Depending on their sizes, the rooms accommodate between 4 and 8 prisoners.

The rooms wherein the prisoners sentenced for misdemeanor are placed leave the worst impression. Namely, the turnover in these rooms in 2004 amounted to 708 prisoners. Being under short sentences, such prisoners are not much concerned with conditions under which they spend their terms.

The rooms of the so-called in-patient ward, accommodating sick and elder prisoners, leave the best impression.

Generally speaking, the level of hygiene is lower than it used to be. The interviewed prisoners said the supply of cleaning agents was inadequate to keep the premises in proper order.

Four showers (out of which three are operable) in the bathroom can hardly meet the needs of the prison population. The prisoners who are not engaged in prison work are allowed to take brief showers only once a week. Beddings are changed twice a month. Prisoners wear civilian clothes, which they either wash themselves or send home to be washed.

Two solitary cells are spacious enough and are so constructed as to allow entrance of natural light and fresh air. They have artificial lighting, heating and other facilities.

The exercise area is walled up by metal fence.

B) KITCHEN, MASS HALL AND FOOD

The kitchen is spacious, clean and rather well-equipped. The mass hall is also kept in proper order, though signs of humidity are visible on its walls.

Two professional cooks and a butcher prepare food. Menus are standardized. According to the prison doctor, the quality of the meals served to prisoners will be improved soon. The latter is more than necessary, given that fresh fruits are not served at all, while milk products are on menus occasionally. For dinner, prisoners are usually served a brew of sorts, which is quite inadequate. Though the menus meet the criteria of caloric value, the same caloric value can be provided by differently combined food articles, said the prison administration.

Special diets are prepared for the prisoners to whom the doctor has prescribed them. However, these diets mostly consist of boiled and unseasoned dishes. Most interviewed prisoners said they usually ate the food sent to them from home, given that the dishes served to them in the prison are tasteless. On the other hand, the majority of the prisoners sentenced for misdemeanor said the food was good. Such answers can be ascribed to the fact that those persons did not have quality and regular meals while free. The prison canteen is poorly stocked. The interviewed prisoners also complained of the canteen's working hours.

C) MEDICAL SERVICE

Organizationally, the medical service makes a part of the reeducation service. It is composed of a general practitioner, a stomatologist who has recently specialized in oral surgery and a nurse. The vacancy for a dental technician is still open. The doctor works till 3:30 p.m. Medical centers in the outside community cater emergencies in the afternoons and at night.

The doctor examines all prisoners on admission and compiles their medical files. To be examined by the doctor the prisoners may simply walk into his office or apply for examinations with security officers.

Given that the doctor is always present on premises on workdays, the prisoners do not have to wait long to be examined.

Biochemical tests are performed by the Belgrade Penitentiary-Hospital. While on leaves, prisoners often go to civilian hospitals for tests. The in-patient ward consists of two sickrooms furnished with TV sets and kept tidy. Bunk beds placed in the sickrooms are the only shortcoming. The in-patient ward mostly accommodates elder chronic patients. At the time of the team's visit, one diabetic on insulin therapy was hospitalized in the ward.

The nurse supervises the pharmacy and distribution of medicines.

Medical examinations are conducted in a nice and sunny in-patient ward that should be equipped with some elementary devices such as gluco-meters, oxygenators, etc. The prisoners are examined by specialists in civilian hospitals or in the Belgrade Penitentiary-Hospital.

Given that the dentist was absent at the time of the team's visit, dental statistics were unavailable. The interviewed prisoners said that there have been problems with dental services. These problems are to be attributed to the period of the dentist's specialization in oral surgery. There is not telling, however, why the prison needs a specialist as such at all.

All examinations are entered into individual medical files and in the general register. Further, the doctor keeps statistics of the prisoners hospitalized in the Belgrade Penitentiary-Hospital, of injuries observed, etc. A PC would certainly make it easier for the doctor to continue such valuable work, the more so since the overview of health related information (particularly about injuries) mirrors overall developments in the institution and is useful as such to the prison administration.

Any treatment necessitates a prisoner's consent. Medical information is available to all prisoners, and is imparted to their families and lawyers on request.

Medical examinations are conducted out of the hearing and out of the sight of prisoner officers and other prisoners.

Periodic medical examinations are not conducted, given that the majority of the prisoners are with short sentences.

It is the doctor's duty to confirm in writing whether or not a prisoner is suited for the disciplinary measure of solitary confinement.

The medical staff does not visit the prisoners punished by solitary confinement on daily basis.

According to conscientiously compiled statistics, 7,104 medical examinations were conducted in 2004. Ninety-four prisoners were sent either for examinations or hospitalization to the Belgrade Penitentiary-Hospital. The latter provided 13 psychiatric examinations. Statistics about the prisoners examined in the nearby "Laza Lazarevic" psychiatric institution are not kept.

Six prisoners were hospitalized in civilian institutions.

Presently, there are 3 diabetics in the prison. In 2004, one prisoner with tuberculosis was hospitalized in the Belgrade Penitentiary-Hospital. No prisoner is with AIDS (two cases were registered in 2003). Some 15 prisoners are with hepatitis B and C, and 10-odd suffer from cardiovascular diseases, mostly from hypertension. According to estimates, dependents on psychoactive substances make up 40-50 percent of the prison population.

In 2004, no cases of inter-prisoner violence were registered. Injured prisoners usually tell the doctor they have stumbled and fell. Therefore, only occupational and sport injuries were registered.

According to the register, no rapes or sexual abuses took place in 2004. Further, one prisoner injured himself by swallowing an object. However, security officers say that prisoners are prone to cutting themselves with sharp objects, mostly those who are homeless and whose behavior is hard to predict.

No prisoner committed suicide in the institution. One prisoner committed suicide at home, while on leave. The case is still open.

The doctor daily controls the food and enters his findings in a register. Monthly reports for the attention of the prison administration are signed, rather than drawn by the doctor.

The prison staff has not been educated to provide basic psychotherapy and occupational therapy.

Information about transmittable disease is not circulated both to prisoners and the staff. The practice of circulating such information should be introduced, the more so since hepatitis and AIDS are often present in the population of open prison. Also, the staff should be educated in dealing with HIV infected prisoners, including the training in nondiscrimination.

The staff has neither been trained in recognizing indications of suicidal risk. When a prisoner is identified as a suicidal risk, he is examined by a psychiatrist and then hospitalized in the in-patient ward (given that separation from other prisoners often results in positive effects) or, in necessary, in the Belgrade Penitentiary-Hospital.

Signs of violence observed are not registered as such. As referred to in the paragraphs above, statistics only show occupational and sport injuries, as well as cases of self-mutilation. This means that violence against prisoners should not be ruled out.

The medical service neither develops nor conducts socio-therapeutic programs for prisoners with family traumas or dependents on psychoactive substances. On the grounds of specialists' findings, the medical service draws up reports that are submitted to relevant authorities whenever an alternative solution should be found for the prisoners who suffer from serious diseases or are too old and thus unsuited for detention. However, such cases are rare in practice.

The very fact that the medical service is organizationally within the reeducation service reduces its independent functioning. The prison administration controls its performance and allocates funds for its work.

Team meetings convened at the level of the entire institution are occasional and attended by the stomatologist. In the team' view, it would be by far better should the doctor, who is in daily contact with prisoners, represent the service at these meetings. The prison director agreed with the team and said the stomatologist would be replaced by the doctor. The team hopes the ongoing practice had nothing to do with gender discrimination given that the doctor is a woman.

The staff has not been educated on various forms of prison pathology.

In 2004, one criminal charge was pressed against the doctor for malpractice. After the investigation into the case, the public prosecutor dropped the charges.

No disciplinary proceedings were instituted against the medical staff in 2004.

II

Incompatibilities with or Departures from the Law on Execution of Criminal Sanctions (LECS),
the House Rules on District Prisons (House Rules), the European Prison Rules (EPR)
and the European Committee for the Prevention of Torture and Inhuman or Degrading
Treatment or Punishment Standards (CPT Standards)

- The rooms in which convicted persons live and work must be of sufficient space that each convicted person has, at a minimum, eight cubic meters of space, adequate heating and sufficient lighting (Article 58, LECS);

- In accordance with the standards laid down by the health authorities, the administration shall provide the prisoners at normal times with food which is suitably prepared and presented, and which satisfies in quality and quantity the standards of dietetics and modern hygiene, and takes into account their age, health, the nature of their work and, so far as possible, religious or cultural requirements (Para 25.1, EPR);
 - Medical officers do not pay daily visits to the prisoners punished by solitary confinement (Article 132, LECS).
 - Elementary medical and nursing equipment has not been provided (Para 38, CPT Standards, CPT/Info (93)12);
 - The medical staff has not been trained to carry out psychotherapeutic and occupational therapy programs (Para 41, CPT Standards, CPT/Info (93)12);
 - Information about transmittable diseases is circulated neither to prisoners nor to the prison staff (Para 54, CPT Standards, CPT/Info (93)12);
 - The prison staff has not been trained in recognizing indications of suicidal risk (Para 58, CPT Standards, CPT/Info (93)12);
 - Signs of violence are just partially recorded in a special register, and periodic statistics concerning injuries observed are not compiled for the attention of the prison administration (Para 60-62, CPT Standards, CPT/Info (93)12);
 - Socio-therapeutic programs for unbalanced individuals, longstanding drug addicts and aggressive persons have not been developed, the same as programs for their social reintegration (Para 68-69, CPT Standards, CPT/Info (93)12);
 - The medical staff does not possess specialist knowledge enabling them to deal with particular forms of prison pathology (Para 75 and 77, CPT Standards, CPT/Info (93)12).

III Recommendations

- The pavilion accommodating both categories of prisoners should be urgently renovated regardless of whether or not the so-called "admission" facility will be adapted to serve the purpose;
- Cleaning agents should be procured so as to enable regular maintenance and thus a higher level of general hygiene;
- Showers should be repaired and prisoners should be allowed to take showers at more frequent intervals;
 - The quality and the preparation of food should be improved;
 - Medical officers should visit prisoners punished by solitary confinement on daily basis;
 - The out-patient ward should be properly equipped;
 - The medical staff should be trained in carrying out psychotherapeutic and occupational therapies, as well as those related to prison pathology;
 - The prison staff should be trained in recognizing indications of suicidal risk;
 - Information about transmittable diseases should be circulated both to prisoners and the staff;
 - Signs of violence should be recorded in a special register and periodic statistics should be compiled for the attention of the prison administration;

Security

|

As referred to in the section I, the pavilion was constructed to accommodate forensic patients. It is surrounded by a 5-meter metal fence and the windows are barred.

The video surveillance system is inoperable.

When classified, the prisoners are allocated to different floors. The prisoners sentenced for misdemeanor and those in need of hospitalization are placed on the ground floor. The first and the second floor accommodate the prisoners under various treatment regimes. Movement of those under stricter regime is restricted to rooms and nearby corridors, while those classified under more liberal regimes are allowed to move throughout the pavilion and, with security officers' permission, in front of it.

A makeshift "guard's booth" that can hardly accommodate one person is located at the very entrance to the pavilion. An armed security officer occupies the booth that can be locked from the outside only. "An officer goes into the booth only to take a rest. He is mostly walking round the pavilion," said an interviewed member of the staff. Asked why the officer carries a gun inside the prison complex, the prison director replied that "he has to protect the facility from anyone who might try to break in."

The prison has three conveyances, which suffices for 20 monthly transfers on average.

An interviewed security officer said the security in the prison was at an adequate level. Over the past 12 months, there have been no serious cases of inter-prisoner violence or incidents that could have jeopardized the in-house safety.

No informal groups that might pose a security threat have been organized, the more so since most prisoners are with short sentences.

The prison's biggest security related concerns are illegal objects – usually drugs and alcohol – that are smuggled in from the outside community.

Namely, most prisoners work on large farmlands and freely move within considerable radii, which implies the possibility of their uncontrolled contacts with the outside world.

In 2004, two prisoners escaped from the closed unit. Eighteen prisoners did not return after weekends spent in the outside community, two simply walked out while they were working of the prison's commune, and another two did not report after extra leaves.

According to the prison administration, instruments of restraint have been used on 23 occasions over the past 12 months. Twenty prisoners have been forcefully separated from the rest, while rubber batons have been used against three of them. The latter three had tried to escape. Asked whether truncheons have been used against the three once they were prevented from escaping, the interviewed officer said his colleagues had to use truncheons in self-defense.

The interviewed prisoners did not complain of security officers' attitude towards them. They only complained of arbitrary privileges granted to some inmates, such as more frequent baths, watching TV longer than usual time, longer walks, etc.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- In open prisons, there are no obstacles to escape (Article 12, LECS);
- In closed units, security officers do not carry arms except in special circumstances that are determined by higher officers (Article 5, House Rules);
- Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been fully trained in their use (Para 63. 3, EPR).

III

Recommendations

- Bars should be dismantled from windows, the same as the metal fence surrounding the pavilion;
- A security officer should be in the booth nearby the entrance gate, rather than in the one adjacent to the pavilion;
- Officers should not carry arms within the prison compound, since no circumstances other than the fact that this is about an open prison justify armed personnel;
- A functioning video surveillance system should be installed.

Legality of Prison Regime

I

All prisoners are informed of basic house rules on admission. Excerpts from house rules – usually prisoners' duties and obligations – are posted in some rooms. A copy of the rules and a copy of LECS are available in the prison library.

The placement of differently classified prisoners, i.e. adequacy of the treatment provided to them, ranges among the biggest problems weighting the prison.

Apart from some prisoners working in the commune where they are also accommodated, other prisoners (categorized under regimes B, C and, partially A) practically share the same premises. Actually, the prisoners sentenced for misdemeanor are separated at night, but have plenty of opportunity to be in contact with other prisoners in daytime.

The problem is the more so pressing since the Ministry of Justice often allocates the prisoners sentenced for more serious crimes to this institution. Under the law, this category of prisoners should not be sent to open prisons, and particularly not to this specific one the layout of which is not adjusted to a closed unit. Presently, the prison caters for 23 such prisoners.

According to statistics, 226 disciplinary measures have been taken against prisoners over the past 12 months: 56 prisoners were punished by solitary confinement, 109 have been reprimanded, and 61 have been deprived of privileges. No prisoner has lodged a complaint against a disciplinary measure against him.

The fact that so many disciplinary measures resulted in no complaint indicates an ineffective grievance procedure highlighted in the team's previous reports.

The interviewed prisoners said the prison administration was very strict when it came to punishment and that even minor offenses were rigorously penalized. The above-mentioned statistics illustrate their claims.

The prisoners also complained that they rarely get privileges, adding that conditional releases, as far as the prison director is concerned, were non-existent. The prison director said conditional releases were to be approved by courts, rather than by him. On the other hand, courts of law rarely decide on conditional releases, particularly when it comes to the prisoners under short sentences.

Generally speaking, the team did not observe major departures from legally proscribed procedures, though it did notice that prisoners were dissatisfied with the administration's excessive strictness.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- "A punished person shall serve prison sentence in special sector of a county prison, separately from convicted persons" (Article 290. 1, LECS);
- The prison system should solve the problem of inappropriate categorization and allocation of prisoners (Para 32, CPT Standards, CPT/Info (2001) 16);
- Effective grievance and inspection procedure are fundamental safeguards against ill-treatment in prisons. Prisoner should have avenues of complaint open to them both within and outside the context of the prison system, including the possibility to have confidential access to an appropriate authority (Para54, CPT Standards, CPT/Info (92)3);
- "Three months before completion of a prison sentence, a manager of a correctional institution may release under conditions a convicted person who has served four-fifths of his prison sentence if the convicted person has worked hard and demonstrated good behavior" (Article 149, LECS).

III

Recommendations

- The prisoners sentenced for misdemeanor should be fully separated from the rest of the prison population;
- Allocation of convicted persons to this institution should be guided by the provisions of the LECS and the prison's layout;
- More appropriate disciplinary and grievances procedures should be incorporated in the new LECS;
- Rigoroussness – both in terms of punishment and privileges – should be adjusted to the prison's open regime;
- The prison director should pay attention to the provisions related to conditional release;

Social Resettlement

I

Given that the reeducation service still organizationally incorporates both the medical service and the administration department, in order to get an insight into the reeducation process, the team interviewed the staff in charge of it.

Once it has interviewed and observed each newly admitted prisoner, an expert team puts forth his classification and treatment program. The prison director has the final say in the matter. Further observation and reclassification takes place when deemed appropriate by an educator.

Basic criterion of a prisoner's reclassification is his conducted, evaluated from the angle of educators, security officers and the training and employment service. The process of prisoners' reeducation still includes only individual treatment and frontal, group therapies.

Sizes of educational groups are relatively appropriate. Presently, 5 educators are in charge of 170 prisoners from both categories (one educator is tasked with 34 prisoners on average).

The number of dependents on psychoactive substances is on the increase. Since no member of the staff is trained in dealing with this specific group of prisoners, they are provided same treatments as other inmates.

Habitual offenders and persons convicted for violent crimes make up a considerable portion of the prison population. The team has already pinpointed that, under the law, such prisoners should not be allocated in open institutions. Their presence, moreover, considerable burdens the performance of the reeducation service.

The law does not provide schooling in the institution of this type. However, any prisoner eager to pursue his education is given the opportunity to attend courses in the outside community. Presently, the majority of prisoners have finished elementary schools only.

The prison library is stocked with some 300, mostly unattractive books. Apart from sport activities (football, volleyball, table tennis) other recreational activities are not organized for prisoners, as there is no member of the staff is specifically tasked with prisoners' free time.

No rooms have been set aside for religious ceremonies. The prison director said that prisoners hardly displayed interest in the exercise of their religious rights, adding that those who were had plenty of opportunity for religious observance during their frequent leaves. However, the team takes that the prisoners from the closed unit are deprived of their right to religious observance.

The training and employment service provides vocational training in trades such as metalworking, carpentry, sewing and tailoring, and catering. The majority of prisoners are engaged in producing crops and raising livestock. The technology available to them is outdated and about the same as in the outside world. Prisoners are assigned workplaces in accordance with their professions in the outside community, personal preferences and the prison's needs. In the context of social rehabilitation, the training and employment service daily monitors and evaluates each prisoner's behavior and commitment to his job. Each instructor submits monthly reports on his group's performance to the foreman. The foreman compiles all reports and puts forth his opinion about each individual prisoner at team meetings and at weekly meetings convened at the level of the entire institution.

The prisoners from the closed unit work under officers' supervision. They are usually engaged when other prisoners cannot meet the needs of overtime.

Apart from the prisoners in the closed unit and those placed in the admission department (23) about 90 percent of the prison population is engaged in prison labor. One instructor is in charge of 5-9 prisoners. Prisoners work 8 hours per day, i.e. 40 hours weekly. Their wages range from 900 (11 EUR) to 1,200 dinars (15 EUR).

Weekends are free. Overtime depends on seasonal works. Working conditions and precautions against occupational injuries are rather poor.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- "Convicts who have committed negligent offenses and who were first time sentenced on the prison term less than a year, or exceptionally under three years, shall be disposed in the correctional facilities of the open or semi-open type" (Article 31, LECS);

- A satisfactory program of activities (work, education, sport, etc.) is of crucial importance for the well-being of prisoners. This holds true for all establishments, whether for sentenced prisoners or those awaiting trial. (Article 78, LECS; Para 47, CPT Standards, CPT/Info (92) 3; Para 32, CPT Standards, CPT/Info (2001) 16);

- All prisoners without exception should be entitled to exercise their rights related to maintenance of their physical and mental health, religion, etc. and should be engaged in purposeful activities. With a view to improving cultural, recreational and sport life of prisoners and maintaining their physical and mental health, the institution organizes cultural, recreational and sport activities. These activities are organized in spare time and are managed by the reeducation service. Recreational activities are organized in premises suitable for the purpose (Article 47, House Rules; Para 48, CPT Standards, CPT/Info (92) 3);

- The existence of a satisfactory program of activities is just as important – if not more so – in a high security unit than on normal location. It can do much to counter the deleterious effects upon a prisoner's personality of living in the bubble-like atmosphere of such a unit. The activities provided should be as diverse as possible (education, sport, work of vocational value, etc.). (Para 32, CPT Standards, CPT/Info(2001)16.)

III Recommendations

- Regardless of the problems related to external-internal classifications of prisoners, the staff should try to, inasmuch as possible, adjust treatment programs to every prisoner's personality;
- The staff should be encouraged to organize recreational activities for all prisoners;
- The library should be stocked with new books;
- A room should be set aside for religious ceremonies;
- A program of purposeful activities should be developed for the prisoners in the closed unit.

Contact with the Outside World

I

Since the team's last visit, yet another phone booth has been made available to prisoners. The number of phone booths now totals five. No phoning schedule or special procedure has been developed for either category of prisoners.

Letters and other forms of prisoners' correspondence are not censored. The administration department forwards all letters to an educator who then tasks a prisoner on duty to distribute them.

Parcels are examined in prisoners' presence, which stands for a routine procedure. Occasionally, psychoactive substances have been detected in parcels and confiscated.

All prisoners receive visits, the duration and frequency of which depend on their treatment programs.

There is a special room for family visits. The prison administration plans to have a summerhouse constructed, so as to improve visiting conditions in summertime.

The absence of rooms for spousal visits deprives the prisoners from the closed unit of their legal rights.

A prisoner may meet his lawyer on request and with the prison director's approval. No problems have been registered in this form of communication. The rooms set aside for this purpose are adequate.

The prison is supplied with several copies of daily newspapers. Prisoners may subscribe to papers and magazines of their choice. There are several TV and radio sets on prison premises. The prison has a loudspeaker system that is presently inoperable.

Pre-release programs are non-existent. In the team view, the staff's cooperation with relevant authorities in the outside community boils down to informing police departments about each released prisoner's address.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- "A convicted person has the right to visit with a spouse or children once in three months in special rooms of the correctional facility." (Article 72.1, LECS);

III

Recommendations

- The prison administration should set aside a room wherein the prisoners from the closed unit may receive spousal or family visits with no prison officers present;

- The prison staff should pay more heed to the cooperation with outside factors, social care centers and families in the first place;

Institutional Personnel

I

Out of 16 staffers planned in the job classification, the reeducation service engages 16 full-timers (there are vacancies for a dental technician and an officer in charge of recreational activities).

The reeducation service's officers are assigned to admission department, medical service, educational department and administrative department. Eleven officers have graduated from universities, one has finished a higher school and four secondary schools. Their ages average 35-40.

Three officers work for the admission department (a psychologist, a social worker and a pedagogue), 5 special pedagogues for the educational department, while one officer is in charge of prisoners' work. All educators are males.

Four officers work for the medical service, while two for the administration department. All are properly qualified for their jobs. On the other hand, no officer has attended courses of in-service training.

Inter-personal communication is perceived as very good, and the service's status and role within the institution as crucial.

The level of stress is evaluated as low. No officer has ever been assaulted by a prisoner.

The entire staff is dissatisfied with paychecks and the service's status within state administration.

Overtime is occasional and compensated with days off.

No disciplinary proceedings have been instituted against any member of the reeducation personnel.

As for the training and employment service, it still engages 13 out of 18 instructors planned in the job classification. Three instructors have graduated from faculties, while the rest have finished secondary schools. They are qualified in trades such as metalworking, machine engineering, carpentry and agriculture. Their ages average 40, while careers 20 years. All trade instructors are males.

None of them has attended a course of in-service training. The interviewed officers took such trainings unnecessary.

One instructor is in charge of 5-9 prisoners.

Team meetings are held on daily basis, while those convened at the level of the entire institution once a week. The head of the service attends the latter and voices his opinion about every individual prisoner.

The interviewed instructors said they were satisfied with regular payments, though not by amounts on their paychecks. Overtime is occasional and remunerated.

Recently, some service benefits have been nullified for these officers. They take a decision as such unjust and taken without clear-cut criteria. According to them, the basic criterion so far has had to do with direct communication with prisoners. Given that they are in daily contact with prisoners, the instructors consider the decision illegitimate and perceive their new status as degrading when compared with other services.

No disciplinary proceedings have been ever instituted against the service's staff.

Since the head of the security service was on sick leave at the time of the team's visit, the team interviewed the prison warden.

The security service recruits 31 full-time officers, plus two from Kosovo and another two who have been transferred from the Belgrade District Prison. One security officer only is a university graduate, one has finished a higher school, while the rest have graduated from secondary schools.

Though an open prison is supposed to engage a minimal number of security officers, the actual staff takes the service short-handed and the relevant job classification inadequate. According to the warden, the service should recruit another ten officers at least.

Security officers are overburdened as they have to work in four shifts (six officers per shift), while four of their colleagues are engaged as drivers, two as coordinators of work groups, and one is in charge of fire protection. Bearing in mind the size of the prison compound, the service is really understaffed.

In 2004, disciplinary proceedings were instituted against four security officers. All of them were charged with negligence resulting in prisoners' escape. They were punished by fine, i.e. their 3-month salaries were reduced by 20 percent.

Security officers have not been educated on modern trends in penology or informed about international standards in the domain of prisoners' rights.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

-Institutional personnel should be trained particularly in human rights matters, interpersonal communication, lessening of tension and raising the quality of life in prison establishments (Para 59 and 60, CPT Standards, CPT /Info (92) 3);

- On recruitment or after an appropriate period of practical experience, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests, unless their professional qualifications make that unnecessary.

During their career, all personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized by the administration at suitable intervals (Para 55, EPR).

- Salaries should be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favorable in view of the exacting nature of the work (Para 54.2, EPR).

III

Recommendations

- All services should be staffed in keeping with existing job classification;

- An officer tasked with organizing prisoners' sport, cultural and recreational activities should be recruited;

- The prisoner staff should be trained in dealing with special categories of prisoners or specialists should be engaged for the purpose;

- The prison administration should aspire to a positive management style that encourages good intra-staff and staff-prisoner relations;

- Security officers should be educated on contemporary trends in penology, international standards in the domain of prison population's rights and methods of nonviolent resolution of conflicts;

- Conditions of life and work of the entire personnel should be improved through adequate salaries and other employment benefits for conscientious work.

KRUSEVAC REFORMATORY

Date of the visit: October 20, 2004

Type of institution: semi-open

Population: juveniles/both genders

Number of juveniles: 150

Number of sentenced prisoners: 8 women and 3 men

Composition of the monitoring team: two jurists, a physician and a special pedagogue

Quality and Conditions of Life

|

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY INSTALATIONS AND HYGIENE

The entire complex of the Krusevac Reformatory still looks bleak and depressing. Except for occasional minor repairs, most buildings constructed between early 1950s and early 1960s in socialist-realism style have been practically neglected for 40 years.

Several buildings have been either been somewhat repaired or the works are underway. However, all those repairs are primarily aimed at preventing them from tumbling down.

The reformatory that used to cater for 1,000 juveniles presently accommodates no more than 150-200. Apparently, some buildings do not serve their purpose any longer and their very existence and maintenance not only weights the reformatory's budget, but also adds to its overall bleak appearance.

However, the inside of the buildings housing open and semi-open units, as well as women's ward look much better and by far less depressing.

Not a single unit is overcrowded. Rooms are freshly painted, well ventilated and sunny. General hygiene is good. Bedding is changed regularly and toiletries are sufficient.

Toilet facilities are in better condition than they used to be at the time of the team's previous visit. However, sanitary installations are still dilapidated.

Most shared rooms and the staff's offices necessitate renovation and furnishing. Just a couple of days before the team's visit, a ceiling of a shared room came tumbling down. Fortunately, no juvenile or officer was in there at the time. According to the prison director, the ceiling was imbued with water and consequently tumbled down because "contractors improperly repaired a sanitary facility." "Considerable funds were spent on the reconstruction of the entire pavilion," he added.

Considerable funds were also spent on the interior of a part of the administration building. The director's office and the conference room were thoroughly redecorated, and equipped with special lighting, new office furniture, and state-of-the-art computers and video recorders. Adjacent toilets were covered with expensive tiles. Such conspicuous interior hardly matches the rest of the reformatory.

The closed unit, presently accommodating some 25 juveniles, is separated from the semi-open and open part of the reformatory's complex. Conditions of life in the unit are about the same as they were in July 2001 and May 2003 – in other words, they are mostly appropriate.

However, speaking about conditions of life in this unit the following should be noted:

Firstly, some 4 years ago the leaking and humid roof over a part of the building was replaced by a pitched one. The pitched roof partially solved the problem, but considerably restricted entrance of natural light and fresh air. Obviously, planners were more concerned with the roof's functionality than the standards of juveniles' accommodation. The team hopes this would be taken into account once the unit is closed and preferably turned into the admission department.

Secondly, the rooms for the so-called detention wherein the juveniles against whom disciplinary measures were taken are in use no longer. This is a positive move since conditions of life in these rooms were inhuman and degrading.

The rooms that are now used for the purpose are bigger, clean, ventilated and sunny and have radiators. However, they lack sanitary facilities, which under articles 276 and 130 of LECS should be annexed.

Thirdly, renovation of the central heating system is underway. This will considerably improve the overall conditions of life of both juveniles and the staff.

B) KITCHEN, MASS HALL AND FOOD

The kitchen is spacious, sunny and decently equipped. However, the floor and the adjacent corridor should be kept at a higher level of hygiene.

Dilapidated chairs and tables have not been replaced so far. According to the kitchen manager, the administration plans to buy new ones in near future.

The closed unit's mass hall is located outside the building – i.e. in the basement of a nearby accessory building. In the team's view, the mass hall is in bad shape. Due to the overall layout of buildings making up the closed unit, it is practically impossible to have the mass hall relocated.

Menus are determined biweekly, depending on the food supply. Most articles of food are procured via open competitions, while the rest are produced in the prison itself.

Three professional cooks prepare the food with the assistance of four women prisoners for the Pozarevac Penitentiary-Reformatory and six juveniles. The reformatory has a bakery of its own baking bread and other pastries.

The kitchen staff regularly undergoes medical examinations.

Fruits are not entered into menus. However, according to the kitchen manager, they are added to meals whenever available.

The interviewed juveniles said food was better than it used to be.

Special diets are prepared for the juveniles who need them for medical reasons, particularly for those with hepatitis.

The reformatory has a relatively well-stocked canteen offering merchandise at prices that are somewhat lower than on free market.

Juveniles did not complain of the variety of goods available in the canteen.

C) MEDICAL SERVICE

The reformatory's full-time medical staff includes five medical officers: one specialist in general medicine, one dentist and three male nurses.

Two psychiatrists are engaged on part-time basis. One of them exclusively treats drug dependency and comes once a week. The other is concerned with all forms of prison pathology and visits the reformatory three times a week. A specialist in dermatology, who is also engaged as part-timer, provides services twice a week.

The administration plans to thoroughly reorganize the medical service by staffing it with ten full-time medical officers and introducing multidisciplinary approaches that imply medical, psychological and social programs.

The medical service is housed in the basement of a pavilion's wing. According to the administration's plan, the service will be given the entire wing. The service has an out-patient ward, an emergency ward, a dentist ward and an in-patient ward.

The in-patient ward can accommodate ten patients. At the time of the team's visit, three juveniles were hospitalized in it – one with an injured leg (occupational injury), the other was with a head injury (injured in a fistfight) and the third was there to help his inmates.

The in-patient ward looks inadequately kept and ventilated.

As of the beginning of 2004, 83 juveniles have been hospitalized in the ward.

All juveniles are medically examined within 24 hours after admission. If necessary, they are also examined by a psychiatrist.

To arrange an appointment with the doctor the juveniles have to apply to their educators, thought they are not obliged to detail their troubles. They also have direct access to the doctor.

When the doctor is not available on premises, emergencies are treated by qualified male nurses. In afternoons and at night, first aid is either provided by the local emergency center or the doctor is called in.

Medical files are compiled for all juveniles, and all examinations are registered. The administration plans to introduce regular medical examinations, which will be conducted at the times of regular vaccinations – in October and March/April. Juveniles are entitled to refuse medical treatment.

However, no such case has been registered so far, since the medical staff manages to talk those reluctant into being treated.

Medical examinations are conducted out of the hearing and out of the sight of prison officers and other juveniles. However, the juveniles from the closed unit are examined in the presence of a prison officer, who usually waits in the adjacent room.

Periodic examinations are conducted whenever the doctor takes it necessary.

As it lacks much of basic equipment, the medical service provides general examinations only. All biochemical tests are provided by the local medical center.

A competent male nurse supervises the pharmacy and distributes medicines.

All dental services are available to the juveniles. On average, 5-6 juveniles see the dentist every day. The interviewed juveniles complained that the dentist had been absent for the last 3-4 weeks. In such cases all dental services are postponed.

The juveniles are transported to the local medical center to be seen by other specialists such as surgeons, orthopedists, otorhinolaryngologists, etc.

The records show that 2,692 examinations have been conducted over the past six months. One-off examinations – ten daily on average – are not recorded.

Records of the examinations provided by specialists in the local medical center are not kept. According to the doctor, on average 5-6 juveniles are treated by specialists mostly for injuries.

The number of psychiatric examinations averages 12 each week. This refers to the examinations conducted by the general psychiatrist. No records about the examinations conducted by the psychiatrist dealing with drug dependency were available, and the psychiatrist himself was absent at the time of the team's visit. Records of the examinations conducted by the specialist in dermatology were also unavailable.

The cases of inter-prisoner violence are frequent. Injuries are not entered into a special register, but only in juveniles' medical files. If a juvenile complains of being physically maltreated and has visible signs of violence, such injuries are in principle fully registered in his medical file and the prison administration and an educator are immediately informed. According to the medical staff, over the past 12 months such cases had to do with inter-prisoner relations, rather than with staff-prisoner relations. However, the aforementioned information is contrary to that obtained from the interviewed juveniles.

Non-existent special register is a serious flaw in the service's functioning.

Rapes and sexual abuses have not been officially registered.

In the past 12 months there has been no suicide in the reformatory. The juveniles with indications of suicidal risk are placed under the regime of intensified observation, hospitalized or sent to the Belgrade Penitentiary-Hospital. According to the interviewed juveniles, their suicidal inmates are sometimes handcuffed to their beds in the in-patient ward.

Since the beginning of 2004, two cases of self-mutilation have been recorded in the register that is kept for the purpose. However, there is no telling whether this figure is exact, given that the doctor is over-employed and could not describe in detail all the injuries entered into individual medical files.

Presently, no juvenile is with diabetes. One juvenile suspected of suffering from tuberculosis is being hospitalized for a detailed checkup. Five juveniles have hepatitis C and one is with hepatitis B. No juvenile is HIV infected.

One juvenile is treated for minor heart condition.

Five juveniles with asthma are regularly controlled by specialists in the local medical center.

Except for one educator, the staff has not been trained to provide elementary psychotherapeutic treatment. However, the administration plans to organize such course for all educators and some medical officers.

The medical staff controls the food and hygiene. The kitchen is controlled daily, while other premises once a week. The findings and relevant commentaries are entered into a special register. Observations about the hygiene are communicated at team meetings, rather than submitted in the form of report for the attention of prison administration.

All information related to juveniles' state of health are available to them, their families and lawyers.

As for information about transmittable deceases, they are imparted to the juveniles at lectures that are organized in 2 or 3-month intervals. Such information is given to the staff occasionally and informally during morning meetings.

The medical service does not cooperate with relevant social services in terms of taking measures advantageous to juveniles' contact with the outside community. Such cooperation will be established if the planned multidisciplinary approach takes root.

The medical service, i.e. the part-time psychiatrist, occasionally partakes in the preparation and implementation of socio-therapeutic programs for the juveniles with history of family traumas and those dependent on psychoactive substances.

The medical staff has not been trained in recognizing indications of suicidal risk, unlike educators who have attended such courses of training.

Further, except for the doctor who has attended several seminars organized by the Belgrade Penitentiary-Hospital, the rest of the staff has not been educated in various forms of prison pathology.

No disciplinary measures have been taken against any member of the medical service, and no criminal charges have been pressed against them.

II

Incompatibilities with or Departures from the Law on Execution of Criminal Sanctions (LECS), the House Rules on District Prisons (House Rules), the European Prison Rules (EPR) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment Standards (CPT Standards)

- A well-designed juvenile detention center will provide positive and personalized conditions of detention for young persons deprived of their liberty. In addition to being of an adequate size, well lit and ventilated, juveniles' sleeping and living areas should be properly furnished, well-decorated and offer appropriate visual stimuli. (Para 29, CPT Standards, CPT/Info (99)12);

- In all places where prisoners are required to live and work:

a) the windows shall be large enough to enable the prisoners, inter alia, to read or work by natural light in normal conditions. They shall be so constructed that they can allow the entrance of fresh air except where there is an adequate air conditioning system... (Para.16, EPR);

- "The provisions of this Law regulating the punishment of the persons who serve prison sentences due to criminal offenses, shall be used in regulating the conditions of imposing disciplinary measures, disciplinary procedure and execution of disciplinary measures against juveniles (Article 276, LECS);

- "The room for the disciplinary punishment of solitary confinement shall consist of at least ten cubic meters of space, a sanitary device, daily light, potable water, a bed with bed sheets, a table, a chair and heating" (Article 130. 2, LECS);

- The doctor is not on present on premises in afternoons, at night and during weekends or holidays;

- While in custody, prisoners should be able to have access to a doctor at any time, irrespective of their detention regime. The healthcare service should be so organized as to enable requests to consult a doctor to be met without undue delay;

As regards emergency treatment, a doctor should always be on call. Further, someone competent to provide first aid should always be present on prison premises, preferably someone with a recognized nursing qualification (Para 34 and 35, CPT Standards, CPT/Info (93)12);

- Information about the risks of drug abuse is not circulated frequently enough;

- A prison healthcare service should ensure that information about transmittable diseases (in particular hepatitis, AIDS, tuberculosis, dermatological infections) is regularly circulated both to prisoners and to prison staff. Where appropriate, medical control of those with whom a particular prisoner has regular contact (fellow prisoners, prison staff, frequent visitors) should be carried out (Para 54, CPT Standards, CPT/Info (93)12);

- The prison staff has not been trained in recognizing indications of suicidal risk (Para 58, CPT Standards, CPT/Info (93)12);

- Injuries observed are not recorded in a special register and periodic reports are not submitted for the attention of the prison administration, the Ministry of Justice, etc.

"Daily registers should be kept by healthcare teams, in which particular incidents relating to the patients should be mentioned" (Para 39, 60-62, CPT Standards, CPT/Info (93)12);

- Socio-therapeutic programs have not been developed for unbalanced individuals, drug addicts and persons unable to control their temper;

"It is particularly important that the healthcare service offered to juveniles constitutes an integrated part of a multidisciplinary (medico-psycho-social) program of care. This implies, inter alia, that there should be close coordination between the work of an establishment's healthcare team (doctors, nurses, psychologists, etc.) and that of other professionals (including social workers and teachers) who have regular contact with inmates. The goals should be to ensure that the healthcare delivered to juveniles deprived of their liberty forms part of a seamless web of support and therapy" (Para. 68-69, CPT Standards, CPT/Info (93)12; Para. 38, CPT/Info (99)12);

- The medical staff has not been educated in various forms of prison pathology;

"Prison doctors and nurses should possess specialist knowledge enabling them to deal with the particular forms of prison pathology and adapt their treatment methods to the conditions imposed by detention" (Para. 75, CPT Standards, CPT/Info (93)12).

III Recommendations

- Functionality of further use of particular facilities, buildings or parts of buildings should be evaluated from the angle of the modern treatment of juveniles deprived of their liberty the reformatory plans to develop;

- In keeping with the law, a sanitary facility should be added to the rooms used for solitary confinement;

- Nurses should work night shifts and be on duty on weekends and holidays;

- The entire staff should be trained in recognizing indications of suicidal risk;

- Information about the risks of drug abuse and transmittable diseases should be regularly circulated to both the staff and juveniles;

- Injuries observed should be recorded in a special register, and periodic reports should be drawn for the attention of the prison administration;

- The medical service should constitute an integrated part of socio-therapeutic programs, particularly those developed for unbalanced individuals, drug addicts and individuals prone to aggressive behavior, as well as of the programs for juveniles' social reintegration;

- The medical staff should be provided with specialist knowledge of particular forms of prison pathology.

Security

I

Given that the Krusevac Reformatory is a semi-open institution, it is not surrounded by wall and there is no major physical obstacle placed to prevent juveniles from escaping. The only exception is the closed unit the security arrangements in which are in keeping the standards for high-security units. The entire section is walled, while the windows of the dormitories accommodating juveniles are barred.

The closed unit's video surveillance system covers the entrance gate and corridors. One camera placed in the solitary confinement enables security officers to watch round the clock the juveniles occupying it. The camera was installed with a view to preventing incidents, self-mutilation and suicides.

According to the security staff, more cameras will be mounted so as to enable surveillance of other facilities such as the admission department and open and semi-open units.

The reformatory has three conveyances for the transport of juveniles. Two are operable, while the third is being repaired. Security officers take that the number of conveyances at their disposal is adequate for transports that average 3 per week. Juveniles are mostly transported to medical centers for examinations and first aid.

The team is in no position to comment the manner in which psychoactive substances are trafficked to the reformatory. All interviewed juveniles conformed drugs were available, but restrained

from providing further information. According to the only information obtained by the security staff, there is no organized procurement of bigger quantities of drugs.

Since no major physical obstacles to escape are in place, both internal and external securities primarily depend on the efficiency of security officers. The number of full-time officers is inadequate, as one interviewee put it. This officer takes that the administration should employ two extra officers per each shift, particularly when it comes to night shifts.

According to the aforementioned officer, juveniles have neither attacked his colleagues or other members of the staff over the past 12 months. In the same period only two cases of inter-prisoner violence have been recorded. In the first fight one juvenile has suffered injuries when he stumbled down. No one has been injured in the second fight.

However, the interviewed juveniles said fights were rather frequent, ranging from minor skirmishes to serious fights between organized groups. According to them, powerful groups impose "order," maltreat, racketeer and sexually abuse other inmates, or, as they put it, "force them to have voluntary sex." While the team was interviewing juveniles in the so-called cafeteria, one of them looked at the group standing by the counter and asked the team to interview his at some other place, as he was "forbidden to sit at this table."

Most interviewed juveniles agreed that there was hostility between some security officers and them. Some officers, as they put it, behave arrogantly, provoke them and often use truncheons. On the other hand, the prison administration said truncheons were used against juveniles 67 times in 2004. When compared with 2003, the use of truncheons decreased, confirmed the interviewed juveniles.

The planned mediation project (to be discussed in the paragraphs below) – if properly and consequently implemented – could lessen inter-prisoner and staff-prisoner tension and thus improve security in the institution.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Recourse to instruments of restraint and force for any purpose should be prohibited, except as set forth in rule 64 (Para 63 UN Rules UN);

- Instruments of restraint and force can only be used in exceptional cases, where all other control methods have been exhausted and failed, and only as explicitly authorized and specified by law and regulation. They should not cause humiliation or degradation, and should be used restrictively and only for the shortest possible period of time. By order of the director of the administration, such instruments might be resorted to in order to prevent the juvenile from inflicting self-injury, injuries to others or serious destruction of property. In such instances, the director should at once consult medical and other relevant personnel and report to the higher administrative authority. (Para 64, UN Rules);

- In a number of institutions visited, CPT delegations have observed custodial staff who come into direct contact with juveniles openly carrying batons. Such a practice is not conducive to fostering positive relations between staff and inmates. Preferably, custodial staff should not carry batons at all. If, nevertheless, it is considered indispensable for them to do so, the CPT recommends that the batons be hidden from view (Para 27, CPT Standards, CPT/Info (99) 12).

III

Recommendations

- The camera in the room for solitary confinement should be removed, given that such surveillance violates the right to privacy stipulated under Article 8 of the European Convention on Human Rights (prohibiting torture and degrading treatment) and under Article 3 of the Convention;

- With a view to creating positive atmosphere, security officers should not carry truncheons;

- The efficiency and necessity of the existing practice of maintaining discipline that is based on punishment and the use of instruments of force against juveniles should be reconsidered.

Legality of Prison Regime

I

A major problem related to the legality of the regime derives from the fact that appropriate house rules are non-existent. Namely, the house rules that are still in force are outdated and inefficient, while a new regulation has not been approved yet by the Minister of Justice. To overcome this legal gap, some modified house rules are presently in use. Some provisions of this modified regulation will probably be incorporated into the new one. However, the modified regulation is null and void from judicial angle, since it has not been adopted in the prescribed procedure.

The interviewed juveniles gave various answers to the question about their awareness and the availability of the house rules. Some said "other juveniles told them about the rules," some that "the copy of it is kept by an educator," while others claimed a regulation as such was "non-existent" or "out of force."

Without discussing the reasons for the lack of an appropriate regulation, the team takes that in a situation as such both juveniles and the staff are in the legally uncertain status. The team hopes the situation would be solved once a law on juvenile offenders and the house rules on juvenile reformatories are adopted.

In the period January 1 – November 20, 2004, 274 disciplinary measures were taken against the juveniles. Out of this total, 229 were punishments by solitary confinement (29 conditionally suspended), 16 deprivations of privileges (3 conditionally suspended) and 29 reprimands.

Disciplinary proceedings were instituted against three juveniles, all of whom were acquitted.

Judging by records, not a single juvenile lodged a complaint against the disciplinary measure taken against him. One juvenile only complained to the director.

No grievance was addressed to the director of the Central Prison Administration.

The fact that so many disciplinary measures resulted in no complaints indicates that the existing system of protection of the rights of persons deprived of their liberty is inefficient in everyday life.

As the team has identified the same problem in almost every institution, it goes without telling that this is about a system inadequacy. The lack of appropriate house rules in this specific institution³ is further aggravated by the fact that juveniles should enjoy higher level of protection than adults. s the problem,

Further, one cannot but be concerned over the fact that 274 disciplinary measures were taken against 150 juveniles (the number of punished juveniles is bigger when one bears in mind that some have left the institution in the meantime, and there have been no newcomers). Though fully aware that the institution accommodates adolescents prone to manifest their frustration, fear, aggression and dissatisfaction through various forms of impermissible conduct, the team takes that rigorous punishment is hardly a way to solve or alleviate the problem.

The fact that instruments of force were used on 67 occasions is most indicative as well. Such statistics that exceed those found in other visited institutions can be interpreted in the context of the observation quoted in the paragraph above, in the context of the statements about the use of truncheons given by the interviewed juveniles, but also in the context of records that are kept more conscientiously than in other institutions.

Judging by the findings of the questionnaire related to the use of force, the team could not tell whether there have been cases of excessive use of force. The lack of such information might be ascribed to the interviewees' failure to notice the distinction.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- On admission, all juveniles shall be given a copy of the rules governing the detention facility and a written description of their rights and obligations in a language they can understand, together with the address of the authorities competent to receive complaints, as well as the address of public or private agencies and organizations which provide legal assistance. For those juveniles who are illiterate

³ The same refers to the Valjevo Reformatory, as well as to the Belgrade Penitentiary-Hospital.

or who cannot understand the language in the written form, the information should be conveyed in a manner enabling full comprehension (Para 24, UN Rules);

- Legislation or regulations adopted by the competent administrative authority should establish norms concerning the following, taking full account of the fundamental characteristics, needs and rights of juveniles:

- a. Conduct constituting a disciplinary offense;
- b. Type and duration of disciplinary sanctions that may be inflicted;
- c. The authority competent to impose such sanctions;
- d. The authority competent to consider appeals.

- No juvenile should be disciplinary sanctioned except in strict accordance with the terms of the law and regulations in force. No juvenile should be sanctioned unless he or she has been informed of the alleged infraction in a manner appropriate to the full understanding of the juvenile, and given a proper opportunity of presenting his or her defense, including the right of appeal to a competent impartial authority. Complete records should be kept of all disciplinary proceedings (Para 68 and 70, UN Rules);

- Qualified inspectors or an equivalent duly constituted authority not belonging to the administration of the facility should be empowered to conduct inspections on a regular basis and to undertake unannounced inspections on their own initiative, and should enjoy full guarantees of independence in the exercise of this function. Inspectors should have unrestricted access to all persons employed by or working in any facility where juveniles are or may be deprived of their liberty, to all juveniles and to all records of such facilities. (Para 72, UN Rules);

- After completing the inspection, the inspector should be required to submit a report on the findings. The report should include an evaluation of the compliance of the detention facilities with the present rules and relevant provisions of national law, and recommendations regarding any steps considered necessary to ensure compliance with them. Any facts discovered by an inspector that appear to indicate that a violation of legal provision concerning the rights of juveniles of the operation of a juvenile detention facility has occurred should be communicated to the competent authorities for investigation and prosecution (Para 74, UN Rules);

- Effective complaints and inspection procedures are basic safeguards against ill-treatment in juvenile establishments.

Juveniles should have avenues of complaint open to them, both within and outside the establishments' administrative system, and be entitled to confidential access to an appropriate authority (Para 36, CPT Standards, CPT/Info (99)12).

III Recommendations

- Legal provisions and by-laws that will detail juveniles' rights and obligations, the institution's obligations, disciplinary offenses, disciplinary proceedings and measures, as well as effective complaints procedure should be adopted under summary procedure.

Social Resettlement

I

Juveniles' re-socialization is realized through activities of the reeducation service that contains the following departments and sections:

- The educational-correctional department (reeducation service);
- The educational department (school); and
- The section for personality observation (admission department).

The reeducation service is in charge of treatment programs, schooling, recreational activities and post-penal reintegration.

Juveniles are separated from adults, i.e. from the persons who have come of age while in detention.

Progress has been made by the very fact that the facility that has housed the Prishtina is again at juveniles' disposal. Further, not only the conditions of overall accommodation, but also the activities

aimed at motivating juveniles to attend the reformatory's school have been improved (e.g. good grades figure as a criterion for granting some of the privileges), modern teaching aids have been procured, etc.

Elementary education is provided to the juveniles in the reformatory's elementary school, while teachers working for secondary schools in the outside community are engaged for secondary education. The administration plans to have secondary education entirely provided within the reformatory.

Curricula are adjusted to the adult education curricula. Juveniles attend 4 daily classes at most.

The juveniles who attend school do not have full working hours. The diplomas they obtain do not differ those in the outside community.

According to the statistics, educational level of juveniles is rather low, particularly of those with special needs. The curricula for the juveniles with special needs have not been developed so far (besides, special institutions for such young offenders are not provided by law). The reformatory has adjusted the existing curricula to the abilities and needs of those juveniles and different criteria are applied when it comes to their grades. Plans are made to have a specialist engaged for the work with this group of juveniles.

Low educational level is especially manifest in the case of Romany juveniles most of whom have quit elementary schools before detention. Though education of the Romany population is a problem that plagues the society as a whole, the team takes that the reformatory should make the best of their presence so as to turn them literate at least.

The very fact that Romany juveniles make one-third of the reformatory's population – while, according to official statistics, only 1.44%⁴ of the overall population – speaks of a totally inappropriate governmental policy that takes penal measures against young Roma instead of solving their social and economic position.

One cannot but be concerned over the fact that the number of juvenile dependents on psychoactive substances has grown. Given that no member of the staff is qualified to provide treatment programs for drug addicts, it is only the reformatory's psychiatrist who prescribes medicaments and other therapies. Severe cases of drug addiction are sent to the Belgrade Penitentiary-Hospital. The reformatory plans to engage a specialist who will be tasked with treating this category of juveniles.

Sizes of educational groups are adequate. One educator is in charge of 7-10 juveniles. Individual meetings average 2-3 per week and last about one hour. The majority of juveniles – 100 out of 150 – are assigned to the semi-open unit.

Four officers are in charge of recreational activities that are well-organized. The reformatory has a football team of its own, which is registered with the Football Association and partakes in championships on equal footing with other teams.

According to the prison administration, a group of juveniles had joined the city museum's team excavating the archeological site in the nearby villages of Maskare and Suvaja.

The juveniles from the open unit are occasionally taken to see a play or a movie. For the rest, movies are screened or plays performed in the reformatory. In addition to various sport fields and a gym, a cultural center with a cafeteria and TV room is available to juveniles. As of recently, the reformatory has a public address system the program of which is edited by juveniles themselves.

The books available in the library are still outdated and unattractive to juveniles. Therefore, just few of them regularly go to the library.

Reeducation has been upgraded by a newly introduced mediation programs, i.e. by the establishment of the center for mediation. Actually, the center provides the programs for non-violent resolution of conflicts. Officers act as mediators and instruct the juveniles in constructive resolution of conflict situations. The team takes that the center's functioning is the more so welcome since conflict situations – either when it comes to law or their environments – were those that brought juveniles to the reformatory in the first place. Besides, such programs not only contribute to the prevention of violence in the reformatory, but are also most beneficial for juveniles' conduct after release.

The center for mediation was established in late 2003 and has been treated as a pilot project so far.

Speaking about juveniles' religious beliefs, most of them observe Serbian Eastern Orthodoxy. There is also a number of Roma who observe Islam. Since some juveniles showed interest in the exercise of their religious rights, the reformatory has set aside one room to serve the purpose. However, the room is not appropriate for religious ceremonies conducted by visiting priests. According to the

⁴ According to the 2002 census.

administration, a Serbian Orthodox priest visits the institution once a month and for major religious holidays.

The training and employment service plays an important role in juveniles' social rehabilitation, as it provides them with vocational training. The service itself is organized as an enterprise. Jobs to which juvenile are assigned are adjusted to their abilities and preferences, and practically capacitate each juvenile in one of 25 trades (machine engineering, metal works, electrical engineering, carpentry, construction works, catering, etc.) Most jobs available to juveniles have to do with manufacture.

In the team's view, the vocational training provided by the reformatory is not suited for detained girls. Working conditions in the production facility are about the same as in industries in the outside community. Working conditions and safeguards verge on acceptability when one bears in mind workers' age.

The production program includes manufacture of plumbing and gas armatures, manufacture of elements of water meters, locksmith services, thermal processing of steel, etc.

As for agricultural work, juveniles are engaged in farming and cultivation of crops. The former includes a hen farm with 3,000 hens, and a herd of 15 cows. As for the latter, juveniles grow crops such as maze, wheat, rye, etc., on 11 hectares of farmland. They are also engaged in vegetable production in hothouses (tomatoes, paprika, cucumbers, etc.) and in the open air (potatoes, carrots, onion, cabbage, etc.).

Vocational training and work are integrated, said the interviewed members of the staff. Accordingly, juveniles' work is primarily focused on having them capacitated for jobs in the outside community, rather than on profit making.

All juveniles entitled and obliged to work. Practically, all suited for work are employed. Employment is organized within the reformatory only.

Instructors supervise juveniles' work. Assignment to a workplace other than the one a juvenile occupies is adjusted to the reformatory's labor capacity and need, but also to his preference and affinity. According to the administration, due attention is paid to a juvenile's chances to get a job in his hometown. From the angle of re-socialization, the functioning of the training and employment service implies daily monitoring and evaluation of juveniles' behavior and commitment to work.

Juveniles are free from work on weekends. Overtime is facultative, but gets a volunteer some extra points. Instructors score each juvenile's working skills and commitment. A juvenile can maximally gain 100 points, which implies the biggest earning. Such earning can be additionally augmented by 50 percent for "exceptional" commitment to work. Juveniles' earnings range from 800 to 1,000 dinars per month (10-13 EUR).

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Juveniles deprived of their liberty should be offered a full program of education and other purposeful activities. The juveniles whose learning needs cannot be met by a standard school curriculum should be given special education (Article 277, LECS; Para 31, CPT Standards, CPT/Info (99) 12; Para 38, UN Rules);

- Every detention facility should provide access to a library that is adequately stocked with both instructional and recreational books and periodicals suitable for juveniles, who should be encouraged and enabled to make full use of it (Para 41, UN Rules);

- The care of juveniles in custody requires special efforts to reduce the risks of long-term social maladjustment. This calls for a multidisciplinary approach, drawing upon the skills of a range of professionals (including teachers, trainers and psychologists) in order to respond to the individual needs of juveniles within a secure educative and socio-therapeutic environment (Para 28, CPT Standards, CPT/Info (99)12).

III

Recommendations

- The mediation program should be pursued. However, with a view to secure impartiality, the possibility of having trained mediators – other than members of the staff - join the program should be considered;

- Specialists should be engaged to provide treatment programs to special categories of juveniles (dependents on psychoactive substances and juveniles with special needs). Development of special programs and multidisciplinary approaches for these categories should be insisted on;
- The library should be stocked with both instructional and recreational books and periodicals suitable for juveniles, who should be encouraged to make full use of it;
- Funds should be secured for furnishing of the room for religious ceremonies and visiting priests;
- As diverse as possible vocational training should be offered to the girls and young women deprived of their liberty.

Contact with the Outside World

I

Since the team's last visit, the administration has had a phone booth installed in the open and semi-open unit. The phone is available to the juveniles who have made considerable progress in all aspects of re-socialization and would not, in the administration's view, misuse this form of communication with the outside world.

Other juveniles are still entitled to make phone calls from educators' offices and in their presence.

The juveniles assigned to the closed unit are entitled to two phone calls per months. However, they may use phones at more frequent intervals if necessary.

All letters, appeals or complaints undergo regular procedure, i.e. they are censored by educators. Parcels are examined in the presence of juveniles, security officers and, occasionally, educators.

No letter or parcel has been confiscated over the past six months. This indicates that there have been no attempts to smuggle in psychoactive substances.

The rooms wherein juveniles receive visits are appropriate. All juveniles are entitled to receive visits, and none of them complained of having been deprived of this right or of visits' duration.

Most juveniles receive visits the frequency of which depends on their families' good will to be in contact with them, as well as on the distances they have to travel.

Romany juveniles rarely receive visits. This can be explained by their families' inability to afford trips to the reformatory, but also by poor family ties.

Apart from free leaves, juveniles often go to the town accompanied by their educators. Once in three months on average, they are allowed to spend weekends at their homes or stay even longer, depending on the progress they have made in all aspects of social rehabilitation.

Juveniles are kept informed about the developments in the outside community via radio, TV, daily newspapers, as well as several teenage magazines.

The staff's cooperation with relevant institutions both during a juvenile's detention and over the pre-release phase has been somewhat improved since the team's last visit. In the staff's view, the quality of this cooperation primarily depends "on the other party." Namely, certain social care centers almost never keep contact with a juvenile after his release or observe his conduct, they said, adding there is little they can do about the problem since governmental agencies are obviously disinterested in defining the policy of post-penal integration.

With a view to overcoming the problem, the administration together with UNICEF office plans to develop an utterly new program of juveniles' treatment from the moment they are admitted to the institution (closing down of the closed unit, differently organized admission department, putting an end to conventional educational groups, etc.) till their release (the "Halfway House" program, organization of a release department, etc.).

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Every juvenile should have the right to communicate in writing or by telephone at least twice a week with the person of his or her choice, unless legally restricted, and should be assisted as necessary in order to effectively enjoy this right. A juvenile's contact with the outside world should never be

restricted or denied as a disciplinary measure (Para.34, CPT Standards, CPT/Info (99)12; Para 61, UN Rules);

- "A guardianship authority shall permanently keep connection with a juvenile, his family, a correctional facility or institution where the juvenile is housed throughout execution of the educational measure and the juvenile prison sentence. A correctional facility or the institution where the correctional facility educational measure and the juvenile prison sentence are executed shall inform on release the juvenile's parents, guardians and the guardianship authority, and shall recommend them measures for acceptance of the juvenile no later than three months before release of the juvenile (Article 286, LECS).

III Recommendations

- A phone booth should be installed in the closed unit and all juveniles should be allowed to make more frequent phone calls;

- Both the staff of the reformatory and those of the social care centers should be encouraged to cooperate and, whenever possible, secure juveniles' successful reintegration in society through implementation of direct and indirect treatment programs;

- The project developed by the reformatory and the UNICEF office should be given financial and all other support. The society is obliged to take efficient care of juvenile delinquents and to protect them in the institutions wherein they will be gradually prepared for life and work in the outside community, rather than isolated.

Institutional Personnel

I

The reeducation service is almost fully staffed and employs 43 officers. The staff is assigned to the admission department (5 officers), school (12) and educators' department (26). Their age average 35-40, and the number of men and women is balanced.

As for the staff's education, 3 officers have finished secondary schools, 5 higher schools and 35 have graduated from universities.

Apart from the head of the service, 3 officers work for the admission department (pedagogue, psychologist and social worker), plus one clerk. Two educators are assigned to the women's unit, 2 to the open unit, 10 to the semi-open unit and 3 to the closed unit. All of them are psychologists. Twenty-one officers are engaged in the educational program.

According to the service staff, recruitment criteria should encompass personal suitability for the work, as professional capacity alone turned out to be insufficient in everyday work.

Some members of the staff are manifestly interested in attending courses of in-service training. The team takes that their eagerness to gain new knowledge and master modern methods of work should be reflected in proper remuneration and other forms of motivation.

The entire staff takes their jobs stressful. They are entitled to shorter length of service. They regularly receive their paychecks, but are dissatisfied with their salaries.

Overtime is occasional and mostly remunerated.

No disciplinary proceedings have been instituted against members of the reeducation staff. They take that their mutual communication is smooth, and that their service plays the crucial role in the institution. Bearing in mind the responsibility that lays on their shoulders, it is only natural that the interviewed members of the staff complained of their salaries, which they consider particularly inappropriate when compared with those paid to other staffers tasked with less sensitive jobs and having lower education.

As for the training and employment service, seven offices have been recruited since the team's last visit. The service actually engages 59 officers – 15 have university diplomas, 5 are with higher education, while the rest have finished secondary schools. Their age averages 35-40, and all of them are men. No officer has attended a course of in-service training.

One instructor is in charge of 3-5 juveniles. The interviewed members of the service staff said they were satisfied with their jobs, the administration's efficiency and cooperation with other services. As for their service's status within the institution, they deem it equal with the rest. Team meetings are held

daily. The meetings convened at the level of the entire institution are convened once a week. This is when the head of the service speaks about each juvenile and makes relevant recommendations from the angle of his domain.

Judging by the staff's responses to the questions dealing with in-service courses of training aimed at improving their skills in the area of juveniles' social rehabilitation, they perceive the latter as their primary task. They do not exactly deny the necessity of having their skills upgraded, but consider themselves qualified enough.

The members of the staff take that the very nature of their job makes it stressful.

According to statistics, there have been no serious occupational injuries. No member of the staff said he would rather work somewhere else. They regularly receive their paychecks, but are dissatisfied with their salaries. Overtime is frequent, but is not remunerated.

No disciplinary proceedings have been instituted against any member of the staff.

As for the security service, the team interviewed the warden since the head of the service was on sick leave.

The service's job classification lays down 68 security officers. Sixty of them are engaged on full-time basis, while the rest are working under contract. According to the warden, the service is short of several officers.

The head of the service has university diploma, seven officers are with higher education, while the rest have finished secondary schools.

The reformatory organizes preparatory classes for interns who should pass professional tests. Some officers have attended courses organized by the newly established Center for Education of Prison Staffs in Nis, and almost all of them have participated in the OSCE seminars.

Six security officers are included in the mediation group and have been educated on the issue. The reformatory's doctor has lectured security officers on epilepsy several times, so as to capacitate them to promptly and efficiently react in the event a juvenile has a seizure.

The warden who is also the trade union leader in the institution said security officers were dissatisfied with their salaries that were not adequate to the exacting nature of their job.

Over the first nine months of 2004, three disciplinary proceedings have been instituted against security officers. Two officers were charged with improbity and one with misconduct. All the three officers were acquitted.

The team was not able to obtain more details about those proceeding or double check some information provided by juveniles or educators with the administration. Actually, no officer was available in the administration building at the time the team concluded its monitoring.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The custody and care of juveniles deprived of their liberty is a particularly challenging task. The staff called upon to fulfill that task should be carefully selected for their personal maturity and ability to cope with the challenges of working with – and safeguarding the welfare of – this age group. More particularly, they should be committed to working with young people, and be capable of guiding and motivating the juveniles in their charge. All such staff, including those with purely custodial duties, should receive professional training, both during induction and on ongoing basis, and benefit from appropriate external support and supervision in the exercise of their duties. (Para 33, CPT Standards, CPT/Info (99)12);

- Personnel should be qualified and include a sufficient number of specialists such as educators, vocational instructors, counselors, social workers, psychiatrists and psychologists. These and other specialist staff should normally be employed on a permanent basis (Para 81, UN Rules);

- Personnel should be appointed as professional officers with adequate remuneration to attract and retain suitable women and men (Para 83, UN Rules);

- The personnel should receive such training as will enable them to carry out their responsibilities effectively, in particular training in child psychology, child welfare and international standards and norms of human rights and the rights of the child, including the present Rules. The personnel should maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals throughout their career (Para 85, UN Rules);

- In the performance of their duties, personnel of detention facilities should respect and protect the human dignity and fundamental human rights of all juveniles, in particular as follows: (a) No member of the detention facility or institutional personnel may inflict, instigate or tolerate any act of torture or any form of harsh, cruel, inhuman or degrading treatment, punishment, correction or discipline under any pretext or circumstance whatsoever (Para 87 /a/, UN Rules).

III Recommendations

- Conditions of life and work of the entire personnel should be improved through granting of awards for special commitment to their work, provision of specialist literature and PCs, availability of the Internet and other forms of motivation;

- The possibility of engaging specialists who would provide treatment to specific categories of juveniles (mentally disadvantaged, dependents on psychoactive substances, etc.) should be considered;

- More specialists with general and specialist expertise in adolescent problematic (psychologists, pedagogues, social workers, psychiatrists, jurists, etc.) should be engaged on full-time basis;

- Personal suitability for the work should be taken into account on selection and recruitment of the staff;

- All personnel should be permanently encouraged to improve their knowledge and professional competence through attending courses of in-service training and models of positive management that will motivate them to treat juveniles in humane manner and turn them more efficient in and committed to their work;

- Seminars on specific approach to juveniles should be organized for security officers;

- Courses of training in methods of overcoming resistance without recourse to truncheons or other instruments of restraint should be organized for security officers;

- Courses of training in child psychology and international standards and norms of human rights and the rights of the child, including the UN Rules for the Protection of Juveniles Deprived of their Liberty should be organized for all members of the security service.

CONCLUSION AND RECOMMENDATIONS

Taking into account both subjective limitations and actual obstacles met over its monitoring mission, the team will attempt to present a comprehensive overview of the situation of detention facilities in Serbia, and put forth its relevant conclusions and recommendations.

The team's primary objective was to evaluate the extent to which persons detained in penal institutions exercise their rights and the level of protection of these rights as provided by international standards, and to recommend steps to be taken so as to improve observed shortcomings affecting persons deprived of their liberty.

Conditions in the visited institutions – districts prisons in provinces, i.e. all open penitentiaries-reformatories – mirror some general and shared problems that can be labeled systematic not only when it comes to these institutions, but also to the penal system as a whole.

Firstly, Serbia has not yet developed a strategy for the penal system reform. Namely, it was only in early 2005 that the authorities began to intensively and systematically tackle the problem.

Secondly, both the government and the relevant ministry have been disinterested for years in improving the situation in this specific domain, the more so since expert circles, the general public or, for that matter, international organizations had not focused their attention on it.

Thirdly, the status of the penal system has not been clearly defined in the domestic legal system. In other words, it is still blurred whether the Central Prison Administration or the judiciary are in charge of execution of criminal sanctions. Formally speaking, both the Administration and the penal system are under the jurisdiction of the Ministry of Justice. However, in real life the penal system is often seen as the Administration's duty.

All this affects both the status and functioning of the Administration that is, more often than not, left in the lurch. It lacks both professional cadre and material recourses to carry the burden of reform by itself.

One can hardly expect a change for the better unless a comprehensive reformist strategy is developed, the government and the relevant ministry take proactive positions on the issue, international organizations exert more pressure on the authorities and the penal system gets its clear-cut definition within the domestic legal system.

The team's position on the problems plaguing domestic penal system is not only based on the information gathered over the monitoring of the above-mentioned 14 institutions, but also on four-year experience that includes, among other things, more than 40 monitoring missions to detention facilities all over Serbia.

The sections below provide an overview of major findings and crucial problems deriving from the situation referred to in the paragraphs above, as well as recommendations aimed at improving a situation as such.

Quality and Conditions of Life

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY INSTALATIONS AND HYGIENE

The layouts of the 14 monitored institutions are so different that they can hardly be generalized. Some buildings were constructed back in late 19th century (the Subotica District Prison and the closed unit of the Sombor Penitentiary-Reformatory), some were built in early 20th century (Prokuplje and Novi Pazar district prisons, the Krusevac Penitentiary-Reformatory, etc.) and some in 1980s or 1990s (the Sabac Penitentiary-Reformatory and the open unit of the Sombor Penitentiary-Reformatory).

Taking into account the periods in which they were constructed and the fact that some of them were meant to serve purposes other than detention, all institutions are more or less marked by the layouts incompatible with contemporary standards of detention.

Except for the Leskovac prison, all monitored institutions are located in downtowns and usually surrounded by civilian, high-rise buildings (e.g. in Uzice, Krusevac, Subotica, Novi Pazar, etc.). Prisons and civilian buildings are often semi-detached, which is totally inappropriate from the standpoint of security and untried/sentenced prisoners' privacy.

As for open penitentiaries-reformatories, administration buildings and pre-trial/close wards are often situated in downtowns (e.g., Cuprija and Sombor), while their open wards either in suburbs or farther (Sabac and Padinska Skela).

Only the Krusevac Penitentiary-Reformatory is entirely located beyond the town's limits.

Due to their locations and inadequate layouts, all district prisons (except for the Leskovac one) are short of space necessary to accommodate persons deprived of their liberty and staff alike. For the same reasons, some of them do not have living quarters, rooms for visitors and sport terrains.

Though, generally speaking, overcrowding does not plague smaller institutions as it does the bigger ones the team visited last year, it still poses a problem for 8 out of 14 such "smaller" prisons, affecting either the units housing untried prisoners or those wherein sentenced prisoners are placed. Due to rooms with unoccupied beds, overcrowding seems to be more problematic than it actually is in 3 out of 8 overcrowded institutions. The bottom line is that overcrowding in Serbian prisons is hard to assess since information about institutions' actual capacities is not available so as to be compared with international standards or those laid down by the Law on the Execution of Criminal Sanctions (LECS).

Most monitored institutions are faced with the problem of time-worn plumbing and sewers. This is why their anyway ruined brick walls show visible signs of humidity.

As a rule, dormitories are scarcely furnished. Occupants are provided with beds, and tables with same chairs. Lockers are often non-existent.

Thus, it is hard to maintain general hygiene at an adequate level. On the other hand, it is noteworthy that almost all institutions do their best to maintain hygiene – they are regularly whitewashed and cleaned, beddings are changed twice a month, smaller repairs or adaptations take place, etc.

Bathrooms and sanitary facilities that are in bad shape in almost 50 percent of the monitored institutions, as well as the fact that taking a bath more frequently than once a week is considered a privilege in some institutions hinder maintenance of prisoners' personal hygiene.

Untried and sentenced prisoners in all visited institutions, except for the Cuprija prison, are allowed to wear their civilian cloths. They are usually provided fatigues while engaged in prison work. As pinpointed in the previous report, prisoners pay toiletries and detergents from their own pockets, and wash their cloths by themselves. As there are no adequate laundries, they are forced to dry their cloths in dormitories.

B) KITCHEN, MASS HALL AND FOOD

Conditions of the premises wherein food is prepared and prisoners take their meals vary from institution to institution, but, generally, mirror a level of hygiene that is either low or mediocre. This is mostly to be ascribed to ruined buildings, inappropriate layouts, kitchens that are usually situated in basements and longstanding neglect.

Professional cooks, assisted by prisoners, prepare food in most institutions. All kitchen staffs undergo regular sanitary examinations, while prisoners-assistants are accommodated separately from their inmates.

The quality of the food served to untried/convicted prisoners also varies. Generally speaking, it is of poor quality, except for the prisons in Vojvodina where the interviewed prisoners said it was not that bad.

Meals are mostly tasteless. Milk and milk products are rarely on menus, while fresh fruits are almost never served.

In some monitored institutions prisoners are served same dishes for lunch and dinner. The team takes a practice as such totally inappropriate.

Special diets are generally prepared for the prisoners to whom doctors have prescribed them. However, what differs regular and special diets is that the latter are just fatless and unseasoned.

Some institutions pay heed to dietary requirements of the prisoners professing Islam. In others, such prisoners are left to their own devices unless they are ready to eat the food prepared for general prison population.

Three monitored institutions have canteens (in Sabac, Padinska Skela and Krusevac). As for other institutions, prisoners place orders once or twice a week and are have goods delivered to them from local shops.

C) MEDICAL SERVICE

Functional medical services are crucial to imprisonment. Medical treatment and nursing care provided within domestic prison system are inadequate and are not in keeping with minimal European standards. Actually, medical services in prisons are the biggest shortcoming of the entire prison system.

Measurable factors listed bellow indicate the manner in which medical services are organized and thus capable to provide efficient treatment and care to persons deprived of their liberty.

Except for two institutions (in Padinska Skela and Krusevac that have full-time medical staff), all monitored institutions engage doctors on contract. As those doctors don't posses knowledge enabling them to deal with specific forms of prison pathology, the quality of services they provide to prisoners solely depend on their individual commitment to their jobs and overall professional capacity.

Four out of nine visited district prisons (44 percent) recruit full-time medical attendants (see Table). As for other penitentiaries-reformatories the team has monitored, three out of four (75 percent) employ them as full-timers (presently, there is a vacancy in the Sombor Penitentiary-Reformatory). Wherever medical attendants are engaged on full-time basis, overall medical parameters are better than in the rest, including qualified control over prison pharmacies, distribution of medicaments and medical records compiled for prisoners. Further, full-time medical attendants provide ampoule therapies to prisoners and thus economize on organizational arrangements, as prisoners need not be transported to local medical centers for such treatments.

In some visited institutions (such as those in Krusevac, Subotica, Cuprija and Padinska Skela), full-time medical attendants are also tasked with keeping detailed records of medical services provided to prisoners. It goes without saying that such practices are highly commendable and should be encourage. Regrettfully, none of the monitored institutions keeps regular statistics of observed signs of violence, which is crucial to assessment of actual state of affairs when it comes to inter-prisoner or staff-prisoner violence. Not only should institutions conscientiously keeps such records, but the latter should also be regularly presented at (weekly) team meetings and/or submitted for the attention of prison administrations. Three out of nine district prisons have pharmacies of their own and are, therefore, able to stock medicaments properly and provide efficient medical treatments. However, the equipment in all those pharmacies is just elementary. The situation in this domain, i.e. medical and nursing care, can be improved with minimal investment.

Medical examinations are not conducted out of the hearing and out of the sight of prison officers or other prisoners even in the institutions with organized out-patient wards and, to all appearances, even in those the staffs of which stated otherwise. Confidentiality if vital both to prisoners and medical staffs, since prisoners who trust their doctors would readily report violence against them or injuries they suffered and thus make it possible for the doctors to act in the line of duty – register such injuries and compile relevant statistics for the attention of the authorities. Information about specific cases of violence can also be forwarded to the authorities but only with the consent of the prisoner concerned. The same approach should be applied to the cases of inter-prisoner violence or the use of force against a prisoner. One should always bear in mind that a prisoner should perceive a prison doctor as a family doctor who is bound by medical confidentiality.

In 75 percent of the visited institutions medical files are compiled for all prisoners upon admission. However, a prisoner's medical file is not forwarded to another institution in the event of his transfer with a view to securing continuance of medical treatment and nursing care.

Though all prisoners are medically examined on admission – which is a vital segment of prison healthcare – the manner in which examinations are conducted does not meet even minimal professional standards. Namely, instead of thorough medical examinations, the practice of conducting anamnestic interviews prevails in most prisons. The medical staffs' duty to describe in detail all observed signs of violence, note down prisoners' statements related to their injuries along with medical findings, and make all thus compiled information available to prisoners is not observed. Further, information about

transmittable diseases (AIDS, HIV+, hepatitis B/C, TB, etc.), dependence on psychoactive substances and other psychiatric problems are obtained from prisoners themselves, rather than from biochemical and other tests. A practice as such should be changed in all institutions.

The team pinpoints that the number of prisoners dependent on psychoactive substances is on the increase. On the other hand, not only are resources for the treatment of such prisoners practically non-existent, but no treatment programs whatsoever have been developed for them.

Though duty bound by law, medical staffs mostly do not daily visit prisoners punished by solitary confinement. There is ground for belief that such practice is non-existent even though some interviewed officers stated otherwise. To solve the problem, prison administrations should lean on medical attendants who are present on prison premises on daily basis. The majority of the visited institutions do not have in-patient wards. Therefore, prison administrations should furnish and equip available rooms to serve as sickrooms. A solution as such will make it possible to isolate sick prisoners, particularly those with respiratory infections and other transmittable diseases.

Preventive strategies are totally neglected. The staffs of all visited institutions have not been trained in recognizing indications of suicidal risk. Both staffs and prisoners are rarely instructed in transmittable diseases and drug addiction.

Further, medical staffs do not possess specialist knowledge enabling them to deal with HIV-infected prisoners or those with hepatitis C in nondiscriminatory manner. As for medical staffs' duty to daily control food and general hygiene, relevant findings are registered and formally verified by their signatures. However, according to the team's observation, medical staffs are not concerned with quality and variety of food served to prisoners.

The much needed psychiatric care varies from institution to institution, but mostly depends on doctors' commitment to their work. It is the more so necessary to develop a comprehensive strategy in this domain, provide relevant guidelines and educate medical staffs on conducting psychotherapeutic programs and occupational therapies.

District prisons	Doctors on contract	Medical attendants	Out-patient ward	Privacy of medical examination	First medical examination	Medical files	Examinations in solitary confinement	In-patient ward	Control over pharmacy	Evidence of physical abuses
Cacak	1	0	0	0	0	0	1	0	0	0
Uzice	1	0	0	0	1	0	0	0	0	0
Leskovac	1	1	1	0	1	1	1	1	1	0
Prokuplje	1	0	0	0	1	1	0	0	0	0
Novi Pazar	1	1	0	0	1	0	1	0	1	0
Vranje	1	1	1	0	1	1	1	0	1	0
Krusevac	1	0	0	0	1	1	0	0	0	0
Negotin	1	0	0	0	1	1	0	0	0	0
Subotica	1	1	1	0	1	1	0	1	1	0
Overall	9	4	3	0	8	6	4	2	4	0
Percentage	100%	44%	33%	0%	89%	75%	44%	22%	44%	0%

Penitentiaries-reformatories	Doctors on contract	Medical attendants	Out-patient ward	Privacy of medical examination	First medical examination	Medical files	Medical examinations in solitary confinement	In-patient ward	Control over pharmacy	evidencija znakova nasilja
Sombor	1	0	1	0	1	1	0	0	0	0
Sabac	1	1	1	0	1	0	0	0	1	0
Cuprija	1	1	1	0	1	1	0	0	1	0
Padinska skela	1	1	1	1	1	1	0	1	1	0
Overall	4	3	4	1	4	3	0	1	3	0
Percentage	100%	75%	100%	25%	100%	75%	0%	25%	75%	0%

Recommendations

- The Ministry of Justice, i.e. the Central Prison Administration should form a team that will – taking into account European standards – assess actual accommodation capacities of detention facilities; on the grounds of its findings, the actual number of persons deprived of their liberty and envisaged growth of prison population in 5 years to come, the team should put forth measures to be taken; this refers to construction of new detention facilities, relocation of those deemed inappropriately situated, as well as renovation or reconstruction of the existing ones;
- Introduction of calorie charts envisaging – apart from necessary nutritional value of food – sufficient quantity of milk, milk products and fresh fruits on menus at least twice a week would improve the quality of food;
- Medical services recruiting at least one full-timer (a medical attendant) should be established in all institutions;
- One room in each prison should be set aside to serve as an out-patient ward and properly equipped; wherever possible, one room should be arranged as a sickroom or an in-patient ward;
- Medical files should be conscientiously compiled for all prisoners, as well as other medically related statistics, and all signs of violence should be entered into special registers;
- Mandatory medical examinations on admission should be thoroughly conducted (tests for HIV infection should be performed by civilian institutions, etc.);
- Medical examinations should be so conducted as to secure confidentiality and prisoners' trust in medical staffs;
- Strategies, approaches and treatment programs for dependents on psychoactive substances should be developed in tandem with the Ministry of Healthcare;
- Arrangements should be made with a view to educating prison doctors on specific forms of prison pathology, as well as training prison staffs in recognizing indications of suicidal risk and transmittable diseases;
- The quality and the effectiveness of medical services should be assessed only by a qualified medical authority; the Ministry of Healthcare's involvement in this domain is a pressing issue.

Security

At first glance, the two types of monitored institutions (open penitentiaries-reformatories and district prisons) do not have much in common when it comes to security considerations. From the standpoint of security, district prisons that mostly accommodate prisoners awaiting trial are organized as closed institutions, while open penitentiaries-reformatories have no physical obstacles to escape. However, except for the Padinska Skela prison, almost all institutions classified as open prison have closed units either for placement of untried prisoners or those who, in administrations' views, should be allocated under semi-open or closed regimes. By their security characteristics, these closed units resemble closed institutions.

Most district prisons, as well as the closed unit of Sombor and Cuprija penitentiaries-reformatories, are located in downtowns. Locations as such adversely affect both internal and external security in these institutions. For instance, windows of surrounding building look onto exercise areas of Novi Pazar, Krusevac, Subotica and Uzice district prisons. Two prisoners took the advantage of surrounding buildings and managed to escape from Uzice and Subotica prisons.

Further, in some cases buildings have been set apart and adapted to be used for prisons. So, the closed unit of the Sombor Penitentiary-Reformatory used to be a monastery, the Novi Pazar District Prison was once a courthouse, while prisons in Krusevac and Cuprija (closed unit) had been initially constructed as stables. Thanks to sluggish reconstruction works and inadequate security measures, a group of prisoners managed to escape from the Sombor prison by digging a tunnel in the wall.

Overcrowding as the biggest problem blighting domestic detention facilities has been referred to in the team's previous report. The same problem plagues the institutions monitored over the past 12 months, particularly those in Cuprija, Cacak and Prokuplje.

Understaffed security services, inappropriate and insufficient conveyances, outdated equipment and arms, and old video surveillance systems, if any, are the problems all monitored institutions try to cope with.

Besides, in the team's opinion, some prison administrations' decisions either impair overall security or are much too rigid. For instance, the heating problem that plagues the Subotica District Prison is at the same time a security problem. On the other hand, in the Padinska Skela prison, officers carry weapons in the prison compound, while the exercise area of the Negotin prison is entirely surrounded by barbed wire that may hurt prisoners. The exercise area of the Cuprija prison's closed unit is not only surrounded by a high wall topped with barbed wire, but also roofed with wire. Last but not least, the Novi Pazar prison administration has entrusted a prisoner with the key to the gate between administrative and detention sections.

In the team's view, staffs' regimental attitudes towards prisoners and insistence on order and discipline that exceed security considerations can hardly contribute to overall security in prisons. Though more characteristic of closed detention, the team witnessed such a practice in open institutions such as the Cuprija Penitentiary-Reformatory and the Krusevac Juvenile Reformatory. It goes without saying that such approaches adversely influence staff-prisoner relations and overall atmosphere in prisons.

Recommendations

- Some district prisons (in Krusevac, Uzice, Cacak and Novi Pazar) should be relocated from the buildings they presently occupy;
- New job classifications put forth by security services should be taken into consideration and eventually adopted;
 - Existing video surveillance systems should be replaced by more stat-of-the-arts ones;
 - The number and adequacy of surveillances should be adjusted to institutions' actual needs;
 - Security officers should stop taking regimental attitudes towards prisoners with a view to developing constructive and positive staff-prisoner relations and improving the level of internal security.

Legality of Prison Regime

The fact that the Law on the Execution of Criminal Sanctions (LECS) passed in 1997 and a number of bylaws dating back in 1977 and 1978 – and thus to a large extent contrary to modern standards – are still in force, basically indicates the state of affairs in this dimension.

Disregard for the anyway outdated LECS and bylaws in real life just adds to their negative impacts.

Though the LECS provides that all untried/sentenced prisoners shall be informed of house rules upon admission, the real life is another story. Interviewed prisoners often said they were instructed in house rules by their inmates, rather than by prison staffs. In most institutions, house rules are either not visibly posted at all or just excerpts dealing with prisoners' duties are posted for all to see. As a rule, copies are kept by educators or prison directors. The same refers to the availability of copies of the LECS. In no institution has the team observed copies of the European Prison Rules or the CPT Standards.

Classification and allocation of prisoners to different institution and regimes is often not in keeping with letter of the law. As a rule, prisoners who have to serve less than a year out of the term of imprisonment to which they were sentenced, regardless of the length of their sentences, are transferred to open prisons. Though this mostly refers to the prisoners who have behaved themselves and thus earned more favorable regimes, exceptions can hardly be avoided. A practice as such partially resulted from the fact that some prisons were renovated and partially from the attempt to solve the problem of overcrowding. However, such transfers bring about new problems.

Firstly, once transferred to an open institution, prisoners – regardless of their previous treatment regimes that were mostly open – have to start from scratch. Namely, they are placed in closed units and thus forced to once again "earn" more favorable treatments. It goes without saying that such practice stirs their animosity.

Secondly, newcomers (mostly transferred from the prisons in Sremska Mitrovica and Nis) are prone to showing off and demonstrating that they are the "bosses," which, in return, revolts "the locals" and opens the door to inter-prisoner violence.

Thirdly, security officers and other services in open institutions are not capacitated in dealing with prisoners under longer sentences and punished for serious crimes. On the other hand, the

transferred prisoners sometimes find it difficult to adjust themselves to the environments that are more liberal than those they have come from.

Bearing in mind that in almost 50 percent of monitored institutions persons sentenced for misdemeanor are inappropriately or not at all separated from their sentenced inmates, the problem of inadequate classification and placement becomes even more pressing and serious.

Further, legally undefined status of sentenced prisoners standing trials for other offenses augments the problems to be dealt with in everyday life and stirs such prisoners' dissatisfaction. The prisoners under this category are usually placed in high-security units or in closed units. Though legally not treated as prisoners awaiting trial, they are practically under regimes that closely resemble that in pre-trial units.

The team also underlines the problems prisoners and staffs alike face when it comes to conditional releases. According to the interviewed officers, courts of law usually turn down their proposals for conditional releases. Such outcomes adversely affect overall atmospheres in prisons.

Situation is about the same when it comes to early releases that are vested in prison directors. Namely, the latter are more and more reluctant to grant an early release to the prisoner who has been denied conditional release by a court of law. Some prison directors have stopped considering early releases at all.

The bottom line here is that such practice undermines prisoners' belief in prison staffs and directors, and in courts of law. Further, it not only impairs their motivation to behave themselves, but also practically deprives them of the right to parole.

Bearing in mind that effective grievance procedures are fundamental safeguards against ill-treatment in prisons, the team takes this opportunity to reiterate its stands publicized in the previous report. Actually, the team still takes that provisions regulating this domain are contrary to internationally adopted standards.

Though compiled information indicates that small number of prisoners have filed complaints against disciplinary measure taken against them, violation of their right or the criteria for granting benefits, the interviews conducted with most of them show that they take that complaints are of no avail, and consider grievance procedures absolutely ineffective.

Recommendations

- A new LECS should be passed under summary procedure, as well as subsequent bylaws. These regulations should clearly define grievance procedures, disciplinary measures against persons deprived of their liberty and disciplinary proceedings instituted against prison officers;

- All untried/sentenced prisoners must be informed of their rights and duties immediately after admission; copies of house rules and the LECS should be available to prisoners at all times;

- Transfer of prisoners sentenced for serious crimes or those under longer sentences – regardless of terms they still have to serve – to district prisons and open institutions should be restricted to the cases in which such a measure is fully justified and aforesighted;

- The Law on Criminal Procedure should be so amended as to regulate the status of persons who stand trials while under sentences; this is the more so important since provisions on custody (Article 142, LECS) or provisions on subtraction of the time spent in custody from imprisonment term cannot be applied to such persons;

- Prison tours for judges should be organized, the same as seminars/round tables that would assemble judges and representatives of prison administrations and staffs, and would be aimed at providing judicial officers with insights into functioning of detention facilities, treatment programs for prisoners, conditions of life prisons, etc.; such insights might help judicial officers in deciding the cases of conditional releases.

Social Resettlement

It is widely recognized that influence on a prisoner's personality that will curb his/her criminal behavior is the main purpose of imprisonment. Thus, a treatment program provided to a prisoner throughout his/her incarceration should be adjusted to individual needs and, whenever necessary, reconsidered in terms of its efficiency. However, lacking in space and qualified officers, domestic detention facilities either do not provide treatment programs at all or provide them just partially.

In most visited institutions, the criteria for a prisoner's placement and treatment program (classification and reclassification) are determined by available accommodation and security concerns, admission to the institution (taken in or showed up when summoned), etc., rather than by his/her personal characteristics and behavior.

Persons sentenced for misdemeanor are often not separated from those sentenced for crimes. Prisoners under long sentences (habitual offenders, persons sentenced for serious crimes, etc.) are ever more frequently and for a variety of reasons assigned to open and semi-open institution that could not provide treatment programs suited for this category of prisoners.

The growing number of dependents on psychoactive substances on the one hand, and the lack of officers trained in dealing with this specific category of prisoners on the other, considerably hinder proper functioning of most institutions.

Teams in charge of prisoners' admission to district prisons, if any, are incomplete. Prisoners' classification and reclassification are often in the hands of one or two educators whose duties range from admission, reeducation to pre-release preparation and post-penal integration into society. More often than not, educators are also tasked with compiling general records, which wastes their time and diverts their attention from proper and comprehensive reeducation work. So it happens that prisoners are rarely in daily contact with their educators and that the entire process of reeducation boils down to handling prisoners' requests to be granted some privileges. Actually, district prisons are not at all focused on proper reeducation. Prisoners, therefore, more often communicate with security officers and try to solve their problems through security services. Situations as such open the door to corruption and "privileged inmates," who are classified or reclassified regardless of adopted criteria.

In terms of staff complements and educators' professional capacity, situation is somewhat better in penitentiaries-reformatories. Nevertheless, these institutions face major problems of deficiency of adequate social rehabilitation programs and relevant staffs' general inertness.

Programs of activities for prisoners should be stimulating and as varied as possible (education, libraries, sport, activities suited to their professional skills, etc.). Inappropriately organized free time opens the door to idleness and influence of prisoners with bad conduct on their inmates.

Organized sport activities are almost non-existent. Relevant international standards explicitly require that persons deprived of their liberty, without exception, should be able to take exercise in the open for at least one hour, and should be entitled to adequate physical recreation.

Discrepancy of actual conditions and almost all elements of social rehabilitation between prisoners placed in closed units and their inmates under open regimes (e.g., those working for prison communes) is manifest in most visited institutions. The prisoners accommodated in closed units are deprived of almost all rights, given that they practically spend entire days in their rooms.

Though the law provides elementary and secondary education in prisons, none of the visited institution has organized a school for prisoners. Prison administrations usually justify this deficiency by scarce funds, lack of premises and prisoners' disinterestedness in education. On the other hand, relevant statistics show that the great majority of prison population has not even finished elementary schools. It is imperative, therefore, that prison administrations pay due attention at least to prisoners' literacy.

The Krusevac Reformatory (juvenile prison) with its mandatory schooling is the only exception in this domain.

Since the team's last visit, the Krusevac Reformatory has significantly improved conditions for juveniles' schooling – additional premises have been set apart for the purpose and new courses, suited to modern times, have been introduced, along with modes for juveniles' motivation to learn. Apart from elementary education, the Reformatory plans to organize secondary education for juveniles in near future.

The percentage of juveniles with special needs is still high. However, no curriculum suited for them has been developed within the institution. On the other hand, eager to find a solution to the problem, the prison administration has organized courses for such juveniles in "normal" classes. Due attention is paid to their abilities, there are given grades in keeping with different criteria, and the prison administration plans to recruit a professional specialized in dealing with children with special needs.

In the context of reeducation, individual treatment prevails in district prisons and penitentiaries-reformatories alike. The interviewed officers mostly said it was impossible to organize group treatments due to lack of adequate premises, composition of prison populations, insufficiently capacitated staffs,

etc. On the other hand, the team concluded that educators in most institutions were interested in attending in-service courses of training and acquiring new skills.

Since the team's last visit, precisely since late 2003, the Center for Mediation has been working within the Krusevac Reformatory. For the time being, the conflict-mediation has been launched as a pilot program. In the team's view, this is just first, though a major, innovative step in the process of juveniles' reeducation, and highly commendable as such.

Libraries in most visited institutions are stocked with outdated or unattractive books. Some prisons do not have libraries at all. .

Prison work and vocational training – major instruments in the process of social rehabilitation – are inadequately organized in most institutions. Generally speaking, due attention is not paid to prisoners' preferences. Instead, prisoners are assigned to work that suits institutions. Just few of them have workshops or other manufacturing facilities wherein prisoner can be engaged in prison work.

Apart from doing chores, prisoners are usually engaged in the so-called prison communes. Crop farming is hardly attractive to prisoners, let alone that they do not have state-of-the-arts mechanization at their disposal. Further, it is inappropriate in the context of prisoners' chances to find jobs after release. Wherever possible, prisoners are engaged in the outside community, but exclusively as manual workers.

In the team's view, most institutions do not perceive prison work in the context of re-socialization. Instead, prisoners are used as the cheapest possible labor force, their working conditions are bad, the same as precautions taken against occupational injuries. As the only exception, the Valjevo Reformatory offers a variety of occupational training to juveniles, i.e. boys. Programs developed for girls are not that attractive.

Most visited institutions lack rooms for religious ceremonies. Though the majority of prison population, entitled to frequent leaves, may exercise their right to religious observance in the outside community, the prisoners placed in closed units are practically deprived of that right.

Recommendations

- Prisoners should be classified and reclassified in keeping with their personalities and behavior;
- Conditions conducive to adequate individual and group treatment programs should be created;
- Recreational activities provided to prisoners should be diversified inasmuch as possible, and prisoners should be encouraged to partake in them;
- Libraries should be well-stocked with both educative and attractive books, and cooperation with local libraries should be improved;
- Courses in literacy should be organized for the prisoners who have not finished elementary schools;
- Legal provisions related to the purpose and goals of prison work should be fully respected, and working conditions should be improved;
- Vocational training for girls in the Krusevac Reformatory should be diversified and adjusted to their needs;
- All prisoners should be encouraged to partake in purposeful activities view a view to preventing idleness;
- The prisoners under long sentences, who have been transferred to open or semi-open institutions, should be treated according to their personalities and conducts, rather than have them kept in closed units till release;
- The problem of juveniles with special needs should be solved either at the level of the Krusevac Reformatory or that of the Central Prison Administration; the possibility of constructing a juvenile prison for this category should also be taken into consideration;
- Arrangements should be made so as to enable all believers to profess their respective religions.

Contact with the Outside World

Prisoners mostly use phones to maintain contact with the outside community. Almost all the visited institutions have phone booths installed for prisoners' convenience.

Treatment of prisoners placed in closed units implies some restrictions to this right. Thus, such prisoners place or receive phone calls in the presence of prison officers. Duration of phone calls depends on the number of phone booths and the size of prison population.

Prisoners' right to correspondence is not restricted. In most institutions, letters sent to or by prisoners placed in closed units are controlled by educators.

Procedures regulating visits, meetings with lawyers and other forms of communication with the outside communities are in keeping with law. In some institutions the interviewed prisoners complained of curtailed visits. Explanations provided by relevant prison administrations had to do with insufficient space set apart for the purpose.

Most visiting areas are inappropriate in terms of size, furnishings and, often, heating. Occasionally a single room is used for various purposes, visits included. Also, prisoners often receive visits in corridors or in the open.

Except for the Leskovac prison, rooms for spousal visits have not been set apart in other visited institutions. This refers to district prisons and penitentiaries-reformatories alike.

Sentenced prisoners – and untried prisoners in some of the visited institutions - are usually kept informed about developments and events in the outside community via TV and radio sets. All institutions are equipped with at least one TV set. Prison administrations have begun to allow prisoners to bring in their own sets.

Daily newspapers and magazines are available to the prisoners who have subscribed to them.

Cooperation with local communities is generally poor. Contacts with local cultural institutions, social care centers and other relevant institutions are sporadic, rather than continual.

Unfortunately, the cooperation implied in prisoners' post-penal integration into society is still a dead letter of domestic prison system.

Pre-release preparations usually include nothing but final interviews with prisoners, sometimes with their families, and informing the police about a released prisoner's address.

Recommendations

- Phone booths should be installed where non-existent, or more booths should be mounted where their number cannot meet prisoners' needs;
- Prison administration should be more flexible when it comes to prisoners' communication with the outside world; for this purpose, telephone calls should not be supervised by prison officers;
 - Adequate premises for visits should be set apart;
 - Appropriate rooms for spousal visits should be set apart;
- The Ministry of the Interior, i.e. the Central Prison Administration, should develop pre-release programs, as well as those for prisoners' post-penal integration into society; these programs should be particularly focused on juveniles;
- Prisoners should be encouraged to maintain relations with their families and arrangements should be made so as to improve cooperation with other factors in prisoners' hometowns.

Institutional Personnel

Among major problems the Central Prison Administration has to come to grips with is recruitment of not only of professionals, but also general cadres willing to work in detention facilities.

Generally, district prisons do not have reeducation services at all, since they are not obliged to organize them under relevant job classifications. In some district prisons these tasks are entrusted to persons whose professional capacities meet not the prescribed criteria. Thus this delicate and responsible work is often performed by persons not qualified for it.

Reeducation and training and employment services are better organized in the visited penitentiaries-reformatories. However, even in these institutions professional teams are incomplete as they mostly lack psychologists.

Both educators and instructors often perceive their status within institutions as secondary, rather than primary in the context of prisoners' treatment throughout detention.

Moreover, trade instructors are usually treated as officers in charge of prison labor, rather than concerned with prisoners' vocational training and making them fit for the life in the outside community. More often than not, these officers are in the function of prisons' profit-making.

General impression is that the aspect of prisoners' social rehabilitation is in the back seat. It is only natural that such treatment discourages officers to fully commit themselves to their work.

Further, few are the officers who are given the opportunity to follow contemporary trends in the field of penology or are interested in this type of remedial education. The Central Prison Administration is to blame for such a situation, since well-organized remedial education is among its primary duties that cannot be left to individual officers' enthusiasm or personal ambition to improve their knowledge.

Except for occasional seminars organized for prison officers, no other forms of in-service training are available to them.

The problem of inadequately trained security officers is pressing indeed, the more so since security services are considered in most institutions as most important services.

Security officers in all visited institutions are not instructed in contemporary trends in penology or standards related to their attitude towards prisoners, which they are obliged to respect by the very fact that the country has been admitted to the Council of Europe. Though most security officers have attended some basic courses of in-service training the OSCE has been organizing for several years now, their general knowledge about prisoners' rights is rather poor. Just few interviewed officers manifested willingness to improve their knowledge and professional skills. Their superiors generally do not see any need for in-service training other than that in martial arts. Namely, they take that such training would greatly help them to properly organize everyday work.

The team hopes that the Center for Education of Prison Officers recently established in Nis by the Central Prison Administration, would help to improve the situation in all aspects relevant to proper and efficient functioning of detention facilities.

In conclusion, the team underlines that conscientious and efficient work of prison services considerably depends on adequate remuneration and other service benefits for personnel. Unfortunately, officers' salaries have not been for long adequate to the exacting nature of their work, while officers standing out for their commitment to their work and professionalism have not been entitled to any service benefits.

Recommendations

- Manuals that clearly define concepts, objectives and tasks of each prison service, and lay down rules and relevant guidelines, should be developed for all levels of staff of a particular detention facility or categories of detention facilities;

- Seminars for all levels of staff should be organized in regular intervals; such seminars are aimed at encouraging members of all prison services to learn about and follow modern trends in their specific domains;

- In order to improve conditions of service, personnel should be provided adequate offices and modern equipment;

- Job classifications should be reconsidered and adjusted to actual needs of each service, and due attention should be paid to the central role reeducation services play in the process of prisoners' social rehabilitation;

- Education of would-be security officers and their recruitment should be adjusted to existing European standards and current trends;

- Mandatory courses of training should be organized for security officers with a view to instructing them in contemporary trends in the domain of penology and international standards for protection of prisoners' rights;

- The Ministry of Justice and the Central Prison Administration should launch a campaign for scholarships for young cadres, as well as for better salaries for professionals standing out for their commitment to their work;

- The Ministry of Justice and the Central Prison Administration should launch a media campaign with a view to de-stigmatizing prisoners and making general public aware of the important work entrusted to security officers and prisoners' rights.

Contents:

Introductory Remarks	3
Monitoring and Methodology	5
ČAČAK DISTRICT PRISON	7
UŽICE DISTRICT PRISON	15
LESKOVAC DISTRICT PRISON	23
PROKUPLJE DISTRICT PRISON	32
NOVI PAZAR DISTRICT PRISON.....	39
VRANJE DISTRICT PRISON	47
KRUŠEVAC DISTRICT PRISON	56
NEGOTIN DISTRICT PRISON	64
SUBOTICA DISTRICT PRISON	72
SOMBOR PENITENTIARY-REFORMATORY	82
ŠABAC PENITENTIARY-REFORMATORY	92
ĆUPRIJA PENITENTIARY-REFORMATORY	102
PADINSKA SKELA PENITENTIARY-REFORMATORY	114
KRUŠEVAC REFORMATORY	124
Conclusion and Recommendations	138