



*Helsinki Committee for
Human Rights in Serbia*

Prisons in Serbia

April 2003 – April 2004

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INTRODUCTORY REMARKS

This publication is the output of the Helsinki Committee for Human Rights in Serbia's activity over the first year of the project "Prevention of Torture: Support to the Rehabilitation of Victims of Torture" that is being implemented thanks to the assistance of the European Commission – European Initiative for Democracy and Human Rights. Apart from the Serbian Helsinki Committee, this three-year project involves 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 visit these institutions and exerting pressure on national governments to enable such monitoring by non-governmental organizations.

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

- To encourage a U-turn in the 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 Helsinki Committee's mission as a partner organization in this project is fully compatible with the commitments of the State Union of Serbia and Montenegro (SMG) deriving from its membership in the Council of Europe as of April 3, 2003.

Major steps the State Union has made in the fulfillment of its obligations include signing and ratification of the European Convention on Human Rights and optional protocols, and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.¹

By signing the Optional Protocol of the UN Convention against Torture on September 25, 2003, the State Union manifested its good will to comply with its international obligations.

However, by the time this report was brought to public notice neither the State Union nor Serbia, as a member-state, have taken any step whatsoever with a view to amending relevant legislation.

First and foremost, no provision defining torture as crime has been introduced in the Criminal Code of the Republic of Serbia. Further, the 1998 Law on the Execution of Criminal Sanctions and relevant bylaws have not been amended in spite of the fact that some sections do not comply with European standards both the State Union and Serbia have committed themselves to by ratifying the above-mentioned conventions.

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, as well as to detainees whose cooperativeness made this endeavor possible.

¹ The Parliament of SMG ratified these conventions on December 26, 2003. Ratification instruments were submitted on March 3, 2004. The European Convention on Human Rights came into force on the same day, while the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment was enforced on July, 2003.

METHODOLOGY

The current legislation does not provide that non-governmental organizations may visit institutions accommodating persons deprived of their liberty. Among other things, this is to be ascribed to non-existent 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 was about a “gentlemen’s agreement” – seven days before a planned visit to a specific institution the Helsinki Committee had to make such request in writing and wait 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 conduct interviews with any member of the staff it believed could supply relevant information.

The Central Prison Administration gave its assent to all requests.

In the period July 3 – May, the Helsinki Committee’s team visited 6 institutions catering persons deprived of their liberty: two closed penitentiaries-reformatories, one high-security and closed prison, one closed juvenile prison, one women semi-open penitentiary-reformatory, and one penitentiary-hospital accommodating prisoners under mandatory psychiatric treatment, treatment for alcoholism, drug abuse, etc.). Population of the visited detention facilities totaled 4,400 persons. Along with the visits paid to detention wards within district prisons (450 detainees), the team practically monitored institutions housing over 85 percent of total prison population in Serbia.

From July 2003 to May 2004, the Helsinki Committee’s team visited 8 district prisons in Serbia with wards for untried and convicted prisoners. The wards for the prisoners awaiting trials accommodated around 1,100 persons, while those for prisoners under sentence some 450 persons.

Visits to pre-trial wards 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 prisoners awaiting trial 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.

Thirdly, district prisons have separate wards wherein prisoners under sentence are accommodated.

Therefore, the Committee’s team had to address presidents of relevant district courts in order to obtain permits for visiting pre-trial wards of district prisons. In addition, the team had to simultaneously apply to the Central Prison Administration so as to be allowed to visit sections wherein prisoners under sentence are detained.

The team was in no position to interview prisoners awaiting trial. For, it could have not known in advance the exact identities of untried prisoners or presiding judges, as well as whether or not these prisoners would agree to be interviewed.

A team composed of two jurists, a special pedagogue and a pathologist carried out all the visits, except for the one paid to the Belgrade Penitentiary-Hospital. Namely, due to the institution’s specificity, another physician, a neuropsychiatrist, was added to the team.

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; 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 meeting with prison directors and institutional personnel.

The monitoring included 6 aspects of prison life: 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).

The team draws attention to some specific information – included in this visit report – that was obtained from some prisoners or members of prison staffs. This refers to pieces of information that was impossible to fully assert, verify and thus analyze. Therefore, some passages of the report may be ascribed to subjective interpretation and impression.

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 listing all recommendations - were drawn up after several prison visits and sent to the same authorities.

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

NIS PENITENTIARY-REFORMATORY

Date of the visit: July 29, 2003
Type of institution: closed, including semi-open and open units
Population: men/adults
Capacity: around 1,200
Actual number of prisoners: about 970
Composition of the visiting team: two jurists, a pathologist and a special pedagogue

Quality and Conditions of Life

I

a) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY INSTALLATIONS AND HYGIENE

The prison compound is more like a public park with alleys, flower beds, trees and benches. Prisoners' daily care for this attractive area they use for exercise and recreation is evident. However, the fact that buildings – constructed back in 1930s – are old and dilapidated also sticks out like a sore thumb. Buildings damaged during the November 2000 riot that were just partially repaired add to this generally bad impression.

Prisoners are housed in three pavilions. Each dormitory is furnished with some 15-20 bunk beds. The halls that connect these dormitories are in bad condition, unpainted and humid, while tiles are missing from their tile floors. On the other hand, in the recently renovated Pavilion C walls are freshly painted, the same as window frames and doors and, therefore, leave a much better impression.

Though the prison itself is not overcrowded, the size of some dormitories is inadequate for the number of accommodated prisoners. Walls are unpainted, manifestly humid and generally neglected. Some dormitories have been painted and partially renovated since the team's last visit. Floors in those that have not been renovated badly call for thorough repair.

Barred windows allow entrance of fresh air and natural light. Dormitories do have artificial light, but no electric fans or air conditioning.

Furnishing is minimal. Apart from a chair or two, the prisoners are provided with iron beds only. Their lockers placed in nearby halls bear number tags and locks. The iron beds – bunk beds more often than not – are old, the same as bedding. Bedding is changed once in 15-20 days and can be hardly called neat. According to the prison administration, the bedclothes are scare and, therefore, cannot be regularly changed and washed.

Longstanding negligence is evident. However, general hygiene is very good even in dormitories that have not been renovated. Namely, they are as clean as possible under the circumstances.

Given that pavilions were built 70 years ago, it is technically impossible to set aside premises to serve as living rooms of sorts. Therefore, the prisoners not obliged to work (and they are the majority) linger in halls. True, all halls are furnished with benches, chairs, tables and TV sets, but a solution as such is definitely inadequate.

Radiators that are installed in all dormitories are heated in wintertime through central heating system. The interviewed prisoners say room temperature was tolerable last winter, but could have been better should badly fitting window frames and doors be repaired.

There are bathrooms and showers on every floor housing sleeping premises. Most of them are in very bad shape. Some showers are inoperative, while almost all pipes are leaking. Walls are unpainted, dirty and humid. Toilets stench. Wall and floor tiles are either missing or smashed.

Situation of the so-called admission department and the unit under intensified supervision is far better and meets prescribed standards, given that these premises were renovated in the aftermath of the prison riot. All rooms are freshly painted, sanitary installations are new and hygiene is adequate. However, the rooms accommodating two prisoners under “intensified surveillance” each are of inadequate size and have windows that are much too small to allow entrance of fresh air and natural light. In summertime, temperature in these rooms turns intolerable, and there is no air-conditioning. Situation is about the same in solitary cells situated in the same pavilion. However, the prisoners punished by solitary confinement have more floor space given that they do not have to share it with anyone else.

A separate unit within the Pavilion B accommodates 42 prisoners who are either old and weak or chronically ill. These prisoners are isolated from others mostly on their own free will, as they fear their healthy and stronger inmates might physically or mentally maltreat them. Their accommodation is about the same as that provided to other prisoners, though they have a walled yard of their own suitable for walks and leisure.

Most prisoners the team saw wore civilian clothes, rather than uniforms. As there is no laundry in the prison, the prisoners have to wash and dry their clothes outside pavilions. They also have to procure detergents at their own expense since it lacks funds for adequate supplies. The same refers to toiletries – the prison administration provides them just to the prisoners in need.

b) KITCHEN, MASS HALL AND FOOD

It was only after over two years since the prison kitchen was destroyed in the November 2000 riot that a new and adequate one was in place. Actually, a new and modern building with a spacious mass hall allowing more than enough natural light and with radiators fit to provide adequate heating was constructed. Unfortunately, the prison was short of funds to buy new furnishing and utensils.

The prisoners take their meals in 25-minute shifts.

A professional cook prepares the food. Weekly menus are approved by the prison director and the head of the medical service. The interviewed prisoners said the quality of food has improved ever since the new director was appointed. There were no major complaints of the quality of meals. Quality and quantity of meats, vegetables and fruits served to the prisoners is better than in most prisons the team has visited. And, this was for the first time the team learned that prisoners were served yoghurt and, occasionally, milk.

The food is controlled organoleptically every day, while meals are never stored for more than 24 hours. Suspicious samples of food are sent for testing. In such cases, it is prohibited to further serve such meals. According to the head of medical service, meals are nutritionally in keeping with legal provisions, while special diets are prepared whenever necessary.

Only one special diet that hardly differs from the regular one is prepared for the prisoners with special dietary needs. As a physician and the cook put it, the problem cannot be solved since the prison lacks funds.

Food parcels and articles of food available in canteens located in every pavilion figure as additional sources of nourishment. As far as the team could see and as the prisoners themselves put it, the canteens are well-stocked. They offer milk, cigarettes, instant coffee, fruits and even meat products that are stored in newly procured refrigerators.

c) MEDICAL SERVICES

The prison’s medical service is situated in a separate one-story building. The service itself combines in-patient and out-patient treatment for the prisoners. The in-patient facility has five rooms with 17 beds altogether.

The medical service includes: a general practitioner’s out-patient ward, an industrial medicine out-patient unit, an out-patient ward attached to the investigating department with medical records, a therapy room and a dentist’s office. Further, there are neuropsychiatric, ophthalmologic, internal medicine and radiology out-patient units where visiting specialists provide services to prisoners. And, there is a lab, a pharmacy and the in-patient facility. The medical service employs the staff of 16 people engaged on full-time basis: one specialist in general medicine, one specialist in industrial medicine, one orthodontist, one laboratory technician, one pharmaceutical technician, one dental technician, four general practitioners and six general medicine technicians.

Under a contract signed with the Railway Health Care Administration, the prison engages a visiting ophthalmologist, a specialist in internal medicine, a radiologist and an otorhinolaryngologist. A visiting neuropsychiatrist and a medical consultant are engaged under a separate contract. Apart from the in-patient facility, the prisoners are hospitalized in the Nis Clinical Center or the Belgrade Penitentiary-Hospital if necessary.

The service is fully staffed judging by the in-house job classification. Medical officers work in shifts. As a rule, one doctor and one technician work night shifts.

The pavilion housing out-patient and in-patient facilities is in bad shape, badly furnished and equipped. Electrical installations are presently being fixed.

X-ray machine is not in use given that the room in which it is situated is improperly isolated. As for medical equipment, there are an autoclave, six dry sterilizers, a relatively new ultrasound apparatus that only the visiting radiologist is permitted to handle, six sets of surgical instruments fit for minor surgeries only, lamps, outdated laboratory utensils, a number of medical cabinets and a well-equipped dental ward.

Every prisoner is medically examined upon admission when his medical record is opened. The prisoner is then examined by a psychiatrist, while x-rayed only if there are signs of some specific illness. The prisoners under sentence longer than one year are inoculated upon admission, and revaccinated a year later. Anti-lice sprays are obligatory. A prisoner punished by solitary confinement is firstly examined by a medical doctor and, if necessary, reexamined while in solitary. A trained medical technician is in charge of disinfestation and disinfection. Over the past six months solitary cells have been disinfested against cockroaches. A prisoner suffering from acute tuberculosis is presently hospitalized in the in-patient ward, while another one is treated in the Belgrade Penitentiary-Hospital. Two prisoners are diabetics on insulin therapy. Two prisoners are HIV infected, but no one suffers from AIDS. Some 20 percent of prisoners are dependent on psychoactive substances, mostly sedatives.

Over the past six months, two prisoners died natural deaths. In 2003, the medical service registered 86 injuries (46 prisoners suffered industrial injuries, 30 injuries unrelated to prison work, while there were 10 cases of self-mutilation). The interviewed prisoners differently perceived the treatment provided by the medical service. A few spoke highly of the medical service and stressed they were almost immediately seen by a doctor whenever they asked for it.

The prisoners were most critical about some doctors they refused to name. According to them, these doctors either react inadequately or totally ignore them in some specific circumstances. One prisoner told the team he had gone to see a doctor after being tortured and beaten up by security officers, and asked him to file the injuries he had suffered in his medical record. The doctor not only turned him down, but also ordered him to shut up and stop complaining. According to another prisoner's story, after security officers beat him up on June 19 he went to see a doctor sometime between 5 and 7 p.m. He pulled up his shirt to show his injured back. The doctor examined him and then ordered him out of office. The prisoner could not tell whether or not the doctor filed his injuries in his medical record. When the team tried to discuss the case with the head of the service (the prisoner asked to remain anonymous afraid that security officers might take reprisals against him), the latter said he believed not something like that could have happened. However, he assured the team he would check the prisoner's medical record, since, as he put it, every doctor was obliged to register all injuries regardless of who inflicted them. Several days later, he informed the team that the prisoner's medical record had been checked and showed the following findings: "Prisoner I.J. was brought in for examination on June 19, 2003 at 8.30 p.m. by a security officer. Anamnestically, his health is not impaired. Objectively, he is conscious, aware of his surrounding, walks by himself and denies any mental discomfort; blood pressure - 120/80, heartbeat - 88/min., breathing - normal. Judging by his medical record, the prisoner suffered no injury whatsoever."

The team takes there is reasonable ground to believe that the prisoner was physically abused by security officers and that the doctor on duty simply refused to put it in black and white in his medical file, so as to cover up any misconduct. The prisoner obviously told the truth when it came to the day he had been injured. Further, 8.30 p.m. is rather late in the day for anyone to show up at doctor's office just to state he has no health troubles. One cannot but wonder why he wanted to see the doctor at all, since the information provided said nothing about what made him do so on that specific day and specific time. Even had he been beaten up by his inmates or hurt himself in some other way, such data should by all means be entered into his medical file.

II

Incompatibilities with or Departures from the Law on Enforcement of Criminal Sanctions (LECS), the House Rules in Closed and Strictly Closed Institutions (House Rules), European Prison Rules (EPR) and the Standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT Standards)

- Each prisoner should be provided with adequate clothing and bedding, which shall be kept in good order and changed often enough to ensure its cleanliness, while sanitary installations and arrangements for access shall be adequate to enable every prisoner to comply with the needs of nature in clean and decent conditions. (Para 17, 18, 22 and 24, EPR);

- The rooms accommodating prisoners shall be of appropriate size so as to provide at least 8 square meters of space for every prisoner, and shall be adequately heated and lighted (Article 58, Para 1, LECS; Article 15, Para 1, House Rules);

- Prison health care services can contribute to the prevention of violence against detained persons through the systematic recording of injuries and, if appropriate the provision of general information to the relevant authorities. Any signs of violence observed when a prisoner is medically screened, as well as any relevant statements by the prisoner should be fully recorded. (Para 60 and 61, CPT Standards, CPT/Info (93)12);

- Whatever the formal position under which a prison doctor carries out his activity, his clinical decisions should be governed only by medical criteria.

- The quality and effectiveness of medical work should be assessed by a qualified medical authority. Likewise, the available resources should be managed by such an authority, not by bodies responsible for security or administration. (Para 72, CPT Standards, CPT/Info (93)12)

III

Recommendations

- Renovation of the facilities damaged in the riot, as well as that of old buildings should be sped up;
- Minimal funds at least should be secured to renovate toilets and bathrooms, replace the battered sanitary installations, as well as to supply prisoners with necessary toiletries;

- The Central Prison Administration and the prison administration should investigate the case of the beaten prisoner referred to in the paragraphs above; the two administrations should assess whether the doctor failed to perform his duty; if people involved in the incident are proved responsible, appropriate measure should be taken against them;

- A provision of a new or the amended LECS should stipulate independence of medical services, either through their separation from other services or through investing them with more autonomy;

- A provision of a new or the amended LECS should stipulate that a doctor is obliged to examine any prisoner applying for examination, and enter in his record the reason for which he wanted to be examined, a disease or an injury he complains of, the manner in which he was injured or who hurt him, as well as other data relevant to the prisoner's state of health and treatment provided;

- The Ministry of Health Care should intensify its supervision of medical services in prisons; or, to put it precisely, the Ministry should finally begin to thoroughly supervise these services.

Security

I

The analysis of the information gathered during the visit indicates that the external security is adequate. The prison compound is surrounded by a five-meter wall with watchtowers and guards armed with automatic guns. High walls separate the pavilions and prevent contact between prisoners. According to prison

director, video cameras mounted to survey the grounds outside the prison are inadequate. Video cameras installed in the pavilions were demolished in the November 2000 riot and are inoperative.

Though surveillance devices are not exactly appropriate, no prisoner tried to escape over the past six months. One did escape, but from the city hospital where he had been transferred for treatment. Judging by prison documentation, the ratio between the prison personnel and prisoners is the biggest in the security service. In spite of the fact that no member of the prison staff has been attacked or injured by a prisoner, the assessment and sense of danger is the highest among security officers and somewhat lower when it comes to educators. As for internal security, some prison officers and interviewed prisoners in particular claim that certain prisoner almost fully control their inmates. Incidents such as verbal or physical assaults are frequent, the same as racketeering and blackmailing. This obviously fuels the prisoners' sense of insecurity. The percentage of prisoners sentenced for violent crimes and habitual offenders amounts to 60-70. In order to prevent conflicts between groups or individual prisoners, the prison administration often moves certain prisoners to other pavilions or allocates them to the so-called intensified supervision unit (ISU). Presently, the ISU houses 22 prisoners. Some prisoners - 25 at this point - are transferred to a department of the Nis Military Prison, five kilometers away from the institution. Actually, it was the former management's "preventive" practice of frequent placing prisoners in the ISU and keeping them there longer than necessary that provoked some prisoners detained in the unit to stage a riot. As it seems, such "preventive" measures have been less frequent ever since the new director was appointed. However, the issue of their adequacy to the purpose is still questionable, particularly when one bears in mind hard conditions in the ISU.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The duty of care, which is owed by custodial staff to those in their charge includes the responsibility to protect them from other inmates who wish to cause them harm. (Para 27, CPT Standards, CPT/Info (2001)16);

- Prisoners held under conditions akin to solitary confinement should not be kept under such solitary confinement-type regime longer than required so by reasons for making relevant decisions. (Para 56, CPT Standards, CPT/Info (92)3; and Para 32, CPT/Info (2001) 16)

III

Recommendations

- Funds should be secured so as to repair the existing system of surveillance or the purchase of a new one;

- The exercise of authority through the use of force, punishment or frequent disciplinary measures, as well as too much emphasis on rules and norms, all of which affects the general climate in the prison should be reduced inasmuch as possible;

- The length of confinement in the ISU, the same as reasons for such punishment and its efficiency should be regularly controlled;

- Courses in training in skills of constructive and non-violent resolution of conflicts should be organized so as to help lessen the prisoners' sense of fear and insecurity and, at the same time, upgrade the security of both personnel and prisoners.

Legality of Prison Regime

I

The information gathered from the personnel indicates that the house rules are understandable and available to every prisoner upon admission. Copies of the house rules are visibly posted in each pavilion.

However, the prisoners take that reality is another story. Therefore, judging by what the interviewed prisoners said about the personnel's impartiality when it comes to disciplinary measures, benefits or awards, as well as the efficiency in processing their complaints, these aspects cannot be seen in positive light. Some interviewed prisoners mostly complained of the arrogant behavior of certain security officers.

About 150 disciplinary measures were taken against prisoners in the past 6 months. Punishment by solitary confinement amounts to 90 percent of all disciplinary measures. Prisoners are punished for fistfights, thefts or refusal to obey orders. According to the head of the service, officers use force only in the events laid down in the law. Namely, security officers are entitled to use force against a prisoner for the purpose of overcoming either active or passive resistance or separating prisoners involved in fights. As some interviewed prisoners put it, certain security officers use truncheons to demonstrate their authority and power, or to punish and "reeducate" them. One prisoner told the team that truncheons were mostly used against the prisoners coming from faraway places, rather than against those seen as locals.

Some prisoners told the story about their inmate who was firstly beaten up and then punished for the same disciplinary offense. However, when the team inquired about incidents as such, the prison administration said that since no one had formally reported them no investigation had taken place.

The prisoners are evidently afraid to report such cases. As for the personnel, reporting the use of force by their colleagues, even when justified, can hardly be taken as a rule.

Seemingly, the new director, appointed some 6 months ago, gradually gains the prisoners' trust. The prisoners take he attempts to impose law and order upon the personnel and them alike. However, as they put it, the problem is that low-ranking officers do not keep the director regularly informed about developments in the prison.

According to the interviewed prisoners, some of their inmates, particularly those coming from Nis and neighboring areas are privileged. Further, security officers have informers and are prone to corruption. All this, they say, affects the overall climate in the prison and can hardly contribute to good relations among them, as well as between them and the personnel. In addition, trade in narcotics and other illegal drugs, smuggling of cell phones, racketeering, gambling, blackmails and threats are their everyday reality. The team was hardly in the position to thoroughly evaluate the extent to which the personnel managed to uproot and prevent such negative trends.

Asked about corruption, the prison administration and high-ranking officers replied they would not exclude it, though it is hard to provide relevant evidence. In their view, some prisoners are prone to exaggerate the phenomenon.

Regardless of the fact that the very capacity of the prison that is among the biggest in Serbia makes the control over prisoners a much harder task, the team takes that more attention should be paid to the manner in which some officers carry out their duties. For, it is evident that negative trends can be considerably ascribed to their unwillingness to do their jobs properly and personal unsuitability for the work.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The staff shall not use force against prisoners except in self-defense or in cases of attempted escape or active or passive physical resistance to an order based on law or regulations. (Para 63.1, EPR);
- A prisoner against whom any means of force have been used should have the right to be immediately examined by a medical doctor, while the results of such examination should be made available to the prisoner. (Para 53, CPT Standards, CPT/Info (92)3);
- There are no effective grievance and inspection procedures against ill-treatment. (Para 54, CPT Standards, CPT/Info (92)3);
- All members of the personnel shall be expected at all times to conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect. (Para 56, EPR);

III

Recommendations

- The Central Prison Administration's Inspection Department should intensify its control over the legality of prison regime in all services;
- Mailboxes with locks should be installed so as to make it possible for the prisoners to submit their complaints or appeals; only the director should be entrusted with keys to the locks;
- Priority should be given to communications system and a management style that will encourage appropriate and positive relationships between the prisoners and the personnel.

Social Resettlement

I

The information obtained from the training and employment service shows that the service organizes vocational training in the trades dealing with production, catering and agriculture. The prison has a farmland, a chicken farm, a hog farm, etc. Further, there are departments providing services in domains of mechanical engineering, printing, ready-made clothes, carpentry and catering. Most prisoners work in mechanical engineering and carpentry departments where they assemble boilers, stove, couches, etc. for the Deligrad Company with which the prison has signed a long-term contract for provision of such services.

Technology available to the prisoners is outdated, while the machines they use for work are mostly old.

Less than 25 percent of prisoners are engaged in prison work, though by far more of them are capable of work. For instance, out of 850 prisoners in the closed unit only 200 are engaged in prison work. According to the personnel, the prisoners from open and semi-open units are maximally employed (160).

The prison does not provide vocational or other training for prisoners with no specific skills to be used in the outside community. Should such prisoners manifest any interest in being trained, relevant courses could be organized, said the personnel.

Non-existent resources for the purchase of raw materials that would boost production and thus employment as well objectively stand in the way of prisoners' interest in prison work. The prison administration takes that, regardless of such circumstances, the prison manages a profitable business. And were it not for the loans the prison has taken way back and has to pay them to the bank along with interests, new machines could be purchased and more job opportunities could be offered to prisoners, says the administration.

Prisoners are obliged to work 8 hours per day, i.e. 40 hours monthly each. Weekends are free. No prisoner complained of having to work overtime.

A part of their earnings is set aside as a savings fund, while the rest can be spent at will. The interviewed prisoners complained they were not paid adequately for their work.

A team composed of a social worker and a psychologist interviews each newcomer upon admission and observes him for 30 days. It is only then that the team puts forth how the prisoner should be classified and treated. The prison director, in tandem with the team, has the final say in these matters. Training officers are in charge of making treatment programs for each individual prisoner - such programs imply a specified educational group (to provide either elementary or secondary school training), a workplace, leisure activities, and intensity of individual and group treatments. Prisoners are reclassified when their training officers deem it necessary. The major criterion for a prisoner's reclassification is his behavior that is assessed not only by educators, but also by security officers and the training and employment staff. There is an additional criterion for the prisoners detained in the closed unit - they are granted better treatments only if they have already served one half of their sentences and behaved properly throughout the period.

The interviewed prisoners were mostly dissatisfied with the reclassification procedure. They took that many among them have met all necessary preconditions for reclassification and merited benefits at least (such as leaves, free weekends, etc.). According to them, benefits are not distributed fairly. When asked to be

more specific about the matter, they usually reply, "Well, I am sure you are aware what it is all about" or "I would rather not comment."

In the team's view, treatment programs are inappropriate. True, the personnel said that each prisoner was assigned individual and group treatment supposed to meet his specific needs. However, they added, no specific treatment was provided to some categories of prisoners such as drug addicts, those suffering from mental disorders, etc. Sizes of educational groups hardly enable quality treatment. Actually, one educator is in charge of 70-90 prisoners. According to the service staff, individual meetings average 1-2 per month. Such meetings last about one hour.

On the other hand, the interviewed prisoners said they talked to their educators just occasionally and, as a rule, on their own initiative, while the very meetings never exceeded 5-10 minutes and were mostly focused on some specific requests or appeals.

As for the prisoners' schooling, the situation is about the same as it was at the time of the team's last visit. Namely, no schooling has been provided to the prisoners ever since the November 2000 riot when classrooms were demolished. Moreover, the personnel said even illiterate prisoners were disinterested in schooling.

The prison library is poorly stocked as most books were destroyed in the riot. Out of 20,000 books once on library shelves, only 3,000 were saved, though scattered all over pavilions for years. However, these books are now meticulously itemized and classified. According to the prisoner in charge of the library, the available books are mostly old and unattractive, while there have been no fresh supplies for years. On the other hand, as he put it, prisoners are interested in reading. Besides, no legal literature is available in the library.

Just several copies of daily newspapers are supplied to the prison free of charge. However, the prisoner may subscribe to the papers they wish to read. Radio and TV sets are to be found on each floor.

Recreational activities including sports, cultural and other events are nowadays by far less frequently organized than in the period before the riot in which the premises serving the purpose were demolished. There are well-kept areas where prisoners can take walks in fresh air, the same as grounds for team sports that are taken good care of. The gym is presently under reconstruction.

In terms of religious culture, most prisoners profess Serbian Eastern Orthodoxy. Though the prisoners are interested in religious observance, the prison is still unable to secure premises adequate for this purpose or pastoral visits. Presently, the prisoners may exercise their religious rights in the facility that used to be a church one, but can hardly be treated as suitable. However, services are quite frequent and the facility has even been used for marriages and baptisms. According to the prison administration, the facility will be thoroughly reconstructed and turned into a church with the assistance of the Administration to Protect Cultural Monuments and ministries of religious affairs and justice.

No separate premises for religious observance are available to the prisoners of other religions. However, they may always receive visits by their priests.

Pre-release preparations do not imply any specific programs or activity. As laid down in the LECS, the entire procedure boils down to informing an authorized social care center and the police that a prisoner is about to be released.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Prisoners have the right to elementary and secondary school education, organized in prisons in accordance with general regulations. (Article 97, LECS);
- No specific programs of remedial education is arranged for prisoners with special problems such as illiteracy or innumeracy. (Para 80, EZP);
- Every institution shall have a library for the use of all categories of prisoners, adequately stocked with a wide range of both recreational and instructional books. (Para 82, EPR);

III

Recommendations

- Every effort should be taken so as to make the personnel aware of the crucial role the remedial training service plays in the process of prisoners' social rehabilitation;
- Funds necessary to renovate the school damaged in the riot should be secured;
- Activities aimed at upgrading prisoners' education, and particularly special programs for the illiterates should be launched;
- Vocational training and remedial education in specific trades should be started;
- The prison library should be supplied with new and adequate books;
- Engagement of more training officers should be considered with a view to reducing the sizes of educational groups and providing better remedial training;
- The personnel should undergo in-service training in dealing with specific categories of prisoners such as drug addicts or specialists should be engaged for the purpose;

Contact with the Outside World

I

Six phone booths are nowadays available to the prisoners (three have been installed since the team's last visit). Two are placed in the open and semi-open unit, while the rest are in the closed unit. The prisoners are allowed to make phone calls in keeping with schedule and their classification, which averages to one 10-minute call per prisoner biweekly. The interviewed prisoners did not complain of the procedure itself but took that a 10-minute call was insufficient.

Letters and petitions are not censored. The prisoners did not complain of the way in which written contact with the outside world is regulated.

The number of parcels each prisoner is allowed to receive depends on his individual regime. Security officers inspect all parcels and register their contents. Except for some items that are prohibited under the law such as illegal substances or weapons, no parcels have been confiscated, said the personnel.

How often a prisoner is allowed to receive one-hour visit also depends on his individual regime. The prisoners meet their visitors in a room that is large enough and furnished with chairs and tables. The room must be overcrowded and noisy at visiting hours.

Two cabins nearby the pavilions are available to the prisoners for special visits. Though the prisoners did not complain of the procedure in general, some were most critical about the cabins' furnishings and untidiness.

The prisoners are allowed to contact their lawyers whenever they deem it necessary. Such meetings take place in a room set aside for the purpose.

Bearing in mind the absence of pre-release preparations, the team left under the impression that the personnel should exert more effort when it comes to cooperation and coordinated activity with authorized social care centers and families, as well as that relevant governmental institutions have failed to provide assistance in this significant segment of prisoners' return to life in society.

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 particularly by a 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. (Article 88, EPR).

III

Recommendations

- The prisoners should be allowed to make longer phone calls;
- The staff of local social care centers should be encouraged to assist the prison administration, whenever possible, in admission, monitoring and social resettlement procedures, and to work in close cooperation with them with a view to maximally prepare prisoners for gradual return to life in society, as well as maintain and improve their family ties and contact with other persons and employment centers;
- Efforts should be made to gradually overcome public bias and stigmatization of prisoners; the media and other means of mass communication should be used to this end;
- An atmosphere resembling inasmuch as possible that in the outside community should be created.

Institutional Personnel

I

The training and employment service has a staff of 103, which means 95 percent of the total number of employees laid down in the job classification. The team takes that the service's administration is oversized.

Trade instructors' professions mostly have to do with metal works, mechanical engineering and carpentry, while the rest of the service's staff are administrative assistants.

Trade instructors mostly complain of outdated technology and stress the need for better working conditions. No one has undergone in-service training.

Three trade instructors have breached rules in the production process. After relevant disciplinary proceedings against them, they were fined: their salaries were reduced for a set period of time.

The reeducation service employs 13 out of 18 full-timers laid down in job classification. They are assigned to the admission department, the remedial training department and the recreational department. Two of them, a psychologist and a social worker, are engaged in the admission department. No special or general pedagogue works for this department.

In open and semi-open unit, one educator is in charge of some 180 prisoners, while 10 educators are assigned to the closed unit.

No disciplinary measures against any officer in the service have been taken over the past six months.

According to the service personnel, recruitment criteria should include personal suitability for the work. For, as they put it, in addition to formal education, dealing with prisoners requires commitment to work and mental capacity. Further, they take that in-service training is a necessity and claim that many of their colleagues would gladly attend such courses of training should they be organized with the assistance of relevant authorities. A seminar organized in June 2003 provided them with the opportunity to exchange views with their counterparts from the Netherlands about special regime for and treatment of drug addicts. As one seminar only hardly meets their needs, they take that the Ministry of Justice and the Central Prison Administration should pay more attention to organizing in-service training. In this context, they said they were fully aware of the importance of systematic and well-organized cooperation with colleagues from same or similar institutions. Exchange of views about general and specific problems each institution has to cope with and the modes of solving these problems, along with establishment of professional network and interdisciplinary teams would certainly improve their professional capacity and functioning of the institution itself, and thus prisoners' reeducation and social rehabilitation.

The job classification for the security service plans 210 officers. Actually, 190 people are working for the service. Three of them are university graduates, six have finished high schools and the rest graduated from secondary schools.

Over the past six months, disciplinary proceedings have been instituted against six officers for negligence and breach of orders (sleeping while on duty, not showing up for work, etc.). Disciplinary measures were taken against one officer when a prisoner managed to escape from the city hospital.

No security officer was called to account for excessive use of force (truncheon).

When it comes to remedial education, the head of the service stresses the need to organize courses in martial arts and gun handling.

A hotel at Mt. Jastrebac that is presently under construction will be used for recreation of the prison personnel, said the prison administration. Costs of accommodation will be bellow market prices. The team takes the idea to build a holiday resort for the personnel working under stressful conditions and their families a very good one.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Due importance should be attached to the training of prison officers. (Para 59 and 60, CPT Standards, CPT/Info (92)3)

III

Recommendations

- Conditions of life and work of the entire personnel should be improved through increased salaries and other benefits that would motivate them to work conscientiously and on the level; in this context, existing discrepancies in earnings should be reconsidered and corrected in keeping with significance of specific services in the process of prisoners' social rehabilitation;

- Members of the prison staff should be permanently encouraged to upgrade their knowledge and professional capacity by attending courses of in-service training and seminars aimed at improving humane treatment of prisoners and their commitment to the work;

- Specialists should be engaged in the admission department;

- The personnel should be trained in dealing with special categories of prisoners or specialists should be engaged for the purpose.

VALJEVO REFORMATORY

Date of the visit: August 12, 2003
Type of institution: closed, including semi-open and open units
Population: men/juveniles
Capacity: about 250
Actual number of juveniles: around 160
Composition of the visiting team: two jurists, a pathologist and a special pedagogue

Quality and Conditions of Life

I

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

The Valjevo reformatory is the only institution in Serbia specialized for the administration of juvenile justice. The prison compound includes five pavilions accommodating juvenile offenders, a kitchen plus a mass hall, in-patient and out-patient wards, a cultural center with 250 seats, a school providing elementary and secondary education, a cabin for spousal visits, a pavilion under intensified supervision and other facilities. An investigating prison under the institution's jurisdiction and a farm in the village of Gornja Bukovica are located outside the prison walls.

Areas surrounding the pavilions resemble public parks with benches, trees and flowers. Juveniles tend these areas on daily basis. All facilities built back in 1959 seem to be in relatively good shape. Some were partially damaged in the 2001 flood.

Dormitories are spacious, clean, relatively freshly painted and well ventilated. Windows are large and have no bars, and allow entrance of natural light and fresh air. The dormitories are partitioned off so as to make small, semi-detached single or double bedrooms. The dormitories are doorless, though it is obvious that they used to have doors once.

Halls and dormitories alike have artificial lighting.

Though scarcely furnished with beds and lockers only, the dormitories are functional. Some are decorated with flowerpots, pictures and posters. Window frames and doors in some dormitories have been freshly painted. However, flooring is the biggest problem. Plastic tiles are either missing or cracked in all dormitories.

Beds are in good shape. Beddings are changed twice a month. The juveniles are allowed to bring in their own bedclothes. The juveniles themselves take care of hygiene, which is appropriate. According to the director, disinfection and disinfestation are carried out regularly. However, the interviewed juveniles said they were mostly bothered by rats that were impossible to exterminate in spite of all measures taken. They are forced, therefore, to make traps in addition to rather inefficient glue provided by the administration.

Each dormitory has an adjacent and spacious living room with benches and a TV set.

The pavilion under intensified supervision is separated from other facilities with barbed wire. Given that an entire wing of the pavilion now houses the investigating prison, the team toured just the section with solitary cells. The solitaires have sufficient floor space, iron beds and decent lighting. Bedclothes are distributed to the juveniles in solitary confinement in the evening and taken away first thing in the morning. This is why the team could see only mattresses on iron beds.

Each solitary cell has a washbasin and a toilet bowl that are partitioned off by a door. The juveniles take showers in the bathroom down the hall. They take their walks in a walled area of acceptable size, where paths surround a patch of grass.

The admission department has been renovated recently and looks by far better than other facilities.

In wintertime, all dormitories are heated through a central heating system. Though the prison administration managed to secure sufficient quantity of crude oil last year, the juveniles said they were cold and had to cover themselves with several blankets to keep them warm at night. Actually, radiators are much too small to properly heat large dormitories with large windows.

Bathrooms and showers are situated on each floor. Under the LECS, the juveniles are allowed to take showers once a week or more frequently if necessary. Bathroom and toilets are rather ruined. Portions of plaster are missing from ceilings, tiles are cracked and window frames are broken. Sanitary installations, pipes and drains are almost inoperative, hot water is insufficient and humidity is all over the place.

As is the case in most prisons in Serbia, the administration is unable to provide all juveniles with toiletries. Therefore, they mostly procure them at their own expense or receive them in packages.

The juveniles are obliged to wear summer/winter uniforms, but may put them over their civilian clothes.

B) KITCHEN, MASS HALL AND FOOD

Windows in the kitchen and mass hall are so designed to allow entrance of natural light and fresh air. Both facilities have artificial lights as well.

The mass hall is large enough and furnished with relatively well-kept wooden chairs and tables. However, one-third of the ceiling has no plaster at all. Actually, the damaged sewer on the upper floor has not been properly fixed so that water keeps dripping all over the floor. According to the prison administration, it would be of no avail to fix this sewer given that plumbing in the entire institution is in such bad condition that it calls either for replacement or thorough reconstruction.

The interviewed juveniles said the food was better than at the time of the team's last visit to the institution. However, they still complain of insufficient quantity of quality meat in their meals. Milk, yoghurt and milk products are served once or twice a week. Fresh fruits are on the menu more often in summertime. They are never served cakes or any other desserts, complained the interviewed juveniles.

The juveniles take that the prison canteen could be better stocked, the more so since it sells goods at market prices. An ice-cream box has been installed recently so that the juveniles can now treat themselves with ice-cream when and if they can afford it.

Articles of food are allowed in parcels and figure as additional source of nourishment.

The juveniles may also use the so-called coffee shop – actually a small room furnished with several chairs and tables, a counter and a tape-recorder. The prison administration has assigned two juveniles to take care of the coffee shop, i.e. prepare and serve coffee to their inmates during leisure time.

C) MEDICAL SERVICE

Almost nothing has changed for the better in the medical service since the team's last visit. Only two male nurses still make the entire full-time staff. The vacancy for a physician has not been filled, as no candidate applied. A gastroenterologist and a stomatologist are engaged as part-time consultants. The only novelty is that as of the beginning of 2003 a neuropsychiatrist has been visiting the prison twice a week. According his records, 10-15 juveniles apply for examination each week.

Literally, not a single medical instrument or apparatus are to be found in the institution. All necessary tests (such as biochemical, ECG, etc.) are performed in the Valjevo Medical Center. The juveniles that need to be hospitalized for longer periods are either taken to the Penitentiary-Hospital in Belgrade or to the Valjevo Medical Center.

In 2003, 56 juveniles were treated in the institution's in-patient ward (totaling 2,486 days). Presently, nine juveniles are hospitalized in the in-patient ward. As they did not seem to be ill, the team concluded that they had been actually isolated in the ward as asocials.

According to the service's annual report for 2002, 1,311 juveniles were examined once, 850 reexamined, 504 were provided dental services, while 221 were medically examined in the investigating prison. Over the same year, 15 juveniles were transferred to the Belgrade Penitentiary-Hospital for psychiatric treatment and 9 to be treated by specialists in internal medicine.

Bodily injuries suffered by the juveniles in 2002 were as follows:

- Industrial injuries	1 severe, plus 4 light
- Unknown reasons	1 severe, plus 10 light
- Fights	2 severe, plus 28 light
- Self-mutilation	2 light
- Sport injuries	3 severe
- Injuries suffered outside the institution	2 severe

Presently, there is only one diabetic on drug therapy. No juvenile suffers from tuberculosis. Four of them are HIV infected, but no one has developed AIDS. HIV tests are performed in regular six-month periods when the juveniles attend the courses of training in health care and blood donation campaigns take place.

The service staff estimates that at least 10 percent of the juveniles are dependent on psychoactive drugs.

Dental services are provided to the juveniles under the same procedure as for other medical services – a juvenile has to make an appointment to be examined and, if necessary, treated. Dental services are available biweekly in keeping with a visiting stomatologist's schedule. The juveniles may have their teeth fixed by a private dentist at their own expense.

The interviewed juveniles are more or less satisfied with medical services provided to them. They say their sick inmates that need to be hospitalized are promptly transferred to medical centers outside the institution, though complain that they are examined offhandedly in the very institution, have no access to a doctor when they need him and are mostly prescribed nothing but aspirins and antibiotics. They also take that alcoholics and a number of drug addicts are treated inadequately, as all they get are sedatives.

According to the juveniles, the dental ward functions by far better than at the time of the team's last visit. For, they can now have their teeth fixed as well, not just extracted.

II

Incompatibilities with or Departures from the Law on Enforcement of Criminal Sanctions (LECS), the House Rules in Closed and Strictly Closed Institutions (House Rules), UN Rules for the Protection of Juveniles Deprived of Their Liberty (UN Rules – Juveniles) and the Standards of the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT Standards)

- Rooms accommodating prisoners shall not be humid and shall have sanitary installations and other facilities for maintenance of personal hygiene. (Article 58, Para 2, LECS);

- Sanitary installations should be so located and of a sufficient standard to enable every juvenile to comply, as required, with his physical needs in privacy and in a clean and decent manner. (Para 34, UN Rules – Juveniles);

- The medical services provided to juveniles should seek to detect and should treat any physical or mental illness, substance abuse or other condition that may hinder the integration of a juvenile into society. Every detention facility for juveniles should have immediate access to adequate medical facilities and equipment appropriate to the number and requirements of its residents and staff trained in preventive health care and the handling of medical emergencies. Every juvenile who is ill, who complains of illness or who demonstrates symptoms of physical or mental difficulties should be examined promptly by a medical doctor. (Para 51, UN Rules – Juveniles);

- There are no specialized drug abuse prevention and rehabilitation programs administered by qualified personnel. (Para 54, UN Rules – Juveniles)

III

Recommendations

- Funds necessary for new plumbing or thorough reconstruction of the existing one should be secured urgently;
- Minimal funds at least should be secured so as to make it possible to renovate toilets, bathrooms and sanitary installations;
- Funds needed for regular supply of toiletries should be secured;
- Engagement of a full-time general practitioner should be considered;
- Supply of medicines and medical materials should be improved;
- Treatment programs for the juveniles dependent on psychoactive drugs should be intensified and modernized.

Security

I

In the team's view, the situation in this domain is about the same as it was at the time of its last visit. Apparently, the team's recommendations related to the necessity of securing funds for the purchase of modern equipment (cameras, sensors, modern vehicles, etc.) have not been taken as priority. Further, regardless of the fact that the ratio between officers and juveniles is higher than in other services, the security personnel claim it is often rather understaffed when it comes to ensuring maximal internal and external security.

Given that no juvenile has escaped or attempted to escape (except for several juveniles who failed to report duly after leaves), the team takes that the external security is adequate. According to the head of the service, there are informal "gangs" but not powerful enough to endanger external security or the institution's functioning.

The statistics about the juveniles' personal safety show that cases of inter-prisoner violence are frequent, along with racketeering. Further, there have been cases of self-mutilation. According to the personnel, conflicts and other forms of intimidation figure as the biggest problem the institution has to cope with. Groups or individuals are constantly engaged in fights over supremacy. Incidents involving physical assaults and stabbings take place on almost daily basis. Though security officers do search premises frequently, they cannot always detect a variety of sharp objects the juveniles can easily make in the workshops to which they are assigned. In spite of the fact that many of them are under sentence for violent crimes, the team takes that such incidents are to be attributed to the juveniles' sense of deprivation and frustration with prison life, as well as to their age.

The prison administration has not managed to find a solution to the problem of inter-prisoner violence so far. They take that partitioning of dormitories might palliate the problem, as it would at least prevent the fights that take place at night. Nights are anyway, in the team's opinion, most critical since insufficient number of security officers work night shifts, while even those on duty are not assigned to the dormitories so as to be able to promptly intervene.

The team once again draws attention to the problem of inadequate vehicles used to have the juveniles transferred to other locations such as courts. Apart from one police van, all other vehicles are old and battered, have inappropriate seats and do not allow entrance of fresh air and natural lights. Riding in such vehicles that often take two or three hours can be taken as torture of a kind and inhuman treatment. Officers in charge of transfers often have to pull up to enable their passengers to take some water and breathe in fresh air.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The duty of care, which is owed by custodial staff to those in their charge includes the responsibility to protect them from other inmates who wish to cause them harm. (Para 27, CPT Standards, CPT/Info (2001) 16);
- 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. (Para 33, CPT Standards, CPT/Info (99) 12);
- Sleeping accommodation should normally consist of small group dormitories or individual bedrooms, while bearing in mind local standards. During sleeping hours there should be regular, unobtrusive supervision of all sleeping areas in order to ensure the protection of each juvenile. (Para 33, UN Rules – Juveniles);
- The transport of prisoners in conveyances with inadequate ventilation and light, or in any other way which would subject them to unnecessary physical hardship or indignity shall be prohibited. (Article 50.2, EPR);
- The transport of juveniles should be carried out at the expense of the administration in conveyances with adequate ventilation and light, in conditions that should in no way subject them to hardship or indignity. (Para 26, UN Rules – Juveniles)

III

Recommendations

- The Ministry of Justice should be requested to provide funds necessary for the purchase of modern surveillance equipment such as cameras, sensors, etc.;
- With a view to improving the juveniles' sense of personal safety, funds should be secured for technical adjustments in the dormitories;
- Engagement of more full-time security officers should be considered;
- Programs and courses of training in communication skills should be organized for the personnel with a view to creating better atmosphere and positive relations (among the personnel itself, between the prison staff and the juveniles, and among the juveniles);
- A provision prohibiting transfer of juveniles in inadequately ventilated vehicles should be incorporated in a new LECS;
- Funds should be secured for the purchase of at least one vehicle that would meet transportation standards.

Legality of Prison Regime

I

Judging by the information the team gathered about this aspect, every juvenile is instructed in some basic rules of conduct upon admission. Actually, the house rules have not been developed so far. Those dating back some twenty years are inappropriate in terms of humane treatment and are, therefore, no longer in force, said the personnel. Two years ago, new house rules were drafted and put forth to the Ministry of Justice's consideration. The draft is still pending as the Ministry has not answered back.

The team takes that this legal gap considerably affects the legality of prison regime and the staff's efficiency, i.e. the purpose and goals of juvenile detention and, logically, the staff's respect for the law as a key element of its duty.

Bearing in mind the interviewed juveniles' answers to the questions dealing with the personnel's impartiality, fairness of disciplinary measures or benefits, as well as with the efficiency of the procedure of filing complaints, the team does not positively assess this aspect of prison life. To put it precisely, the juveniles did not much complain of the way disciplinary measures against them were taken. Over the past six months, disciplinary proceedings were instituted against 50 juveniles. Instruments of restraint (truncheons) were used against 10 of them. The use of truncheons against juveniles was deemed justifiable in 9 cases. As for the tenth case, one security officer is presently under disciplinary procedure as there is reasonable doubt to believe that he has used a truncheon for reasons that cannot be justified.

Informal conversation with some juveniles left the team under the impression that some arbitrary or illegal decisions taken by the personnel cause a strong sense of resent among the prison population. Out of 12 interviewed juveniles, only one claimed benefits were granted fairly and according to merits.

The personnel and the juveniles alike said there was corruption in the institution, but were not eager to elaborate their claims. No one denied that cell phones, narcotics and other articles prohibited under the LECS were procured from the outside community. Such items, as they put it, are mostly procured by security officers. Further, some of the interviewed juveniles indicated that their "privileged" inmates were given better accommodation, were allowed to keep more personal items than the rest, assigned "better regime positions" and granted frequent leaves – all of which was denied to the rest though some did meet all necessary conditions.

The team could not have inquired into each case of allegedly unfair treatment. Therefore, it takes that the very phrase "all necessary conditions" as disputable. Such conditions should imply criteria for classification and reclassification of the juveniles as defined by the house rules. Unless there are clear-cut rules to be followed by the reeducation service in the first place, but by other services and the juveniles as well, there will always be room enough for manipulation, corruption or arbitrary decisions that cannot be legally contested against the background of non-existent norms.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The house rules are practically non-existent. (Article 23, LECS);
- 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 – Juveniles);

- 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 provisions concerning the rights of juveniles or the operation of a juvenile detention facility has occurred should be communicated to the competent authorities for investigation and prosecution. (Para 74, UN Rules – Juveniles);

- 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:

- (b) All personnel should rigorously oppose and combat any act of corruption, reporting it without delay to the competent authorities;

- (c) All personnel should respect the present Rules. Personnel who have reason to believe that a serious violation of the present Rules has occurred or is about to occur should report the matter to their superior authorities or organs vested with reviewing or remedial power. (Para 87, UN Rules – Juveniles)

III

Recommendations

- The communication between the Ministry of Justice and the institution should be encouraged with a view to adopting the house rules that would precisely lay down norms of behavior and enable inspectors to properly assert the cases of misconduct or illegal actions taken by the personnel;
- Juveniles should be given the opportunity to partake in the process of setting down the house rules.

Social Resettlement

I

The training and employment service assigns the juveniles to prison work dealing with metal works, mechanical engineering, carpentry and catering. There are also two farms that recruit the juveniles to perform agricultural tasks. Around 100 juveniles are presently engaged in prison work, though the number of those capable of working is by far bigger.

The technology available for prison work is outdated and the machines are mostly battered. According to the personnel, prison work and vocational training make an integral whole, which means that a juvenile's work is focused on capacitating him for a job in the outside community, rather than on the institution's profit making. The juveniles, says the service staff, are allocated to workplaces in keeping with their occupations in the outside community and individual preferences. However, some juveniles claimed that was not the case. They take that whether or not someone will be assigned to a "better" workplace depends more on his privileged position in the institution than on good behavior.

Precautions against industrial injury are adequate, while the juveniles' right to free weekends and vacations are duly respected. The juveniles are obliged to work 8 hours a day and entitled to free weekends. Overtime, which implies extra bonuses, is facultative. The interviewed juveniles were dissatisfied with their earnings that range from 200 to 1,200 dinars, depending on the jobs they are assigned. However, they welcomed the director's decision to double their earnings a month ago.

Courses of vocational training are organized for unskilled juveniles. The institution can also organize advanced courses in some trades and courses of remedial training, but the juveniles are mostly disinterested in attending them. In this context, the team's attention was drawn to the fact that the juveniles might be more motivated for prison work and training should they be instructed in more attractive trades. Namely, the juveniles take the trades they are instructed in unprofitable (locksmiths, metalworkers, etc.) and, as they put it, "inferior." According to the personnel, one can hardly offer arguments strong enough to make them think differently about their future jobs. "It's hard to expect a young criminal from Belgrade, sentenced for several robberies or drug dealing, to become a welder once he leaves the prison," said a trade instructor. The prison personnel takes the juveniles should be instructed in trades and skills more appropriate to modern times that would provide them with better job opportunities after release.

The reeducation service is in charge of a juvenile upon his admission – namely, from the moment the juvenile is accommodated in the Psychology Department where he stays 30 days at most. After interviewing and observing the juvenile, a team composed of a social worker, a pedagogue, a psychologist and a physician puts forth the treatment program it deems most appropriate for the juvenile. The prison director, in tandem with the team, then adopts the juvenile's classification and treatment program. There are six types of treatment programs. Major criteria here are the nature of the crime he has committed, the length of his sentence and psychosocial aspects of his personality. Educators are those who propose reclassification of each juvenile once in three months. Apart from the precondition that a juvenile has served one-third of his sentence, the main reclassification criterion is his behavior. The latter is assessed not only by educators, but also by security officers and the training and employment staff.

The personnel's motivation for work and awareness of the necessity to apply modern treatment, both individual and group, are noteworthy. Transactional analysis, gestalt therapy, family therapy and various types of counseling are practiced depending on individual needs of the juveniles.

Educational groups are of adequate size. One educator is in charge of 30-odd juveniles. According to the educators, the juveniles are called for individual meetings twice a week, while the number of such meetings totals 8-10 per day. The meetings last about thirty minutes each. The topics discussed over them are either spontaneous or initiated by educators or juveniles. When compared with the situation during its last visit, the team noticed that the juveniles' attitude towards the educators has become cooperative.

The institution provides elementary and secondary education. Classes organized range from the first grade of elementary school to the third grade of vocational schools providing instruction in 26 trades. Actually, the latter is provided by a branch of the Milica Pavlovic Secondary Technical School in Valjevo the institution has been cooperating with ever since its establishment. Presently, 9 juveniles attend elementary school classes. They are instructed in keeping with the curricula of adult education and are entitled to elementary school certificates that are valid in the outside community.

Not a single juvenile attends secondary school classes at this point. According to the administration, the institution cannot afford visiting professors. Therefore, the juveniles learning a trade in school workshops acquire just practical knowledge and experience, and are not entitled to diplomas that would testify of their professional capacity.

Mostly all inmates presently detained in the institution have graduated from elementary schools, while just few have managed to finish secondary schools. Some are high school or university students, but they are few indeed. Obviously, what the majority of juveniles need is secondary school education. In addition to the lack of funds for the purpose, the personnel stress the juveniles' poor motivation for learning. Should more of them be interested in schooling, says the personnel, the funds could somehow be secured. As it is, it would be unwise to pay professors to teach just a handful of students, according to the personnel.

Regardless of all available motivation methods, the juveniles are generally disinterested in learning. However, they are interested in computer and foreign language courses, which in itself indicates their eagerness to be in contact with the outside world and follow contemporary trends. Such aspirations should be taken into consideration in any endeavor to enhance their overall motivation.

Unfortunately, there are no programs for the juveniles with special needs who cannot attend regular classes. According to a teacher, they are given individual lessons, occasionally with a helping hand of their concerned inmates.

There are two libraries – one is located in the school, while the other in the cultural center. However, just a handful of juveniles visit the school library given that it offers just old editions and textbooks. On the other hand, the library in the cultural center is among few prison libraries that are regularly supplied with new and attractive titles. This is why the juveniles often go there to fetch some books.

Daily papers are regularly delivered to the institution. There are plenty of radio and TV sets. The juveniles may occasionally watch satellite programs and subscribe to some other newspapers and magazines. What singles out this institution is that the juveniles are allowed to bring in their own video recorders and CD players, but have to leave "donate" them to the institution after release.

Recreational and leisure activities are diverse and excellently organized. They include sports, along with a variety of cultural activities. Three officers are in charge of organizing these activities.

The prison has a nice hall with 250 seats that is used for basketball, football or volley ball games, as well as for cultural events. Frequency of such events depends on the juveniles' interest, but also on available funds. The juveniles write for and edit their own magazine named "Signposts." It is thanks to the director's personal enthusiasm that the magazine comes out of print. The juveniles also partake in various round tables, competitions, etc. They are mostly interested in sport activities for which the institution has provided excellent conditions: there are football and basketball fields, a gym, running tracks, table tennis hall, etc.

Most juveniles profess Serbian Eastern Orthodoxy. According to the administration, they are very much interested to exercise their religious rights. However, for the time being the institution is unable to provide them with a room adequate for religious observance and pastoral visits. Nonetheless, arrangements are made for pastoral visits whenever any of juveniles needs them. Bearing in mind the actual trend of having churches constructed within prison compounds, it can be expected that the institution will get one in near future.

There are no special pre-release programs or preparations. From time to time social workers do visit some juveniles. These are, however, exceptions, rather than a rule. Whether or not a juvenile's rehabilitation will be successful does not depend on the prison personnel only, but also on the government's readiness to

improve post-penal integration into society. Therefore, without full assistance of authorized governmental agencies, all efforts invested in juveniles' social rehabilitation may easily be of no avail once they return to the outside community.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Wherever possible, juveniles should be provided with the opportunity to perform remunerated labor within the local community, as a complement to the vocational training provided in order to enhance the possibility of finding suitable employment when they return to their communities. (Para 45, UN Rules – Juveniles);

- Juveniles above compulsory school age who wish to continue their education should be permitted and encouraged to do so, and every effort should be made to provide them with access to appropriate educational programs. (Para 39, UN Rules – Juveniles);

- Juveniles who are illiterate or have cognitive or learning difficulties should have the right to special education. (Para 38, UN Rules – Juveniles);

- All juveniles should benefit from arrangements designed to assist them in returning to society, family life, education or employment after release. Procedures, including early release, and special courses should be devised to this end. (Para 79, UN Rules – Juveniles);

- A guardianship authority shall permanently keep connection with a juvenile, his family, a correctional facility or institution where the juvenile is housed throughout the execution of the educational measure or the juvenile prison sentence. A correctional facility or the institution where the educational measure or the juvenile prison sentence are executed shall inform on release the juvenile's parents, guardians and the guardianship authority, and recommend measures for acceptance of the juvenile no later than three months before release of the juvenile. (Article 286, LECS)

III

Recommendations

- The problem of financing the juveniles' schooling should be urgently solved;

- Programs and methods that enhance the juveniles' interest in learning and vocational training should be considered. To this end, relevant authorities should be called to provide modern teaching aids and assist in organizing computer and foreign language courses. This will not only help the juveniles to find adequate jobs upon release, but will also encourage them to exert more effort so as to be awarded for their attainments in the education process. The latter is crucial for a successful social resettlement.

- The juveniles' gradual return to life in society should be enhanced through special pre-release programs and activities;

- Special curricula should be applied for mentally disadvantaged juveniles;

- Whenever applicable, social care centers should be engaged to assist the personnel in a juvenile's admission, observation and social rehabilitation, and especially in maintaining and improving his family ties, as well as contacts with other persons and possible employers.

Contact with the Outside World

I

The prison still has only one phone booth that is used in keeping with a schedule. Though the juveniles do not complain of the fact that just one phone booth is available to them, they are annoyed with security officers who stand by and intrude their privacy. Anyone who wants to make a phone call to a juvenile must firstly contact an educator.

An educator collects all the letters sent to the juveniles. A juvenile on duty then distributes them to addressees. No letter has been confiscated over the past six months.

Security officers check all parcels and register their contents. The team was told that the juveniles had protested over some confiscated parcels or specific items. With a view to preventing misuse and avoid misunderstanding, the prison administration proposed that a list of items should be attached to each parcel.

Almost all juveniles receive visitors. Frequency and duration of these visits depend on treatment programs the juveniles have been assigned. They themselves did not complain of the procedure.

The juveniles are entitled to receive visits in a nicely decorated “special room” once in three months. The juveniles and the personnel alike take such visits should be more frequent, the more so when once bears in mind their positive effects on the prison population with specific developmental needs.

The personnel’s cooperation with outside factors depends on individuals, i.e. institutions in question. So, the cooperation with medical centers and few social care centers is considered good. The personnel is mostly dissatisfied with relevant courts’ cooperativeness, particularly when it comes to early releases. Judges make decisions on the grounds of documents and, therefore, lack necessary insight into all circumstances surrounding the cases on the table, say staff members.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

The team did not register any major incompatibility or departure.

III

Recommendations

- More phone booths should be installed or more flexible rules for the exercise of this right laid down;
- Taking into account developmental specificity and needs of the juveniles deprived of their liberty, the possibility of more frequent visits in private rooms should be considered;
- The issue of cooperation between relevant courts and prisons should be placed on the table with a view to turning the procedure of early releases more efficient.

Institutional Personnel

I

According to the job classification, the security service should engage 96 officers on full-time basis. The service presently employs 93 security officers. Most of them have finished secondary schools, five have graduated from high schools, and only one officer has a university diploma.

Like in other prisons, officers serving as interns for one year have to pass an exam in professional capacity. The prison administration takes the present system of training and recruiting new officers is inadequate in terms of duties and responsibilities the job implies. Accordingly, a six-month course of training prior to recruitment should be resumed. Ever since this practice was abandoned there have been less and less officers with professional capacity for the work, able to perform their duties in a humane and appropriate manner. Over the past six months, disciplinary proceedings were instituted against four security officers. Two were accused of having slept during night watches, one of having used a cell phone in the compound, while another one was charged with excessive use of force. This officer firstly overpowered a juvenile and tied him up, and then begun to beat him with a truncheon. However, the interviewed juveniles did not complain much of the way security officers treated them. The team noted that the prison administration took care that the use of truncheons against the juveniles should be reduced inasmuch as possible, while allowed only when truly necessary to overcome a juvenile’s active or passive resistance, or separate those engaged in fights. Every use of truncheon against a juvenile is registered on a special form that is forwarded to the Ministry of Justice.

The job classification plans 41 officers in the training and employment service. Though there are ten vacancies now the service's efficiency is not disputable when one bears in mind the number of juveniles they are in charge of. Training instructors' vocations mostly have to do with metal works, mechanical engineering and carpentry. The staff is more or less satisfied with the overall atmosphere in the service and its cooperation with other services. What they complain of is the outdated technology and working conditions. No disciplinary measures have been taken against the service personnel.

Out of 21 full-time officers as laid down in the job classification, the reeducation service actually employs 13. Three officers with university diplomas (a pedagogue, a psychologist and a social worker) are assigned to the admission department. Five of them – four university graduates and one with a high school diploma – work for the reformatory training department. Though some do not meet recruitment criteria in terms of education, the team left under the impression that all officers are fully committed to their jobs.

The same as their colleagues in other institutions, members of the reeducation staff strongly protest over the Ministry of Justice's decision whereby all officers, except for those working for reeducation services, got raises. The decision itself brought about a rather awkward situation where some less qualified officers who are anyway extra paid because of the nature of their jobs (night shifts, transfer of juveniles, etc.) earn more than their highly qualified colleagues. As for remedial education or in-service training, some officers have attended courses of training in various therapies, group therapy in the first place. However, they are in no position to implement their newly attained skills on permanent basis. Most members of the staff said they were eager to advance their knowledge.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The administration should provide for the careful selection and recruitment of every grade and type of personnel, since the proper management of detention facilities depends on their integrity, humanity, ability and professional capacity to deal with juveniles, as well as personal suitability for the work. (Para 82, UN Rules – Juveniles);

- The personnel of juvenile detention facilities should be continually encouraged to fulfill their duties and obligations in a humane, committed, professional, fair and efficient manner, to conduct themselves at all times in such a way as to deserve and gain the respect of the juveniles, and to provide juveniles with a positive role model and perspective. (Para 83, UN Rules – Juveniles);

- 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 norm 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 86, UN Rules – Juveniles)

III

Recommendations

- In the process of selecting and recruiting institutional personnel particular attention should be paid to their social and emotional suitability for the work;

- The personnel lacking proper professional qualification and experience should attend courses of in-service training aimed at enabling them to carry out their duties in competent and humane manner, and in keeping with the concept of reeducation and social rehabilitation;

- The decision that discriminates members of the reeducation service in terms of their earnings should be urgently reconsidered and revoked;

- All prison officers should be continually encouraged to advance their knowledge and professional capacity by attending courses of in-service, remedial and other special training, with a view to fulfill their duties and obligations in a humane, committed, professional and efficient manner and provide juveniles with a positive model and perspective.

THE POZAREVAC WOMEN PENITENTIARY

Date of the visit: October 31, 2003

Type of institution: semi-open

Population: women (juveniles, adults and women sentenced for misdemeanor)

Number of detainees: around 160 (5-7 out of the total number are sentenced for misdemeanor)

Composition of the visiting team: two jurists, a pathologist and a special pedagogue

Quality and Conditions of Life

I

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

The quality and conditions of life in this aspect have not changed much since the team's last visit to the institution on October 21, 2002.

A high wall that surrounds the entire prison compound is still there though the law provides that semi-open institutions shall not be walled off. The plan to have its upper parts toppled, i.e. to cut the wall a few meters down, turned technically unviable. Though the prison director agrees that the wall should be removed, she pinpoints that the prison is located in downtown Pozarevac, which entails the possibility of uncontrolled communication between the prisoners and the town residents that might endanger the security regime.

Since the team's last visit, pavilions II and IV have been renovated, in-patient ward has been furnished with new beds, while the pavilion accommodating the prisoners sentenced for misdemeanor is under reconstruction. This is the only prison in Serbia where prisoners sentenced for misdemeanor are fully separated from those under criminal sentences.

Dormitories are furnished the same as they were at the time of the team's last visit. Prisoners still do not have lockers, but are provided with wooden chests for personal belongings instead. The prison administration plans to renovate the admission department and pavilions I and III, as well as to redecorate a studio that is used for family visits.

An old and battered police van used for the prisoners' transfer has not been meeting minimal standards of a humane transport for long.

B) KITCHEN, MASS HALL AND FOOD

As the prison has no kitchen of its own, meals are brought from the Zabela Penitentiary in the same town. The plan to have the two institutions fully separated includes construction of a kitchen. However, the plan itself has made small progress so far, while the funds for the kitchen have not been secured at all.

The mass hall is of proper size and allows entrance of fresh air and natural light. However, the team takes that windows should be bigger than they are. The mass hall is heated via radiators.

The interviewed prisoners complained that their daily meals were of poor quality and uniform, and that milk products were served to them only once in a while.

The parcels the prisoners receive and the prison canteen they consider well-stocked figure as additional sources of nourishment.

C) MEDICAL SERVICE

The medical service is situated in the basement of a separate building within the prison compound. Rooms for pregnant women and nursing mothers are located on the upper floor of the same building. The

rooms are neat and clean, and meet the standards of hospitalization in spite of the fact that this section of the prison has not been renovated up to now.

The service employs one general practitioner and two nurses. A nurse's aide, a charwoman and two "half-trained" prisoners also make a part of the staff.

All prisoners are examined and get medical records upon admission. Examinations are performed in the manner that guarantees a prisoner's privacy.

Prisoners have to arrange their check-ups with a superintendent but are not obliged to explain what kind of troubles they are having. They never have to wait to be seen by a doctor who is practically available round the clock. When the doctor is on leave, a nurse takes care of sick prisoners and, if necessary, sends them to the Pozarevac Medical Center. Any prisoner can be hospitalized in a medical center in the outside community if the doctor deems it necessary.

Periodic medical examinations not carried out at regular intervals.

The prisoners punished to solitary cells are examined on daily basis. The doctor is obliged to testify in writing that a prisoner is healthy enough to be sent to a solitary cell.

A stomatologist from the Zabela Penitentiary visits the prison twice a month. Given that the dental ward is inappropriately equipped, dental services provided to the prisoners boil down to extractions. The team learned that even stomatologists with private practice silently boycott the prisoners, which makes the situation in this domain rather alarming.

The doctor daily controls meals, while hygiene, sanitary installations and heating once a week. The reports he submits to the prison administration are not in writing.

As the prison has no kitchen of its own, special diets cannot be served on regular basis. Namely, dietary lunches are served, but not breakfasts and dinners. The out-patient ward provides diagnostic services (taking blood pressure or temperature) and some therapeutic such as injections. The prisoners are transferred to medical centers in the outside community to be provided more complex therapeutic services.

Four patients are presently hospitalized in the 10-bed in-patient ward. The doctor who is in charge of pharmacy also delivers necessary medicaments to the prisoners. A psychiatrist visits the prison biweekly. Medical officers are not trained in the programs of psychotherapeutic and occupational therapy.

The prisoners are provided with all relevant information concerning their condition, the course of their treatment and the medication prescribed to them. Their families or lawyers may call in to obtain all necessary information. Medical treatment is provided with the consent of the prisoner concerned. If she refuses the treatment, she is obliged to put it in writing.

The prisoners are not allowed to inspect the record of injuries they have suffered. If a prisoner is physically assaulted by her inmate of a security officer, the medical service is obliged to inform the prison administration about the incident. The prison administration does not keep statistics about injuries, though every injury is meticulously registered in a prisoner's medical file.

Medical officers deliver lectures about transmittable diseases. The prison personnel are trained in the treatment of HIV positive prisoners, but know almost nothing about the prison pathology.

The prison staff is not trained in recognizing indications of suicidal risk. However, whenever such risk is identified, a prisoner is kept under special observation scheme.

Socio-therapeutic programs have been developed for the prisoners with personality disorders, drug addicts or violent prisoners by the reeducation service and do not involve active participation of the medical staff. The same refers to social reintegration programs. The medical service is only involved when it comes to reports on the prisoners unsuited for continued detention, which are submitted to the authorized bodies. These reports recommend alternative solutions. According to the personnel, pertinent decisions by the authorized usually take time.

No member of the medical staff is specialized in post-natal care and nursery nursing. The prisoners with some experience in this domain are recruited for the purpose. Children are not born in the prison. Mothers and children are allowed to stay together for one year. A child is then separated from its mother and the custody of the child is given to its father, relatives or social care centers.

In accordance with the house rules, pregnant women are entitled to special diets only if prescribed so by a doctor. However, this provision of the house rules turns null and void in practice, given that the prison has no kitchen of its own so as to prepare diets.

A gynecologist visits the prison twice a month. To be examined by the gynecologist, a prisoner has to make an arrangement through the prison physician. Tests for early detection of breast cancer and cervical cancer are taken whenever necessary.

II

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

- Periodical medical examinations should be carried out at regular intervals (Para. 35. CPT Standards, CPT/Info (93) 12);
- Special diets, as prescribed by doctors, should be provided to the prisoners on regular basis (Art. 22, House Rules);
- The medical and nursing staff should be trained to carry out psychotherapeutic and occupational therapy programs (Para. 41, CPT Standards, CPT/Info (93) 12);
- The prison staff should be trained in recognizing indications of suicidal risk (Para. 58. CPT Standards, CPT/Info (93) 12);
- The medical service should compile periodic statistics concerning injuries observed and the record of injuries should be available to the injured prisoners (Para 60 and 61, CPT Standards, CPT/Info (93) 12);
- Socio-therapeutic programs that have been developed for the prisoners with personality disorders, drug addicts or violent prisoners by the reeducation service should fully involve the medical staff; the same refers to social reintegration programs (Para. 68. and 69. CPT Standards CPT/Info (93) 12);
- The medical staff should possess specialist knowledge in the domain of prison pathology (Para 75, CPT Standards, CPT/Info (93) 12);
- The quality and the efficiency of medical work are assessed by the prison administration, i.e. the Ministry of Justice; likewise, the available funds are managed by the two bodies (Para 72, CPT Standards, CPT/Info (93) 12).

III

Recommendations

- Funds for renovation of pavilions I and II, as well as for construction of the kitchen should be secured;
- Stomatological protection should be upgraded;
- All prisoners should be examined by a medical doctor at regular yearly intervals;
- Appropriate diets prescribed by a doctor should be provided to the prisoners that need them;
- The medical staff should attend courses of training in psychotherapy, occupational therapy and prison pathology programs;
- The medical service should compile periodic statistics concerning injuries observed and make the record of injuries available to the injured prisoners;
- The medical service should be actively involved in socio-therapeutic programs for the prisoners with personality disorders, drug addicts or violent prisoners, as well as in the social reintegration programs.

Security

I

The information the team gathered about this aspect show that external security is adequate. This is testified by the fact that no cases of prisoners' violation of the security of the outside community have been registered over the past six months. However, bearing in mind the level of security provided for semi-open

institutions, the team takes that the existing measures by far exceed those laid down in the law and real necessity.

The ration between security officers (43) and prisoners (150) is the biggest when compared with other service. According to interviewed security officers and prisoners alike, the service no longer plays the main role in the prison. This change is attributed to the new prison director and the head of service who is a professional andragogist. Both advocate a different concept of the prison regime wherein the priority is given to reeducation and social rehabilitation, rather than to security related tasks.

When it comes to internal security, the team left under the impression that the situation of this aspect has deteriorated since its last visit. Incidents are more and more frequent as the number of prisoners has grown, particularly when it comes to women sentenced for crimes that, this way or another, have to do with distribution and use of psychoactive drugs (10-15 percent of total prison population). Women are organized in groups that are mostly composed of those coming from the same town. These groups begun to threaten, racketeer and, for the time being, just lightly injure their “disobedient” inmates. Most interviewed prisoners claim that some of their inmates do control the rest, but take security officers are efficient and numerous enough to help them feel safe and secure.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- “In the semi-open institutions the security service, which monitors the movement of the convicted persons, constitutes the only obstacle to prevent escape. (Art. 12, Para 3, LECS);
- Prevention of inter-prisoner violence. (Para. 27, CPT Standards, CPT/Info (2001) 16)

III

Recommendations

- The wall surrounding the institution should be either removed or replaced by an appropriately high wire fence;
- Reeducation and security services should jointly endeavor to prevent the prisoners to get organized in groups aimed at harassing others.

Legality of Prison Regime

I

The team noticed a positive novelty in the prison's functioning. Namely, reeducation officers assigned to the admission department are now obliged to explain the house rules in detail to each illiterate newcomer. Copies of the house rules are available at all times to their literate inmates.

Another change for the better is that the prisoners sentenced for misdemeanor are now physically separated from those under criminal sentences. This prevents any adverse communication between the two categories.

Illegal activities in the prison have been on upward curve ever since the emergence of groups referred to in the paragraphs above. Psychoactive substances smuggled in the institution have been detected in pies, shampoos or toothpastes. In spite frequent searches of the premises, certain amounts of illegal substances are always there and it is hard to tell whether the prisoners keep them for personal use or for trade. However, disciplinary measures are taken against any prisoner in possession of these drugs. According to the prison administration, no cell phones, dangerous tools or weapon have been tracked down so far.

Both disciplinary actions and benefits, says the prison administration, are in keeping with relevant legislation and bylaws. This was confirmed by several interviewed prisoners. On the other hand, some of their

inmates commented that was not a rule, as corruption among low-ranking officer has created a circle of “the privileged.”

Two disciplinary proceedings for breaches of orders have been instituted against security officers. One officer was fired because she misused her authority when it came to instruments of restraint.

No disciplinary measures have been taken against members of other services.

In the team’s view, the prison administration is resolute to punish any misconduct.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

No major incompatibilities with or departures from relevant legislation or rules have been noticed.

III

Recommendations

- The prison’s policy of prompt reaction to any illegal activity involving the personnel should be pursued.

Social Resettlement

I

Particular care is taken that each prisoner is assigned a job in keeping with her psychophysical suitability and profession capacity. Further, her personal preferences are also taken into account, and she is given vocational training for a specific prison work if necessary.

The sewing workshop presently employs some 25 prisoners. Twenty-five are doing chores, out of which 15 daily clean and maintain the premises. Six prisoners are engaged in mounting electric heaters whenever they get spare parts from the Zabela prison. At harvest-time some 15 prisoners work as agricultural laborers.

On average, up to 50 percent of prisoners are engaged in prison work. Their monthly earnings range from 300 (5 EURO) to 1,500 (25 EURO) dinars. They are free on weekends and extra paid for overtime.

According to the head of the reeducation service, the prison administration gives priority to the service’s functioning. However, some interviewed prisoners assigned to the closed unit at the time of the team’s visit said their educator was not committed enough to help them solve some personal problems, and was often not there when they needed her. After the team talked the problem over with the prison administration, the latter put forth to the Ministry of Justice a change in the service’s job classification. The Ministry approved the proposal so that yet another educator will be engaged in near future.

Reeducation implies group and individual treatments. Members of the service attempt to follow contemporary attainments in this domain. Therefore, particular attention is paid to the treatment of the prisoners classified in the so-called risk group (prone to self-mutilation, escape or dependent on psychoactive substances).

The service is much engaged in organizing cultural activities and is most proud of the performance of the prison’s drama ensemble. The administration tries hard to organize meaningful sport activities. As of lately, a hall for practicing aerobics has been available to the prisoners.

The prison library is well-stocked and regularly supplied with new editions.

Given that the prison is short of funds, no regular schooling is available to the prisoners. However, the administration allows schooling in the outside community at prisoners’ own expense.

When it comes to the cooperation between the prison personnel and authorized bodies it boils down to written communication with relevant social care centers, the police and, occasionally with families. Actually,

this cooperation varies. As a rule, it is always better with those social care centers where social workers are more committed to their jobs.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Schooling should be organized in the institution (Article 97, LECS; Para 77, EPR);
- Pre-release preparation and after-care program should meet necessary standards. (Para 88, EPR);
- All prisoners should have access to meaningful activities (work, training, education, sport, etc.). (Para 25, CPT Standards, CPT/Info (2000) 13)

III

Recommendations

- Schooling and vocational training of the prisoners should be organized;
- Funds should be secured to launch regular production with a view to engaging more prisoners in prison work;
- Pre-release programs and activities should be developed so as to ensure prisoners' better integration into the outside community after release.

Contact with the Outside World

I

There are two phone booths in the prison – one is located in the closed unit, while the other in the semi-open and open one. The prisoners from the closed unit are entitled to two 15-minute calls once a week. However, ever since the administration noticed that phone calls are misused, it imposed restrictions to this type of communication with the outside community. Accordingly, the prisoners are obliged to hand over a list of their relatives they want to talk to. Phone calls are, therefore, controlled.

Their inmates in the open and semi-open unit may make as many phone calls as they wish to at all times.

Letters and petitions are not subject to censorship. No letter has been confiscated over the past six months, and no prisoner complained of being denied to write or receive letters.

On several occasions illegal substances have been detected in parcels and confiscated. The interviewed prisoners did not complain of the manner in which security officers inspect their parcels. They take the officers act in accordance with law and the house rules.

Most prisoners receive visits the frequency and duration of which depend on treatment regimes. The prisoners meet with their visitors in the so-called visitors' hall, which is not fully adequate for the purpose. For the time being, no investment can be made in its renovation due to the lack of necessary funds. -

Whenever a prisoner want to receive her visitor in a "special room" arrangements are made with the Zabela prison, since the institution has no such premise of its own. One room is presently decorated to serve the purpose. A prisoner may communicate with her lawyer whenever necessary on her request. The director has a final say about prison leaves that are recommended by an educator.

According to the prison administration, cooperation with some social care centers in on the upward curve. Thus pre-release activities are generally better than they used to before.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- No major incompatibilities with or departures from relevant legislation and rules have been noticed.

III

Recommendations

- Funds should be secured with a view to renovating the visitors' hall;
- Treatment programs should be focused on the prisoner's gradual return to a life in society, while relevant social care centers should be encouraged to assist the personnel in pursuing this task.

Institutional Personnel

I

Out of 43 security officers, only one (the head of service) has a university diploma, two have graduated from higher schools, while the rest finished secondary schools. Apart from inadequately qualified personnel, professional capacity of interns is also disputable. Namely, it is only after one year of internship that they are obliged to pass an exam which implies just elementary knowledge in this specific domain.

Except for jujutsu courses that are mandatory for security officers, no other courses of in-service training have been organized over the past year. The institutional personnel has not attended the courses of training organized by the OSCE Mission so far. . As the director and the head of the security service put it, remedial education is a major prerequisite to the service's modernization and different organizational structure that would turn it less repressive than it presently is. Particular attention, they say, should be paid to the improvement of the personnel's communication capacity and skills.

Further, they take that the Ministry of Justice should develop a program that would motivate security officers to work more conscientiously. This not only implies providing funds for better salaries, but also for modern equipment, uniforms and vacations at popular prices.

Three educators, an officer in charge of cultural and sport activities and the head of the service make up the reeducation service. The head of the service simultaneously works as an educator. In her view, yet another educator should be added to the service, given that administration takes up much of her time.

As referred to in the paragraphs above, another full-time educator will be hired in near future. The head of the service said she was satisfied with her service's position in the institution.

No disciplinary measure has been taken against any officer of the reeducation service over the past six months. The staff's only grudge is that the Ministry of Justices deems not their work worthy enough. Ever since the Ministry gave raises to security officers, the highly qualified staff of the reeducation service has been paid less for its work than officers with secondary schools diplomas, working for the security service.

The training and employment service engages four officers. The head of the service, a graduate from the Faculty of Economics, has been recently appointed. As she put it, she is eager to invest her professional experience and knowledge in boosting the prison's profit-making. Though she is well aware her service should be focused on "social rehabilitation therapy," she deems that the institution should attempt to make more profit through production so as to turn less dependent on subsidies that are both insufficient and irregular. In her view, programs for more efficient engagement of the prisoners in prison work should be developed. According to her, cooperation with other services is good enough. "The director is an exceptional woman who managed to improve the prison's overall functioning," she said.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Courses of in-service training in the domain of human rights should be organized for the personnel (Para 59, CPT Standards, CPT/Info (92)3, Para 55, EPR);
- Programs aimed at improving the personnel's communication capacity and skills should be developed. (Para, 60, CPT Standards, CPT/Info (92)3);

- Salaries and employment benefits shall be attractive or at least adequate enough in view of the exacting nature of the personnel's work (Para 54.2, EPR);

III

Recommendations

- The Ministry of Justice should develop a new program of education and training for would-be security officers;
- Mandatory courses of in-service training in the domain of human rights and in communication skills should be organized for the entire institutional personnel;
- The personnel should be trained to deal with special categories of prisoners such as drug addicts or specialists should be engaged for this purpose;
- The entire personnel's standard of living and conditions of work should be improved through adequate salaries and other employment benefits for those who perform their duties diligently, conscientiously and in a law-abiding manner.

THE KRALJEVO DISTRICT PRISON

Date of the visit: November 25, 2003

Type of institution: district prison – semi-open

Population: untried prisoners and prisoners under sentence

Actual number of untried prisoners: 40

Actual number of prisoners under sentence: 13, plus 2 sentenced for misdemeanor

Composition of the visiting team: two jurists, a pathologist and a special pedagogue

Note: *As provided by law, the team was allowed to interview the institutional personnel and prisoners under sentence; interviews with prisoners awaiting trial are prohibited.*

Quality and Conditions of Life

I

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

Erected in 1960s, the building of the Kraljevo District Prison is actually a wing of the town's Secretariat of the Interior. It was constructed as a closed, rather than a semi-open prison as provided by law for district prisons.

The building itself is not large enough to appropriately house all convicted and untried prisoners. It is planned, therefore, to have another wing constructed. Prisoners awaiting trial and those under sentence are separated and cannot communicate in any way.

The interior of the building, walls, floors, woodwork and bathrooms are in relatively good shape, and, at all appearances, regularly kept in good order. Hygiene is kept at a high level.

Some dormitories are overcrowded. Most rooms accommodating untried prisoners have small windows that do not allow sufficient entrance of natural light and fresh air. Artificial light is too poor to enable the prisoners to read without straining their eyes.

Solitary cells are of proper size, have tap water, washbasins and toilets. Fresh air and natural light are adequate.

The central heating system is inadequate. It provides heat for both wings, but is turned off in afternoons when people working for the Secretariat leave their offices. So, the wing accommodating prisoners is not heated till mornings.

The right of untried and convicted prisoners alike to 2-hour walks in fresh air is not duly respected. Walks have been cut down to 30-45 minutes at most.

b) KITCHEN, MASS HALL AND FOOD

As there is no spare room to be used as a mass hall, both untried and convicted prisoners have their meals served in either dormitories or in the living room. Once a week, a physician inspects the food, hygiene, sanitary installations, ventilation and heating. All findings of organoleptically controlled food are recorded. Special diets are prepared on the physician's request. At this point, only one prisoner suffering from diabetes is served a special diet.

The interviewed prisoners were not satisfied with the quality of the food. Milk products are scarce, as they put it, while fresh fruits are almost never to be found on menus.

As there is no canteen in the prison, food packages the prisoners receive from their families are the only sources of additional nourishment.

C) MEDICAL SERVICE

The prison has no medical service of its own. Therefore, a visiting general surgeon provides medical services to the prisoners.

The doctor regularly visits the prison on Mondays, but is called in whenever there is an emergency. Upon admission every newcomer is examined on a Monday to come. The doctor opens his medical file and makes all relevant entries throughout the prisoner's confinement.

A prisoner has to apply for a medical examination with a prison officer. He is not obliged to state the reason for which he wants to see the doctor, i.e. he is not subject to a triage. All prisoners submitting their applications in the course of one week are examined on Mondays to come.

Medical examinations take place in a small room furnished with a table, a chair and a drug cabinet. As the door to the room is kept open during an examination, a patient is practically not entitled to privacy.

Any medical treatment necessitates a patient's consent. Information about the state of his health is available to him at all times.

All injuries are entered in a general protocol, rather than in a separate file (only one case of self-mutilation has been registered over the past six months). The general protocol is available to the prisoners. The doctor is obliged to inform the prison director about any injury he has registered.

As the prison can hardly provide diagnostic and therapeutic services, it mostly leans on medical center in the outside community, and particularly so when it comes to hospitalization.

The doctor supervises distribution of medicines.

Whenever they need psychiatric treatment the prisoners are transferred to a specialized institution in the outside world. Occasionally, a psychologist visits the prison on the prisoners' request.

Dental services are provided by public medical centers or by dentists running private practices.

Up to now, the prison personnel have not been trained to recognize indications of contagious diseases or suicidal risks. The prison administration controls the manner in which the doctor performs his duties. The doctor partakes and the discussions related to allocation of available resources.

A prisoner punished to solitary confinement must be firstly examined by the doctor. However, the doctor does not visit the prisoner in solitary confinement on regular basis.

The doctor has not attended the course of training in prison pathology.

II

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

- The accommodation provided for prisoners should meet the requirements of proper size, heating and lighting (Article 58, Para 1, LECS; Article 15, Para 1, House Rules; Para 15 and 16a, EPR);
- Prisoners' right to two-hour walks in fresh air should be respected (Article 15, LECS);
- A medical officer should visit a prisoner punished to solitary confinement on daily basis. (Article 37, Para 3, EPR);
- The personnel is not trained to recognize indications of transmittable diseases and suicidal risks (Para 54-59, CPT Standards, CPT/Info (93)12).

III

Recommendations

- Funds for the planned reconstruction, i.e. building of another wing should be secured as soon as possible, particularly in view of accommodation provided for untried prisoners;
- The central heating system should be adjusted so as to function independently from the wing housing the town Secretariat of the Interior;

- Conditions should be created so as to enable the prisoners to take at least 1-2 hour walks in fresh air;
- The prisoners punished to solitary confinement should be daily visited by the prison doctor;
- An in-patient ward with at least two beds should be included in the planned reconstruction of the prison;
- The personnel should be trained in recognizing indications of contagious diseases and suicidal risks;
- The medical service should be independent of the prison administration and the Ministry of Justice; instead, it should be under the control of the Ministry of Health;

Security

I

The external security is almost maximal since the building has been constructed to serve the purpose of a closed prison, rather than a semi-open one. Not a single prisoner tried to escape in 2003. The high-level security is also to be attributed to video cameras covering one section and more than sufficient staff that unofficially amounts to 25 security officers (in charge of 55 prisoners only).

The internal security is also at a high level, the more so since the law provides that only persons sentenced to imprisonment the duration of which does not exceed one year are allocated to district prisons. No interviewed member of the staff or prisoner indicated any serious problem such as racketeering, blackmails or inter-prison violence characteristic of large prisons.

A member of the staff has never been attacked by a prisoner. Speaking about problems he has to cope with, the head of the security service pinpoints inadequate number of vehicles. As this is about a district prison, prisoners are daily transferred to other locations. Scarce and battered vehicles used for the purpose affect, in a way, the institution's external security.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- "In the correctional facilities of semi-opened type the security guards shall supervise movements of convicts as the only obstacle to escape." (Article 12, Para 3, LECS)

Legality of Prison Regime

I

Untried and convicted prisoners alike are instructed in the basics of the house rules upon admission. The House Rules in District Prisons are available to the prisoners whenever necessary.

Judging by the information the team gathered, there are no major complaints of the manner in which the personnel treat the prisoners. The prison statistics show that in 2003 instruments of restraint were used against one prisoner only, while disciplinary measures were taken against 5 prisoners. Actually, two were punished with solitary confinement, and three were reprimanded. Further, no prisoner filed a complaint against any member of the personnel or the prison administration.

According to the prison director, some prisoners are allowed to work outside the institution. However, he did not detail what were the criteria for such decisions. As relevant criteria for the prison work in the outside community are not clear-cut in the law, there is always room enough for arbitrary decisions on such benefits.

There are three prisons under longer sentences, said the prison administration. Namely, the Central Prison Administration decided that they should be transferred to this prison from other institutions for “security reasons.” The prison administration was not entitled to refuse to admit these prisoners.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Apart from Article 70 of the LECS providing that prisoners shall be employed inside or outside an institution, and Article 80 of the same law stipulating the cases in which a prisoner may be assigned a job in the outside community, no clear-cut norms regulate the issue;

- Whenever a prisoner is allocated to a district prison, due account should be taken of his judicial and legal situation (prisoners under short sentences). (Article 11, Para 1, EPR and Article 30, LECS);

III

Recommendations

- Conditions under which a prisoner may be assigned a job in the outside community should be clearly regulated;

- The Central Prison Administration should pay due attention to the provision whereby prisoners under longer sentence cannot be allocated to a district prison, the more so since this not only affects social rehabilitation of such prisoners, but also of their inmates under short sentence.

Social Resettlement

I

It was only a year ago when a new director was appointed that the prison engaged a qualified social worker. The social worker is in charge of all activities related to prisoners' admission, classification and social rehabilitation. The prison administration plans to engage yet another full-time social worker and thus finally organize the reeducation service. The same refers to a training and employment service.

Inside the institution, the prisoners are presently doing only chores (kitchen, laundry, etc.) while in the outside community they are either engaged as couriers or janitors in the Kraljevo Secretariat of the Interior.

No courses of training are organized for the prisoners, and no recreational facilities whatsoever are available to them. The prison has no library.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The LECS and relevant international documents clearly define the concept of social rehabilitation that should be applied in prisons regardless of the size of prison population or whether they accommodate prisoners with short or long sentence. Therefore, due respect should be paid to this aspect regardless of the prison's small population (Articles 66, 68, 69 and 70, EPR);

III

Recommendations

- The newly established reeducation service should be given all necessary financial and other assistance so as to be able to pursue its objectives in the best possible way. For this purpose, a library

adequately stocked with both recreational and instructional books should be organized, and recreational opportunities should be provided to the prisoners.

Contact with the Outside World

I

There is one phone booth in the prison that the prisoners may use almost daily to make 10-15 minute calls either within or out of earshot of an officer.

According to the interviewed prisoners, there are no major problems related to their correspondence, parcels or visit they receive. All they complain of is the size of the room for visitors: it is too small to simultaneously accommodate more persons.

The section of the building housing untried prisoners has a cable TV they can watch at almost all times. Untried and convicted prisoners alike get newspapers only if they subscribe to them.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- No major incompatibilities or departures from relevant legislation and rules have been noticed.

III

Recommendations

- A solution to enable more prisoners to receive visits should be found;

Institutional Personnel

I

All security officers are secondary school graduates, including the head of the security service. However, the latter is about to graduate from the Faculty of Law. Though not formally qualified for the head of the service, he is an officer with 20-year experience in dealing with prisoners. Before joining the Kraljevo prison staff, he had worked for the Valjevo Penitentiary.

He takes that his service plays a key role in the institution, which is, as he put it, logical when one bears in mind the institution's type. In his view, his service cooperates smoothly with the prison administration and is notable for its teamwork.

Security officers are evidently unwilling to attend any courses of in-service training. They take their professional capacity meets all requirements of the service. According to the head of the service, the number of security officers is adequate to deal with the prison population.

No security officer has been tried or subject to disciplinary measures over the past six months.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- During their career, all personnel shall maintain and improve their knowledge and professional capacity, i.e. arrangement should be made for wider experience and training for personnel whose professional capacity would be improved by this (Articles 51, 52, 54 and 55, EPR; Para 26, CPT Standards, CPT/Info (2001) 16));

III

Recommendations

- Security officers should be encouraged to attend courses of in-service training and thus improve their professional capacity and expertise.

THE KRAGUJEVAC DISTRICT PRISON

Date of the visit: November 25, 2003

Type of institution: district prison – semi-open

Population: untried prisoners and prisoners under sentence

Actual number of untried prisoners: 45

Actual number of prisoners under sentence: 60

Composition of the visiting team: two jurists, a pathologist and a special pedagogue

Note: *As provided by law, the team was allowed to interview the institutional personnel and prisoners under sentence; interviews with prisoners awaiting trial are prohibited.*

Quality and Conditions of Life

I

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

Constructed in 1969, the prison is located in the suburban area called Petrovac, some 7 kilometers away from downtown Kragujevac. The road connecting the prison and a highway is in bad condition with asphalt missing from some sections, which impedes the very access to the prison.

Untried prisoners and those under sentence are physically separated and cannot communicate at all.

Though thoroughly renovated some 10 years ago, the building itself seems rather dilapidated. Some sections call for urgent repair. All dormitories accommodating both categories of prisoners have windows that allow entrance of fresh air and natural light.

Smaller dormitories accommodate 5-6 prisoners, while the bigger one 15-20. The size of the dormitory in the closed unit is inappropriate for the number of convicted prisoners. There is another room in the same unit but is presently unoccupied as it is "not heated."

Heating is anyway a major problem the prison copes with. The number of radiators is insufficient to secure adequate indoor temperature.

Solitary cells are large enough and have access to natural light and fresh air. They are furnished with washbasins and toilet bowls.

Neglected for years, bathrooms and lavatories are in ruins. Sanitary installations are battered and almost inoperable. The prisoners are allowed to take hot showers once a week. The interviewed prisoners said bedding was scarce and, therefore, could not be washed and changed regularly. The prisoners are often forced to procure toiletries at their own expense.

Though entitled to 2-hour exercise in fresh air, their walks hardly ever exceed 45 minutes, said the prisoners from the closed unit.

Prisoners are transported in two police vans that are 20 years old and do not meet even minimal standards for humane transportation.

B) KITCHEN, MASS HALL AND FOOD

Premises in which food is prepared and served are inadequate in terms of size and structure, and hardly meet the standards of hygiene. A professional cook supervises preparation and quality of food. Menus are planned seven days in advance. The cook claims that the nutritional value of meals served to the prisoners is in keeping with the standard laid down in the LECS.

According to the cook, the meals prepared for 11 Muslim prisoners are in accordance with their religious beliefs. The team could not have checked this information given that at the time of its visit these prisoners were given a day off for their religious holiday.

The interviewed prisoners consider their meals uniform and of dubious quality. Milk products are served from time to time, while fresh fruits never, they say.

The prison has no canteen. The prisoners are, therefore, allowed to order food and other items from town shops twice a month.

The food received in packages figures as additional source of nourishment for untried and convicted prisoners alike.

C) MEDICAL SERVICE

Medical services are provided biweekly by a visiting physician. As he was absent from the prison at the time of the team's visit, all relevant information had to be gathered indirectly, i.e. from the interviews with the director and prisoners themselves.

The prisoners are medically examined in a makeshift out-patient ward located nearby visitors' room. The prisoners have to apply for examinations with security officers, but are not obliged to detail their health problems. The doctor visits the prison on set days only and is not available on call. It is on prison staff, therefore, to make a proper decision in the event of an emergency.

As a rule, a prisoner who needs to be hospitalized is transferred to a medical center in the outside community on the doctor's request. However, it is the prison staff that has to make such decision when he is not on duty. According to the director, every newcomer undergoes medical examination upon admission. This is when all relevant entries are made in his medical file. Statistics are kept on all examinations performed by the doctor, diagnoses included.

Services of in-patient and dental wards are not available to the prisoners. A prisoner can see a dental officer in the outside community only, and only when he is given a leave or in the case of an emergency.

The interviewed prisoners were most dissatisfied with the quality of medical services provided to them. They have to wait too long to be seen by the doctor (who is, allegedly, a gynecologist). As they put it, he is not qualified enough for his job and prescribes tranquilizers or aspirin only, no matter what a patient complains of. Actually, no other medicaments are available in the prison. Whenever a patient has to be treated with some specific medicine he has to procure it at his own expense. Sick prisoners do not get their prescribed treatments in regular intervals, for, according to the interviewed prisoners, there is no one to take care about it. There is even no suitably trained officer to be tasked with administering medicaments.

II

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

- Generally speaking, the accommodation provided for the prisoners does not meet prescribed standards. (Articles 15 and 17, EPR);

- The prisoners are transported in conveyances that subject them to unnecessary physical hardship and indignity. (Article 50, Para 2, EPR);

- Prisoners should have access to a doctor at any time, and the doctor should be available on call. (Para 34 and 35, CPT Standards, CPT/Info (93)12);

- The prison medical service should provide in-patient treatment even for the prisoners who do not need to be hospitalized in civilian medical centers. (Para 38, CPT Standards, CPT/Info (93) 12)

III

Recommendations

- Funds necessary for renovation of some sections of the prison, bathroom, toilets and sanitary installations should be urgently secured;
- Sufficient bedding should be provided so as to be kept clean and changed regularly;
- The mass hall should be renovated and particular attention should be paid to its hygiene;
- More radiators should be installed if technically possible, or the existing radiators should be replaced by bigger ones in the most affected areas;
- The problem of the overcrowded dormitory in the closed unit should be solved by moving some prisoners to the unoccupied room;
- Arrangements should be made so as to enable both untried and convicted prisoners to take at least 2-hour walks in fresh air;
- A new vehicle, adequate for the transport of prisoners should be provided to the prison;
- The food should be improved in terms of quality and variety;
- Given that a doctor is unavailable round the clock, arrangements should be made to secure prompt medical examination and treatment of sick prisoners; to this end, at least one qualified nurse might be employed on full-time basis;
- The prison administration should consider the possibility of adapting one room in an in-patient ward with two beds at least.

Security

I

Judging by available information, the team takes that external security is adequate in both units in spite of the fact that the prison is not equipped with necessary surveillance devices. The security service totals 35 officers, which, in the prison administration's view, meets the security requirements.

The prison itself was constructed as a semi-open institution. Therefore, the only obstacle to escape is a 1.5-meter wire barbed-wire fence surrounding one section of the prison. According to statistics, in 2003 one prisoner managed to escape and one attempted to. Unofficial information indicates that at least 3-4 prisoners tried to escape. The information about the prisoners who did not duly return to the prison after leaves or free weekends was unavailable to the team.

The internal security that used to be on high level has been impaired ever since the prison population grew, including regular or occasional drug addict transferred to the prison, says the prison administration. Accordingly, inter-prisoner violence, smuggling of psychoactive substances and cell phones, emergence of groups harassing their inmates, etc. are on the upward curve. However, the prison administration takes that such occurrences can be controlled and occasionally prevented given that the number of security officers in charge of relatively small prison population is more than adequate.

No cases of a prisoner attacking a member of the personnel have been registered.

II

Incompatibilities with or Departures for Relevant Legislation and Rules

- Security service shall be responsible for the security of persons and property in a correctional facility. (Article 18, LECS; Para 27, CPT Standards, CPT/info (2001)16)

III

Recommendations

- The functioning of the security service should be so channeled as to prevent violent incidents among prisoners and occurrences that threaten internal security.

Legality of Prison Regime

I

Untried and convicted prisoners alike are informed about the basics of the house rules upon admission. However, there are not enough copies of the house rules to make them available to prisoners at all times.

The prison statistics show that in 2003 no prisoner filed a complaint against a disciplinary measure or a benefit he was deprived of or granted to another prisoner. In 2003, three disciplinary measures were taken against prisoners, i.e. they were punished by solitary confinement. No prisoner was deprived of a benefit.

However, the interviewed prisoners complained of the manner in which benefits were distributed among them. They take the relevant rules are not respected since, as they put it, benefits result from family ties, good connections and, occasionally, corruption, rather than from good conduct. As for corruption, they take low-ranking officers more responsible than others. Here they refer to prison guards who turn a blind eye to smuggling of prohibited items or substances.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- There should be enough copies of House Rules in District Prisons to make them available to prisoners at all times. (Article 2, House Rules)

III

Recommendations

- Sufficient number of copies of the house rules should be supplied to the prison;
- The Central Prison Authority should pay more attention to the legality of regimes in district prisons accommodating relatively small prison populations.

Social Resettlement

I

Officers in charge of reeducation and training were the source of information about this aspect of prison life. The service employs two educators, one social worker and one agricultural technician.

The interviewed prisoners commented differently the educators' commitment to the work. When asked, "How often do you meet with your educators in a month time?" some replied, "Regularly, once or twice a month," while others, including a prisoner from the closed unit, said, "Well, he (educator) shows up occasionally at the window to collect our applications for phone calls."

The prison work is not organized on a regular basis, since, as the staff put it, "there are no conditions for such arrangements." When necessary, prisoners are assigned to assist in the kitchen or mass hall. The

same refers to the prison's hotbeds and chicken and hog farms. Most prisoners are engaged in the work outside the institution – in the town's bakeries, pizza huts, shops, etc.

The same as in the Kraljevo District Prison, the criteria for allocation of prisoners to the work in the outside community are not clear-cut. In the team's view, the purpose of such work seems to be profit-making, rather than reeducation.

The prison has no organized admission department or a team qualified for observation and classification of prisoners. The social worker "observes" and classifies prisoners on the grounds of information he gathers from them upon admission. Further, there are no educational groups. Educators follow and evaluate each prisoner's behavior over daily contacts and arranged meetings with him.

Apart from a football field available to prisoners, no other recreational activities are organized.

A library located in the living room is so poorly stocked (with some 100 books) that it hardly meets even minimal standards. No legal literature is available to prisoners.

As for prisoners' religious beliefs, they either profess Serbian Eastern Orthodoxy or are Muslims (11). As an Islamic holiday coincided with the team's visit, a mufti visited the Muslim prisoners. An Eastern Orthodoxy priest visits the prison in regular, biweekly intervals. No room in the prison is adapted for religious observance.

Pre-release preparations involve no special programs, while the cooperation with relevant authorities in the outside community is rather poor. Prison officers almost never meet prisoners' families, given that visits are scheduled on Sundays. The interviewed officers are aware of the significance of keeping contact with prisoners' families. According to them, they are ready to work Sunday shifts so as to contribute to prisoners' smoother reintegration into life in society.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Due account should be taken of special requirements of prisoners' treatment upon admission. (Article 12, House Rules; Para 11 and 66, EPR);
- Programs of recreational activities should be organized. (Articles 48 and 49, House Rules; Para 47, CPT Standards, CPT/Info (92)3)

III

Recommendations

- A special pedagogue or a psychologist should be engaged on full-time basis so as to help establish a reeducation service;
- Programs of recreational and cultural activities should be developed, and the library should be supplied with both recreational and instructive books, legal literature included;

Contact with the Outside World

I

The frequency of visits to prisoners is regulated by law. The team registered no major complaints in this matter. The prison has no special room where prisoners may receive their wives and children. According to the prison administration, there is no need for a room as such, given that prisoners are often on leaves or given other benefits that allow them to visit their families.

No prisoner complained of the procedure regulating their correspondence and the right to receive packages.

As the prison is supplied with just one copy of the Politika daily, prisoners have to subscribe to get their daily press. There is a TV set in each living room, and prisoners are allowed to watch TV at their leisure time.

There are no telephone booths available to prisoners within the prison compound. Therefore, they make their calls from offices of the staff, and only when allowed to. It is only logical that such phone calls are often within an officer's hearing.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Not a single phone booth is to be found within the prison compound. (Article 23, para 3, House Rules)

III

Recommendations

- A phone booth should be installed so as to enable prisoners to make legally permitted and regular calls out of hearing of a prison officer.

Institutional Personnel

I

The team draws attention to the fact that there are no organized medical, educational and training, and reeducation services in the prison. Actually, members of these non-existent services are included in the security service.

The job classification plans one social worker who is engaged on full-time basis. A sociologist and a general psychologist are officially employed in the Pozarevac Penitentiary-Reformatory and the "Istok" prison, and work part-time for the institution. Further, an agricultural technician is tasked with providing training and employment services.

Apart from team meetings in the security service, no other meetings of this type take place. The so-called collegiums are held at the level of the entire institution. However, bearing in mind that proposals and opinions other than those of members of the security service are given priority at these meetings, it is only logical that quality reeducation work is practically non-existent.

Overtime is occasional. All members of the personnel are entitled to shorter length of service. Educators take their salaries insufficient, particularly when compared with those paid to security officers who are less professionally qualified. They feel degraded and marginalized both as individuals and professionals.

No seminars or some other forms of in-service training have been organized for the personnel for several years now.

No breaches of order have been registered over the past six months.

Over the interview with the security warden the team learned that his service includes 35 officers. The warden himself has finished secondary school and has 17-year work experience in prisons. He has worked for prisons in Kosovo for 13 years. Ten security officers who had also worked in Kosovo have been added to the service, which, therefore, now has more officers than planned in the job classification (25). Two of them have finished high schools, while the rest are secondary school graduates.

No disciplinary measure has been taken against any member of the security service over the past six months. According to the security warden, the service plays a crucial role in the prison, and efficiently cooperates with the prison administration.

The number of security officers is adequate to the size of the prison population, says the security warden, adding that security in the prison is at high level. Speaking about problems, he pinpoints that the officers who came from Kosovo have not been officially engaged as full-time members of the staff up to now. This fuels their sense of uncertainty and affects their work, explains the security warden.

No security officer has attended a course of in-service training or has displayed any interest in advancing his professional skills.

II

Incompatibilities with or Departures for Relevant Legislation and Rules

- Personnel shall normally be appointed on permanent basis as professional prison staff and during their career shall maintain and improve their knowledge and professional capacity, i.e. arrangements should be made for wider experience and training for personnel whose professional capacity would be improved by this. (Para 51, 52, 54 and 55, EPR; Para 26, CPT Standards, CPT/Info (2001) 16);

- The administration shall introduce forms of organization and management to facilitate communication between different categories of staff with respect to the treatment of prisoners. (Article 17, LECS; Para 59, EPR; Para 45, CPT Standards, CPT/Info (92) 3);

- Courses of in-service training shall be organized by the administration at suitable intervals. (Para 55.2, EPR)

III

Recommendations

- The prison administration should focus on prisoners' reeducation regardless of the length of their sentences;

- Communication between the prison administration and members of the personnel tasked with prisoners' reeducation and social rehabilitation should be improved;

- The personnel should be encouraged to permanently upgrade their knowledge and professional capacity by attending courses of in-service training and through exchange of views with their counterparts from other similar institutions.

THE ZAJECAR DISTRICT PRISON

Date of the visit: December 12, 2003

Type of institution: district prison – semi-open

Population: men/adults

Actual number of untried prisoners: 23

Actual number of prisoners under sentence: 86

Composition of the visiting team: two jurists, a pathologist and a special pedagogue

Note: As provided by law, the team was allowed to interview the institutional personnel and prisoners under sentence; interviews with prisoners awaiting trial are prohibited.

Quality and Conditions of Life

I

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

The prison is located several kilometers away from downtown Zajecar. The building itself was constructed before WWII and does not exactly meet the standards for such type of institution. Several facilities have been added to the main building to enable its functioning.

The building is physically separated into units: detention unit (23 prisoners awaiting trial), closed unit (10 prisoners under sentence), semi-open and open unit (69 prisoners under sentence) and the admission department (7 detainees). Dormitories in detention and closed unit accommodate 4-5 prisoners each, while those in the semi-open and open unit provide sleeping accommodation to as many as 14-15 prisoners. However, all rooms are of appropriate size for the number of accommodated prisoners.

Size of and ventilation and hygiene in solitary cells meet the standards laid down in the LECS.

As dormitories in all units have barred windows that cannot be opened wide enough, entrance of natural light and fresh air is inadequate. Further, artificial lighting in all dormitories is rather poor so that prisoners can hardly read by it.

Dormitories are scarcely furnished. There are no lockers where prisoners might keep their personal belongings.

The prison has a boiler room of its own, which calls for a general repair. Though the prison is supplied with sufficient quantity of coal used for its central heating system, the later is not always appropriate. Large dormitories do not have enough radiators to secure proper temperature.

Bathrooms and toilets are in good repair and there are no signs of humidity. Sanitary installations operate smoothly. The supply of hot water suffices for at least weekly hot showers. Prisoners procure toiletries at their own expense, while the prison administration provides them only to the poorest among prisoners.

The personnel claim there is enough bedding to be changed regularly. However, the team takes bedding is much too old and should be replaced by new. The same refers to blankets as the existing ones do not meet necessary standards.

b) KITCHEN, MASS HALL AND FOOD

Both kitchen and mass hall are of appropriate size, well-light, ventilated and nicely decorated. Hygiene can be taken almost as adequate.

Food, prepared in the kitchen, mostly comes from the prison's own resources. Namely, the prison has cattle, hog and chicken farms.

The interviewed prisoners were mostly satisfied with the quality of food. Meat and meat products, the same as eggs, milk and milk products are often on menus. However, some take that food could be by far better given that resources are at hand.

Special diets are prepared on a physician's request. A medical officer controls food organoleptically every day. Samples of all meals served to prisoners undergo organoleptic tests after 24 hours.

Food packages figure as additional source of nourishment. Further, there is a well-stocked canteen that sells usual articles such as toiletries, coffee, cookies, cigarettes and juices at market prices, but also offers meat and milk products that are safely kept in refrigerators.

C) MEDICAL SERVICE

Medical services are provided by a visiting physician from the local medical center, and two security guards who are actually qualified medical males nurses. The prison's job classification actually labels these two officers as "security-medical officers." They could not have been recruited on full-time basis otherwise, since the job classification plans no medical officer in the institution.

Prisoners are medically examined in a room adjoining the admission department. An inadequately curtained glass partition divides the room from the hall. The door to this room leads to another where medicaments are kept and where examinations may be performed out of the sight of prison officers and other prisoners. The team suggested that this other room should be used for medical examinations instead of the one presently serving the purpose. The prison director agreed that would be a much better solution.

The visiting physician comes to the prison once a week (Mondays). Presently it is a general practitioner the local medical center has allocated to the prison. The team could not have interviewed him as it visited the prison on a Friday. Therefore, the "security-medical officer" was the source of information for this aspect of prison life.

No matter when admitted to the prison, every newcomer is examined on the doctor's visiting day. Prisoners have to contact a security officer to make an appointment with the doctor. They are not obliged to explain why they need to be medically examined.

In the event of an emergency, paramedics from the local medical center are called in to take the patient to hospital. It is the medical officer who decides when such services are necessary. When he is not on duty, other officers take upon themselves to make such decision. To be examined by a specialist, a prisoner is transported to the local medical center on the doctor's request. The same refers to dental services, since the prison has no dental ward of its own.

A medical file is opened for each prisoner upon his admission. Periodic medical examinations are not performed on regular basis.

The doctor is obliged to examine a prisoner punished to solitary confinement and decide whether his state of health permits such punishment. The medical officer regularly visits the prisoner while he is in solitary confinement.

General medical examinations are performed in an out-patient ward. Medical officers administer medicaments prescribed by the doctor. All medicaments are supplied on the request from the doctor who is also in charge of the prison's pharmacy.

Sick prisoners can also be treated in a two-bed in-patient ward within the admission department.

Psychiatric services are provided by the local medical center. Patients who need longer hospitalization are transported to the Penitentiary-Hospital in Belgrade.

Medical files containing information about prisoners' state of health and doctors' conclusions are available to all prisoners, and communicated to their families and lawyers on their request. Any treatment implies a prisoner's consent, and his is free to refuse it.

One medical officer daily supervises and controls food, hygiene and sanitary installations.

Information about contagious diseases such as hepatitis or AIDS is not provided to the personnel. Moreover, the prison administration does not plan to organize any relevant course of training for prison officers. On the other hand, a number of prisoners have hepatitis C, according to the prison director.

The medical officer interviewed by the team is trained in recognizing indications of suicidal risk. Namely, he used to work in the local medical center's psychiatric ward. A prisoner identified as a suicide risk

is promptly transported to the local medical center where is examined by a specialist. Over the past year, one prisoner tried to kill himself by swallowing a spoon. He was urgently hospitalized and successfully treated.

Though some prisoners are dependent on psychoactive substances, no special programs have been developed for them.

All signs of violence are systematically recorded in individual medical files, but do not make part of a special protocol.

The visiting physician partakes in drafting medical reports that are submitted to relevant authorities, and is consulted whenever it is necessary to find an alternative solution for a prisoner whose illness makes him unfit for deprivation of liberty.

The prison administration controls the manner in which medical officers carry out their duties. The visiting physician and medical officers are not trained in prison pathology.

The interviewed prisoners mostly complained of having to wait too long to be medically examined. Given that the doctor visits the prison once a week only, any sick prisoner, unless his state of health requires urgent hospitalization, has to wait 1-6 days to be seen by him.

II

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

- Lighting, heating and ventilation in all places where both untried and convicted prisoners live should meet required standards. (Article 58, LECS; Para 15 and 16 a., EPR);

- The prison administration should provide every prisoner with toiletries necessary to keep their persons clean, as well as with appropriate bedding which should be changed at least twice a month. (Article 38, House Rules; Para 24, EPR);

- Prisoners should have access to a doctor at any time. (Para 34, CPT Standards, CPT/Info (93)12);

- Medical examinations should be conducted out of the hearing and out of the sight of prison officers and other prisoners. (Para 51, CPT Standards, CPT/Info (93)12);

- Prison officers should be provided with training in the preventive measures to be taken regarding transmittable diseases. (Para 54-56, CPT Standards, CPT/Info (93)12)

III

Recommendations

- The problem of insufficient entrance of natural light should be solved by having bigger window panes installed or in some other appropriate way, while electric bulbs should be replaced by better one in order to improve artificial lighting;

- More bedding and blankets should be procured so as to ensure that they are washed and changed regularly;

- Arrangements should be made for the doctor to visit the prison at least twice a week;

- 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 prisoners;

- The prison administration should arrange that prison officers attend a course of training in dealing with prisoners affected with contagious diseases and with those dependent on psychoactive substances, as well as in recognizing indications of suicidal risk.

Security

I

The prison's external security is at a high level. Regardless of the small prison population, their movements are partially covered by video cameras and sensors. Further, in addition to 28 security officers the prison is surrounded by a 5-meter wall. No prisoner escaped or tried to escape of the past 12 months.

The team has not registered any problems related to the prison's internal security. Prison officers and prisoners alike said there were no violent incidents and no organized groups or individuals posing any threat to their inmates, the personnel or the prison's security. The only group that may be taken as prone to cause incidents are the prisoners dependent on psychoactive substances, the more so since more and more prisoners emerge as such.

No prisoner has attacked any member of personnel over the past year.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

The team noticed no incompatibilities with or departures from relevant legislation and rules.

III

Recommendation

- The good practice in this domain should be pursued.

Legality of Prison Regime

I

Untried and convicted prisoners alike are informed of the house rules upon admission. Some basic rules are posted on walls to attract prisoners' attention at all times.

In 2003, 24 disciplinary measures were taken against prisoners. Only one prisoner was punished by solitary confinement (conditionally suspended), 14 were reprimanded and 9 prisoners were deprived of benefits they used to enjoy. According to the prison statistics, no prisoner filed a complaint against a disciplinary measure taken against him.

Also, the prison statistics show that the only disciplinary measure against any member of the personnel was the one taken against an officer of the training and employment service. This officer was fined for having consumed alcohol.

The interviewed prisoners had no major complaints of the manner in which the personnel treat them. Asked about whether or not benefits and privileges were fairly distributed, they usually responded, "Yes, they mostly are." However, as a prisoner put it, the fact that none of his inmates who were Zajecar residents was allocated to the closed unit was telling in itself. The team was in no position to double-check this information.

Corruption is not widespread in the institution, said prison officers and prisoner alike. If there is any, they say, it has mostly to do with low-ranking officers in the security service, who are paid to do prisoners some minor favors.

Inspectors from the Central Prison Administration visited the prison in 2003. According to the prison director, their major criticism was related to "too many privileges granted to prisoners."

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The team noticed no major incompatibility with or departure from relevant legislation and rules.

III

Recommendation

- Generally speaking, the Central Prison Administration should pay more attention to legality of prison regimes.

Social Resettlement

I

According to the personnel, prisoners are maximally engaged in prison work and rather motivated for purposeful activities. Only those dependent on psychoactive substances refuse to work, said the prison director. Besides, some prisoners from the closed unit are not engaged in prison work as the prison cannot provide them with suitable jobs.

Most prisoners are assigned to chicken, cattle, sheep and hog farms, as well as to care of hotbeds, all of which are located on a 10-hectare farmland. Some 15 prisoners from the open unit work outside the institution for the Kopaonik Panel Plant, the Sintelon Carpet Factory and the Veterinary Institute where they are given minor tasks. An expert team that has evaluated their behavior and commitment to work decided that they were fit for jobs in the outside community. A machine workshop situated within the prison compound engages the prisoners who are, this way or another, qualified for the job or display affinity for it. Technology at their disposal is outdated or dilapidated. For some time now, the prison cannot afford new and modern machines.

Other prisoners are employed in accordance with everyday requirements – they usually help in kitchen and canteen, or keep the compound neat and tidy.

Prisoners' earnings range between 200 and 1.200 dinars (3 to 20 Euros), which depends on their workplaces and working hours. They are free on weekends. Overtime is occasional and remunerated.

Only one officer is professionally qualified for prisoners' reeducation. The prison has no admission department or an organized team to be tasked with observing and classifying prisoners. One educator is in charge of 80 prisoners. Though the prison administration does not see such ratio as a problem, the team takes that it hardly meets the requirements of proper preparation of prisoners for a life in society.

Educators evaluate each prisoner's behavior over daily contacts and regular meetings. Interactive workshops to discuss topics such as religion, inter-prison relations or family are organized once a week.

There is no school facility in the prison. Some prisoners are illiterate and some have not finished elementary schools. True, the Ministry of Justice lacks funds necessary to improve the situation in this domain, but it has manifested no interest in it either. On the other hand, the prison administration is fully aware that some steps simply must be taken. Therefore, a course in basic literacy has been organized recently. A prisoner who is a teacher in the outside community actively participated in the instruction provided to the illiterates.

Leisure and recreational activities are organized in the prison. The prisoners under treatment regimes that allow so have been taken to theater and museum, while various artists performed within the prison compound on several occasions.

Prisoners from the closed unit are allowed to 2-hour exercise in fresh air. However, no cultural or similar activities are organized for them.

There is a billiard table in the semi-open unit's living room. The prison administration has procured some gym outfit, but has no room enough to get it installed.

Located in the living room, the prison library is stocked with some 650 mostly old books. According to the personnel, prisoners in general are not much interested in reading. Those in the closed unit use the prison library more than the rest.

There is no separate room for religious observance. A meeting with a priest is arranged on a prisoner's request.

Pre-release preparations imply no special programs whatsoever. The prison poorly cooperates with authorized institutions in the outside community, social care centers in particular.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The prison should have an admission department wherein a prisoner's personality could be evaluated and a treatment program for him determined through a multidisciplinary approach. (Article 12, House Rules);

- Given that the prison engages only one educator, it is impossible to apply programs that would meet individual treatment needs of prisoners. (Para 66, EPR);

- The prison regime should recognize the importance of maintaining prisoners' physical and mental health, satisfying the needs of their religious life and providing them with opportunities for elementary and secondary education, and vocational training. (Article 42, 43, 46, 47 and 48, House Rules; Para 46, 71, 82 and 84, EPR; Para 47 and 48, CPT Standards, CPT/Info (92) 3);

III

Recommendations

- The prison administration should consider engaging one psychologist on full-time basis as a first step towards establishing a reeducation service, as well as an efficient admission department;

- More attention should be paid to all aspects of prisoners' reeducation (e.g. library should be better stocked, and various courses of training and other purposeful activities, recreation included, should be organized);

- The prison administration should endeavor to establish closer cooperation with social care centers and other agencies and individuals that could assist in prisoners' social rehabilitation and help released prisoners to reestablish themselves in society.

Contact with the Outside World

I

Closed and semi-open units have one phone booth each. Depending on their treatment regimes, prisoners are allowed to make 10-minute calls once or twice a week. One telephone is available at all times to the prisoners allocated to the open unit. These prisoners are also allowed to receive calls from their families.

The interviewed prisoners did not complain of this aspect of their contact with the outside world. Neither did they complain of correspondence arrangements. Only the prison director has a key to a mailbox located within the prison compound. Prisoners' complaints or requests thus reach the prison administration directly and do not have to be conveyed by other prison officers.

No prisoner complained of the manner in which he receives his packages or money orders.

Prisoners in the closed unit are divided from their visitors by a barred partition. Other prisoners receive visits in the TV hall or outside the building in the event of suitable weather.

Once in three months, prisoners are allowed to spend 3 hours with their spouses or families in a private room.

A prisoner can contact his lawyer either on his or on his lawyer's request.

There is one TV set in every unit. The prisoners from the semi-open unit say another TV set would be most welcome since this is where most prisoners are accommodated.

Free copies of newspapers are not supplied to the prison. Prisoners may subscribe to dailies and magazines they can afford.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The team noticed no incompatibility with or departure from relevant legislation and rules.

III

Recommendations

- Another TV set should be provided to prisoners with a view to improving this aspect of their contact with the outside world.

Institutional Personnel

I

Since there is no reeducation service, only one officer, a special pedagogue, is tasked with and responsible for prisoners' reeducation. The special pedagogue, therefore, is in charge of evaluating every newcomer and his treatment regime. The same officer has to do all relevant paperwork, which hinders reeducation endeavor and commitment. According to the prison director, he asked for the Ministry of Justice's permission to engage yet another education. No answer to his request has reached the prison so far.

A professional social worker used to provide reeducation services once. No one was able to provide a reasonable explanation to her being moved to an administrative post. However, the team was told that this officer was attending weekly team meetings and thus given the opportunity to put forth her views related to prisoners' treatment.

Members of the personnel rarely work overtime. Some officers take their salaries are inadequate, particularly when compared with those paid to their less qualified colleagues.

No breaches of order have been registered over the past six months. Members of the personnel take their jobs stressful. However, when referring to stress they imply inter-staff relations, rather than staff-prisoners relationship.

The training and employment service engages 8 trade instructors. The head of the service is a university graduate, one officer has graduated from a high school, while the rest have finished secondary schools. All officers are committed to teamwork and carry out their duties conscientiously. In the context of prisoners' social rehabilitation, the prison administration pays due attention to the service's views and proposals whenever it comes to prisoners' reclassification and privileges related to their prison work.

One officer of the service has been subject to disciplinary proceedings for having consumed alcohol.

The security service employs 28 officers, which is taken as optimal. One security officer is a university graduate, one has finished high school, while the rest have graduated from secondary schools. The head of the service has graduated from the Military Academy. He joined the prison staff in 1995 when he quit military service.

According to the head of the service, security officers are mostly disinterested in courses of in-service training or remedial education. He takes "someone" should encourage and motivate them to advance their knowledge and skills.

As there are no groups of prisoners that harass their inmates, the staff-prisoners relationship is mostly positive. Security officers never had to cope with serious inter-prison violence.

The security service is considered the most important of all. The head of the service stresses smooth cooperation between his and other services.

No disciplinary or criminal proceedings have been instituted against security officers in the past six months. No breaches of orders have been registered.

The head of the security service suggested that the team's report should emphasize the necessity of having courses of in-service training in human rights issues organized by authorized institutions.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- During their career, all personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training, i.e. arrangements should be made for their wider experience and training. (Para 51, 52, 54 and 55, EPR);

- The training of prison personnel should include education in human rights matters and interpersonal communication that will lead to raising the quality of life in prison establishments. (Para 59 and 60, CPT Standards /Info (92) 3)

III

Recommendations

- Arrangements should be made for all members of the prison staff, particularly for those in daily contact with both untried and convicted prisoners, to permanently improve their knowledge and professional skills, including education in human rights matters and interpersonal communication.

THE BELGRADE DISTRICT PRISON

Date of the visit: January 21, 2004

Type of institution: semi-open

Population: men and women (adults and juveniles)

Capacity: around 900

Actual number of untried prisoners: 757

Actual number of prisoners under sentence: 40

Composition of the visiting team: two jurists, a pathologist and a special pedagogue

Note: As provided by law, the team was allowed to interview the institutional personnel and prisoners under sentence; interviews with prisoners awaiting trial are prohibited.

Quality and Conditions of Life

I

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

Quality and conditions of prison life have not much changed since the team's last visit.² The team noted that dormitories in some units were even more overcrowded than they used to be in November 12, 2002. The prison population has considerably grown, which negatively influences the level of hygiene.³ The prison administration deems that once a detention unit (located within the Belgrade District Court's Special Department, away from the prison compound) and one of existing prison units are renovated the problem of overcrowding would be solved. The latter has been unused for years. When reconstructed it is now expected to accommodate some 100 prisoners in dormitories the cubic measure of will be in keeping with standards laid down in domestic legislation. Last year another unit of the District Prison was renovated. However, rather than undergoing thorough technical adaptation, the unit was just painted and floor and installations were replaced. So, it still does not allow entrance of fresh air and natural light.

To solve the problem of ventilation and lighting (entrance of fresh air and natural light) the dormitories accommodating untried prisoners should actually be built anew in the hall section of the building. This is how the wing housing the women ward of the Hospital-Penitentiary (situated on the fourth floor of the same building) has been reconstructed. Asked whether the ongoing reconstruction implied a technical solution as such, the prison director said it was impossible because it would affect the prison's internal security. Namely, in the event of such reconstruction, detailed the director, untried prisoners would be able to look through windows at recreational grounds, which would theoretically enable them to come into contact with convicted prisoners taking their walks.

Solitary cells have not been renovated and are in bad shape. They are not naturally ventilated, while heating and artificial light are poor.

Almost all bathrooms and toilets the team toured were humid and had dilapidated walls and sanitary installations.

Twenty-four women and 8 juveniles presently under detention are fully separated from the rest of the prison population.

² See "How to Attain European Standards: The Situation of Serbian Prisons 2002-2003," Helsinki Files No. 17, p. 211-15, Helsinki Committee for Human Rights in Serbia, Belgrade, 2003.

³ In November 2002, the prison population totalled 480 prisoners awaiting trial and 28 prisoners under sentence.

Arrangements for regular walks in fresh air became even more problematic than it used to be since the number of prisoners has grown.

In spite of repair and other renovation activities that have taken place over past years, the prison looks neglected, badly furnished and unhygienic.

B) KITCHEN, MASS HALL AND FOOD

As the kitchen is located in the basement, sewers and plumbing are in plain view all over its ceiling. The ceiling and walls are, therefore, permanently humid and plaster is falling apart. Overall hygiene is utterly bad. The entire area calls for urgent and thorough reconstruction.

Kitchen furnishing has been improved ever since the prison administration installed two large food dumps and a refrigerator. A professional cook who used to work for the Majestic Hotel has been recruited lately on full-time basis. All this, according to the director, considerably contributed to the quality of food prepared in the kitchen.

However, the interviewed prisoners did not see eye to eye with the director about quality of food. Fresh fruits and vegetables, as well as milk products are still not on their daily menus, they said.

Thirty untried prisoners are presently on special diets.

Both categories of prisoners buy additional food in the prison canteen, which is, in the team's view, among the best stocked prison canteens in Serbia.

C) MEDICAL SERVICE

The medical service operates independently. It includes an out-patient ward and a dental ward. The service employs three doctors and one stomatologist along with other medical officers. The number of full-time employees fits into the relevant job classification. The medical service is available to prisoners from 8:00 a.m. to 9:00 p.m.

Night and weekend emergencies are taken care of in the Penitentiary-Hospital located in the same building, as well as in civilian hospitals.

On admission, every untried and convicted prisoner undergoes medical examination. Doctors' conclusions are entered in their medical files. Prisoners who need to see a doctor have to put their requests in writing and hand them over to security officers. Generally, doctors receive all prisoners who have applied for medical examination.

Except on weekends and holidays, prisoners do not have to wait to be examined by a doctor. A security officer (supervisor) decides which prisoner has to be urgently treated.

Doctors visit all prisoners twice a week. The same schedule applies to those in solitary confinement. Doctors are obliged to put in black and white whether a prisoner can endure punishment by solitary confinement.

Juveniles are regularly examined in the Penitentiary-Hospital.

The out-patient ward provides just general medical services. Every prisoner with complex symptoms is taken to Penitentiary-Hospital or to a medical center in the outside community.

As the prison has no in-patient ward, sick prisoners are ordered to remain in their beds in the dormitories they share with other inmates.

Doctors and authorized medical officers are in charge of the pharmacy located in the out-patient ward.

Dental services are available to both untried and convicted prisoners.

Psychiatric treatment is provided by the Penitentiary-Hospital.

All relevant information concerning prisoners' condition, the course of their treatment and the medication prescribed to them are available to prisoners, as well as to their families and lawyers (the latter refers not to prisoners awaiting trial).

Any treatment necessitates a patient's consent.

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

All signs of violence are entered into a special register and into computer database. A person brought to the prison from police custody where he obviously suffered severe injuries is promptly taken to the Emergency Center that keeps record of all injuries.

Prisoners awaiting trial are not allowed to inspect the medical record of the injuries they have suffered.

Judging by information brought to the public eye during the state of emergency (March 12 – April 22, 2003) and the police “Saber” operation, people who had been brutally beaten up by the police were brought to the prison. They were not always provided adequate medical treatment. Moreover, some prison doctors refused to register how many or how severe injuries they have suffered.⁴ Further, though the Law on Criminal Procedure provides that a detained person has the right to be examined by his own doctor and at his own expense, they were denied to exercise this right. Given that these persons are still awaiting trial or are on trial, the Helsinki Committee’s team was not allowed to inspect their medical files or conduct interviews with them. Therefore, the team cannot assert publicized information related to their medical treatment. For the same reasons, the team could not have checked the information about inhumane treatment and conditions of life of these persons during the state of emergency.⁵

If a prisoner is physically abused by his inmates or security officers, the medical service communicates such information to the head of the security service who is supposed to take appropriate steps so as to verify it.

A doctor daily controls the food and supervises catering arrangements. He supervises conditions of hygiene, heating, lighting and ventilation of cells twice a week during regular tours.

Information about contagious diseases is verbally communicated to prisoners. The prison staff has been trained in preventive measures to be taken and the attitudes to be adopted regarding HIV-positive prisoners. Five HIV positive patients are presently separated to the rest of prison population. This separation is explained by the claim that other prisoners do not want to live side by side with their HIV positive inmates. Medical officers have not been trained in recognizing indications of suicidal risk. Unlike them, security officers have attended such course of training.

In December 2003, medical officer attended a course of training in prison pathology, organized by the Republican Health Care Authority.

Whenever alternative solutions should be found for prisoners deemed unfit for deprivation of liberty, the medical service actively participates in drawing up relevant reports that are submitted to the authorized bodies.

The prison administration and the head of service control functioning of the medical service. The Ministry of Health Care is supposed to supervise the service’s professional capacity, but has done nothing to this end for years.

II

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

- Dormitories in some units are overcrowded. (Article 58, Para 1, LECS; Article 14, Para 1, House Rules; Para 46 and 50, CPT Standards, CPT/Info (92)3; Para 13, CPT/info (97) 10; Para 28 and 29 CPT/Info (2001)16);

- Dormitories are so constructed that they do not allow entrance of fresh air and natural light. The air is stale and visibility is poor. (Para 15, EPR; Para 16, EPR; Para 30, CPT Standards, CPT/Info (2001)16);

⁴ The Helsinki Committee’s team was not allowed to visit a single prison or detention center in the course of the state of emergency.

⁵ See “Initial Observations and Proposals Deriving from Visits to Detained Persons in Belgrade on April 14-15, 2003,” drawn by the OSCE Mission, ODIHR and the Office of the UN High Commissioner for Human Rights in Serbia and Montenegro.

- Sanitary installations are inadequate and do not satisfy recognized standards of hygiene and health. (Para 17 and 20, EPR; Para 49 and 50, CPT Standards, CPT/Info (92)3; Para 13.2 CPT Standards, CPT/Info (97) 10);
- Beds, mattresses, bedding, blankets, beds and lockers look neglected and old. As there are no keys to the lockers, prisoners are deprived of privacy in terms of their personal belongings. (Para 20 and 24, EPR);
- Food is prepared in premises that do not satisfy the standards of hygiene. (Para 25.1, EPR);
- Untried prisoners spend almost the entire day in their cells – they are allowed only to 15-20 minute walks in fresh air daily. (Article 28, Para 1, House Rules; Para 47 and 48, CPT Standards, CPT/Info (92) 3);
- The prison does not provide in-patient medical treatment. (Para 38, CPT Standards, CPT/Info (93) 12);
- The record of injuries is not available to prisoners. (Para 61, CPT Standards, CPT/Info (93) 12);
- There is no medical justification for segregation of HIV-positive prisoners who are well. (Para 56, CPT Standards, CPT/Info (93) 12);
- Current legislation does not provide medical officers' professional independence, i.e. the prison administration and the Ministry of Justice have functioning and funding of the medical service under their control. (Para 71 and 72, CPT Standards, CPT/Info (93) 12)

III

Recommendations

- Ongoing renovation should be sped up so as to have the problem of overcrowding solved as the prison's top priority;
- Artificial light in dormitories should be improved;
- Lockers that can be locked should be provided for every prisoner;
- Toilets and sanitary installations should be renovated;
- Supply of crude oil for heating season, sufficient for maintenance of acceptable level of temperature round the clock should be secured;
- The problem of washing and drying prisoners' clothes should be solved;
- The kitchen should be moved from the basement;
- A room should be set aside to serve the purpose of in-patient medical treatment;
- The record of injuries should be made available to untried and convicted prisoners alike.

Security

I

A high-level security of the prison is primarily to be ascribed to its very architecture. However, other elements relevant to this dimension do not meet required standards.

The 200:800 ratio between security officers and detained persons is inappropriate, and particularly so when one bears in mind that some 35-55 transfers to the outside community are on the prison's daily agenda. Further, the existing surveillance system that might contribute to both external and internal security in the prison is inadequate. Last but not least, out of five conveyances three are in poor shape. The prison has no bulletproof vehicle at its disposal.

In spite of all these shortcomings, however, no prisoner has escaped or tried to escape over the past six months.

Since the service is understaffed, officers are on duty more often than usual and work overtime, explained the head of the service. However, this is not the way to solve the problem, which was especially manifest at the time of the state of emergency. The head of the service also stressed that the number of people accused of organized crime, war crimes and other serious crimes make the security problem even more pressing. Namely, according to regulations under which the District Court's Special Department

operates all persons charged with organized crime have been allocated to this institution. The necessity to keep them separated from each other and hinder any possible communication additionally burdens the prison's internal security.

According to the head of the service, the prison director and top security officers have been threatened reprisals by anonymous people connected with detained gangsters. Besides, journalists from some media outlets have launched a media campaign against him and the prison director, said the head of the service. It is only logical that such threats influenced the overall functioning of the institution.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Significant amounts of overtime can easily result in high levels of stress in the staff. (Para 26, CPT Standards, CPT/Info (2001)16)

III

Recommendations

- The job classification should be reviewed so as to enable recruitment of adequate number of full-time security officers;
- The prison should be equipped with adequate surveillance system;
- A bulletproof conveyance should be provided to the prison.

Legality of Prison Regime

I

The Helsinki Committee's team could not obtain information about the legality of the regime under which 95 percent of the prison population is classified, since these persons are within the jurisdiction of a court of law.

According to the prison administration, every newcomer is informed of house rules upon admission. Copies of house rules are visibly posted on several spots. However, the team takes the number of such copies insufficient taking into account the prison's size and its large population.

The team interviewed several prisoners under sentence. None of them complained of the legality of the prison regime.

Like in all previous reports, the team pinpoints that the Belgrade District Prison is incompatible with relevant provisions for semi-open institutions since the entire building has been constructed as a closed institution. This very fact significantly intensifies feeling of isolation of the prisoners sentenced to up to one year imprisonment but are forced to serve their time in an institution as such.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment considers that prisoners under high-security regimes should be able to spend daily at least 8 hours outside their cell, engaged in purposeful activity. Untried prisoners who are often detained in the institution for 2-3 years are not engaged in any such activity whatsoever and are allowed to 15-20 minute walks per day.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Prison regimes for untried and convicted prisoners alike should not aggravate the suffering inherent to imprisonment and their feeling of isolation. The CPT Standards recommend that prisoners awaiting trial should spend daily at least 8 hours outside their cells, engaged in purposeful activity. Prison regimes for

convicted prisoners should be even more favorable. (Para 64, EPR; Para 47, CPT Standards, CPT/info (92) 3);

- There should be separate sections in the prison so as to facilitate the management of different treatment regimes. (Para 13, EPR)

III

Recommendations

- The prison should be so adapted and reorganized as to enable treatment regimes for untried and convicted prisoners that will be in keeping with the European Prison Rules and the CPT Standards.

Social Resettlement

I

The prison has neither reeducation nor training and employment services to pursue activities aimed at prisoners' social rehabilitation. Actually, these services are not even planned in the prison's organization. The prison administration deems them unnecessary taking into account the relatively small population of prisoners under sentence (up to one year). In its view, two educators and the prison's handymen suffice to meet the objectives of social rehabilitation.

In the team's opinion, such arrangements do not provide proficient treatment for prisoners.

The prison has no separate admission department or a fully qualified team that would observe and classify prisoners, said educators. Along with their duties aimed at prisoners' social rehabilitation, the two of them practically perform all activities implied in a prisoner's evaluation. Actually, they evaluate a prisoner's behavior through daily contacts and individual meetings that are arranged once a week.

As there are no educational groups, the two educators are in charge of the entire prison population.

Though a room has been set aside for a prison library, the latter has not been formed so far.

The prison is daily supplied with several copies of daily papers that are available to all prisoners. Prisoners awaiting trial can subscribe to newspapers of choice. There are enough radio and TV sets available to prisoners.

Recreational activities are not organized.

Records show that no prisoner is illiterate. Most of them have finished secondary schools.

No special arrangements are made for prison work. Prisoners are engaged whenever and wherever necessary – they are mostly assigned to kitchen, mass hall, canteen, a cardboard facility and vehicle maintenance.

The team left under the impression that the personnel and the prison work alike are focused on the institution's functioning, rather than on reeducation.

In terms of religious guidance and prisoners' religions, the majority profess Serbian Eastern Orthodoxy. For the time being, the institution cannot secure adequate premises for religious observance and pastoral visits.

Pre-release preparations imply no special programs or activities on the part of the personnel. Shortly before a prisoner is released, the prison administration conveys this information to authorized bodies, the police and, occasionally, to social care centers.

II

Incompatibilities with or Departures for Relevant Legislation and Rules

- A prisoner's evaluation should be aimed at determining a treatment that meets his individual needs and capabilities. (Para 66, EPR);

- Every prisoner should be entitled to exercise his rights related to maintenance of his physical and mental health, vocational training, religious needs, etc. (Article 42, 46, 47 and 48, House Rules; Para 46, 71, 82 and 84, EPR; Para 47, 48 and 51, CPT Standards, CPT/Info (92) 3);

- The administration should introduce forms of organization and management systems to facilitate communication between different categories of staff with a view to ensuring various aspects of prisoners' social rehabilitation. (Article 17, LECS; Para 59, EPR; Para 45, CPT Standards, CPT/Info (92) 3)

III

Recommendations

- The existing job classification should be amended with a view to establishing a reeducation service and admission department, as well as employing a psychologist on full-time basis;

- All aspects of prisoners' social rehabilitation should be in the focus of the prison's functioning;

- A library should be former and recreational activities organized;

- Due attention should be paid to legal provisions laying down that the prison work shall primarily be aimed at prisoners' reeducation and social rehabilitation.

Contact with the Outside World

I

As for prisoners awaiting trial, their contact with the outside world is regulated under relevant laws and bylaws. In other words, they exercise this right with consent and under supervision of relevant courts.

One phone booth is available to prisoners. None of them complained of the procedure regulating this form of communication with the outside community or of that related to their correspondence.

Security officers inspect contents of packages sent to untried and convicted prisoners alike. They confiscate only items that are prohibited under the house rules.

The premises wherein prisoners can talk to their lawyers in private have been renovated recently. The same refers to the room in which prisoners are questioned by court officials, as well as to the visitors' hall. However, the latter is still not properly heated.

The prison has no special rooms in which prisoners may meet their spouses and children in private.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

The team has noted no major incompatibilities with or departures from relevant legislation and rules.

Institutional Personnel

I

Information about the number of security officers was not available to the team during its last visit to the prison. This time, however, the prison administration said that the security service engaged 192 officers. As for their formal education, 180 have finished secondary schools, 10 have graduated from high schools, while 2 officers have university diplomas.

No officer has been fired, failed to show up at work or taken a longer sick leave over the past six months. During the Saber operation disciplinary proceedings have been instituted against two security officers. Both were fired. According to the prison administration, the two officers addressed the press at press conferences aimed at compromising the management and some governmental officials.

The head of the service claims that his service functions smoothly in spite of the fact that it is understaffed and officers have to work overtime. The head of the service stresses his staff can hardly be motivated to work so hard in the long-run. The section dealing with security referred to the problems the service additionally has to cope with – the very structure of prison population, frequent daily transfers and conveyances that are in bad shape.

However, the head of the service is pleased with the way his officers carry out their duties, as well as with the service's position within the institutional and cooperation with other services. Lately, the prison administration has managed to obtain new pistols and bulletproof jackets for security officers. The members of the service have attended a course of in-service training organized by the OSCE Mission to Serbia and Montenegro. The head of the security service takes that his officers welcomed this opportunity to advance their knowledge and professional capacity. In his view, there is a need for a special institute where would-be prison officers, particularly those to be recruited by security services, would get proper education.

Two educators (a special pedagogue and a social worker) and 25 handymen are assigned to the administrative department. None of them have breached orders and been subject to disciplinary proceedings over the past six months.

Though not classified as trade instructors, the handymen actually instruct prisoners in various trades (locksmiths, plumbers, electrical engineering, etc.) The team takes that in the process of prisoners' reclassification the prison administration should pay by far more attention to opinions put forth by this part of the prison staff, given that they are in daily contact with prisoners engaged in prison work. Actually, the handymen used to have the status of trade instructors once. This is why they nowadays feel degraded and marginalized when compared with other member of the prison staff.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Due importance should be paid to the personnel's training, including education on human rights matters, with a view to advancing their aptitude for interpersonal communication, lowering of tension and raising the quality of life. (Para 59 and 60, CPT Standards, CPT /info (92) 3)

III

Recommendations

- Arrangements should be made for permanent education of the entire personnel, particularly the officers who are in daily contact with the prison population, with a view to advancing their professional capacity and aptitude for interpersonal communication and respect for human rights;

- The possibility of reinstating the status of trade instructors to the prison's handymen should be reconsidered.

THE BELGRADE PENITENTIARY-HOSPITAL

Date of the visit: January 21, 2004

Type of institution: closed

Population: men and women

Capacity: around 450

Actual number of prisoners: 550

Composition of the visiting team: two jurists, a neuropsychiatrist, a pathologist and a special pedagogue

Quality and Conditions of Life

I

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

Actual conditions of life in the Penitentiary-Hospital are even less tolerable and inhumane than they were at the time of the team's last visit to the institution.⁶ This is mainly to be attributed to overcrowding that has been spiraling on daily basis. Given the institution's specificity, the problem of overcrowding affects it more than other detention facilities throughout Serbia. The fact that the prison administration plans to place bunk beds in the psychiatric ward so as to accommodate the growing number of patients is telling enough of the quality and conditions of life in this institution.

All monitored aspects such as the state of walls in halls and rooms accommodating patients, floors, bathrooms and sanitary installations, furnishing, bedding and overall hygiene are below the level of acceptability.

As the team visited the institution in wintertime, it noted that patients and personnel alike were wearing winter jackets and sweaters. The temperature in halls and dormitories located on the fourth, top floor was just several Celsius centigrade higher than the outside one.

Due to the large population of the institution, daily walks in fresh air are restricted to 15-20 minutes.

The hospital has not a single ambulance, while other conveyances are inappropriate for the transport of the sick. According to the prison director, one ambulance and one new police van should be provided to the institution in near future.

B) KITCHEN, MASS HALL AND FOOD

The team has noted that some progress has been made in this aspect when compared with the utterly bad situation at the time of its last visit to the institution.

A professional cook qualified in dietetics has been engaged on temporary basis. This is a most significant step forward when one bears in mind that some patients have to be on special diets. Further, the prison administration has secured a new refrigerator and some basic kitchen utilities.

According to the interviewed patients, their meals are better now, though milk products, and fresh fruits and vegetables are still not on their menus.

Special diets are available to all patients who need them.

The institution's canteen was closed at the time of the team's visit. The interviewed patients said it was "rather well-stocked."

⁶ "How to Attain European Standards: the Situation of Serbian Prisons 2002-2003," p. 95, Helsinki Committee for Human Rights in Serbia, Belgrade, 2003.

c) MEDICAL SERVICE

The Penitentiary-Hospital has seven wards providing treatment to patients suffering from acute somatic diseases (internal medicine ward), mental disorders (two psychiatric wards), alcoholism, drug abuse, acute psychic illnesses (neuropsychiatric ward) and those under psychiatric observance. In each ward untried and convicted prisoners are separated. The same refers to male and female patients.

The institution works round the clock and admits patient at any time. All medical officers work in two shifts. One doctor and one nurse are on duty on weekends, while six nurses are on duty at night. Presently, the institution provides treatment to 300 patients suffering from acute psychic disorders.

The medical service employs 21 neuropsychiatrists/psychiatrists, 4 specialists in internal medicine (including one cardiologist), an ophthalmologist and a dentist. Psychologists, social workers, therapists, nurses (male nurses included), as well as laboratory, pharmaceutical and x-ray technicians make up the rest of the staff (60 medical officers). Though the service engages more medical officers than it used to last year, it is still rather understaffed given that the number of patients has grown, said the prison director.

Since the institution cannot afford a variety of full-time specialists, it engages the so-called consultants who regularly come once a week. This team includes otorhinolaryngologists, surgeons, neurologists, pneumo-physiologists, urologists, specialists in infectious diseases and others if necessary. When required so, patients are hospitalized in civilian medical centers. The problem with patients that are hospitalized in the outside community is that the prison has to assign security officers to guard them, while civilian hospitals are rather unwilling to have patients who are accompanied by armed guards.

The internal medicine ward treats patients with cardiovascular, kidney, lung and endocrinological problems. There is no intensive care unit. However, one room is treated as such in spite of the fact that it does not contain necessary equipment. "This room is set aside as a semi-intensive care unit as it is nearest to the entrance," explains the staff. The internal medicine out-patient ward is equipped with one functional electrocardiograph, a dry sterilizer and several cupboards for keeping medicaments and disposables. The ward has no reanimation set, defibrillator or monitoring devises. The hospital can provide ultrasound diagnostic, but lacks a ultrasound Doppler appliance. There is also an x-ray unit, but the use of the x-ray machine, which is a very old one, must be restricted.

A dental ward, available to patients every day, is modestly equipped. However, if the full-time dentist has to take a sick leave or goes for a vacation there is no one to replace him. In such event, patients who need to be treated urgently are transported to civilian hospitals.

Only routine urine and blood tests can be performed in the rather poorly equipped biochemical laboratory. For more sophisticated testing samples are sent to a civilian laboratory. The team could not visit the laboratory and the pharmacy since they were locked and no authorized medical officer was around.

The prison director claims that the pharmacy is well-stocked. According to him, sufficient quantities of disposables and mostly needed medicaments are at the institution's disposal (this primarily refers to cardiovascular drugs, antibiotics and medicines administered to the patients with mental disorders).

Some medicaments are procured at free market at the institution's expense, while the rest are obtained as humanitarian aid. As for drugs administered to psychiatric patients, the institution has preparations with depot effects, two types of neuroleptics, sedatives in tablets and ampoules, and just one antidepressant (Maprolitin). However, there are no strong neuroleptics to keep irritable or aggressive psychiatric patients under sedation. Instruments of restraint are, therefore, used whenever necessary. Those made of leather are deemed impracticable since other patients may untie them. Chains with locks are mostly in use. Patients are tied to their beds in the same room they share with others, rather than in a separate one. Every use of such measure and its duration are recorded.

Patients are tied to their beds only on doctor's order. Once they are sedated instruments of restraint are immediately removed.

Patients are not given electric shock treatment. Namely, as the head of the director put it, the EST apparatus has been out of order for 17 years now.

A medical file is compiled for each patient, containing diagnostic information, as well as an ongoing record of the patient's evolution. This file is confidential and available to the patient's doctor only. If necessary, it can be inspected by a team of specialists gathered for consultation on the patient's state of health.

Patients and their families are not entitled to consult the contents of medical files. A team of specialists examine every newcomer and determine his therapy. Effects of therapies proscribed are daily monitored. As team meetings are held on daily basis relevant specialists are kept informed about all patients' state of health.

Psychiatric patients are treated individually. Group therapies are organized in some specific cases. Patients are given the opportunity to get engaged in some work activities – e.g. assisting in the kitchen, maintenance of rooms and wards, etc. Such work is voluntary. Working patients can choose their workplaces and are entitled to symbolic remuneration. Daily walks in fresh air make obligatory recreational activity. Patients may play table tennis or other games.

Group visits to town are occasionally organized for the patients whose state of health allows it. A therapist accompanies them on such occasions.

Patients wear their civilian clothes. Clothes provided through humanitarian aid are given to those who do not have clothes of their own.

Three patients suffer from AIDS, while one is HIV positive. All of them are intravenous drug addicts.

Neither the patients suffering from AIDS or the one diagnosed as HIV positive are separated from other patients. However, their fellow patients who are in regular contact with them are informed about preventive measures to be taken and the nature of this transmittable disease. The prison director says his institution constantly requires the Ministry of Justice to release every patient suffering from AIDS and enable him to get treatment at large. If an attempt as such fails, a patient, accompanied by a security officer, is taken to the Clinic for Infective Diseases in Belgrade. By the time this report was drawn, one patient got a six-month release to be treated at large.

Generally speaking, patients have the freedom of consent. However, treatment and detention of most of them is mandatory – a decision brought on the grounds of objective clinical observation and examination.

The personnel employed on permanent basis may also attend courses of in-service training in some other institutions, as well as seminars organized at home or abroad.

It should be noted here that the entire personnel, though working in unfavorable conditions, are extremely competent and conscientious. This is probably best illustrated by the fact that the HIV Prevention among Vulnerable Groups Initiative of the London Imperial College has approved the institution's project titled "HIV Prevention among Intravenous Drug Users in Correctional Institutions."

II

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

- The CPT is clear-cut when stating that prisoners should be provided medical treatment and nursing care in conditions comparable to those enjoyed by patients in the outside community, which implies recruitment of adequate medical, nursing and technical staff, as well as provision of appropriate premises, installations and equipment. (Para 38, CPT Standards, CPT/Info (93)12);

- All services and activities within the institution are adversely affected given that it has to cater for more prisoners than it was designed to accommodate. Therefore, the level of overcrowding in the institution as a whole is such that it is in itself inhuman and degrading from a physical standpoint. (Para 46, CPT Standards, CPT/Info (92)3);

- Creating of a positive therapeutic environment should involve, first of all, providing sufficient living space per patient, as well as adequate lighting, heating and ventilation, maintaining the establishment in a satisfactory state of repair and meeting hospital hygiene requirements. (Para 34, CPT Standards, CPT/Info (98)12);

- Given that psychopharmacologic medication often forms a necessary part of the treatment given to patients with mental disorders, regular supply of appropriate medicines should be guaranteed. (Para 38, CPT Standards, CPT/Info (98)12)

III Recommendations

- The problem of overcrowding should be urgently solved;
- Funds should be secured so as to have the entire institution reconstructed step by step in the same manner in which the women's section was renovated in 2002;
- The central heating system should be repaired so as to be able to provide adequate temperature at all floors;
- The patients should spend more time in fresh air, as provided by law;
- At least one ambulance and one police van for the transport of patients should be provided to the institution;
- The rooms accommodating the patients with somatic disorders should be renovated and so equipped to meet minimal standards of hospital treatment and recovery (this primarily refers to the room used as a semi-intensive care unit);
- Medical treatment and nursing care of the patients with somatic disorders, as well as technical conditions, should be improved so as to be able to secure emergency medical care;
- A room wherein patients who need to be isolated from others and tied with instruments of restraint made of leather, rather than with chains, should be secured and adequately equipped.
- The supply of medicaments should be improved.

Security

I

External security of the Penitentiary-Hospital is in charge of the Belgrade District Prison's security service and adequate for a closed institution.⁷

As for internal security, cameras are placed in all halls. Until last year the institution had fire sensors. No patient has escaped or attempted to escape over the past six months.

According to the deputy head of the security service the staff of 117 officers is inadequate to guarantee total security. Not only is the entire institution overcrowded, but also the number of persons who have to be specially supervised and treated for drug abuse, and presently amount to 120, has grown, he takes. The later population figures as the biggest problem the institution has to cope with, since they are organized in groups that harass other patients and provoke inter-prison violence. This population is involved in over 90 percent of all violent incidents among prisoners, registered blackmails, threats and smuggling of psychoactive substances. Further, these persons are mostly subjected to disciplinary measures.

Courts are mostly to blame for such a problem, said the prison director. Namely, courts rule obligatory treatment for drug addiction to persons who are drug dealers or have committed a crime under the influence of drugs, but are not habitual addicts and diagnosed as such upon admission. Such persons usually impose themselves as gang leaders or join crime-prone groups in the institution. Their activity not only jeopardizes the institution's security, but also the treatment of patients rightfully sentenced to obligatory treatment. Bearing in mind that 10 or more persons are non-stop together in the rooms they share, such negative influence is practically constant.

The administration and the personnel are, therefore, forced to frequently move such persons from one room to another and take other precautionary measures against them. However, the overcrowding turns all their efforts futile.

Several physical assaults against security officers have been registered. Perpetrators were the patients from the psychiatric ward, rather than gang leaders or members of such groups.

⁷ The Penitentiary-Hospital is located on the third and the fourth floor of the same building housing the Belgrade District Prison (basement, the first and the second floor).

According to official sources, not a single case of excessive use of force against patients has been registered over the past six months. A truncheon had to be used against one patient only.

The information on the number of suicide attempts or suicides, cases of self-mutilation and injuries inflicted in inter-patient violence were not available to the team.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Tackling the phenomenon of inter-prisoner violence requires that prison staff be placed in a position, including in terms of staffing levels, to exercise their authority and their supervisory tasks in an appropriate manner. (Para 27, CPT Standards, CPT/Info (2001)16)

III

Recommendations

- With a view to solving the problem of obligatory treatment for drug addiction, the Ministry of Justice should organize a meeting that would assemble representatives of the judiciary, professionals from the Penitentiary-Hospital and other experts.

Legality of Prison Regime

I

This is the most problematic aspect of all monitored dimensions. Namely, the house rules defining in detail the rights and duties of persons accommodated in the institution has not been developed for years now. Actually, the House Rules in Closed Prisons is applied in the Penitentiary-Hospital. Bearing in mind specific needs of the institution's population, the team takes such solution unacceptable. The team has emphasized the problem in all its reports submitted to the authorized bodies. However, the Ministry of Justice has not approved so far the draft house rules put forth by the institution's staff.

As clear-cut house rules are not available to the patients, the personnel are not to blame for all misunderstandings in the staff-patient relations or failures in terms of building positive relations and communication with patients.

The Ministry of Justice should urgently tackle the problem and develop the house rules that would adequately lay down not only the prison administrations and personnel's treatment of prisoners-patients, but also the rights and duties of the later.

Under the LECS, the Penitentiary-Hospital is obliged to submit reports on the state of health of the patients sentenced to mandatory psychiatric treatment under detention to relevant courts at least once a year or, if necessary, at more frequent intervals. The same refers to the state of health of prisoners sentenced to obligatory treatment for alcoholism and drug addiction. The only difference is that such reports are to be submitted once in six months.

The Law on Criminal Proceedings provides that the court that sentenced a person to mandatory treatment shall *ex officio* reexamine its decision once in nine months. A medical center, a custodial authority and the person sentenced to mandatory treatment are entitled to propose cessation of such measure. If such proposal is turned down, another one can be made six months later.

Judging by available information, the institution regularly submits reports to relevant courts and recommends either further detention, transfer to a civilian hospital, cessation of treatment or transfer to prisons of the persons whose treatment for alcoholism or drug addiction has been ended. The staff, however, does not deem such legal provision workable in practice. They take that professionals and other officers in charge of carrying out this type of sanction have the best insight into its efficiency from medical angle and that of social resettlement, the more so since they are in daily contact with patients under treatment. As relevant

courts often ignore recommendations put forth by such professionals, some patients are kept in the institution longer than required by their state of health.

The Ministry of Healthcare supervises the staff's professional competence, while the Ministry of Justice controls the legality of the regime.

Delegations of the International Red Cross, the OSCE, the Council of Europe, and of professional organizations from home and abroad regularly visit the Penitentiary-Hospital.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- House rules adjusted to the institution's specificity should be developed. (Article 23, LECS; Para 53, CPT Standards, CPT/Info (98)12);

- Persons no longer requiring treatment in this institution should be accommodated in adequate institutions in the outside community. (Para 57, CPT Standards, CPT/Info (98)12)

III

Recommendations

- The Ministry of Justice should urgently pass the house rules in keeping with recommendations put forth by the institution's staff;

- The LECS and the Law on Criminal Proceedings should be so amended as to provide that persons whose state of health no longer requires them to be detained in such institution should be accommodated in adequate institutions in the outside community.

Social Resettlement

I

Sources of information for this aspect were the interviews the team conducted with members of the staff and prisoners sentenced to mandatory psychiatric treatment for alcoholism and drug addiction (around 200 persons). For purely medical reasons, the team did not interview the prisoners/patients with mental disorders.

The treatment includes work therapy (handicraft). Patients themselves choose what kind of work they want to be engaged in. Within occupational therapy, particular attention is paid to talented persons.

The activity of the reeducation service has not changed since the team's last visit to the institution. The service provides various therapies (individual, group, family, etc.). Though sizes of educational groups enable quality treatment, the team's attention was drawn to the lack of appropriate space and overall overcrowding. Since separate offices are not provided to all educators, individual meetings are occasionally held in the presence of other members of the staff. This not only affects privacy of conversation, but also detrimental to the staff's overall endeavor.

The institution's library is poorly stocked and hardly offers appropriate books. Further, the interviewed patients told the team that they had to wait two days to get daily papers to which they were subscribed.

The number of radio and TV sets is adequate so that the patients are kept informed about developments in the outside community.

Recreational activities are organized from time to time. They mostly include sports and exhibitions of handicrafts made within the occupational therapy.

The institution has no separate premises for religious ceremonies. A visiting priest comes to the institution whenever a patient requests to see him.

The interviewed members of the staff said the cooperation with custodial authorities was by far better than the one with relevant courts.

The institution excellently cooperates with patients' families. However, it has to cope with overcrowding in this aspect too.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Effective psychosocial rehabilitative treatment ensures that the treatment provided to the patients is less based on pharmacotherapy. (Para 37, CPT Standards, CPT/Info (98)12);

- The institution does not have a library for the use of all categories of prisoners/patients, which is adequately stocked with a wide range of both recreational and instructional books. (Article 96, LECS; Para 82, EPR);

- The institution does not provide religious services to be held in appropriate premises. (Article 100, LECS; Para 46, EPR);

- All the services and activities within the institution are adversely affected given that the institution is required to cater for more prisoners/patients than it is designed to accommodate, which also lowers the overall quality of life in it. (Para 46, CPT Standards, CPT/Info (92) 3)

III

Recommendations

- Bearing in mind that the multidisciplinary team work has been accepted as a principle of psychiatry long ago, the reeducation service should be more involved in the treatment of the patients with mental disorders;

- Premises that meet the requirements of unimpeded and quality work of the reeducation staff should be secured;

- The library should be replenished and adequate premises for religious services and visiting priests should be secured;

- Recreational activities should be organized for the patients.

Contact with the Outside World

I

One phone booth is available to patients on every floor. However, each patient is allowed to make phone calls depending on the treatment prescribed to him. The schedule for most restrictive cases includes two 15-minute calls per month. The patients make their calls out of the hearing of the staff.

Though the right to correspondence is unrestricted, all letters are censored (e.g., letters written by psychotic patients are not dispatched).

Contacts with lawyers are allowed whenever required either by patients or lawyers. Such meetings are held in privacy.

The patients receive their packages smoothly if the contents of such packages are legal. Particular attention is paid to the packages sent to the patients treated for drug addiction so as to prevent entry of psychoactive substances.

The institution does not have a separate room wherein the patients may receive their spouses or children for "longer" visits.

The interviewed prisoners did not complain of the privacy guaranteed to their short visits. Apart from regular visits, members of patients' families may talk to the Penitentiary-Hospital staff once a week. However, all these arrangements do not meet the requirements of the patients' proper contact with the outside world.

The fact that some patients sentenced to mandatory psychiatric treatment are detained for years in the institution figures as a permanent problem the staff have to cope with. Prolonged detention in such institutions often results in disrupted social ties, patients' dependence on hospitalization, loss of working capacity, regressive personality changes, etc. In addition, given that no house rules defining the conditions for free weekends or leaves have been developed, the patients are often deprived of such benefits. That, in return, adversely affects the process of their social rehabilitation.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The medical service should support measures that foster prisoners/patients' contacts 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

- An adequately equipped room for longer family visits should be secured;
- The reeducation service should organize – under supervision of and in association with the medical service – various activities that would take place outside the institution so as to prevent, inasmuch as possible, adverse effects of long hospitalization.

Institutional Personnel

I

The number of professionals working for the reeducation service is adequate to the institution's needs. Four employees have been added to the staff since the team's last visit when the service recruited 10 full-time educators.

All members of the reeducation staff have graduated from universities: four are psychologists, three social workers and seven are special pedagogues. All of them deal with both alcoholics and drug addicts.

According to the interviewed members of the staff, reeducation is given priority and the administration's attitude to the service is mostly correct. Team meetings are convened whenever necessary, while meetings at the level of institution are held once in 10 days.

The same as during the team's last visit, special pedagogues stressed the problem of their status within the institution. They have been assigned the rank of "independent assistants," which, in return, resulted in smaller salaries. Though they have addressed all relevant institutions, nothing has been done about their status up to now. Everyone they approached with their complaint admitted it was a mistake, but took no step to have this mistake corrected. Therefore, they are most embittered and perceive themselves as marginalized and unequal with the rest of the institution's staff some of whom are less professionally qualified than they are.

No courses of in-service training have been organized for the members of the reeducation staff. Any remedial education is just a matter of their personal affinities and ambitions.

No member of the staff has breached orders over the past six months or been attacked by a patient.

The security service employs 96 officers, plus 11 officers who have been transferred from the prisons in Kosovo. Nine officers are women. As for their professional competence, three officers have academic degrees, six have finished higher schools, while the rest have graduated from secondary schools.

As referred to in the paragraphs above, though more officers have been recruited to work for the security service, their number is still insufficient to meet specific requirements of the institution's population.

Security officers are, therefore, permanently exposed to stressful situations. Though they are entitled to shorter length of service, they are dissatisfied with their salaries and the service's overall position.

Almost all security officers have attended the course of in-service training organized by the OSCE Mission to Serbia and Montenegro. The course was meant to improve their communication skills, work ethics and respect for human rights. Like in other monitored institutions, the service's responsible people are not satisfied with professional competence of officers, particularly that of newcomers who have not are not given a course of training in their general and specific duties, and required to pass tests. Actually, such procedure is not laid down in law.

In 2003, five disciplinary proceedings were instituted against security officers, mostly for breaches of orders. Four of these officers were fined and one was found not guilty.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The institution's personnel should be composed of professionals suitable for the their specific duties, their salaries should be adequate, while employment benefits and conditions of service should be favorable in view of the exacting nature of their work. (Para 54.2, EPR);

- During their career, all personnel should maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized by the administration at regular intervals. (Para 55.2, EPR);

- Given that working with mentally ill and mentally handicapped is a difficult task, it is of crucial importance that medical staff is assisted by auxiliary staff that are carefully selected and receive both appropriate training before taking up their duties and in-service courses. (Para 28, CPT Standards, CPT/Info/(98)12)

III

Recommendations

- Regulations whereby the reeducation staff has been placed in unequal position should be changed under summary procedure;

- The Central Prison Administration should launch comprehensive courses of in-service training for all categories of prison personnel;

- The administration of the Penitentiary-Hospital should organize the courses of in-service training that will upgrade the personnel's knowledge of mental disorders, alcohol or drug addiction and adequate treatment of such patients;

- Conditions of life and work of the entire personnel should be improved through adequate salaries and employment benefits in keeping with the exacting nature of their work.

THE POZAREVAC-ZABELA PENITENTIARY-REFORMATORY

Date of the visit: February 25, 2004

Type of institution: strictly closed and closed

Population: men/ adults

Capacity: around 1,200

Actual number of prisoners: about 1,300

Composition of the visiting team: two jurists, a pathologist and a special pedagogue

Quality and Conditions of Life

I

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

The prison grounds still resemble a well-kept garden. However, the moment one enters pavilions III and IV this idyllic picture is dramatically changed. At the time of the team's last visit, on September 19, 2002, the prison accommodated some 750 persons. This number has now grown by almost 75 percent. The dormitories designed to accommodate 30 prisoners are now occupied by as many as 50. All rooms have windows that allow entrance of natural light and fresh air. However, due to overcrowding and cigarette smoke, conditions in the rooms serving as living quarters are almost intolerable.

The problem of overcrowding is such that triple bunk bed had to be place in some dormitories, while the number of lockers had to be reduced to minimum. Prisoners' clothes, therefore, are scattered all over the beds.

Certain sections of the pavilions, roofs in particular, call for urgent repair.

Neglected for years and used by so many people, toilets and sanitary installations are in very bad shape. The main bathroom with 10 showers has been renovated recently – new boilers and tiles have been placed. However no cabins or screens have been installed to secure minimal privacy at least. Besides, the bathroom is located away from the pavilions, which is most inconvenient in wintertime in particular.

Hot water is not always available in wintertime. Situation is somewhat better in summertime when prisoners can take showers in the open with water heated in the sun.

Dormitories, visiting halls and other premises are not heated at all. The so-called living rooms are heated by stoves, which, along with overcrowding, results in stale air and bad hygiene. Actually, overcrowding has annulled all positive effects of the recently renovated pavilions.

Bedclothes are scarce and, therefore, cannot be washed and changed regularly. Since the laundry that had burnt down has not been renovated so far, prisoners have almost nowhere to wash and dry their clothes and one winter uniform per person they are provided with. Some are forced to send their bedding and clothes back home to be washed.

Though thoroughly reconstructed a year ago, the pavilion VII (high-security unit) already shows sings of humidity. Large portions of plaster are missing from the walls and ceilings. The staff explained that the building was brought to ruin in such short time due to inappropriate building procedures. This is why, they said, the prison director refused to sign document testifying the works have been completed in keeping with building standards.

The pavilion VII presently accommodates around 170 prisoners. Dormitories supposed to accommodate 2-4 persons are of inadequate size, while windows are so designed that they do not allow sufficient entrance of natural light and fresh air. Artificial light is also inadequate. Electrical installations have

still to be mounted in some dormitories. However, the dormitories are better furnished than those in other sections of the prison.

Toilets located down the halls and sanitary installations are in relatively good shape.

The heating in the pavilion VII is absolutely inadequate. Given that even stoves cannot be used for heating, prisoners are forced to put on layers of clothes to keep them warm in wintertime.

The cells wherein all prisoners punished by solitary confinement are placed are located in this pavilion. Deficiencies noted in other rooms are characteristic of the solitaries as well. However, their sizes are appropriate for one person, and furnishing meets the proscribed requirements.

The interviewed prisoners said their exercise in fresh air was restricted to 15-20 minute walks. The head of the security service explained that was the only possible solution since walking grounds were too small for so many prisoners taken for walks in small groups for security reasons.

B) KITCHEN, MASS HALL AND FOOD

Though renovated about a year ago, the kitchen and mass hall are already in pretty bad shape. Walls smell of humidity.

Food is prepared by professional cooks. Menus are determined a week in advance and have to be approved by the prison director. According to the kitchen staff, nutritive value of meals meets the minimal standards laid down by law (12,500 calories).

The interviewed prisoners said the quality of food improved when compared with past years. However, they take their meals unvarying, and add that fresh fruits and milk products are still scarce.

Special diets are provided to prisoners if prescribed by a doctor. The doctor controls the quality of food and hygiene once a week. However, he is not obliged to submit relevant reports.

The prison canteen is poorly stocked and irregularly supplied with food. Family packages figure as only reliable sources of additional nourishment.

C) MEDICAL SERVICE

The prison's medical service is housed in a separate building able to provide hospitalization to 90 patients. While the rooms on the first floor are clean and freshly painted, those on the second floor look rather neglected.

Seven prisoners, accommodated within hospital premises, are in charge of general hygiene.

The medical service employs one neuropsychiatrist and two medical attendants. The service is understaffed by 50 percent according to the relevant job classification. No one has applied so far to the vacancy announcement for two doctors and two medical attendants.

All prisoners are medically examined upon admission and have their medical files opened. Whenever wishing to make an appointment with a doctor, they have to apply to the warden but do not have to explain their health troubles. Each applicant is subsequently examined, though he has to be placed on a waiting list because of too many prisoners requiring medical examination.

If there be an emergency in the doctor's absence, such patients are promptly transported to a civilian hospital.

The doctor is occasionally available on call. In spite of the fact that he has to provide services to a large prison population, the doctor is not on duty during night or on weekends.

Any prisoner who needs to be examined by a specialist is sent to a civilian hospital.

Periodic medical examinations of all prisoners are not conducted.

Specialists in general surgery and internal medicine visit the institution three times a week. Since the institution provides only basic diagnostic and therapeutic procedures (EKG and x-ray machine are out of order), most laboratory analyses are performed by civilian medical centers.

The doctor supervises the prison pharmacy and controls distribution of medicaments.

No special arrangements are made for psychiatric care. No psychologist visits the institution. As the staff has not been trained in basics of psychotherapeutical and occupational therapies, such services are provided by the Belgrade Penitentiary-Hospital.

Special diets are provided to the prisoners suffering from tuberculosis, diabetes, undernutrition, etc., but only if prescribed by the doctor.

The institution has a fully equipped dental ward. However, due to inadequate supply of necessary materials, dental services are reduced to minimum (teeth extractions mostly).

Any piece of information related to prisoners' state of health is available at all times, and imparted to their families and lawyers on their request.

Any treatment necessitates a prisoner's consent. Prisoners are entitled to refuse medical treatment.

Medical examinations are performed out of sight or hearing of prison officers and other prisoners, unless the safety of the medical staff calls for the presence of security officers.

The prison doctor is obliged to guarantee in writing that a prisoner punished to solitary confinement is physically fit for such measure. The doctor visits the prisoners in solitaires four times a week.

Information on transmittable diseases are distributed to prisoners and the personnel alike. One prisoner detained in the institution has been diagnosed as HIV positive.

The prison personnel have not been trained in recognizing the indications of suicidal risk. However, whenever a prisoner is identified as a suicide risk, he is kept under special observation scheme involving members of all services. In 2003, nine cases of self-mutilation were registered, while one suicide and three suicide attempts took place. In the same period, eight prisoners died natural deaths and one was murdered.

All signs of violence against prisoners are entered in their medical files. Whenever a prisoner complains of physical harassment and bears signs of violence, his injuries are recorded and relevant reports are submitted to the prison administration.

Seven cases of inter-prisoner violence resulting in light injuries took place in 2003. No severe injury, rape or sexual abuse as a result of inter-prisoner violence was registered in the same period.

The medical service does not cooperate with relevant healthcare authorities so as to encourage measures that would facilitate prisoners' contacts with the outside world.

Further, the medical service does not take active part in the preparation and realization of sociotherapeutic programs for the prisoners with medical histories of family traumas or diagnosed drug addicts.

However, the service recommends alternative solutions for the prisoners unsuited for continued detention due to the nature of their illnesses or old age.

The medical service's staff did not receive any training in prison pathology.

No disciplinary proceedings against any member of the staff were instituted in 2003. On the grounds of criminal complaint filed by one ex-prisoner, a malpractice suit was brought against the institution's doctor.

The interviewed prisoners were dissatisfied with the quality of medical services provided to them. They mostly complained of having to wait long to be seen by the doctor, restrictive arrangements for examinations by specialists in civilian hospitals, shortage of medicaments and superficial examinations conducted by the institution's doctor with too many patient on this hands.

II

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

- An overcrowded prison entails cramped and unhygienic accommodation; a constant lack of privacy; reduced out-of-cell activities due to demand outstripping the staff and facilities available; overburdened health-care services; increased tension and hence more violence between prisoners and between prisoners and staff. (Para 13, CPT Standards, CPT/Info (97)10;

- A convicted person has the right to spend at least two hours daily outside closed rooms during his free time. (Article 59, LECS);

- A prison health-care service should be able to provide medical treatment and nursing care in conditions comparable to those enjoyed by patients in the outside community. (Para 38, CPT Standards, CPT/Info (93)12;

- Prisoners do not have access to a doctor at any time, as the prison doctor is not always on call. (Para 34 and 35, CPT Standards, CPT/Info (93)12);
- The medical staff has not been trained in psychotherapeutic and occupational therapy programs or in prison pathology. (Para. 41, 75 and 77, CPT Standards, CPT/Info (93)12);
- There are no arrangements for regular psychiatric care and the medical staff has not been trained in recognizing indications of suicidal risk. (Para 41 and 58, CPT Standards CPT/Info (93)12)

III

Recommendations

- The pressing problem of overcrowding in this, as well as in other institutions, should be urgently solved;
- The prison administration should immediately stop the practice of accommodating prisoners in the dormitories with triple bunk beds;
- The problem of inadequate heating in all pavilions and other premises should be promptly solved;
- Funds should be secured with a view to renovating bathrooms, toilets and sanitary installations;
- Sufficient bedclothes and prison uniforms should be supplied to the prison so as that they could be changed and washed regularly;
- Arrangements for laundering clothes and linen should be made;
- The prisoners in the pavilion VII should be enabled to have at least one-hour exercise in fresh air;
- The medical service should be adequately staffed and medical officers should be available at any time;
- Adequate dental services should be provided to prisoners;
- All prisoners should be medically examined in regular one-year intervals;
- The medical staff should be trained in psychotherapeutic and occupational therapy programs, as well as in prison pathology;
- All prison officers should be able to recognize indications of suicidal risk.

Security

I

The entire prison compound is enclosed by a 5-meter wall recently furnished with razor blades. Apart from watchtowers, cameras with sensor reacting whenever anyone comes close to the wall are installed all over the compound. In 2003, one prisoner managed to escape over the wall. After his escape the barbed wire with razor blades was mounted.

The number of security officers grew in parallel with the prison population. The service actually totals 242 full-time officers, but is understaffed when compared with the job classification that envisages 270 officers. The fact that it is short-handed, not to mention that it daily handles over 40 transfers of prisoners outside the institution, makes the service's tasks exacting.

Insufficient number of security officers also negatively affects the maintenance of internal security, particularly when one bears in mind the large prison population and the area to be guarded. According to the head of the service, the presence of groups sentenced to imprisonment for joint criminal enterprise involves risk. Theoretically, while taking exercise in fresh air such groups could easily take hostage security officers who mingle with them in the prison compound and then cause some incident or start a riot. Actually, similar circumstances brought about the November 200 riot. However, says the head of the service, the situation is presently under control and prisoners do not show any signs of violent behavior when a prison officers approaches them for whatever reason.

With a view to maintaining internal security the prison administration also uses "informers." This enables it to learn about any planned criminal activity in the institution. In order to prevent it, the prison administration takes action by transferring the most problematic prisoners to other penitentiaries, pavilions or

to the high-security pavilion VII. However, bearing in mind the risks referred to in the paragraphs above, the team concludes that prison gangs are still active – a conclusion additionally supported by the interviewed prisoners. According to them, it is common knowledge “who’s who in the prison, and what people band together.” Anyone outside these circles is more or less left on his own. Prisoners’ safety is particularly endangered in afternoons and at night when there are fewer security officers on duty.

Though security officers frequently search both premises and prisoners, various kinds of weapons, daggers and knives remain undetected all over the place. Therefore, the security service is hardly able to provide protection to any prisoner who does not obey unofficial rules. Sometimes, security officers, concerned with their own safety, follow the line of least resistance and would take no action to protect such prisoners.

In 2003, security officers managed to hinder three attempts to smuggle in pistols and scores of attempts to bring in cell phones, drugs, knives and other illegal items.

Prisoners sentenced for minor crimes and those under shorter sentences are especially exposed to danger. Since the prison administration cannot possibly categorize them appropriately, they are forced to spend time with habitual offenders and persons sentenced for serious crimes.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The duty of care, which is owed by custodial staff to those in their charge includes responsibility to protect them from other inmates who wish to cause them harm.

Tackling the phenomenon of inter-prison violence requires that prison staff be placed in a position, including in terms of staffing levels, to exercise their authority and their supervisory tasks in an appropriate manner. Prison staff must be alert to signs of trouble and be both resolved and properly trained to intervene when necessary. The existence of positive relations between staff and prisoners, based on the notions of secure custody and care, is a decisive factor in this context; this will depend in large measure on staff possessing appropriate interpersonal communication skills.

In addition, the prison system needs to address the issue of the appropriate classification and distribution of prisoners. (Para 27, CPT Standards, CPT/Info (2001)16);

- Large-capacity dormitories imply a higher risk of intimidation and violence. Such accommodation arrangements are prone to foster the development of offender subculture and to facilitate the maintenance of the cohesion of criminal organizations. They can also render proper staff control extremely difficult, if not impossible. More specifically, in case of prison disturbances, outside interventions involving the use of considerable force are difficult to avoid. With such accommodation, the appropriate allocation of individual prisoners, based on a case by case risk and needs assessment, also becomes an almost impossible exercise. All these problems are exacerbated when the numbers held go beyond a reasonable occupancy level. (Para 29, CPT Standards, CPT/Info (2001)16)

III

Recommendations

- Any recommendation that might help improve the existing conditions renders senseless unless the problem of overcrowding is solved. For starters, the team takes that differently classified prisoners should be physically separated and that the security service should be adequately staffed.

Legality of Prison Regime

I

While assessing this dimension of prison life, the team paid particular attention to the treatment of the prisoners allocated in the high-security unit. The LECS provides that persons to be allocated in such units

are those “whose personality tests indicate that they might considerably jeopardize their inmates, prisoners who seriously breach house rules, as well as those classified as incorrigible by the Personality Testing Department.”

Allocation of prisoners to this unit – the team stressed as questionable at the time of its last visit – still figures as a problem. The LECS and the House Rules in Closed and Strictly Closed Prison are rather unclear about the treatment program for prisoners allocated in such institutions. Therefore, when it comes to real life, a prisoner so classified is hardly given the opportunity to be reclassified. This particularly burdens the prisoners allocated to the so-called intensified supervision unit such as pavilion VII. New house rules that would provide sub-categories and thus motivate prisoners to correct their behavior with a view to obtaining better treatment have not been passed so far. In addition, the interviewed prisoners in pavilion VII told the team that the house rules, they had been instructed in upon admission only, were not available to them at all times.

On the other hand, though Article 11, Para 2 of the Decree on the Establishment of Institutions for Execution of Prison Sentences in the Republic of Serbia⁸ provides that semi-open units shall be organized within strictly closed prisons, the implementation of this provision has not been even considered so far.

The procedure of filing complaints is yet another problem that seriously affects the entire prison system and thus this institution as one among the biggest. Under the LECS, the only disciplinary measures to be taken against prisoners are as follows: reprimand, deprivation of benefits and punishment to solitary confinement. A prison director or a person authorized by him is in charge of disciplinary proceedings. The LECS does not provide that a prisoner may file a complaint when reprimanded or deprived of benefits. When punished to solitary confinement, a prisoner may file a complaint with a prison director or a person authorized by the latter. If a prison director turns down such complaint or refuses to amend it in the proposed manner, the complaint is forwarded to the director of the Central Prison Administration who then has a final say. Total duration of punishment to solitary confinement within one year cannot exceed 6 months.

The LECS lays down that a prisoner has the right to file a complaint if some of his rights are violated or he has been ill-treated in some other way. A prison director is obliged to decide on such complaint (however, a period within which he has to make a relevant decision is not specified). If a director fails to respond or a prisoner is dissatisfied with his decision, the prisoner has the right to access in writing the director of the Central Prison Administration who is not duty-bound to respond.

The LECS does not provide at all that a prisoner may address a court of law if he takes that his rights are violated.

Apart from being incongruous with international standards in this domain, the procedure of filing complaints is poorly workable in practice.

Judging by the prison's statistics, there were 243 punishments by solitary confinement, 144 reprimands and 12 deprivations of benefits in 2003. Only 4 complaints were filed, and just one was decided as justifiable. In the same period, instruments of physical restraint were used on 125 occasions (physical action – 3, rubber truncheon – 3, tying – 6, separation – 113). Not a single case of excessive use of instruments of restraint or a prisoner's complaint of such use was registered.

In the team's view, few complaints filed by prisoners can hardly be taken as indicative of fair and legal treatment. On the contrary, they show that prisoners are fully aware that the entire procedure is not only inefficient, but also makes no sense when it comes to their rights.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- It is axiomatic that prisoners should not be subject to a special security regime any longer that 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

⁸ The Decree came into force on May 23, 1998.

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);

- 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 also 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.

Other procedures often exist, alongside the formal disciplinary procedure, under which a prisoner may be involuntarily separated from other inmates for discipline-related/security reasons (e.g. in the interests of "good order" within the establishment). These procedures should also be accompanied by effective safeguards. The prisoner should be informed of the reasons for the measure taken against him, unless security requirements dictate otherwise, be given an opportunity to present his views on the matters, and be able to contest the measure before an appropriate authority.⁹ (Para 55, CPT Standards, CPT/Info (92)3);

- The CPT pays particular attention to prisoners held, for whatever reason (for disciplinary purposes; as a result of their "dangerousness" or their "troublesome" behavior; in the interests of a criminal investigation; at their own request), under conditions akin to solitary confinement.

The principle of proportionality requires that a balance be struck between the requirements of the case and the application of a solitary confinement-type regime, which is a step that can have very harmful consequences for the person concerned. Solitary confinement can, in certain circumstances, amount to inhuman and degrading treatment; in any event, all forms of solitary confinement should be as short as possible. .

In the event of such a regime being imposed or applied on request, an essential safeguard is that whenever the prisoner concerned, or a prison officer on the prisoner's behalf, requests a medical doctor, such a doctor should be called without delay with a view to carrying out a medical examination of the prisoner. The results of this examination, including an account of the prisoner's physical and mental condition, as well as, if need be, the foreseeable consequences of continued isolation, should be set out in a written statement to be forwarded to competent authorities. (Par 56, CPT Standards, CPT/Info (92)3)

III

Recommendations

- Through passing a new LECS or amending the current one (along with relevant by-laws), a new system of disciplinary procedures should be established with a view to guaranteeing prisoners efficient grievance procedures whenever they take that some of their rights have been violated. The same applies to the system of reviews of placement decisions, which would clearly define types, conditions and duration of measures taken against prisoners, as well as reasons for which they may be isolated from other inmates.

Social Resettlement

I

The interviews conducted with members of the training and employment service and the reeducation service, as well as with prisoners, figured as source of information about his dimension of prison life.

⁹ This requirement has subsequently been reformulated as follows: the prisoner should be informed in writing of the reasons for the measure taken against him (it being understood that the reasons given might not include details, which security requirements justify withholding from the prisoner).

No major changes in the functioning of the training and employment service have taken place since the team's last visit. Vocational training and prison work are still related to metal works, mechanical engineering, carpentry, farming and catering. However, what stroke the team's notice as a novelty was that the Preporod (Renewal) Hotel and recreational facilities located in the area immediately adjacent to the prison compound have been thoroughly renovated. Actually, the prison administration, aware of insufficient subsidies, plans to make these facilities available to civilians and thus make some profit that would improve the prison's functioning. Prisoners from open and semi-open units were engaged in renovation and most of them will be employed in the recreational complex once it is open to general public.

Technology is still outdated, while the lack of funds necessary for the purchase of raw material that would boost production still hinders engagement of more prisoners in prison work. Presently, only 50 percent of the prison population is engaged in prison work, though by far more prisoners are fit for work. Most of the employed prisoners come from open and semi-open units, a couple of them from the closed unit, and not a single prisoner from the strictly closed unit is engaged in prison work. According to the personnel and prisoners alike, unemployment is among the most serious problems affecting the overall climate in the institution.

Prisoners are assigned workplaces on the grounds of their professions in the outside community. Though aware that the possibility to choose a job is objectively restricted, most prisoners take that no attention is paid to their wishes and preferences. From the angle of social rehabilitation, functioning of the training and employment service boils down to daily monitoring and assessment of prisoners' behavior and dedication to work. Each training instructor submits monthly reports to the superintendent who later on gives opinions about and recommendations for each individual prisoner at team meetings and weekly staff meetings.

Prisoners have eight-hour workdays, i.e. they work 40 hours per week. Weekends are free. Overtime is occasional (e.g. in agricultural season) and is not mandatory. However, a prisoner can hardly refuse to work overtime without suffering negative consequences. Prisoners' earnings average 1,000 dinars (16 EURO) and depend on workplaces and workdays.

The team emphasizes once again that the reeducation service is short of professionals. There is still no psychologist on the staff, which considerably questions the processes of assessing, classifying and reeducating prisoners.

The admission department's team – composed of a social worker and a pedagogue – puts forth individual treatment programs. In tandem with the team, the prison director approves a prisoner's classification and treatment program. Reclassification is under consideration once in three months and, if necessary, in shorter intervals.

According to some sources, the main criterion for a prisoner's reclassification is his overall behavior. However, some interviewees deem that classification and reclassification of particular prisoners are not exclusively based on formal criteria.

Conditions in which treatment programs are conducted and prisoners' involvement in such programs are about the same as they were at the time of the team's last visit. Namely, prisoners are provided individual treatments only, since, as the team was told, the service is understaffed in terms of professionals qualified for other types of treatment. Further, sizes of educational groups themselves render quality treatment almost impossible. One educator is in charge of as many as 100-170 prisoners.

According to educators, apart from their daily talks with prisoners, individual meetings average one in two months. However, some interviewed prisoners hinted that their meetings with educators were just occasional, while mutual relationship mostly boiled down to their appeals to be granted some benefits.

Prisoners' schooling is still among the prison administration's priorities. Explaining why a school has not been established within the prison so far, the administration quotes indolence of higher authorities, lack of adequate premises and prisoners' disinterestedness.

Two libraries are available to prisoners. However, prisoners say that they are poorly stocked and offer unattractive books.

The prison has no specialized library stocked with legal literature.

An administrative officer is in charge of recreational activities. Such activities do not include cultural events to be organized in the prison or visits by various artists. Only a wood carving group is well-organized and active. Pieces manufactured by its members were exhibited in late 2003.

Apart from the carving group, other recreational activities boil down to sports. Prisoners participate in these activities in keeping with personal preferences. Unfortunately, sport activities can be pursued in summertime only. Prisoners have at their disposal a well-kept football field, a jogging track, a swimming pool and a small gym in the open.

These facilities are not available to the prisoners accommodated in pavilion VII. Though goals posts and baskets have been placed within this walled-in and high-security area, prisoners are hardly ever given an opportunity to play football or basketball in fresh air. Moreover, the interviewed prisoners said they were forbidden to engage in light exercise inside the unit.

In terms of religious guidance and prisoners' beliefs, most of them belong to the Serbian Orthodox Church. There is no church within the prison compound. However, there is a room adequately furnished for religious ceremonies and pastoral visits. A local priest married several couples in the prison in 2003.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Individualized treatment programs can hardly be applied in a prison that is required to cater for more prisoners than it was designed for. (Para 46, CPT Standards, CPT/Info (92) 3; Para 66, EPR);
- A convicted person capable of working has the right and obligation to work. (Article 76, Para 1, LECS);
- Prisoners should exercise their rights related to maintenance of their physical and mental fitness, elementary and secondary education, prison work, the use of prison library and pursuance of other purposeful activities. (Para 69, 71, 77 and 82, EPR; Para 47, CPT Standards, CPT/Info (92) 3);
- All prisoners without exception (including those undergoing cellular confinement as a punishment) should be offered the possibility to take outdoor exercise daily. (Para 48, CPT Standards, CPT /Info (93)3);
- The existence of a satisfactory program of activities (education, sport, work of vocational value, etc.) is just as important – if not more so – in a high security unit than on normal location. As regards 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

- Possibilities to reduce the number of prisoners included in educational groups should be considered for the purpose of more efficient reeducation;
- Funds to foster production and thus prisoners' engagement in prison work should be secured;
- The problem of prisoners' education and vocational training should be finally tackled;
- The prison library should be permanently supplied with new books;
- Educational methods focused on encouraging and motivating prisoners to work, upgrade their skills or get qualified in other trades should be applied; this implies securing state-of-the-art technology and diversified jobs, as well as granting more privileges for conscientious work;
- More attention should be paid to prisoners' classification and reclassification that should be based on professional staff's unbiased and regular assessment of their behavior;
- Cultural and recreational activities should be organized for all categories of prisoners;
- The prisoners accommodated in the high-security pavilion VII should be given the opportunity to engage in sport and other purposeful activities that would reduce adverse effects of long isolation and deprivation of liberty.

Contact with the Outside World

I

One phone booth is available to prisoners outside each pavilion of the closed section, and one in the strictly closed section. The number of phone calls a prisoner is allowed to make depends on his treatment regime. The house rules do not clearly define the frequency and duration of such calls. So, in real life, prisoners are allowed to make at least two 10-15 minute phone calls per month, or some extra ones if the warden approves. Like in other institutions visited by the team, a security officer has been supervising phone calls ever since the state of emergency. According to the prison administration, such restriction had to be imposed because some prisoners used phones to threaten judges, members of their families, etc.

There are not limits to letters sent or received by prisoners. However, educators read all letters before they are dispatched.

Almost all prisoners receive visits the frequency and duration of which depend on treatment regimes. Visitors are received in a hall and in the presence of security officers. The hall is not heated, which affects both visitors and prisoners in wintertime.

Visits by spouses in “special rooms” are organized in the Preporod Hotel. Presently six such rooms are available to prisoners. More rooms to serve the same purpose will be renovated in near future. These rooms are poorly furnished and have no bathrooms. A prisoner is allowed to this benefit at least once in three months.

A prisoner can communicate with his lawyer whenever necessary or on his request. Such meetings are held in private.

The prison director decides on leaves upon educators’ recommendations. The number of leaves is on the upward curve, says the prison administration.

The number of radio and TV sets is adequate. Some are to be found in the pavilion VII as well.

Dailies and magazines are delivered to the prisoners who have subscribed to them.

Pre-release preparations do not imply special programs or activities to be pursued by the personnel, even when it comes to releases of the prisoners who had served long sentences.

Cooperation with social care centers is more of an exception than a rule.

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. Procedures and special course should be devised to this end. (Para 87 and 88, EPR);

- The approved representatives of social agencies or services should be afforded all necessary access to the institution and to prisoners with a view to making a full contribution to the preparation for release and after-care program of a prisoner. (Para 89.1, EPR);

- 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. In this context, there is a need for some flexibility as regards the application of rules on visits and telephone contacts vis-à-vis prisoners whose families live far away (thereby rendering regular visits impracticable). For example, such prisoners could be allowed to accumulate visiting time and/or be offered improved possibilities for telephone contacts with their families. (Para 51, CPT Standards, CPT/Info (92) 3)

III

Recommendations

- The house rules should clearly define the frequency and duration of phone calls prisoners are entitled to;

- Though supervision of prisoners' phone calls and correspondence is justifiable in some cases, the team takes that all prisoners should not be subject to such measures, which are, in addition, time-consuming for overburdened personnel;

- All possibilities for prisoners' gradual return to life in society should be considered; this, in particular, relates to pre-release programs organized in the same or another appropriate institution or to conditional release under some kind of supervision combined with effective social support;

- Social care centers should be engaged whenever possible to help out the prison staff in admission procedures, prisoners' observation and social rehabilitation, and especially in maintenance of prisoners' family ties and relations with other persons and social agencies and services.

Institutional Personnel

I

Out of 270 persons planned in the job classification, the security service totals 242 officers. Vacancies for another 10 beginners (guards) have been announced, while the prison administration plans to have the service fully staffed by autumn. Only one security officer has a university diploma, 5 have graduated from higher schools, and the rest have finished secondary schools.

The head of the service – a man with over 30 years of experience in prison work – is dissatisfied with this staff's overall educational level and professional capacity, as well as with the fact that they are unwilling to upgrade their knowledge. According to him, it is impermissible that the service employs people who have not undergone any training and lack elementary knowledge about their job. All this, along with frequent overtime, understaffing and overburdened officers dissatisfied with their salaries, makes the service, in the team's view, a breeding place of corruption and negligence. Besides, the stress involved in security officers' daily work adversely affects their attitude towards prisoners.

In 2003, 12 disciplinary proceedings were instituted against security officers, mostly for grave breaches of orders. Nine officers were accused of unconscientiousness, one for showing up at work drunk, one for disobedience, and one for indolent attitude towards a prisoner who attempted to escape. Up to now, 8 proceedings have been closed – 7 officers were punished with some 20-percent cuts in salaries over four months, while one officer was proclaimed not guilty.

Two security officers were fired for having illegally communicated with persons detained in the investigation department.

Out of 150 employees planned in the job classification, the training and employment service has a staff of 108. Twenty percent of them have university degrees, 10 percent have graduated from higher schools, while the rest have finished secondary schools.

All trade instructors meet the criteria laid down in the LECS and the Law on Employment in Governmental Agencies.

The interviewed officers said they were satisfied with their jobs, the administration's efficiency and relations with other services. They perceive their personal safety a top priority, and the administration's attitude to them fair.

Their major complaints had to do with outdated technology and work conditions.

All interviewed trade instructors take their jobs involve stress and fear prisoners might attack them. They are satisfied with regularity of their salaries, but not with amounts they are being paid. Overtime is occasional and remunerated. All of them are entitled to shorter length of service.

As for the reeducation service, its staff is composed of 15 full-timers out of 22 planned in the job classification. All employees have university degrees and are professional sociologists, social workers, special and general pedagogues. The staff still lacks a psychologist.

One educator is in charge of 150 prisoners, which makes the smallest ratio when compared with other services.

A pedagogue and a social worker are engaged in the admission department, 6 educators are in charge of the open and semi-open unit (some 300 prisoners) and another 6 in the closed unit (around 1,000

prisoners). The service also employs 2 administrative officers – one is tasked with recreational activities, while the other is in charge of early releases and amnesties.

All educators take their jobs as most stressful. They are entitled to shorter length of service. In spite of the fact that they receive their salaries at regular intervals, most are dissatisfied with the amounts on their paychecks. Overtime is occasional and duly remunerated.

Generally speaking, educators are interested in attending courses of in-service training. Some complained, however, there was no equal opportunity when it came to such trainings.

The team left under the impression that communication and cooperation at particular staff levels was not as smooth as it should be. This might not only adversely affect interpersonal relations and functioning of the institution as a whole, but also staff-prisoners relations.

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 know 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. (Para 26, CPT Standards, CPT/Info (2001) 16);

- Aptitude for interpersonal communication should be a major factor in the process of recruiting law enforcement personnel and, during training, considerable emphasis should be placed on developing interpersonal communication skills, based on respect for human dignity. The possession of such skills leads to a lowering of tension and raising of the quality of life in police and prison establishments, to the benefit of all concerned. All members of the personnel shall be expected at all times so to conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect. (Para 56, EPR; Para 60, CPT Standards, CPT/Info (92) 3);

- Ensuring positive staff-inmate relations will also depend greatly on having an adequate number of staff present at any given time in detention areas and in facilities used by prisoners for activities. An overall low staff complement and/or specific staff attendance systems which diminish the possibilities of direct contact with prisoners, will certainly impede the development of positive relations; more generally, they will generate an insecure environment for both staff and prisoners. It should also be noted that 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

- Selection and recruitment of the personnel should imply that particular attention is paid to their social and emotional suitability for the job;

- The security service should be staffed by adequate number of officers;

- Members of the personnel who lack relevant professional competence or experience should be trained in their general and specific duties;

- Necessary professional, a psychologist in the first place, should be added to the reeducation service;

- Conditions of life and work of the entire personnel should be improved through raises and other employment benefits for their conscientious work;

- Prison staff should be continually encouraged to upgrade their skills and professional capacity through courses of in-service training and remedial education, particularly in communication skills and human rights;

- More attention should be paid to interpersonal relations and cooperation of members of the prison staff at all levels.

THE SREMSKA MITROVICA PENITENTIARY-REFORMATORY

Date of the visit: March 17, 2004

Type of institution: closed

Population: men/adults

Capacity: around 1,100

Actual number of prisoners: about 1,272

Composition of the visiting team: two jurists, a pathologist and a special pedagogue

Quality and Conditions of Life

I

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

Like in Pozarevac-Zabela Penitentiary-Reformatory, a positive impression the well-kept park surrounding the prison's closed unit leaves on a visitor vanishes into thin air the moment he steps into the pavilion I. At the time of the team's last visit, the pavilion accommodated some 500 persons and was extremely overcrowded.¹⁰ Today it houses over 650 prisoners – dormitories provide accommodation to as many as 90 persons each, while prisoners practically spent all the time in them. Stale air is almost intolerable though windows are large enough to allow entrance of natural light and fresh air. Ever since the floor has been replaced, it has been much easier to maintain general hygiene in dormitories. However, bedclothes and prison uniforms are too scarce to be washed and changed at regular intervals. The interviewed prisoners said they often had to procure washing powder at their own expense so as to have their bedding and clothes washed. Those who cannot afford washing powder often sleep for weeks in unwashed linen.

Renovation of the pavilion III that burnt down during the November 2000 prison riot may solve the problem of overcrowding in the pavilion VII. Over three years had elapsed since the incident, but, unfortunately, no funds for renovation have been secured up to now.

Heating in wintertime is adequate, said the interviewed prisoners.

Toilets located in the pavilion VII are in utterly bad shape – they are old and too many people have been using them.

As for prisoners accommodated in the pavilion I, they take showers in the bathroom some 50 meters away from the very pavilion. Inadequate in terms of size and number of showers, the bathroom can hardly satisfy the needs of personal hygiene of such large population. Seventeen showers are available to groups of 150 prisoners. There are no screens or other partitions able to secure privacy.

The pavilion II accommodates 120 prisoners. The admission department, the so-called intensified supervision unit (ISU) and solitaries are located in this pavilion. Conditions of life in it are by far better than in other pavilions. Rooms are freshly painted, have plenty of fresh air and natural light, and accommodate two prisoners each. Each room has a washbasin and a toilet. Bedclothes are clean and regularly changed. Pictures and photos hang on the walls. Bathrooms are located in halls. They are presently under reconstruction.

Separate premises are set aside as living rooms. Here, prisoners may watch TV and make themselves coffee or sandwiches throughout a day. Living rooms are locked during sleeping hours.

Though the ISU accommodates problematic prisoners under high-security regime, placement in this unit, in the team's view, figures as a privilege when compared with conditions of life in the pavilion I.

¹⁰ February 28, 2003.

Moreover, they are even more privileged if one bears in mind the accommodation provided to their inmates in similar units of the Pozarevac-Zabela or Nis penitentiary-reformatories.¹¹

Solitary cells are of appropriate size and allow in entrance of natural light and fresh air. They are freshly painted and fully furnished. However, artificial light is inappropriate.

B) KITCHEN, MASS HALL AND FOOD

Though the kitchen and mass hall should have been reconstructed a year ago, the works are still underway. Therefore, premises that have been just partially adapted serve the purpose. It goes without saying such half-finished premises hardly enable maintenance of minimal hygiene. Given that central heating system has not been installed so far, the premises are heated by electric heaters which, in the team's view, cannot secure adequate room temperature.

A prison doctor controls the food and hygiene. However, he is not obliged to submit relevant reports.

Assisted by trained prisoners, a professional cook prepares meals in keeping with weekly menus. According to the cook, meats and vegetables are served daily, milk twice a week and yoghurt once a week. Except in summertime when fruits from the prison's orchard are available, fresh fruits are served during holidays only.

Special diets are prepared whenever prescribed by the prison doctor. .

Some interviewed prisoners did not complain of the food, while others said its quality was poor and meals were uniform. According to the latter, the food could be by far better since the prison breeds cattle and has agricultural resources of its own.

The canteen located in the pavilion I is generally poorly stocked.

The same as in other prisons, family packages figure as additional sources of nourishment.

C) MEDICAL SERVICE

The prison's medical service occupies a separate building. Apart from the rooms where medical examinations are conducted, there is an in-patient ward with double-bed rooms.

All in all, the in-patient ward can accommodate 33 patients. Seven patients are presently placed there for treatment.

The medical service employs one doctor – a specialist in blood transfusion – one stomatologist and 13 medical attendants. A vacancy for yet another doctor was announced long ago, but no candidate has applied up to now. Specialists in internal medicine, surgery, orthopedics, neuropsychiatry, etc. from the local medical center visit the prison at least once a week.

One prisoner accommodated in this building is in charge of overall hygiene. All rooms are clean and in relatively good shape. The same refers to toilets and bathrooms.

Because of deficient medical equipment, only simple diagnostic and therapeutic treatments can be providing to prisoners in the out-patient ward that is visibly clean and tidy. The same refers to the biochemical lab. As referred to in the paragraphs above, in spite of the adequate capacity of the in-patient ward, only seven prisoners in such a large institution were hospitalized at the time of the team's visit. For instance, the team saw 70 hospitalized patients in the Pozarevac-Zabela Penitentiary-Reformatory though populations of the two prisons are about the same.

All prisoners are medically examined upon admission and have their medical files opened. Prisoners make appointments with a doctor through prison officers, but are not obliged to provide any explanation. A schedule of medical examinations to be conducted in every pavilion had to be developed due to the large prison population. However, emergencies are treated without delay. Medical attendants on duty call in the doctor in the event he is absent from the institution.

Prisoners are not medically examined in regular intervals.

Prisoners punished to solitary confinement are examined only on weekly basis. It is the doctor's duty to set in writing whether or not a prisoner is fit for such punishment.

¹¹ See, Section 3, Legality of Prison Regime

A specialist from a civilian hospital is engaged to provide psychiatric treatment. He visits the institution 2-3 times a week.

The prison provides just elementary dental services. Prisoners with serious dental troubles are sent to civilian hospitals.

There is no ambulance in the prison.

According to the medical service's register, 25,505 treatments were provided to prisoners in 2003 (out-patient ward - 11,819, examinations by specialists - 3,319, surgery - 5,866, laboratory - 799, dental ward - 1,633, investigating department - 2,069).

Medical examinations by specialists included those conducted by neuropsychiatrists (911), specialist in internal medicine (506), surgeons (222) and roentgenologists (355).

Fifty patients were hospitalized in other institutions (40 in the Belgrade Penitentiary-Hospital, 5 in the Institute for Cardiology in Sremska Mitrovica, and 5 in various medical centers in Belgrade). Forty-nine prisoners received treatment in the Sremska Mitrovica Medical Center. There were 1,595 laboratory tests. The number of days patients spent in the in-patient ward totaled 3,831.

No cases of in-prisoner violence resulting in injuries were registered in 2003. This piece of information is rather curious since, on the other hand, there were over 100 fights between prisoners in the same period. As for industrial injuries, 3 serious and 5 light injuries were registered in 2003.

According to the register, not a single rape or sexual harassment took place. The same refers to suicides or attempted suicides. There were 10 cases of self-mutilation.

Four prisoners died natural deaths over the past year. Two prisoners were diagnosed as HIV positive, and another two as suffering from tuberculosis.

No medical officer breached orders in the same period or was charged for malpractice.

Prisoners are entitled to consult the contents of their medical files. This information is communicated to their families and lawyers. Prisoners are free to refuse treatment or any other medical intervention. Medical examinations are conducted out of the sight and out of the hearing of prison officers and other prisoners.

Information of transmittable diseases is not imparted to prisoner and members of the staff. The prison personnel have not been trained to recognize indications of suicidal risk. However, if a prisoner is identified as a suicidal risk, he is kept under special observation scheme.

Signs of violence are registered in the injured prisoner's medical file, but not entered in a special register. When a prisoner complains of physical harassment and bears visible signs of violence, his injuries are duly registered and the prison administration is informed about the incident.

Since it lacks properly qualified officers, the medical service is not included in socio-therapeutic programs for prisoners with traumatic experience and drug addicts.

However, the medical service is consulted whenever an alternative solution should be found for a prisoner unsuited for continued detention due to the nature of his illness or old age.

The prison administration supervises the medical service and allocates funds to it. It also assesses the quality of medical services provided to prisoners.

The medical staff has not been trained in prison pathology.

The interviewed prisoners mostly complained that the doctor is not available at all times, i.e. that they had to wait to be medically examined. They also complained of deficient medicaments and other medical supplies they often had to procure at their own expense.

II

Incompatibilities with or Departures from the Law on Execution of Criminal Sanctions (LECS), the House Rules in Closed and Strictly Closed 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)

- In a number of countries visited by the CPT, particularly in central and eastern Europe, inmate accommodation often consists of large capacity dormitories, which contain all or most of the facilities used by prisoners on a daily basis, such as sleeping and living areas as well as sanitary facilities. The CPT has objections to the very principle of such accommodation arrangements in closed prisons and those objections

are reinforced when, as is frequently the case, the dormitories in question are found to hold prisoners under extremely cramped and insalubrious conditions. No doubt, various factors – including those of a cultural nature – can make it preferable in certain countries to provide multi-occupancy accommodation for prisoners rather than individual cells. However, there is little to be said in favor of – and a lot to be said against – arrangements under which tens of prisoners live and sleep together in the same dormitory.

With such accommodation, the appropriate allocation of individual prisoners, based on a case by case risk and needs assessments, also becomes and almost impossible exercise. All these problems are exacerbated when the numbers held go beyond a reasonable occupancy level; further, in such situations the excessive burden on communal facilities such as washbasins or lavatories and the insufficient ventilation for so many persons will often lead to deplorable conditions. (Para.29, CPT Standards, CPT/Info (2001)16);

- Prisoners do not have access to a doctor at any time – the doctor is not present on prison premises in afternoons, at night or on weekends, holidays included. (Para,34 and 35, 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);

- The prison staff has not been trained in recognizing indications of suicidal risk and does not possess specialist knowledge in prison pathology. (Para 58, 75 and 77, CPT Standards, CPT/Info (93)12);

- Signs of violence are not fully recorded and periodic statistics concerning injuries observed for the attention of prison management are not compiled. (Para 60-62, CPT Standards, CPT/Info (93)12);

- Socio-therapeutic programs for individuals who have a history of family trauma, longstanding drug addiction and conflicts with authority are not organized. (Para 68 and 69, CPT Standards, CPT/Info (93)12)

III

Recommendations

- The growingly pressing problem of overcrowding in the pavilion I should be urgently solved; for this purpose, the pavilions that were destroyed in the prison riot should be renovated/reconstructed;

- Toilets in the pavilion I should be renovated;

- Additional showers should be installed in bathrooms located in the pavilion I;

- Renovation of the prison kitchen and mass hall should be promptly finalized;

- The prison canteen should be better supplied;

- One doctor at least should be recruited in the medical service;

- The doctor should be available at all times and medical examinations of all prisoners should be conducted in regular one-year intervals;

- An ambulance should be procured for the prison;

- Information about transmittable diseases should be circulated both to prisoners and to the staff;

- Injuries should be entered into a special register and periodic statistics related to injuries should be compiled and presented to the prison administration;

- Members of the medical service should be trained in recognizing indications of suicidal risk and in socio-therapeutic programs for unbalanced individuals, drug addicts, violent and suicidal persons.

Security

I

The level of external security is about the same as it was at the time of the team's last visit. Cameras with sensors installed on prison walls are still functional. Ever since they have been mounted no prisoner attempted to escape over the wall. In addition, ten security officers with automatic guns are posted along the wall.

The staff amounts to 234 officers out of 237 planned in the job classification.

Ninety-seven security officers work day and night shifts. The ratio between security officers and convicted/untried prisoners is 97:1,340 (at the time of the team's visit the institution accommodated 1,272 prisoners under sentence and about 70 awaiting trial).

The team asked the head of the service to provide it with the 6-month security statistics (a period within which no prisoner escaped). However, he offered for inspection the annual statistics, according to which 5 prisoners managed to escape and another 5 were removed from the institution in 2003. Out of five escaped prisoners, one untried prisoner was "hijacked" in an organized action while transported from Sremska Mitrovica to Belgrade, while another detainee managed to escape from a courtroom.

Following the "hijack" incident, the prison administration decided to form the so-called conveyance service within the security service. The deputy head of the service, however, takes that rearrangement as such hardly lessens the risk implied in transportation. This is the more so, since, as he put it, the prison has only two operable police vans in which prisoners are transported. In his opinion, such large capacity institution organizing a number of daily transports should be equipped with more police vans and one ambulance at least.

On the other hand, records for the year 2003 show that the internal security deteriorated when compared with 2002. In 2003, 104 cases of inter-prisoner violence such as fights, skirmishes or harassments were registered (62 in 2002), as well as 26 physical or verbal assaults at prison officers (3 in 2002). Any analysis of such data should take into account that the number of prisoners has considerably grown since 2002 and that prisoners' aggressiveness may be ascribed to overcrowding that adversely affects the overall quality of life in the institution.

The number of prisoners against whom disciplinary measure had to be taken also grew in 2003. Such cases (78) mostly had to deal with illegal procurement of mobile phones and psychoactive substances (51 in 2002) and figure as the biggest problem the prison administration and security officers have to cope with. Thanks to frequent searches and services provided by "informers" such illegal activities have been somewhat reduced. However, given that the security service is short-handed when compared with the number of prisoners, more and more of whom are dependent on psychoactive substances, it is hardly possible to detect and prevent all illegal activities by prisoners.

According to the prison administration, progress has been made in terms of suppressing the activity of prison gangs, a longstanding problem of this and other big institutions. The interviewed prisoners confirmed this piece of information. Small gangs fighting for supremacy emerge from time to time, they say, but are no longer as strong and influential as they used to be.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Ensuring positive staff-inmate relations will also depend greatly on having adequate number of staff present at any given time in detention areas and in facilities used by prisoners for activities. An overall low staff complement and/or specific staff attendance systems, which diminish the possibility of direct contact with prisoners, will certainly impede the development of positive relations; more generally, they will generate an insecure environment for both staff and prisoners. (Para 26, CPT Standards, CPT/Info (2001)16);

- Large-capacity dormitories inevitably imply a lack of privacy for prisoners in their everyday lives. Moreover, the risk of intimidation and violence is high. Such accommodation arrangements are prone to foster the development of offender subcultures and to facilitate the maintenance of the cohesion of criminal organizations. They can also render proper staff control extremely difficult, if not impossible; more specifically, in case of prison disturbances, outside interventions involving the use of considerable force are difficult to avoid. With such accommodation, the appropriate allocation of individual prisoners, based on a case by case risk and needs assessment, also becomes an almost impossible exercise. All these problems are exacerbated when the numbers held go beyond a reasonable occupancy level. (Para 29, CPT Standards, CPT/Info (2001)16);

- The duty of care which is owed by custodial staff to those in their charge includes the responsibility to protect them from other inmates who wish to cause them harm.

Tackling the phenomenon of inter-prisoner violence requires that prison staff be placed in a position, including in terms of staffing levels, to exercise their authority and their supervisory tasks in an appropriate manner. Prison staff must be alert to signs of trouble and be both resolved and properly trained to intervene when necessary. The existence of positive relations between staff and prisoners, based on the notions of secure custody and care, is a decisive factor in this context. This will depend in large measure on staff possessing appropriate interpersonal communication skills.

In addition, the prison system needs to address the issue of the appropriate classification and distribution of prisoners. (Para 27, CPT Standards, CPT/Info (2001)16)

III

Recommendations

- In the team's view, turning of the destroyed pavilions into functional accommodation facilities would help to reduce the overcrowding in the pavilion I and thus improve the internal security. At the same time, this would foster appropriate allocation of individual prisoners, based on a case by case risk and needs assessment.

Legality of Prison Regime

I

Prisoners are informed of the house rules during their stay in the admission department. Once they leave it, however, the house rules are not available to them at all times as there are not enough copies to be distributed to all rooms. According to the prison administration, copies of house rules are distributed from time to time, but prisoners destroy, mislay or steal copies.

The house rules have not been translated into another language though this is the only prison that caters foreign nationals. Presently, 25 Rumanians, 21 Bulgarians, 20 Serbs from Republika Srpska, 17 Croats, 15 Bosniaks and few of other foreign nationals are allocated to this institution. Foreign nationals whose mother tongue is not Serbian, Croatian or Bosnian, explained the prison administration, are mostly informed of the house rules by some bilingual foreign national who acts as an interpreter. Further, if a foreign national wants to lodge a complaint, a Serbian-speaking prisoner will have to write it for him.

It is still unclear why some prisoners are placed in the pavilion II serving as the so-called intensified supervision unit (ISU). The issue will remain blurred as long as there is no regulation defining ISU and the treatment regime in such a unit. For instance, there is a notable disproportion between treatment regimes in such units in this institution and in the Pozarevac-Zabela Penitentiary-Reformatory. Namely, in all other prisons the team has visited prisoners are placed in ISU for punishment and conditions of their life are worse than those of the rest of prison populations. On the other hand, placement in the pavilion II (ISU) implies by far better conditions of life than those enjoyed by prisoners in other pavilions in the closed section.

According to the prison statistics for the past six months, 160 prisoners were punished by solitary confinement, 6 were reprimanded and one was deprived of benefits. Not a single punished prisoner filed a complaint.¹² In the same period, instruments of restraint were used on 5 occasions. There were no cases of excessive use of force and no prisoner filed a complaint against a prison officer for misconduct.

Criminal charges were pressed against three prisoners who had either physically assaulted prison officers or had trafficked psychoactive substances.

When asked whether privileges were granted and disciplinary measures taken in a fair manner, some prisoners replied, "It depends on a person concerned." Other interviewees made no bones that certain inmates enjoyed privileged statuses.

The prison staff denied that the problem of corruption was a major one. They called individual cases of corruption – some of which were brought to light and offenders were subject to disciplinary

¹² See, Pozarevac-Zabela Penitentiary-Reformatory, Section III – Legality of Prison Regime.

proceedings – incidents of no particular significance. On the other hand, some interviewed prisoners were definite when it came to the presence of corruption in the institution. According to them, security officers are mostly prone to corruption, which can hardly be kept under control in such a large institution. The very fact that in 2003 78 disciplinary proceedings were instituted against prisoners who had used smuggled mobile phones may partially support their thesis about corrupted officers.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Copies of the LECS and the House Rules should be available a prisoner throughout his detention. (Articles 15.3 and 2, House Rules);
- The protection of the individual rights of prisoners with special regard to the legality of the execution of detention measures shall be secured by means of a control carried out, according to national rules, by a judicial authority or other duly constituted body authorized to visit the prisoners and not belonging to the prison administration. (Para 5, EZP);
- 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 and appropriate authority. (Para 54, CPT Standards, CPT/Info (92)3)

III

Recommendations

- There should be enough copies of the House Rules so as to make them available to prisoners at all times;
- At least 10 copies of the House Rules and 5 copies of the LECS should be available to prisoners in the prison library;
- The House Rules should be translated into Rumanian and Bulgarian, since persons coming from these countries make the majority of foreign nationals detained in the institution;
- Either by passing a new LECS or amending the existing one, along with relevant by-laws, disciplinary and grievance procedures should be changed so as to guarantee efficiency and fairness.

Social Resettlement

I

The training and employment service organizes prison work and vocation training within two economic communities – one dealing in agriculture and another in manufacture. Both communities, said the prison administration, are rather successful business organizations and it is thanks to the profit they make that the prison manages to pay back enormous debts from 2000.

Prisoners are allocated jobs on the grounds of their vocations in the outside community. Most of them take that administration pays due respect to their preferences and personal affinity for a job. However, the management cannot secure jobs for all prisoners capable of working because of outdated technology and the lack of funds necessary for the purchase of raw materials that would boost production and thus open vistas for higher employment rate in the prison.

Prisoners in the closed section who amount to two-thirds of total population are mostly unengaged in prison labor. Over 90 percent of prisoners from open and semi-open sections are employed, the more so since the very nature of their jobs implies more liberal treatment. Prisoners themselves are interested in prison work. By filling their time, it makes imprisonment easier and, besides, gains them benefits for good conduct and industriousness, said the interviewed prisoners.

The prison administration is in charge of prison work. Prisoners work 8 hours daily, i.e. 40 hours monthly. Weekends are free. Overtime is facultative. According to the prison administration, prisoners monthly wages range from 1,000 (15 EURO) to 4,000 (60 EURO) dinars. Such wages are higher than those paid to prisoners in other visited institutions.

Conditions of work and preventive measures against industrious injuries are inadequate.

The situation of the reeducation service is about the same as it was at the team's last visit. The only progress made since is that the service has recruited another seven competent staffers with university degrees.

However, even with extra hands the service cannot meet the needs of such large prison population.

In its previous report, the team pinpointed the prison's unique practice when it comes to prisoners' classification. The very procedure whereby prisoners are classified by a team composed of the most experienced educator, heads of reeducation, security and training and employments services, and a medical officer has been even improved through valuable additions to the team (psychologists and special psychologists).

Risk assessment, state of health, profession in the outside community and personality figure as main criteria for a prisoner's classification. The prisoner's classification, i.e. treatment program, determines the educational groups, pavilion and workplace to which he is assigned, as well as his recreational activities. Competent officers, mostly from the reeducation service, are in charge of reclassification procedures, undertaken once in three months.

All aspects of a prisoner's behavior, assessed by educators, superintendent and trade instructors, are taken into consideration when it comes to a prisoner's reclassification. The team – composed of the same experts engaged in classification – talks over and evaluates each reclassification proposal. It is only after such systematic and multidisciplinary evaluation that the prison director decides on a prisoner's reclassification. All instances of the reclassification procedure are entered into individual records.

Some interviewed prisoners believe that classification and reclassification of certain inmates is not exclusively based on these formal criteria.

Prisoners are still given individual treatment programs only. Other treatment programs cannot be conducted due to inappropriate number of qualified officers, according to educators. However, they pinpoint the need to provide special treatment programs for specific categories of prisoners, drug addicts in the first place.

As educators put it, apart from daily communication, they hold individual meetings with prisoners once in three months on average. In spite of the administration's good will and engagement of maximal number of educators, the size of the prison population hinders quality work. Overcrowding not only adversely affects prisoners, but also educators (three educators have to share the same office).

The facility that used to be a school once still serves not the purpose. According to staff members, recruitment of teachers poses a problem, while prisoners themselves are rather disinterested in schooling. Though this may be an excuse of sorts, the team takes that the problem of prisoners' education should be solved at governmental level.

An administrative officer is in charge of recreational and cultural activities. Actually, only sport activities are organized three times a week. In order to get more prisoners engaged in prison work, but also due to the lack of appropriate premises (the prison has no cultural center in the true sense of the term) carving and painting groups have been turned into business communities employing talented prisoners or those who worked as professional artists in the outside community. Though a solution as such is good in terms of employment, it should not be detrimental to purposeful and organized recreational activities available to all prisoners. Because of insufficient funds, the prison had to stop publishing an in-house magazine. On the other hand, prisoners are highly motivated to have it restarted and participate in its editing.

The prison library – available to prisoners and staff alike – is located in the facility that was once used for a school. According to the prisoners who regularly go to the library, it is moderately stocked. However, they are very pleased that some 100 new titles were added over the past year.

A small quantity of books in foreign languages is available to foreign nationals detained in the institution.

During its previous visit, the team noted that conditions, arrangements and premises for religious observance were more than adequate. Apart from religious ceremonies organized for the prisoners professing

Serbian Eastern Orthodoxy and pastoral visits, the prison provides religious instruction. The deputy prison director acts as an instructor. Prisoners manifest considerable interest in such courses.

Catholic prisoners may see a priest on their request. Presently, only one prisoner is a Muslim. So far he has not asked to see an imam.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Prisoners capable of prison work have the right and duty to work. (Article 76.1, LECS);
- Prisoners should be given the opportunity to maintain their physical and mental health, to get elementary and secondary education, to be engaged in prison work and other purposeful activities. (Para 69, 71, 77 and 82, EPR; Para 47, CPT Standards, CPT/Info (92) 3);
- It should be aimed at ensuring that overcrowding in closed prisons does not impede individualized treatment programs. (Para 46, CPT Standards, CPT/Info (92) 3; Para 66, EPR)

III

Recommendations

- All possibilities should be considered with a view to organizing smaller educational groups and thus ensuring better reeducation opportunities for prisoners;
- All authorized bodies should be contacted so as to secure funds necessary for production; this will, in return, open vistas for higher employment rate in the closed section;
- The issue of prisoners' schooling and vocational training should be raised at governmental level;
- The existing classification and reclassification procedures – implying an systematic, interdisciplinary and objective approach – should be pursued; it goes without saying that such procedures reduce the possibility of misconduct;
- Due attention should be paid to recreational activities with a view to preventing prisoners' negative behavior and idleness;
- The prison administration should endeavor to make the entire personnel aware of the crucial role of the reeducation service in the process of prisoners' social rehabilitation.

Contact with the Outside World

I

Four phone booths are available to prisoners accommodated in the closed section. Rules dealing with this type of communication were more flexible before the state of emergency. Ever since, prisoners are allowed to make three 10-minute calls monthly and speak only to persons (relatives) they themselves have put on a list. Phone calls are made in the presence of educators. Used to less restrictive rules, the interviewed prisoners complain of current practice, while those placed in the pavilion I are additionally dissatisfied with having to wait long to make a phone call.

Prisoners' correspondence is censored in exceptional cases only.

Most prisoners receive visits the frequency and duration of which depend on individual treatment programs. Visitors are received in a hall furnished with 25 tables, air-conditioning system and a buffet.

Seven rooms of a hotel owned by the prison are available for spousal visits. Prisoners did not complain of this aspect of the contact with the outside world.

Prisoners may see their lawyers whenever they require such meetings. Lawyers are received in a newly renovated room. However, no arrangements have been made for confidentiality of meetings.

According to the information obtained from prison staff, foreign nationals detained in the institution face difficulties whenever they attempt to contact authorized representatives of their countries. This is not to

be ascribed to their inefficiency or indolence but to disinterestedness of the authorized institutions (embassies) these prisoners address, explained the interviewed members of the staff. This primarily refers to Rumanian nationals who make the majority (45).

As for prison leaves, they are recommended by educators and approved by the prison director. The number of radio and TV sets is adequate. Only prisoners who have subscribed to daily papers regularly receive their copies. Copies of dailies and magazines procured by the prison are insufficient to meet the needs of such large population. Cooperation with social care centers and other relevant agencies is poorly developed. These authorities do not partake in the programs of prisoners' social rehabilitation and are not engaged in after-care programs. Pre-release activities imply no special programs. As a rule, prior to release prisoners from the closed section are placed in the semi-open one.

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 vis-à-vis prisoners whose families live far way (thereby rendering regular visits impracticable). For example, such prisoners could be allowed to accumulate visiting time and/or be offered improved possibilities for telephone contacts with their families. (Para 66, EPR; Para 51, CPT Standards, CPT/Info (92) 3);

- Negative effects of institutionalization upon prisoners serving long sentences will be less pronounced, and they will be better equipped for release, if they are able effectively to maintain contact with the outside world. Therefore, additional steps should be taken to lend meaning to their period of imprisonment; in particular, the provision of individualized custody plans and appropriate psycho-social support are important elements in assisting such prisoners to come to terms with their period of incarceration and, when the time comes, to prepare for release. (Para 33, CPT Standards, CPT/Info (2001)16);

- The approved representatives of the social agencies or services should be afforded all necessary access to the institution and to prisoners with a view to making a full contribution to the preparation for release and after-care program of the prisoner. (Para 89.3, EPR)

III

Recommendations

- All possibilities for prisoners' gradual return to life in society should be considered. This aim may be achieved by a 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;

- Prison staff and personnel of social care centers should be encouraged to closely cooperate – through both direct and indirect treatment programs – and thus, so far as possible, enhance prisoners' prospects for social resettlement after release;

- An atmosphere resembling as close as possible that in the outside community should be created;

- Prisoners should be given the opportunity to have their say about the manner in which contacts with the outside world should be realized.

Institutional Personnel

I

The training and employment service engages 233 full-time officers, i.e. it is almost fully staffed. Thirty-five officers have academic degrees, 19 have graduated from higher schools, while the rest have finished secondary schools. Their vocations mostly have to do with metal works, machine engineering,

printing and carpentry. One instructor is in charge of 3-5 prisoners, even in the closed section. Practically, no one was able to provide explanation to the team's query about disproportion between such big staff and low employment rate in the prison.

The interviewed members of the service said they were satisfied with their jobs, the prison administration's efficiency and cooperation with other services. They take the administration treats their service appropriately. Team meetings are held on a daily basis, while those at the level of the entire institution are organized once a week. Most interviewees take their job rather stressful but do not fear that prisoners might attack them. They mostly complained of small job opportunities and outdated technology. State-of-the-art technology would boost production, they say, and open vistas for market competitiveness.

Though most are dissatisfied with their paychecks, they would not look for another job.

Over the past six months six disciplinary proceedings have been instituted against 6 members of the training and employment staff – four officers were charged with negligence, one with corruption and another with disrespect for working hours. All disciplinary proceedings are still underway.

There are more reeducation officers (29) than envisaged in the service's job classification (24). However, the ratio between educators and prisoners is smaller than in other services.

Four officers have finished higher schools and 24 of them are university graduates. Apart from the head of the admission department (a special pedagogue), another 3 educators are assigned to this department, making up an interdisciplinary team tasked with psychological testing and observation. Eight educators are in charge of open and semi-open sections (accommodating about 400 prisoners), while 10 educators work in the closed section (accommodating around 800 prisoners). Three administrative officers included in the staff are in charge of conditional releases and amnesties, recreational activities and training and employment arrangements. By the nature of their jobs, other members of the staff do not communicate with prisoners.

The prison administration itself has made no arrangements to enable members of the staff to attend courses of training in specific reeducation methods and techniques. On the other hand, their interest in gaining new knowledge and following contemporary trends in this domain is more than evident. Some members of the staff attended courses of trainer trainings organized by the OSCE. Some interviewees reminded that the service had taken the initiative and put forth that representatives of all institutions should meet together so as to raise the question of remedial education at national level. However, the Central Prison Administration has not responded to their initiative up to now.

Over the past six months, no member of the staff gave notice. Disciplinary proceedings have been instituted against one officer for serious breach of orders (erroneous risk assessment related to the transfer of prisoners) and another for having written down wrong address of the prisoner granted a leave. Both officers were punished with 20-percent cuts in their salaries over the period of 3 months and 1 month respectively.

All members of the staff take their job as highly stressful. On the other hand none of them has ever been assaulted by a prisoner. They are entitled to shorted length of service. Though they receive their paychecks at regular intervals, they take their salaries as inappropriate. Overtime is duly remunerated.

The security service presently totals 234 officers (including 7 who are on sick leaves) out of 237 planned in the job classification. Two officers are university graduates, five have finished higher schools and the rest secondary schools. Since the head of the service was vacationing at the time of the team's visit, the team talked over the service's functioning with his deputy. The deputy has been working for 20 years in this institution.

Thirteen disciplinary proceedings for serious breaches of orders have been instituted over the past year. They mostly relate to officers' failures to meet requirements of their duties and negligent work. No disciplinary proceedings have been instituted for excessive use of force against prisoners.

Four officers were fined and one was fired. The prison administration had even filed a criminal complaint against this officer for misconduct but the court dropped such charges. Other disciplinary proceedings are still underway. Two officers have been suspended till relevant decisions are made.

Generally speaking, the deputy is satisfied with the service's functioning. "The prison administration appreciates our service as it bears in mind the complexity of the institution's security aspect," he said. According to him, relevant authorities could foster the service's functioning by providing it with one new conveyance and modern equipment for officers.

Members of the security service have also attended the courses of trainer trainings organized by the OSCE. Though welcome, such courses do not fully meet the service's needs as its shortcomings are to be tracked down in non-existent elementary training, they said.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- 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 necessary.

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 55.1 and 55.2, EPR);

- The administration should 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)

III

Recommendations

- The number of and the ratio between officers of various services should be reconsidered with a view to adjusting their roles and the institution's needs to the purpose of imprisonment;

- The Central Prison Administration should support the institution's initiative aimed at improving cooperation between prisons and raising the level of personnel's education;

- The personnel should be trained in dealing with special categories of prisoners or experts should be engaged for this purpose;

- Conditions of work and life of the entire personnel should be improved through raises and other employment benefits for those who perform their duties in conscientious and law-abiding manner.

NOVI SAD DISTRICT PRISON

Date of the visit: March 25, 2004

Type of institution: semi-open

Population: men and women/adults and juveniles

Number of sentenced prisoners: 161

Number of untried prisoners: 180

Composition of the visiting team: two jurists, a pathologist and a special pedagogue

Note: *As provided by law, the team was allowed to interview the institutional personnel and prisoners under sentence; interviews with prisoners awaiting trial are prohibited.*

Quality and Conditions of Life

I

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

Overall quality and conditions of life in the Novi Sad District Prison are about the same as they were in November 2002 when the team visited this institution.¹³ Manifestly, the prison administration endeavors to maintain these conditions at high level. For instance, the entire prison is freshly painted each spring.

In the team's view, only conditions of life in the section accommodating untried prisoners have deteriorated. Since November 2002 the number of untried prisoners has grown for some 60 percent. Therefore, as many as 15 prisoners are now sharing the same room. Bearing in mind both domestic and international standards (a minimum of 8 cubic meters per person) such dormitories are inadequate for so many people. However, overcrowding has not affected the level of general hygiene.

Furniture and bedclothes look clean and tidy, unlike bathrooms and sanitary installations that call for repair.

The fact that the prison had to cater for more untried prisoners than it was designed for, adversely affected their exercise in fresh air. According to the prison administration, the exercise in fresh air had to be reduced to 15-20 minutes for security reasons.

Untried prisoners spend all the time in their rooms. The same problem plagues all district prisons the team has visited up to know – with a view to “protecting investigation procedures” untried prisoners are kept inside almost round the clock. No arrangements for prison work or other purposeful activity are made for prisoners awaiting trial.

Only beds and toilets are to be found in two solitary cells.

Prisoners sentenced for crime and those imprisoned for misdemeanor share rooms. Several rooms that are physically separated and equipped with lavatories and showers of their own accommodate prisoners engaged in kitchen. These persons are medically examined at regular intervals and are subject to special sanitary regime. Asked why untried prisoners have not been accommodated in this section, the prison administration replied it were prisoners with special sanitary regimes who should be isolated from the rest of prison population. Though aware that the law provides that persons under sentence for misdemeanor shall be separated from convicted criminals, the prison administration uses overcrowding as a pretext for inappropriate arrangements it made.

¹³ See, «How To Attain European Standard: The Situation of Serbian Prisons 2002-2003,» p. 226, the Helsinki Committee for Human Rights in Serbia, Belgrade, 2003.

B) KITCHEN, MASS HALL AND FOOD

The prison's kitchen and mass hall are kept clean and tidy. Assisted by prisoners assigned to kitchen, a professional cook prepares the food. A special diet is prepared for diabetics. Weekly menus are planned by the cook and approved by the prison director.

A qualified nurse controls the food on daily basis, while a medical doctor just occasionally. Relevant monthly reports are submitted to the prison administration. No irregularities were registered in the last report.

According to prisoners, milk and milk products are never on menus. Fresh fruits are served to them in summertime only.

Unlike on previous occasion, prisoners now complained of meager meals. They should be given substantial meals, as they put it, to keep them fit for work.

There is no canteen in the section housing untried prisoners. On the other hand, the canteen in the section accommodating prisoners under sentence is well-stocked.

C) MEDICAL SERVICE

The prison's medical service makes a part of the reeducation service. It actually employs only one full-time nurse, which is in keeping with the relevant job classification. A medical doctor visits the institution on daily basis. A stomatologists comes twice a week, while a psychiatrist is on duty Saturdays only. All of them are engaged under contracts.

An out-patient ward, a surgery and a fully equipped dental ward are at the disposal of the medical service. The equipment available in clean and tidy premises enables provision of general medical services. According to the nurse, the service mostly needs a modern ECG, an oxygen bottle and orthopedic aids (crutches).

In 2003, 2,333 medical examinations were conducted, along the 781 dental interventions. Further, 119 prisoners were sent to civilian hospitals to be examined by specialists. The visiting psychiatrist conducts some 10 examinations weekly.

Ten prisoners suffer from hepatitis C, 5 are diabetics, some 30 have cardiac disease and one has tuberculosis. Presently, four prisoners are hospitalized in the Belgrade Penitentiary-Hospital.

The staff evaluates that around 50 percent of the prison population is dependent on psychoactive substances.

Five severe injuries and one light, occupational injury were registered in 2003. There was one suicide attempt. One prisoner died a natural death.

All prisoners are medically examined upon admission and relevant conclusions are entered into their medical records. In order to make an appointment with a doctor, a prisoner has to apply to the warden but needs not to explain his health troubles.

Since the medical service does not work round the clock the nurse and a doctor must be called in should there be an emergency.

Dental services provided to prisoners include surgeries and other complex interventions, rather than teeth extractions only.

As the prison has no in-patient ward, prisoners are mostly hospitalized in the Novi Sad Clinical Center where 3 rooms with 8 beds have been set aside for this purpose. Security officers guard hospitalized prisoners. However, whenever a prisoner is not seriously ill he is ordered to lie down in his room and is spared from prison work. According to the nurse, the prison pharmacy is relatively well-stocked and regularly supervised. Biochemical tests are performed in civilian hospitals.

Prisoners have the right to consult the contents of their medical record. This information is communicated to their families and lawyers on request. Any medical treatment necessitates a prisoner's consent. Prisoners are entitled to refuse it.

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

The doctor is obliged to put in writing whether or not a prisoner punished by solitary confinement is fit for such disciplinary measure.

The nurse examines prisoners placed in solitary confinement on daily basis, while the doctor visits them from time to time.

Information about transmittable diseases such as hepatitis or AIDS is not circulated either to patients or to the staff. Whenever indications of suicidal risk are recognized, security officers keep such prisoners under a special observation scheme and they are examined by a psychiatrist.

Signs of violence are systematically recorded but are not entered into a special register. A prisoner may inspect the contents of such files only upon request from a relevant court.

The doctor partakes in drawing reports to be submitted to the authorized bodies whenever it is necessary to find an alternative solution for a prisoner unsuited for continued detention because of the nature of his illness or old age.

The head of the reeducation service controls the manner in which the nurse carries out her duties. The prison administration evaluates the quality of services provided by the medical staff.

The doctor and the nurse have not been trained in prison pathology.

No disciplinary or criminal proceedings have been instituted against medical officers.

According to the interviewed prisoners, situations when first aid should be provided and no medical officer is present on prison premises (afternoons, at night or on weekends) figure as the biggest problem. This is when security officers have to make relevant decisions.

II

Incompatibilities with or Departures from the Law on Execution of Criminal Sanctions (LECS), the House Rules in Detention Facilities (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)

- Some dormitories accommodating untried prisoners are overcrowded. (Article 58, Para 1, LECS and Article 14, Para 1, House Rules; Para 46 and 50, CPT Standards CPT-a, CPT/Info (92)3; Para 13, CPT Standards, CPT/Info (97)10; Para 28 and 29, CPT Standards, CPT/Info (2001)16);

- Lavatories, showers and sanitary installations shall be properly maintained and kept clean at all times. (Para 17 and 20, EPR; Para 49 and 50, CPT Standards, CPT/Info (92)3; Para 13.2, CPT Standards, CPT/Info (97) 10);

- Imprisonment is by the deprivation of liberty a punishment in itself. The conditions of imprisonment and prison regimes should not, therefore, aggravate the suffering inherent in this. The CPT considers that persons in remand establishments should be able to spend 8 hours or more outside their cells, engaged in purposeful activity of a varied nature. Regimes in establishments for sentenced prisoners should be even more favorable. (Para 64, EPR; Para 47, CPT Standards, CPT/Info (92) 3);

- Meals prepared for prisoners do not include milk, milk products and fresh fruits. The food does not satisfy in quantity the nature of prisoners' work. (Para 25, EPR);

- Persons sentenced for misdemeanor are accommodated together with persons sentenced for crime. (Article 290, Para 1, LECS; Para 11 and 12, EPR);

- Medical officers are not present on prison premises in afternoons, at night or on weekends and holidays. (Para 35, CPT Standards, CPT/Info (93)12);

- Conditions of medical treatment and nursing care comparable to those enjoyed by patients in the outside community are inadequate. (Para 38, CPT Standards, CPT/Info (93)12);

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

- Injuries are not evidenced in a special register and no periodic statistics concerning injuries are compiled for the attention of the prison administration. (Para 60-62, CPT Standards, CPT/Info (93)12);

- Medical work and available resources are managed by the prison administration, i.e. the Ministry of Justice. (Para 71-72, CPT Standards, CPT/Info (93)12);

- Medical officer do not possess specialist knowledge enabling them to deal with particular forms of prison pathology. (Par 75 and 77, CPT Standards, CPT/Info (93)12);

III Recommendations

- The Ministry of Justice should urgently cope with overcrowding in the prison;
- Lavatories and bathrooms should be kept clean at all times;
- Arrangements should be made for untried prisoners to spend two hours at least in fresh air;
- Prison work or some other kind of purposeful activity to be pursued outside dormitories should be organized for untried prisoners willing to accept such arrangements;
- Arrangements should be made for separation of prisoners sentenced for misdemeanor and those under sentence for crime;
- Prisoners should be provided substantial meals that should include milk, milk products and fresh fruits;
- Medical service should be fully staffed so as to make it possible for competent personnel to be present on prison premises at all times;
- In-patient treatment should be provided to prisoners within the prison compound;
- Medical officers should be trained in prison pathology;
- Prison personnel should be trained in recognizing indications of suicidal risk;
- Information about transmittable diseases should be circulated both to prisoners and to the staff;
- Injuries observed should be evidenced in a special register and periodic reports should be compiled for the attention of the prison administration;

Security

I

The layout of the prison guarantees a high level of security. All pavilions accommodating untried and convicted prisoners are surrounded by high walls topped with barbed wire. Cameras with sensors are installed all over the prison compound. Windows are barred.

No prisoner escaped or tried to escape in the past year. Only one prisoner did not duly present himself after leave.

In 2003, an incident that took place in a courtroom of the Novi Sad District Court resulted from the security service's failure to perform its duties. Namely, a defendant who was not duly searched before transfer managed to smuggle in the courtroom a pointed toothbrush. He then attacked a collaborating witness with it during the trial.

After the incident the prison director was suspended, two security officers were disciplinary punished and the head of the security service was reassigned to a new post.

According to the prison staff, inadequate conveyances and poor communications figure as the biggest problem from security aspect. Two small and one somewhat bigger police vans are hardly sufficient for the number of daily transfers (up to 20 on some days) the prison has to organize.

Ever since the Saber operation when a number of arrested persons were allocated to the prison, the security service has been short-handed. Namely, the prison population grew for some 60 percent. The actual ratio between the security staff and prisoners is 37:360.

With a view to "solving" the problem security officers are on duty beyond normal schedule, said the acting head of the security service. It goes without saying that such arrangement cannot be a lasting solution.

Premises and prisoners are searched at regular intervals. Emergency searches are conducted whenever necessary.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- District prisons are categorized as semi-open institutions wherein security officers supervise movements of prisoners and figure as only obstacles to escape. (Articles 12 and 30, LECS);

III

Recommendations

- The job classification in the security service should be revised;
- Adequate conveyances should be provided to the prison;
- The security service should be equipped with new communications system;
- Security measures – in particular those restricting free movement - that intensify sense of deprivation and the suffering of both the prisoners sentenced for crime and those under sentence for misdemeanor should be alleviated or removed in keeping with current regulations and rules;

Legality of Prison Regime

I

Speaking about this dimension, the team takes it necessary to pinpoint three issues. Firstly, under the law a district prison is classified as a semi-open institution. The law provides that such institutions should not be surrounded by walls or have bared windows, and that security services should figure as the only obstacle to escape. Here law-makers had in mind that semi-open prison accommodate persons sentenced to up to one-year imprisonment. In terms of security, however, the Novi Sad District Prison equals a closed institution. All pavilions are surrounded by high walls topped with barbed wire two years ago when a prisoner attempted to escape. The prison director said he was fully aware of the provision regulating regimes in semi-open institutions. However, he added, since persons under long sentence (up to 15 years) are sent (contrary to law) to such prisons the existence of walls and barbed wire turns fully justified.

Secondly, persons sentenced for misdemeanor share rooms with those sentenced for crime. The prison administration's stance about this issue is elaborated in the section above dealing with conditions and quality of life.

Thirdly, untried prisoners are given irregular treatment. This issue is also detailed in the section referred to in the paragraph above.

The house rules are clear-cut and available to prisoners upon admission. The interviewed prisoners assessed the staff's conduct as impartial, and distribution of disciplinary measures or benefits as fair.

According to the prison administration, 47 disciplinary measures were taken against prisoners in the past year. Out of 18 punishments with solitary confinement, 17 were conditionally suspended. Eight prisoners were reprimanded and 21 were deprived of certain privileges.

Seven prisoners lodged complaints against disciplinary measures ruled to them. All these complaints were approved. The very fact that so many complaints were approved by the prison administration speaks that the grievance system – which is generally bad – functions better in this prison than in all other institutions visited by the team.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- District prisons are categorized as semi-open institutions wherein security officers supervise movements of prisoners and figure as only obstacles to escape. (Articles 12 and 30, LECS);

- Persons sentenced for misdemeanor are accommodated together with persons sentenced for crime. (Article 290, Para 1, LECS; Para 11 and 12, EPR);
- The prison should have separate sections to be used for management of different treatment regimes. (Para 13, EPR);
- The CPT considers that persons in remand establishments should be able to spend 8 hours or more outside their cells, engaged in purposeful activity of a varied nature. Regimes in establishments for sentenced prisoners should be even more favorable. (Para 64, EPR; Para 47, CPT Standards, CPT/Info (92) 3);

III

Recommendations

- Due attention should be paid to the requirements of different treatment regimes for prisoners with different judicial and legal situations;
- Prison work or some other kind of purposeful activity to be pursued outside dormitories should be organized for untried prisoners willing to accept such arrangements;
- Arrangements should be made for separation of prisoners sentenced for misdemeanor and those under sentence for crime;

Social Resettlement

I

Ever since the team's last visit, the prison administration has significantly improved the dimension labeled as social rehabilitation.

Firstly, a service tasked with prison work and prisoners' vocational training has been established. Presently, the ratio between prisoners and trade instructors amounts to 20:1. At the time of the team's last visit to the institution, one instructor was in charge of as many as 60 prisoners.

Secondly, prisoners have been given the opportunity to educate themselves while serving their time. The prison administration signed a contract with the St. Save Adult Education School. According to the contract, the prisoners who have undergone learning programs are entitled to diplomas asserting that they are qualified in certain trades. Presently, some 50 prisoners are included in these programs. As a number of prisoners are illiterate, literacy training programs are planned as of September 2004.

Prison work encompasses production of elements made of concrete and cardboard, agricultural production and chores (in kitchen, restaurant, canteen, etc.). According to prisoners and the staff alike, prisoners are maximally employed and motivated for prison work. Though technology is not exactly the state-of-the-art one, it is by far better than in other visited institutions. Some prisoners work outside the prison, mostly in local medical centers, police stations, court, etc.

Overtime is remunerated both to the staff and to prisoners. Extra leaves are often granted to the prisoners who excel at prison work.

Since November 2002, the number of employees included in the reeducation group (the prison has not formed a reeducation service by now) has grown, which contributed to the quality of reeducation process. The number of prisoners in each reeducation group has been reduced by 40 percent since the team's last visit. Prisoners communicate well with their educators and have positive attitude towards the latter's readiness to provide valuable advice aimed at solving various problems.

As referred to in the paragraphs above, prisoners under long sentence make up around 28 percent of prison population. Such prisoners require specific treatment regimes that would include both individual and group therapies. However, the staff has not been trained in providing such therapies. For instance, prisoners dependent on psychoactive substances – and there are more and more of such persons – undergo the same treatment programs as the rest.

The staff tasked with reeducation programs is also in charge of prisoners' admission and observation. A multidisciplinary approach is now used in prisoners' classification, as well as in determining their treatment programs, which is a considerable improvement for sure.

An adequately stocked library is available to prisoners. Prisoners have been more interested in reading and in participating in cultural events ever since, as they put it, "a new educator joined the team."

The prison administration plans to engage a competent officer who will be tasked with organizing sporting activities both for prisoners and the staff. The prison has sporting grounds, a table tennis hall and a gym with elementary equipment. Though the movie theater is inoperable for technical reasons, the area has been put to good use, according to the staff.

According to prisoners and the staff alike, a Serbian Orthodox church that has been built within the prison compound and regular religious service greatly alleviate prisoners' feeling of deprivation.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- In allocating prisoners to different institutions or regimes, due account should be taken of their judicial and legal situation (untried or convicted prisoners, first offender or habitual offender, short sentence or long sentence) of the special requirements of their treatment, of their medical needs, their sex and age. So far as possible separate institutions or separate sections of an institution shall be used to facilitate the management of different treatment regimes or the allocation of specific categories of prisoners. In addition, the prison system needs to address the issue of the appropriate classification and distribution of prisoners. (Para 11 and 13, EPR; Para 27 and 32, CPT Standards, CPT/Info (2001) 16);

III

Recommendations

- In close cooperation with the authorized bodies, arrangements should be made for accommodation of and prison regimes for prisoners under long sentence;
- The activities that encourage prisoners' motivation for schooling should be further pursued;
- The prison staff should be trained in dealing with specific categories of prisoners, drug addicts in particular, or experts should be engaged for the purpose;
- The practice of recruiting competent officers in charge of prisoners' reeducation should be maintained.

Contact with the Outside World

I

The interviewed prisoners did not complain of the manner in which they exercise their right to the contact with the outside community.

One phone booth located in the basement of the closed section and another on the first floor (open and semi-open section) are available to prisoners. The use of phone is not subject to any special arrangements.

Prisoners receive visits and communicate with their lawyers in keeping with law. Adequate premises are available for family visits and meetings with lawyers.

Since the team was not allowed to interview untried prisoners, information about the contact with the outside world was provided by a prison officer. Relevant judicial bodies have jurisdiction over all forms of untried prisoners' communication with the outside community. In other words, all letters or parcels have to be handed over to relevant judicial bodies before they are given to prisoners or dispatched. Security officers

inspect all parcels received and keep are records of their contents. According to the staff, no parcels or parts of them have been confiscated so far.

Both untried and convicted prisoners are regularly kept informed. The prison is supplied with daily papers. Each room accommodating untried prisoner has a TV set. Convicted prisoners may also watch TV – TV sets are available to them in living areas.

The prison's cooperation with relevant institutions is in keeping with law. In the staff's view, all forms of cooperation are correct.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- No major incompatibilities or departures have been noticed.

III

Recommendations

- The prison should maintain its good practice in terms of the contact with the outside world.

Institutional Personnel

I

The security service totaling 65 officers is fully staffed in terms of job classification. One officer has a university diploma, another has graduated from a higher school, while the rest have finished secondary schools.

The team interviewed the acting head of the service appointed after the Ministry of Justice reassigned the head of the service to another post. Apart from 65 full-time officers, 7 officers who used to work for the prisons in Kosovo help out the security service.

Disciplinary proceedings for serious breaches of order have been instituted against 3 security officers over the past six month. Two officers were punished by reduced salaries. The proceedings against the third officer – charged with illegal communication with a prisoner - are still underway.

In the same period, no security officer was fired, on long sick leave or failed to show up for work. The role of the security service is perceived as crucial (district prison). However, the significance attached to the reeducation group has been notably growing.

According to the acting head of service, officers have attended the course of in-service training organized by the OSCE and display interest in follow-up trainings.

He takes that a new job classification should plan extra staff, given that the prison population has grown, the same as the number of daily transfers.

Nine officers have been recruited in the newly established training and employment service. Two of them are university graduates, while the rest have finished secondary schools. All officers are satisfied with the service's status within the institution and with its cooperation with other services. The same as other employees who are in daily contact with prisoners, trade instructors are entitled to shorter length of service.

Though some are interested in remedial education, trade instructors have not attended any course of in-service training so far.

Officers in charge of prisoners' reeducation are attached to the service that includes medical, reeducation and administrative aspects. The head of the service is a jurist. Before joining the prison staff, she was a senior fellow in the Central Prison Administration. Her longstanding experience certainly contributes to the efficiency of the reeducation group. The group itself is composed of 4 highly qualified women officers – a psychologist, a general pedagogue, a special pedagogue and a geography professor.

All of them are young and enthusiastic about remedial education and contemporary trends in prisoners' reeducation. Though satisfied with the cooperation with other services, they deem that more attention should be paid to the process of reeducation. They like their jobs and do not complain of their salaries. Their duties do not imply frequent overtime.

Work with prison population is stressful in itself, they said. However, they feel relieved by the fact that not a single officer has even been attacked by a prisoner.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The administration should introduce forms of organizations and management systems to facilitate communication between various services, in particular 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 by attending courses of in-service training. 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. (Para 51, 52, 54 and 55, EPR; Para 26, CPT Standards, CPT/Info (2001) 16)

III

Recommendations

- Prison staff should be encouraged to improve their knowledge and professional capacity through courses of in-service training, consultative procedures and a positive management style;

- Efforts should be exerted so as to raise awareness of the entire personnel about the reeducation service's crucial role in the process of prisoners' social rehabilitation. In this context, the possibility of forming a reeducation service that would include an admission department should be considered.

ZRENJANIN DISTRICT PRISON

Date of the visit: March 25, 2004

Type of institution: semi-open

Population: men and women/adults and juveniles

Capacity: 210

Number of untried prisoners: 33

Number of sentenced prisoners: 85 (6 sentenced for misdemeanor)

Composition of the visiting team: two jurists, a pathologist and a special pedagogue

Note: As provided by law, the team was allowed to interview the institutional personnel and prisoners under sentence; interviews with prisoners awaiting trial are prohibited.

Quality and Conditions of Life

I

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

Located in downtown Zrenjanin, the prison building was constructed more than 100 years ago. Dating back in the era of Maria Theresa's reign, the building is registered as a cultural monument and, therefore, its interior or façade cannot be reconstructed. Though the building itself was used as a prison from the very beginning and constructed to serve the purpose, the then standards related to conditions of life and prisoners' rights are far from being in keeping with those of modern times.

Dormitories accommodating untried prisoners and some convicted prisoners are situated on the third and the fourth floor. They are spacious and sunny, and have windows that allow entrance of natural light and fresh air. Mattresses and bedding seem clean and neat. Sanitary installations are kept at high level of hygiene.

Actually, the Zrenjenin District Prison is among the cleanest and tidiest prisons the team has visited.

Furniture is appropriate. Each prisoner has a locker of his own. House rules are notably posted in every dormitory. Dormitories are not overcrowded in spite of the fact that some of them accommodate as many as 11 prisoners. On the contrary, they provide enough room for every prisoner.

The rooms in the section that houses untried prisoners accommodate 7 persons each and are adequate in terms of cubic meters. These rooms have artificial lighting, which is not fully appropriate.

Solitary cells are also spacious and allow entrance of natural light and fresh air. They are furnished with beds, chairs and tables.

Bathrooms are located in the basement. They are clean and, moreover, showers are partitioned. The only shortcomings noticed by the team are walls that need to be painted.

On the other hand, the prison lacks adequate premises for family visits and meetings with lawyers, cultural or social events, for a living area and for religious ceremonies.

Both convicted and untried prisoners share the same walking grounds. The prisoners under high security regime said they were spending daily 30 minutes at most in the open air. This is only logical when one bears in mind that all untried and convicted prisoners under high security regime use the same area for exercise.

The treatment provided to the untried/convicted prisoners in high security units is the same as in other district prisons. In other words, they spend almost all the time in their rooms and no activities are organized for them. The lack of adequate premises, referred to in the paragraph above, certainly hinders organization of any purposeful activity.

In addition to the downtown facility, there is another one that is located several kilometers away from Zrenjanin in the prison's agricultural commune. The facility accommodates some 30 prisoners allocated open and semi-open treatment programs.

B) KITCHEN, MASS HALL AND FOOD

The entire kitchen, along with appliances and pots, is at high level of hygiene. The same refers to the mass hall and storage. Due attention is paid to preparation and quality of food. Special diets are prepared for specific categories of prisoners.

Weekly menus are planned in advance. Samples of food served to prisoners are kept for 24 hours. A nurse daily controls the quality of food, while a doctor from time to time. The interviewed prisoners spoke favorably about the variety and quantity of their daily meals. They only complained of insufficient quantity of fresh fruits and milk products. Prisoners engaged in prison work are served meals adequate to the nature of their work.

Under a contract the prison has signed with a supermarket, the latter supplies prisoners with permitted food articles they place weekly orders for. Such arrangements compensate for a non-existent canteen.

C) MEDICAL SERVICE

The prison has no organized medical service. A nurse recruited by the security service is in charge of prisoners' health care. A doctor from a local medical center is engaged to visit the prison twice a week. Medical treatment is provided in a separate, spacious but poorly equipped room. Therefore, medical staff conducts just general medical examinations.

All untried and convicted prisoners are medically examined upon admission but have no medical records compiled for them. Whenever they want to see the doctor they have to apply to a prison warden but do not have to expound their health troubles. They are duly examined on the doctor's visiting days. Since the medical staff is not always present on prison premises, the nurse is called in by security officers to provide first aid. Medical examinations are conducted out of the hearing and out of the sight of prison officers and other inmates.

Prisoners have access to civilian hospitals. Dental services are provided at their own expense either by private or state-run hospitals.

The doctor regularly examines prisoners punished to solitary confinement on his visiting days. The prison has no in-patient ward. In the event of an epidemic such as flu all infected prisoners are hospitalized in one room. The nurse supervises distribution of medicaments from the poorly stocked prison pharmacy. Biochemical tests are performed by civilian hospitals.

No arrangements have been made for psychiatric care.

In 2003, 1,462 medical examinations were conducted in the prison. Fifty-four prisoners were sent to civilian hospitals to be examined by specialists, while 7 prisoners were hospitalized in the Belgrade Penitentiary-Hospital and 6 in the Zrenjanin Medical Center. Neuropsychiatrists were called in to see 6 prisoners.

At this point, no prisoner suffers from tuberculosis or diabetes. There are no HIV positive prisoners. Two light occupational injuries and one case of self-mutilation were registered in 2003. One prisoner committed suicide in early January 2004.

Prisoners may consult the contents of their medical files. No prisoner has ever refused a medical treatment. Information about transmittable diseases such as hepatitis or AIDS is not circulated to prisoners and the staff.

Prison officers have not been trained in recognizing indications of suicidal risk. The team left under the impression that they wouldn't know what to do should they recognize such indications.

Signs of violence are systematically recorded, though not compiled in a special register. The team did not manage to obtain information about the procedure entailing a prisoner's request to inspect this statistics.

Presently, no prisoner is dependent on psychoactive substances. The doctor partakes in drafting reports dealing with prisoners unsuited for continued detention for the attention of the authorized bodies.

The prison administration controls and evaluates the manner in which medical officers perform their duties. The doctor is obliged to put in writing whether or not a prisoner punished by solitary confinement is fit for such disciplinary measure.

Medical officers are not trained in various forms of prison pathology.

The interviewed prisoners had no major complaints about medical services provided to them.

II

Incompatibilities with or Departures from the Law on Execution of Criminal Sanctions (LECS), the House Rules in Detention Facilities (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)

- Untried prisoners and persons under closed regime spend all the time in their rooms and are allowed 30 minutes of exercise in the open air every day. (Article 28.1, House Rules; Para 47 and 48, CPT Standards, CPT/Info (92) 3);

- Prison regimes shall not aggravate the suffering inherent in imprisonment. The CPT considers that one should aim at ensuring that prisoners in remand establishments are able to spend a reasonable part of the day (8 hours or more) outside their cells, engaged in purposeful activity of a varied nature. Regimes in establishments for sentenced prisoners should be even more favorable. (Para 64, EPR; Para 47, CPT Standards, CPT/Info (92) 3);

- Qualified medical officers are not always present on prison premises. (Para 35, CPT Standards, CPT/Info (93) 12);

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

- The prison does not provide medical treatment and nursing care in conditions enjoyed by patients in the outside community. (Para 38, 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 prisoners and to the prison staff. (Para 54, CPT Standards, CPT/Info (93)12);

- Statistics concerning injuries observed are not compiled for the attention of the prison administration. (Para 60-62, CPT Standards, CPT/Info (93)12);

- The resources available to the medical service are managed by the prison administration and the Ministry of Justice. (Para 71-72, CPT Standards, CPT/Info (93)12);

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

III

Recommendations

- Untried and convicted prisoners should be able to spend at least two hours in the open air every day;

- Prison work or some other purposeful activity untried prisoners and those under closed regime could engage in outside their rooms should be organized for them;

- Organizational arrangements should be made so as to separate prisoners sentenced for crime from those sentenced for misdemeanor;

- Milk, milk products and fresh fruits should be added to prisoners' meals;

- The medical service should be adequately staffed so as to make it possible for medical officers to be always present on prison premises;

- Arrangements should be made for organizing an in-patient ward;

- Medical officers should be trained in prison pathology;

- The prison staff should be trained in recognizing indications of suicidal risk;
- Information about transmittable diseases should be circulated to all categories of prisoners and to the prison staff;
- Periodic statistics concerning injuries observed should be regularly compiled for the attention of the prison administration;
- A regulation passed at national level should ensure that medical services are controlled by the Ministry of Healthcare, rather than prison administrations and the Ministry of Justice.

Security

I

Though located in the downtown Zrenjanin, the prison figures a secure institution. As referred to in the section above, the building was constructed as a prison, which meant that due attention was paid to the security aspect. The prison compound is surrounded by a high wall topped with barbed wire, and all windows are barred. In addition, 15 video cameras are installed throughout the compound, in the building itself and at the gate leading onto the main street.

According to the prison administration and prisoners alike, no cases of inter-prisoner violence or other serious incidents have taken place for over past six months. The acting warden in charge of convicted prisoners said the staff was fully aware of whatever was going on in inter-prisoner relations and, therefore, was focused on prevention of violence.

Not a single escape, attempted escape or, moreover, a breach of rules related to prison leaves has been registered over the past 12 months.

The ratio between security officers on duty and the prison population (convicted and untried prisoners) amounts to 18:124. The acting warden estimates that such ratio is adequate for the maintenance of internal and external security.

However, old and battered conveyances, outdated weapons and communications plague the security service, he said. Only two police vans are available to the prison that has to organize some 85 transfers of convicted and untried prisoners each year.

Like in most district prisons, the high level of security in this institution is inconsistent with the legal provisions defining safeguards, i.e., security officers solely, in semi-open institutions.

In the team's view, such high level of security fuels the feeling of deprivation of the persons under very short sentences or those punished for misdemeanor. On the other hand, unlike other district prisons, the Zrenjanin prison includes two locations – so, the other building, situated in the prison's commune, may provide accommodation to the prisoners who meet requirements of semi-open and open prison regimes.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- District prisons are categorized as semi-open institutions wherein security services monitor prisoners' movement and figures as the only obstacle to their escape. (Article 12 and 30, LECS)

III

Recommendations

- The prison should be supplied with new conveyances;
- Modern communications should be provided to the security service;
- A viable solution – in keeping with the house rules - for removing or alleviating security measures that aggravate the suffering inherent in imprisonment in terms of free movement should be found for prisoners sentenced for crime and those sentenced for misdemeanor alike.

Legality of Prison Regime

I

The same problems noted in most district prisons when it comes to legality of prison regime are manifest in this one as well.

Firstly, persons sentenced for misdemeanor share rooms with those sentenced for crime. The prison administration's explanation that insufficient room makes it impossible to separate the two categories seems unjustifiable to the team. Actually, the prison's capacity exceeds the number of presently accommodated prisoners, which in itself provides plenty of opportunity for proper solutions.

Secondly, detained persons are placed under the so-called closed prison regime. The team takes it impermissible that such persons are forced to stay locked up in their rooms all the time without being engaged in any kind of activity. The prison has room enough to organize prison work or some other purposeful activity for them. True, the prison director has tried to chart a new direction – he has installed a wire-knitting machine in the basement area between the kitchen and the mass hall. Though any effort to turn a day in prison replete with some meaning is highly commendable, the team views this one as insufficient and inadequate for keeping detainees occupied. Thirdly, the law provides that district prisons shall be categorized as semi-open institutions. Thus, the high level of security in the Zrenjanin District prison is fully inappropriate. Further, the law provides that persons under short sentence (up to one year) shall be allocated to district prisons. Due to overall prison overcrowding, attention paid to this provision is decreasing lesser. So, the tendency of accommodating prisoners under long sentence is fully manifest in this institution.

In 2003, according to the prison administration, 15 prisoners were deprived of privileges for having breached the house rules, 2 were punished by solitary confinement and one prisoner was reprimanded.

None of the punished prisoners lodged a complaint against the disciplinary measure taken against him. In addition, neither untried nor convicted prisoners made a complaint for the attention of the prison administration in 2003.

According to the interviewed prisoners, procedures underlying disciplinary measures or privileges are mostly fair. Except for informers, other prisoners are not favored by the prison administration, they added. All prisoners are informed about the house rules upon admission. Relevant copies are visibly posted in sleeping and living areas.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- District prisons are categorized as semi-open institutions wherein security services monitor prisoners' movement and figures as the only obstacle to their escape. (Article 12 and 30, LECS);
- Persons imprisoned for misdemeanor should not be accommodated together with those sentenced for crime. (Article 290.1, LECS; Para 11.1 and 12, EPR);
- Separate sections should be used to facilitate the management of different treatment regimes. (Para 13, EPR);
- Prison regimes shall not aggravate the suffering inherent in imprisonment. The CPT considers that one should aim at ensuring that prisoners in remand establishments are able to spend a reasonable part of the day (8 hours or more) outside their cells, engaged in purposeful activity of a varied nature. Regimes in establishments for sentenced prisoners should be even more favorable. (Para 64, EPR; Para 47, CPT Standards, CPT/Info (92) 3);

III

Recommendations

- With a view to special requirements of treatment regimes, due account should be taken of prisoners' judicial and legal situation;

- Arrangements should be made so as to separate persons imprisoned for misdemeanor from those sentenced for crime;
- Prison work or some other purposeful activity untried prisoners could engage in outside their rooms should be organized for them;

Social Resettlement

I

Officers in charge of prisoners' social rehabilitation are engaged on full-time basis as consultants, rather than grouped within a service. Their duties include prisoners' admission and initial observation, activity aimed at their social rehabilitation and monitoring of their progress. One educator is in charge of the prisoners accommodated within the prison's commune, while the other two are assigned to the high-security unit. The size of educational groups is adequate.

Generally speaking, the prison population is more than adequately educated. Almost all prisoners have finished secondary schools.

The prison library is well stocked and regularly supplied with new editions. Prisoners are highly interested in reading. Unfortunately, due to above-mentioned bad organizational arrangements, the library is the only room available to educators to hold all sorts of meetings with prisoners.

Bearing this in mind, the team cannot but agree with prisoners who claim that conditions for both individual and group treatments are "horrible."

The prisoners classified under the so-called open regime (in the prison's commune) told the team that no special recreational arrangements were made for them. However, they are not much affected by such deficiency as they spend all the time working for the commune, they said. Though no room for religious ceremonies is available to this category of prisoners, frequent leaves they are granted make it possible for them to exercise their right to religious observance in the outside community.

The prisoners in this category are maximally engaged in prison work and, as the staff puts it, highly motivated for it. This is mostly to be ascribed to remuneration they get for overtime. Prisoners are assigned jobs in accordance with their professions in the outside world and personal preferences, but mostly with the institution's needs.

Most prisoners work for the commune that includes a 106-hectare farmstead, a fish farm, a cattle farm (70 cows), hog and sheep farms (300 animals each), a chicken farm (6,000 hens), etc. Few work for companies and institutions in the outside community. The technology at the prison's disposal is by far better than in other institutions and, in the team's view, equals that used by modern agricultural businesses.

However, the team takes that the staff is not guided by the basic principle of prison work – i.e. that, above all, it should be in the service of prisoners' social rehabilitation. Profit making may be useful to prisoners in terms of upgrading their working capacity, but should not be detrimental to their overall interests and treatment programs.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Interests of prisoners' social rehabilitation and treatment must not be subordinated to the pursuit of financial profit from industries in the institutions. (Article 76, 77 and 81, LECS; Para 72.2, EPR);
- Prisoners shall exercise their rights related to the maintenance of their physical and mental health, shall be allowed to satisfy the needs of their religious life and shall be given the opportunity to work and participate in activities likely to develop their sense of responsibility, self-reliance and to stimulate interest in their own treatment. (Article 46, 47, 48 and 49, House Rules; Article 78, LECS; Para 46, 69, 72, 84 and 86, EPR)

III

Recommendations

- Arrangements for accommodation of and treatment programs for prisoners under long sentences should be made through close cooperation with authorized bodies;
- Prisoners' engagement in prison work should be placed in the context of their reeducation and social rehabilitation, rather than subordinated to the pursuit of financial profit;
- Proper arrangements should be made so that certain rooms that presently serve as sleeping accommodation for few prisoners are efficiently utilized – such rooms may be turned into living areas, premises for recreational activities, religious ceremonies, workshops, etc.

Contact with the Outside World

I

Two phone booths are available to prisoners – one in the central building and the other in the facility located within the commune. The prisoners under the so-called closed regime are allowed to make 3-minute calls three times a week in the presence of a security officer. Their inmates under the “open regime” may communicate by telephone at all times.

According to some interviewed officers, the prison director frequently forbids prisoners against whom some disciplinary measures have been taken to make phone calls. These officers believe such acts fully inadequate to the crucial role a prisoner's contact with his family plays in the process of his social resettlement.

The lack of adequate premises wherein the prisoners may receive their families and lawyers considerably hinders their right to communicate with the outside world as laid down by domestic regulations and international standards. Both untried and convicted prisoners receive their families in corridors and meet their lawyers in a receptionist hall. One should bear in mind here that the law provides that prisoners shall meet with their lawyers out of the hearing of prison officers. However, the prison administration is not allowed to have the building reconstructed so as to secure a separate room for meetings in private given that the entire edifice is considered a cultural monument. The prison director hinted that the problem might be solved by having one room partitioned with glass screens. Security officers would thus be able to see a prisoner and his lawyer, but would not be in the position to overhear their conversation.

For security considerations, a group of 11 prisoners has been moved in from the Sremska Mitrovica Penitentiary-Reformatory. These prisoners, according to educators, are deprived of sexual relations since there is no “special room” that might alleviate this problem. In addition, as they cannot be assigned jobs outside the institution and no prison work is organized within it, these prisoners spend all the time in their rooms.

The interviewed prisoners did not complain of the manner in which their correspondence and packages are handled. On the other hand, those under the so-called closed regime said their letters and complaints are censored.

The number of packages a prisoner is allowed to receive depends on his treatment program.

TV sets are available to untried and convicted prisoners in their dormitories. They may listen to radio via a loudspeaker that can be turned off. Newspapers are supplied to the prisoners who have subscribed to them.

According to the staff, the prison's cooperation with relevant institutions in the outside community is in keeping with the law. Members of the personnel only complained that the cooperation with civilian medical centers was not as smooth as it should be.

Pre-release preparations imply no special programs or activities. All activity taken by prison personnel in this context boils down to final meetings with prisoners and their families.

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. 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 of resource considerations. In this context, there is the need for some flexibility as regards the application of rules on visits and telephone contacts vis-à-vis prisoners whose families live far away (Para 51, CPT Standards, CPT/Info (92) 3);

- Family visits are received in a room exclusively used for this purpose or in the areas in the open air within the prison. (Article 24.3, House Rules);

- "A convicted person has the right to visit with a spouse or children once in three months in the special rooms of the correctional facility." (Article 72.1, LECS);

- An untried prisoner shall meet his lawyer in an appropriate room without any physical obstacles. (Article 39.3, House Rules);

- In the case of those prisoners under longer sentences, steps should be taken to ensure a gradual return to life in society. Procedures and special courses should be devised to this end. (Para 87 and 88, EPR);

- Prison administrations should work closely with the social services and agencies that assist released prisoners to reestablish themselves in society. The approved representatives of such agencies and services should be afforded all necessary access to the institution and to prisoners with a view to making a full contribution to the preparation for release and after-care programs. (Para 89.1 and 3, EPR)

III

Recommendations

- When taking a disciplinary measure against a prisoner (the purpose of which is punishment) the prison administration should be more flexible vis-à-vis telephone contacts;

- The problem of inappropriate rooms for family visits and meetings with lawyers should be solved in tandem with the Ministry of Justice and other relevant bodies;

- Pre-release preparations, particularly for prisoners under long sentences, should be improved in tandem with relevant governmental institutions.

Institutional Personnel

I

While monitoring the functioning of the security service, the team conducted interviews with the acting warden in charge of convicted prisoners and the head of the supervisor of the transfer service. The acting head of the security service was on a leave at the time of the team's visit.

Judging by relevant job classification, the security service is fully staffed. The staff totals 32 officers, plus two officers who have been reassigned to the service from Kosovo prisons. One officer has a university diploma, while the rest have finished secondary schools.

According to the interviewees, security officers are eager to attend courses of in-service training in computer literacy, arms handling and martial arts. In their view, the service's role is crucial for the functioning of the institution, while its cooperation with the prison director, other officers and services is very good.

Except for two officers who are presently on sick leaves, the rest regularly show up for work. No officer has been fired over the past six months.

In the same period, disciplinary proceedings have been instituted against two security officers charged with serious breaches of orders. One security officer, indicted for crime, has been standing trial for two years now.

Though classified as a service, the training and employment service has a staff of two officers only. Both have graduated from vocational schools – one is a veterinary technician and the other an agricultural mechanic. The prison director plans to engage highly qualified professionals to work for the service and thus, as he puts it, upgrade the commune's functioning.

Existence of a reeducation service has not been planned at all. Relevant duties are performed by three qualified officers – two special pedagogues and one psychologist. They attend team meetings held on weekly basis at the level of the entire institution. All of them are most interested in attending courses of in-service training.

Asked how they perceive their duties and working conditions, they replied they liked their job, but added that inter-staff relations and general atmosphere in the prison negatively affected their efficiency.

They are dissatisfied with the amounts on their paychecks, particularly when taking into account that security officers who have finished secondary schools only generally earn more than they do. This makes them feel degraded and marginalized as competent professionals

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- 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 various services, in particular, with respect to the treatment and re-socialization of prisoners. (Para 59 EPR);

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

- Aptitude for interpersonal communication should be a major factor in the process of recruiting law enforcement personnel. During training, considerable emphasis should be placed on developing interpersonal communication skills with a view to encouraging appropriate and positive relationships between staff and prisoners that will improve the prospects for effective and supportive regimes. Specific security measures adapted to the particular characteristics of the situation encountered may well be required. However, such measures can never be more than an adjunct to the above-mentioned basic imperatives. In addition, the prison system needs to address the issue of the appropriate classification and distribution of prisoners. (Para 56 and 66, EPR; Para 45 and 60, CPT Standards, CPT/Info (92)3]; Para 27 CPT Standards, CPT/Info (2001) 16)

III

Recommendations

- The prison administration should endeavor so as to make the entire personnel aware that the processes of reeducation and re-socialization are of crucial significance for prisoners;

- A specialized reeducation service should be organized so as to ensure better and more efficient procedures for prisoners' social rehabilitation;

- Officers' emotional suitability and professional capacity for the job should be taken into account on recruitment;

- All personnel should be permanently encouraged to improve their knowledge and professional capacity by attending courses of in-service training, remedial education, etc.

SMEDEREVO DISTRICT PRISON

Date of the visit: April 15, 2004

Type of institution: semi-open

Population: men/adults

Number of sentenced prisoners: 28

Number of untried prisoners: 31

Composition of the visiting team: two jurists, a pathologist and a special pedagogue

Note: *As provided by law, the team was allowed to interview the institutional personnel and prisoners under sentence; interviews with prisoners awaiting trial are prohibited.*

Quality and Conditions of Life

I

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

Located in downtown Smederevo, the District Prison makes a part of the complex that also includes the District Court and the Secretariat of the Interior. The prison, constructed in 1965, provides separate accommodation to untried and convicted prisoners under the so-called closed regime. The prison's semi-open and open unit is situated within a commune, some 5-6 kilometers away from downtown Smederevo. All facilities to be found on the commune were built in 1996.

The rooms accommodating untried prisoners and convicted prisoners under closed regimes are almost uniform. Their size is adequate for 3-5 occupants. All rooms are freshly painted, have radiators and windows that allow entrance of natural light and fresh air. Artificial lighting is not adequate so that prisoners may read by it. Windows in the rooms accommodating untried prisoners cannot be fully opened and, therefore, hinder proper ventilation. According to the prison director, the windows have been so fixed on purpose to prevent untried prisoners' communication with persons coming in and out of the nearby court.

Cockroaches and other insects emerging from old wooden floors, as well as the unbearable heat on the upper floor that is to be ascribed to the prison's flat tin roof are major problems pestering prisoners. Cockroaches would hopefully be eliminated once the wooden floors are replaced. As for the roof, no funds have been secured so far to have it amended.

Bathrooms and lavatories are clean and neat, and sanitary installations are fully operable. Untried prisoners are allowed to take showers at least once a week, while convicted prisoners may wash themselves in a shower every day.

The living area available to convicted prisoners is spacious and sunny, equipped with radiators and furnished with tables, chairs and a TV set.

A solitary cell is adequate in terms of cubic meters. The same refers to entrance of natural light and fresh air. It is heated by a radiator. However, there is no washbasin, a table and chair, as well as a screen between a squatter toilet and the rest of the cells.

Untried prisoners are allowed to take 10-15 minute exercise in the open air only.

Though built later than the rest of the prison, the building that houses convicted prisoners classified to open and semi-open treatment programs seems in a rather bad shape. Rooms are spacious and the windows are so constructed to allow entrance of natural light and fresh air, but the overall hygiene is deplorable. The same refers to bathrooms and lavatories. A kitchenette that is simultaneously used as a mass hall and living area is available to those prisoners.

B) KITCHEN, MASS HALL AND FOOD

Premises in which food is prepared and served to prisoners are clean and tidy. One prisoner helps out a civilian who has been trained in food preparation. Weekly menus are approved by the prison director.

A doctor does not supervise catering arrangements and conditions of hygiene.

Asked about the quality of meals served to them, the interviewed prisoners only complained of insufficient quantity of fresh fruits.

The prison has no canteen. Once a week, articles of food and toiletries are supplied to prisoners who have to place orders to obtain them.

C) MEDICAL SERVICE

No medical service has been organized in the prison. Medical treatment of prisoners is provided by a doctor from a local medical center, who visits the institution once a week. As the doctor was not on premises at the time of the team's visit, a security officer was a source of information about this dimension.

Newly arrived prisoners are not physically examined by a medical doctor after admission, unless they specifically ask to be medically examined. In addition, medical files are not compiled for each prisoner.

Medical examinations are conducted in a room that serves other purposes as well. It can be said, therefore, that the prison does not have an out-patient ward. The visiting doctor examines 10-odd patients each week.

Emergency treatment is administered by civilian hospitals. Dental services are also available in civilian institutions or provided by dentists with private practices.

The visiting doctor neither regularly examines prisoners punished by solitary confinement nor sets down in writing whether or not a prisoner is fit to endure this disciplinary measure.

The prison does not provide medical treatment and nursing care in conditions comparable to those enjoyed by patients in the outside community, i.e. there is no in-patient ward. Medicaments prescribed by the doctor are procured at the prison's expense. This financial commitment is considerable, according to the prison director.

No arrangements have been made for prisoners' psychiatric care.

Complaining of overall medical services, the interviewed prisoners mostly said they felt uncertain whether they would get prompt and appropriate treatment given that the doctor was available once a week only.

II

Incompatibilities with or Departures from the Law on Execution of Criminal Sanctions (LECS), the House Rules in 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 accommodation provided for prisoners should meet the requirements of adequate lighting and ventilation. Windows shall be so constructed that they can allow entrance of fresh air except where there is an adequate air conditioning system. (Para 15 and 16, EPR);

- The doctor does not supervise catering arrangements and conditions of hygiene. (Para 53, CPT Standards, CPT/Info (93)12);

- Newly arrived prisoners are not physically examined by a medical doctor after admission. (Para 33, CPT Standards, CPT/Info (93)12);

- Medical care is inadequate in terms of competent staff and organizational arrangements. (Para 35, CPT Standards, CPT/Info (93)12);

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

- A medical doctor does not regularly examine the prisoners punished to solitary confinement. (Article 132, LECS);

- The prison does not provide medical treatment and nursing care in conditions comparable to those enjoyed by patients in the outside community. (Para 38, CPT Standards, CPT/Info (93)12)

III

Recommendations

- Windows should be so fixed that prisoners can open them fully and thus allow proper ventilation;
- Funds should be secured so as to have floors urgently replaced; in the meantime, disinfection and disinfestation should be carried out in frequent intervals;
- The roof should be either replaced or the problem of ventilation on the upper floor solved in some other manner;
- The solitary cell should be properly furnished;
- Arrangements should be made so as to make it possible for prisoners to take at least 2-hour exercise in the open;
- The prison administration should secure that the visiting doctor regularly supervises catering arrangements and conditions of hygiene;
- Medical treatment and nursing care of prisoners should be improved by engagement of competent staff and better organizational arrangements;
- All prisoners should be medically examined upon admission and their medical files should be duly compiled;
- An unoccupied room should be adapted and turned into an in-patient ward;
- The prison administration should secure that the visiting doctor regularly examines prisoners punished by solitary confinement;
- Arrangements should be made so as to enable prisoners to be medically examined in privacy.

Security

I

Sixteen video cameras installed throughout the prison compound and inner sections relevant from the security angle enable round the clock supervision. In addition, the rooms accommodating untried prisoners are equipped with alarm bells to be used in the event security officers need to intervene.

The security service totals 26 officers. Four of them have been assigned jobs that have little to do with security aspects, since, as their commander put it, these officers are unsuited for communication with prisoners. A head of the security service has not been appointed up to now. His duties are performed by an acting head of the service. As the latter was on a sick leave at the time of the team's visit, the team had to interview the commander of the security service.

According to the commander, the existing surveillance system and manpower secure a high-level security, which is also justified by the fact that no prisoner tried to escape in the past six months.

The inter-prisoner relationship is adequate, the more so since the prison itself accommodates a small number of inmates, said the commander. Except for some skirmishes, no case of serious inter-prisoner violence has been registered. On the other hand, as the commander put it, several cases of self-mutilation have taken place in the section housing untried prisoners. He ascribed these incidents to tension inherent to imprisonment. Therefore, due attention is paid to treatment programs for untried prisoners, said the commander. With a view to lessening the tension, the prison administration has had TV sets placed in some dormitories.

As the entire prison (the commune included) has not to cope with any major security related problem, the team takes barred windows superfluous.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The CPT has observed that activities in many remand prisons are extremely limited. The organization of regime activities in such establishments – which have a fairly rapid turnover of inmates – is not a straightforward matter. Clearly, there can be no question of individualized treatment programs of the sort, which might be aspired to in an establishment for sentenced prisoners. However, prisoners cannot simply be left to languish for weeks, possibly months, locked up in their cells, and this regardless of how good material conditions might be within cells. The CPT considers that one should aim at ensuring that prisoners in remand establishments are able to spend a reasonable part of the day (8 hours or more) outside their cells, engaged in purposeful activity of a varied nature. (Para 47, CPT Standards, CPT/Info (92)3);

- “In correctional facilities of the open type, the obstacles of escaping do not exist. In the correctional facilities of the semi-open type, the security guards shall supervise movements of convicts, as the only obstacle of escaping.” (Article 12.2 and 12.3, LECS)

III

Recommendations

- Activities for untried prisoners, aimed at lessening the tension inherent in imprisonment, should be developed;

- Bars should be dismantled from the windows in the open and semi-open section of the prison.

Legality of Prison Regime

I

All prisoners are informed about the house rules upon admission. Copies of the house rules are posted in dormitories and are available to prisoners at all times.

Apart from problems almost all monitored prisons are faced with as a rule, one should be singled out in this specific case. Namely, the institution presently accommodates 7 prisoners under long sentences, who make up one-fourth of the prison population. Allocation of these prisoners is not only illegal, but also, in the team’s view, absolutely inappropriate. This is the more so if one bears in mind that the prison does not have a reeducation service to provide treatment programs for this category of prisoners.

According to the prison statistics, 9 prisoners have been punished by solitary confinement, one has been reprimanded and 10 have been deprived of certain benefits over the past six months. However, no prisoner has filed a complaint concerning a disciplinary measure taken against him or any violation of his rights. Not a single case of the use of instruments of restraint has been registered.

It is only natural that such “perfect” statistics make one suspicious. However, none of the interviewed prisoners seemed to be dissatisfied with “fairness” in connection with disciplinary measures or benefits. “This is a peaceful institution,” they said, “and occasional perpetrators involved in smuggling in alcohol, a mobile or two, or drugs are promptly tracked down and adequately punished.” Some prisoners say “family or other ties” might secure an inmate a benefit of two, and a security guard might be bribed to turn a blind eye to some illegal procurement, but all such cases do not exceed “bare necessities of prison life.”

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)

III

Recommendations

- The practice of allocating prisoners under long sentences to district prisons – in particular those with small populations - should be stopped immediately.

Social Resettlement

I

The prison's organizational arrangements include nothing but the security service.

No qualified officer has been engaged on permanent basis to deal with prisoners' admission, classification and treatment programs. According to the prison administration, one officer competent to perform these duties will be recruited in near future. The prison administration also plans to organize a training and employment service.

Actually, the acting head of the security service is tasked with all above-mentioned activities. Such arrangement is not only impermissible, but also hardly viable in terms of one person's physical and professional capacity. The LECS and relevant international regulations clearly define the concept of re-socialization, i.e. the concept that should be taken into account regardless of short or long sentences, or the number of prisoners accommodated in an institution. This calls for proper implementation of the re-socialization concept in this specific institution in spite of the fact that its population is rather small.

A summary review of the manner in which the process of re-socialization is implemented in this institution is presented in the paragraphs below.

The acting head of the security service conducts the first interview with a newly admitted prisoner. On the grounds of this interview and in tandem with the prison director (a special pedagogue), he decides on the prisoner's classification and his treatment program. The same person is in charge of communicating with prisoners – such meetings mostly deal with prisoners' everyday and trivial problems.

Recreational activities are not organized for prisoners.

As for prison work, the prisoners from the closed section are mostly engaged in helping out in the kitchen or laundry. Just a couple of them work for companies in the outside community, which occasionally need extra hands.

The prisoners from the open section mostly work for the prison's small commune. A security officer is in charge of controlling their performance, since there are no qualified trade instructors.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- The fact that only the security service has been organized is unacceptable. 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 treatment and re-socialization of prisoners. The reeducation service shall be tasked with harmonizing the activity of other factors in the process of reeducation. (Para 59, EPR; Para 27, CPT Standards, CPT/Info (2001) 16)

III

Recommendations

- The prison administration should work out a new job classification whereby reeducation, as well as training and employment services will be introduced and qualified officers engaged.

Contact with the Outside World

I

One phone booth is available to the prisoners accommodated within the prison's commune. The other one is installed in the prison building. Prisoners are allowed to make phone calls every day between 3:00 and 5:30 p.m. Duration of calls depends on the number of prisoners who have applied for this form of communication. Relevant courts are vested with prisoners' correspondence. According to the prison administration, prisoners' letters are not censored.

Visits are received in keeping with a schedule. The interviewed prisoners did not complain of this form of communication with the outside world. The visiting area is rather undersized, though, to all appearances, adequate to the needs of such small institution.

The premises in which prisoners meet their lawyers have been renovated recently. New Plexiglas dividers ensure that such meetings are held out of the hearing of prison officers.

The prison has no "special rooms" for spousal visits. However, this shortcoming cannot be taken as a serious one, given that prisoners are often given leaves or allowed to go to the outside community. Of course, the lack of such premises considerably affects the rights of the prisoners under long sentences.

The number of radio and TV sets available to prisoners is sufficient. Newspapers are supplied to the prisoners who have subscribed to them. There is no room reserved for pastoral visits. However, the prison director and the interviewed prisoners said no one has ever asked for them.

Apart from cooperation with relevant courts, the prison has not developed cooperative ties with social care centers or other authorized agencies. This is only logical when one bears in mind that there is no competent officer on the staff to encourage necessary communication.

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 the special rooms of the correctional facility." (Article 72.1, LECS)

III

Recommendations

- The prison administration should adapt one room for the purpose of spousal visits.

Institutional Personnel

I

The security service is fully staffed, totaling 19 officers, plus 7 reassigned from Kosovo prisons. The acting head of the service is the only officer with a university diploma. The rest have graduated from secondary schools.

Given that this is the only organized service, its authority, along with that of the prison director, is unchallengeable.

The commander interviewed by the team did not complain much of his job. He just pinpointed the burden of various tasks that fell to him and said the equipment at the service's disposal should be modernized. Except in the period of the police Saber operation when the staff had to work overtime under stressful conditions, the overall atmosphere in the prison is all but tense and everything is under control, said the commander.

He himself is interested in remedial education and takes his colleagues should improve their knowledge and skills. However, other interviewed officers did not share his opinion. They have not attended a single course of in-service training, including the one organized by the OSCE.

In the past 12 months, disciplinary proceedings have been instituted against one officer, who was simultaneously put on trial for bribery. Both proceedings are still underway.

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 (Para 57, EPR);

- 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. (Para 55.1, EPR);

- "A service for correction shall use methods and procedures to influence the convicts not to commit criminal offenses any more." (Article 17, LECS)

III

Recommendations

- The prison administration should organize a reeducation service and, if suitable, other services in the shortest possible while. The least it could do is to engage a psychologist, a special pedagogue or a social worker. Without these services, the prison's functioning boils down to mere accommodation arrangements and safeguards to escape.

PANCEVO DISTRICT PRISON

Date of the visit: April 15, 2004

Type of institution: semi-open

Population: men/adults

Number of sentenced prisoners: about 30

Number of untried prisoners: around 25

Composition of the visiting team: two jurists, a pathologist and a special pedagogue

Note: As provided by law, the team was allowed to interview the institutional personnel and prisoners under sentence; interviews with prisoners awaiting trial are prohibited.

Quality and Conditions of Life

I

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

The very location of the Pancevo District Prison is absolutely inappropriate – the prison is in the midst of the main street where most of the town's shops, restaurants and coffee shops are to be found. The round the clock noise and music coming from coffee shops disturb normal sleeping regime of both sentenced and untried prisoners.

By its architecture, the prison building, erected in late 19th century, does not meet modern standards in many aspects. As the building has been protected as a cultural heritage, no repairs are allowed unless approved by the Administration for Protection of Cultural Monuments.

Each dormitory is furnished with 10-12 bulk beds but accommodates 6-8 detainees. However, dormitories are inadequate in terms of cubic meters, particularly due to low and domed ceiling.

Given that windows and radiators are located in halls, the rooms have no direct access to natural light, fresh air and heating. Powerful ventilators have been placed in hall to expel stale and foul air. However, in the team's view, this can hardly solve the problem as the ventilators do not circulate fresh air in dormitories.

The prison has a central heating system and a boiler room of its own. According to the prison administration, dormitories are adequately heated mostly thanks to their thick walls.

Dormitories are furnished in a Spartan manner. Mattresses are new, while bedclothes are not exactly clean and neat. All dormitories have TV sets. Toilets and washbasins are separated by walls.

Since the prison has no mass hall or living area, prisoners have their meals served in the dormitories.

The same shortcomings mark the room wherein prisoners are kept in isolation. Its size is inadequate and it has neither a table nor a chair.

The room accommodating prisoners (8) assigned to the closed section of the prison is spacious, freshly painted and has radiators. Windows allow entrance of natural light and fresh air. Lockers, beds and mattresses are new, while bedclothes are clean. The adjoining bathroom is large and clean. Sanitary installations are adequate. The interviewed prisoners said they could take showers almost on daily basis.

A high wall surrounds the small recreational area used by untried prisoners. Convicted prisoner take outside exercise in the well-kept prison compound.

The prison's semi-open and open section, housing 21 prisoners, is located several kilometers away from Pancevo. A park-like compound includes new and well-kept facilities. Dormitories are spacious, clean and sunny.

Prisoners are engaged in prison work within this complex.

B) KITCHEN, MASS HALL AND FOOD

Food is prepared in a small but freshly painted and clean kitchen.

Living areas used as a mass hall are also neat and allow plenty of natural light and fresh air. A prison doctor controls the food twice a week and informs the prison administration about his findings.

Prisoners trained in food preparation help out a professional cook. Weekly menus are on display. Samples of meals are kept for 24 hours.

The interviewed prisoners expressed no major complaints of the quality of food.

Due to small prison population, there is no canteen. However, prisoners may place orders and have goods supplied to them once a week.

C) MEDICAL SERVICE

As the prison has no medical service of its own, a doctor from a local medical center – a specialist in sports medicine – is engaged to provide medical care to both convicted and untried prisoners.

The doctor visits the institution three times a week in early morning. Whenever necessary, he is available on call. As a rule he shows up without delay, the more so since he lives nearby the institution. The same doctor has been working for the Pancevo District Prison for over 30 years.

The doctors does not visit regularly the prisoners engaged in the prison's business organization but is available on call.

Medical examinations are conducted in the room set aside as living areas for security officers. It is only natural that a room as such is not properly equipped. As the team noticed that it was about a rather busy room, it suggested that medical examinations should be conducted in a place able to safeguard patients' privacy. Though medical examinations are mandatory upon admission, all prisoners do not have medical files of their own. Whenever they need to see the doctor, they have to apply to the warden but do not have to explain their health troubles.

If there is an emergency, security officers are obliged to call in the doctor. If the doctor is out of town or on vacation, his son – also a medical doctor – stands for him. (!)

Prisoners have access to civilian hospitals where all necessary biochemical tests are performed.

Dental services are also provided by civilian medical centers.

According to medical statistics, 1,345 examinations were performed in 2003. In the same period, prisoners were examined by specialists in civilian hospitals on 216 occasions (including 3 psychiatric examinations). There were 14 emergencies. Four prisoners were transported to the Belgrade Penitentiary-Hospital. Ninety-nine prisoners were provided dental services.

One prisoner suffers from diabetes and another is ill with cardiac disease.

No prisoner has tuberculosis or other transmittable disease.

No cases of inter-prisoner violence resulting in injuries, sexual harassment, self-mutilation, suicide or suicide attempt, and natural death have been registered.

The doctor is obliged to state in writing whether or not a prisoner is fit for placement in solitary confinement.

Prisoners punished by solitary confinement are not medically examined in regular intervals.

As there are no conditions necessary for establishment of an in-patient ward, patients are mostly provided treatments in their dormitories.

The prison has no pharmacy of its own. Medicaments are procured on prescription from pharmacies in the outside community.

Psychiatric care is provided by consultants from the town's center of mental health.

Prisoners have the right to consult the contents of their medical files. Such information is also communicated to their families and lawyers. No patient has refused treatment or other medical intervention.

Information about transmittable diseases such as hepatitis or AIDS is not circulated to prisoners and the staff. The staff has not been trained in recognizing indications of suicidal risk.

The prison administration controls the manner in which the doctor performs his duties and holds weekly meetings with him.

The doctor is not specially trained in prison pathology but it goes without saying that he has accumulated considerable experience in dealing with prisoners.

The interviewed prisoners complained of the doctor's attitude towards them. Namely, they see him as tactless and take he never individualizes patients.

II

Incompatibilities with or Departures from the Law on Execution of Criminal Sanctions (LECS), the House Rules in 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)

- Officers with recognized nursing qualifications are not always present on prison premises. (Para 35, CPT Standards, CPT/Info (93)12);
- A medical file is not compiled for each prisoner. (Para 39, CPT Standards, CPT/Info (93)12);
- A medical doctor does not visit regularly prisoners punished by solitary confinement. (Article 123, LECS);
- The prison does not provide medical treatment and nursing care in conditions comparable to those enjoyed by patients in the outside community. (Para 38, 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);
- Periodic statistics concerning injuries observed are not compiled for the attention of prison management. (Para 60-62, CPT Standards, CPT/Info (93)12)

III

Recommendations

- All possibilities should be considered with a view to moving the prison to a building suitable for the purpose. This is the more so significant since the very architecture of the present building does not allow necessary adaptation and repair;
- Medical files should be compiled for all prisoners, regardless of the length of their sentence;
- The doctor should be available to prisoners without unnecessary delay. Also, recruitment of a medical assistant on full-time basis should be considered;
- The possibility of adapting one room and turning it into an in-patient ward with two beds at least should be taken under consideration;
- Arrangements should be made so as to enable the doctor to visit regularly prisoners punished by solitary confinement;
- Medical examinations should be conducted in a room able to safeguard prisoners' privacy;
- Some prison officers should undergo a course of training in prison pathology;
- Prison staff should be trained in recognizing indications of suicidal risk;
- Periodic statistics concerning injuries should be compiled for the attention of the prison administration.

Security

I

The prison's very location in downtown Pancevo figures as the main security-related problem. The front of the building looks on the street, while its rear and the entire compound are surrounded by apartment blocs. Residential buildings are by far higher than the 3-meter prison wall and are much too close to the compound. So, there is always a potential risk for both untried and convicted prisoners.

Video cameras cover all crucial points outside and inside the compound. The security service totals 40 officers. Regardless on all security measure taken, five escape attempts were registered in 2003.¹⁴ However, it should be taken into account that the police operation Saber, launched in 2003, resulted in considerable growth of prison population while the number of security officers remained the same.

Not a single escape has been registered as of the beginning of 2004.

The section housing the open and semi-open prison has barred windows, which is not only contrary to the LECS' provisions, but also quite unnecessary from the security aspect.

With regard to small prison population and its composition the internal security is adequate, according to the prison administration and prisoners alike.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- In the correctional facilities of the open type, the obstacles of escaping do not exist. In the correctional facilities of the semi-open type, the security guards shall supervise movement of convicts as the only obstacle of escaping. (Article 12, Para 2 and 3, LECS);

III

Recommendations

- The prison should be moved to another location.
- Bars should be dismantled from the windows in the open and semi-open section of the prison.

Legality of Prison Regime

I

All untried and convicted prisoners are informed about the house rules immediately upon admission. Copies of the house rules are visibly posted in all rooms the team toured.

In 2003, instruments of restraint were used on 20 occasions but not a single case of excessive use of force or a relevant complaint by a prisoner were registered.

Twenty-eight disciplinary measure against prisoners were taken in the same period. Eight were punished by solitary confinement, 6 were reprimanded and 14 were deprived of benefits. However, no prisoner filed a complaint against the measure taken against him.

The interviewed prisoners expressed no major grievances about the manner in which the prison administration and officers treated them.

Social Resettlement

I

Prisoners are maximally engaged in prison work. Moreover, prisoners are motivated to work, said the prison staff. They are assigned jobs depending on their professions in the outside community and personal preferences, but on the prison's needs as well. The prisoners assigned jobs in the very building help out in the kitchen, storehouse, etc. Few of them work outside the institution, mostly engaged by short-handed

¹⁴ The information about how many prisoners from the open and semi-open section tried to escape was not available to the team.

companies. Most prisoners work within the prison's business community – actually, on a 50-hectare farmland they raise crops and vegetables, breed stock and hogs, take care of a hen farm, etc.

Technology and machines available to prisoners are, in the team's view, adequate and above average. The business community also includes three workshops dealing in carpentry, metal works and mechanical engineering. Trade instructors – in daily contact with prisoners – are able to assess each prisoner's behavior and diligence. They forward their views concerning every prisoner to the head of the service. The head of the service is thus capacitated to put forth prisoners' reclassification or benefits and privileges to be granted to them at team meetings.

Generally speaking, the team takes that the prison's business community works smoothly. It should be noted, however, that though the endeavor to make profit may contribute to overall improvement of conditions of life and purposefulness of training, the staff should always bear in mind that prisoners' interests and treatment should not be held down by such objectives.

The staff in charge of prisoners' social rehabilitation is organized as an independent service with no hierarchical arrangements (i.e. there is no head of the service). Two educators deal with prisoners' admission and observe them throughout the social rehabilitation process. One educator is more focused on the prisoners accommodated in the closed section, while the other on those engaged in the prison's business community.

Two days in a week are set aside for individual meetings with prisoners. Educators give their opinions about each individual prisoner at weekly meetings held at the level of the entire institution.

Practically non-existent area for recreational activities renders any creative arrangements impossible, according to the staff. Moreover, insufficient room for individual talks figures as an even bigger problem, given that such meetings take place in a room shared by all educators. Such circumstances, say members of the staff, are contrary to the principle of confidentiality, i.e. individual treatment provided to prisoners.

Almost all prisoners have graduated from secondary schools. Just a few have not managed to finish elementary schools.

There is no separate room in the prison wherein prisoners may profess their religious beliefs. The same, as referred to in the paragraphs above, applies to recreational facilities. The prison staff explains these shortcomings by the fact that the building is treated as a cultural heritage and, therefore, cannot be reconstructed or internally reorganized in any major way.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- Prisoners should exercise their rights related to maintenance of their physical and mental health, work, religious observance, etc., and should be engaged in purposeful activities that encourage their sense of responsibility and self-reliance, and develop their interest in treatment programs. (Article 47, 48 and 49, House Rules; Para 46, 69, 72 and 84 EPR)

III

Recommendations

- All possibilities should be considered so as to find appropriate solutions to the problems stemming from the prison's layout and inadequate accommodation capacity;

- More attention should be paid to recreational activities with a view to preventing prisoners' negative behavior and idleness;

- Prison work should be duly placed in the context of reeducation and social rehabilitation.

Contact with the Outside World

I

Prisoners cannot communicate with the outside world by phone, as not a single phone booth has been installed in the prison. According to the prison administration, the problem is about to be solved in near future when two phone booths will be placed (one in the closed section and the other in open and semi-open one).

The interviewed prisoners said their correspondence was running smoothly. According to the prison director, letters are not censored.

Mostly all prisoners receive visits the frequency and duration of which depend on each prisoner's treatment program. Due to the lack of an adequate premise, visitors are received in prison halls furnished with tables and chairs for the purpose.

There are no "special premises" for spousal or family visits.

Prisoners may contact their lawyers on request, which has to be approved by the prison director. These meetings take place in an inadequate room, which is, however, the only one enabling this form of communication.

Prisoners are kept informed by radio and TV sets the number of which is adequate. Dailies and magazines are supplied only to the prisoners who have subscribed to them.

Pre-release preparation does not imply any specific programs or activities. Prior to a prisoner's release the prison director holds a meeting with him and his family.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- With the prison director's permission, a prisoner may make telephone calls; phone booths should be installed in a prison for this purpose. (Article 23, Para 3, House Rules);

- Visits to prisoners are organized at set visiting hours and take place in premises set aside for the purpose; (Article 24, Para 3, House Rules);

- 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

- Arrangements for prisoners' telephone communication should be made as soon as possible;

- The prison administration and the reeducation service should establish closer cooperation with social care centers, as well as with public and private companies that might employ prisoners after release.

Institutional Personnel

I

Arrangements have been made for two services to cater for prisoners' needs –one deals with their reeducation, while the other with training and employment.

Two officers with university diplomas (a psychologist and a social worker) make up the reeducation service, which should employ 3 full-timers in keeping with job classification. One officer is a man, while the other is woman. Their working experiences averages 5 years. They cooperate smoothly and conscientiously

perform their duties related to prisoners' admission and social rehabilitation. Once a week, the two educators attend team meetings and put forth their opinions about prisoners' classification and reclassification.

Both officers display interest in remedial education. One of them is presently attending a course of training in gestalt therapy. She says she will also attend the one in forensic pathology to be organized in near future. As they put it, both officers like their jobs but are not satisfied with their paychecks. Overtime is occasional and duly remunerated.

Both take their jobs as stressful in terms of responsibility that rests with them when it comes to determining individual treatments. They fear not the possibility of being attacked by prisoners. According to the two educators, the cooperation between their service and other people involved in the prison's functioning is correct.

No disciplinary measure has been taken against any of the two over the past six months.

The training and employment service employs 5 officers out of 6 full-timers laid down in the job classification. Three officers have finished vocational schools providing secondary education in veterinary medicine, agriculture and mechanical engineering. One officer has graduated from a high school, while the head of the service has an academic diploma.

According to prisoners and the staff alike, the prisoner-staff relations are good and the overall climate in the prison is positive.

Trade instructors said they were satisfied with being paid regularly, but not with the amounts on their paychecks. No officer resigned in the past six months.

Overtime is either remunerated or compensated by days off.

No disciplinary proceedings have been instituted against any member of the service.

As referred to in the paragraphs above, the security service totals 40 officers (two of whom used to work in Kosovo prisons). The head of the security service is a high school graduate, while the rest of the staff finished secondary schools.

Bearing in mind the relatively small prison population at the moment, the head of the service considers the number of security officers adequate to secure normal functioning.

Nine disciplinary proceedings have been instituted against security officers over the past six months. One officer, called to account for a prisoner's escape, was fired. Other officers, mostly taken accountable for minor breaches of orders (not showing up or late for work, sleeping while on duty, etc.), were punished by reduced salaries.

No criminal charges have been brought against any security officer.

Ten newly recruited officers have undergone a course of training in arms handling, martial arts and firefighting. Further, the prison administration formed an expert team that helped out these officers to prepare themselves for exams they had to pass. According to the head of the service, these recruits excelled the would-be security officers from other prisons.

According to him, the service cooperates smoothly with other services and enjoys adequate status within the institution. Except for the period of the Saber operation when security officers worked overtime and were exposed to stress, the service functions normally.

What the head of the service mostly complains of is that security officers are inadequately paid for their strenuous duties, as well as that their uniforms and equipment are in bad shape.

II

Incompatibilities with or Departures from Relevant Legislation and Rules

- 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 shall always be properly recruited and trained prison staff who knows how to adopt the appropriate attitude in their relations with prisoners and see its 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

- Efforts should be exerted so as to raise awareness of the entire personnel about the reeducation service's crucial role in the process of prisoners' social rehabilitation;
- Prison staff should be permanently encouraged 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;
- The security service should be modernized.

CONCLUSION

Taking into account both subjective limitations and actual obstacles met over prison visits, 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.

When compared with findings of previous prison visits, the team's observations in the monitored institutions – some of which, mostly district prisons in provinces, were visited for the first time – indicate that all of them, more or less, face identical problems, which, therefore, can be defined as systematic.

1. Quality and Conditions of Life

- a) Buildings and Grounds, Equipment, Ventilation and Lighting, Sanitary Installations and Hygiene

Prison overcrowding in most visited institutions continues to blight quality and conditions of life, and seriously undermines all monitored aspects.

Further, the overall quality of life is generally compromised by longstanding neglect and poor equipment. In addition, wards and other facilities that have been destroyed in the November 2000 prison riot (such as those in Sremska Mitrovica and Pozarevac penitentiaries) have not been repaired up to now, i.e. they are still unusable.

More often than not, penal institutions are situated in old buildings some of which were constructed back in early 20th century. The very lay-outs of these buildings reflect an obsolete concept of treatment of "offenders." Such architectural shortcomings cannot be overcome by partial renovations. This is why sizes, number and arrangement of buildings and premises are manifestly incompatible with the purpose of these institutions and the needs of persons they accommodate.

Generally speaking, this refers to the following problems: dormitories do not provide sufficient cubic meters of space per prisoner; areas wherein prisoners take exercise in the open are not spacious enough and mostly lack shelters; non-existent living areas force prisoners to spend almost 23 hours in their cells; non-existent premises for spousal or family visits, as well as for meetings with lawyers; non-existent recreational grounds. These shortcomings mostly plague district prisons.

The lay-out of the Belgrade District Prison and Penitentiary-Hospital is such that it does not allow entrance of natural light, fresh air and heating in the rooms accommodating persons deprived of their liberty. However, these shortcomings can be removed in the same manner in which the women ward of the Penitentiary-Hospital has been adapted.

Old and neglected facilities adversely affect general hygiene. Dormitories are mostly ruined and humid, and have battered walls and floors. Large capacity dormitories containing all or most of the facilities used by prisoners on a daily basis mostly render all efforts of prison administration to maintain hygiene ineffective. This problem particularly burdens large prisons such as Pozarevac-Zabela or Sremska Mitrovica penitentiaries-reformatories. Dormitories in the former are furnished with triple bunk beds, while as many as 90 persons are accommodated in large capacity dormitories of the latter.

Dormitories are furnished Spartanly – prisoners have just beds and not all of them do have lockers of their own. In addition to such austere sleeping accommodation, the very furniture is old and hardly functional. The same refers to living areas, if any.

These problems are exacerbated by inadequate sanitary facilities and installations in almost all visited institutions that make maintenance of personal hygiene an almost impossible task. Further, as prison administrations cannot generally afford to supply prisoners with toiletries, the latter are forced to procure them at their own expense.

Wherever prisoners are obliged to wear uniforms, these uniforms are old and unkempt. Bedclothes are scarce, while blankets and mattresses in most large institutions are in extremely bad state.

Prisons do not have laundries – either because such premises were destroyed in the November 2000 riot, have not been built at all or are nowadays used for purposes other than washing and drying of clothes and bedding. Prisoners are forced to wash their clothing with cold water and hang them to dry in dormitories, corridors or other inappropriate places.

b) Food

Food is prepared by professional cooks in almost all visited institutions. General hygiene in kitchens and mass halls varies from institution to institution, though its level is almost nowhere appropriate.

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. Bad quality of food figures as a major source of prisoners' discontent.

All larger institutions have canteens where prisoners can buy articles of food. Some canteens are well supplied and have refrigerators for milk and meat products, which is a significant advantage in detainees' view. Other canteens offer just several articles of food the quality of which is rather questionable.

Given that prison canteens sell goods at market prices, the team takes that there is no justifiable reason for such poor stocks.

c) Medical Care

Access to a doctor and quality of medical treatment provided to prisoners is the second crucial factor determining quality and conditions of prison life. It is to be noted that, in keeping with the standards that have been adopted, prisoners are entitled to medical treatment and nursing care in conditions comparable to those enjoyed by patients in the outside community.

The anyway low level of medical treatment provided to citizens in the outside world is even lower in detention facilities. In addition to chronic lack of funds available for medical care, organizational arrangements under which medical services in penal institutions operate are inadequate at national level. Subsidies available to medical services and their functioning are managed by the Central Prison Administration and prison administrations. This drastically restricts professional independence of medical officers whose clinical decisions, therefore, are not always governed only by medical criteria. Besides, professional competence of medical staffs is often questionable. For, the Ministry of Healthcare, which is, under the LECS, in charge of controlling professional capacities of prison doctors and nurses has not been meeting its obligations for years.

Almost all large prisons have medical services organized as separate units. On the other hand, job classifications in district prisons do not envisage existence of medical services. Instead, doctors from civilian hospitals are engaged to pay visits once or twice a week. This implies that prisoners are not able to have access to a doctor at any time. Further, medical services in the institutions that do have them are often understaffed – the number of doctors and other competent medical officers is inadequate to meet prisoners' needs. As regards emergency treatment in institutions that do not employ even a medical assistant, security officers are those who assess priorities in providing first aid.

Pharmacies, laboratories and out-patient wards, if any, are poorly supplied and equipped. Almost all small district prisons do not have adequate premises where medical examinations can be conducted and nursing care provided to prisoners. In addition, in such prisons prisoners are not medically examined upon admission and their medical files are not compiled. Prisoners permanently complain that they have to wait too

long to be examined by a medical doctor, as well as that such examinations are conducted in an off-handed manner and that necessary medicaments are not available.

Prison officers do not possess specialist knowledge enabling them to deal with particular forms of prison pathology or carry out socio-therapeutic programs for prisoners who are seriously ill or are dependent on psychoactive substances.

Though international standards are clear-cut about the important role medical services play in combating infliction of ill-treatment and securing overall quality of life in prisons, necessary awareness, to all appearances, has not taken root in domestic detention facilities. The Helsinki Committee's team is, therefore, deeply concerned with the fact that no measures are taken with a view to solving the problem of medical care. Though staffed with competent medical professionals, even the Belgrade Penitentiary-Hospital – the only institution primarily focused on providing medical treatment to special categories of prisoners – is unable to efficiently fulfill its task due to the lack of equipment and bad nursing conditions. Overcrowding figures as a constant problem, patients' accommodation is degrading and inhuman, the institution is permanently short of medicaments, modern methods and techniques are not applied, entrance of natural light and ventilation is insufficient, etc.

Different arrangements for status and role of medical services in detention facilities should be made at national level so as that they may play their crucial role in the prevention of torture and other inhuman or degrading treatment.

2. Security

Prison overcrowding – as the biggest problem blighting domestic detention facilities – continues to affect both internal and external security in them. Too many prisoners most of the monitored institutions have to cater for, large areas to be supervised, as well as mostly inadequate and outdated surveillance systems considerably undermine the task of security officers.

However, an analysis of external security solely based on the number of escapes or attempted escapes from detention facilities and other closed institutions in the past 12 months may lead to the conclusion that the overall security is at an adequate level.¹⁵ In the team's view, small number of escapes is to be attributed to the fact that the prisoners considered "dangerous to overall security" are mostly allocated to closed or high-security wards, which means that they are being locked up in their cells for almost 23 hours daily.

Further, very lay-outs of district prisons and the level of security in them explain such small number of escapes. Given that under the current Law on Execution of Criminal Sanctions district prisons are classified as semi-open institutions, they should not be surrounded by walls or have bared windows. The Law also provides that security officers in such institutions shall figure as "the only obstacles to escape." By defining district prisons in such manner, law-makers had in mind that they are supposed to accommodate persons sentenced to up to one-year imprisonment. Contrary to the Law's provision, district prisons – viewed from security angle - resemble closed institutions. Except for the Kragujevac District Prison, almost all other the team has visited are surrounded by high walls topped with barbed wire. Prison directors said over interviews they were aware the Law defined district prisons as semi-open institutions. However, they added, as district prisons cater for untried prisoners and often for those under long sentences, walls and barbed wire were fully justified in terms of security.

In the team's opinion, high-level security is justified when it comes to prisoners awaiting trials, but is illegal in the case of those under short sentences. Bearing in mind that these institutions also accommodate persons sentenced for misdemeanor, who, as a rule, share dormitories with those imprisoned for crime, the issue of "excessive" escape safeguards turns more than questionable and calls for urgent reconsideration.

The adequate level of external security is also to be attributed to sizes of security staffs in monitored institutions: the number of security officers usually corresponds to that of detainees. Though in some monitored institutions security services could be termed as short-handed on the grounds of relevant job classifications, they are actually adequately staffed due to security officers who have been reassigned from

¹⁵ The term escape does not refer to the prisoners under open or semi-open regimes, who have not duly showed up after leaves, free weekends, etc.

Kosovo. Only officers from the Belgrade Penitentiary-Hospital, the Belgrade District Prison and the Pozarevac Penitentiary-Reformatory complained of inadequate job classifications and understaffed security services.

The level of internal security (inter-prisoner violence) depends on the type, size and population of each of the monitored institutions. "Prison gangs" engaged in racketeering, violent incidents, blackmails, harassment of other inmates, etc. are mostly characteristic of the institutions the population of which exceeds 150 persons. Frequency of inter-prisoner violence grows in parallel with the growth of prison population. As overcrowding blights even large detention facilities, allocation and separation of prisoners that derives from assessment of risk and their special needs are an almost impossible task and considerably explains inadequate internal security in these institutions.

On the other hand, inter-prisoner violence rarely affects small capacity prisons or open wards within larger institutions.

Staffs' regimented and hostile attitude towards prisoners often increases the risk of security. Development of constructive and positive relations between prison staff and prisoners is a key component of overall security. In the team's view, necessary measures of control - implied in each aspect of maintenance of security in detention facilities - should also imply efforts to create good staff-prisoners relations. Such approach considerably reduces tensions and enhances secure environment for both staff and prisoners.

Last but not least, the team believes that modernization of equipment (state-of-the-art cameras and sensors), new conveyances and modern personal outfits for security officers (communications, arms, instruments of physical restraint, etc.) would greatly improve security in the monitored institutions and render the work of security officers by far more efficient.

3. Legality of Prison Regime

The ambitiously planned reform of prison regimes – motivated, in the first place, by the necessity to get this domain adjusted to international standards regulating the rights of persons deprived of their liberty – has not caught up with reality so far. The discrepancy between reformists' good intentions and the actual state of affairs in the domain of execution of detention measures is more than obvious. Even in 1998 when the Law on Execution of Criminal Sanctions and the Degree on Establishment of Penal Institutions in the Republic of Serbia were passed necessary preconditions for implementation of these two regulations had not been created – namely, centers for personality observation, psychiatric wards and prison hospitals, provided by the Degree, had not been set up.

As for bylaws supposed to regulate crucial aspects of imprisonment, only house rules to be applied in detention centers, district prisons, high-security, closed and open prisons, as well as in women prisons were enforced in the period 1999-2000. House rules adjusted to specific needs of the institutions such as the Belgrade Penitentiary-Hospital and the Krusevac Penitentiary-Reformatory have not been developed for years now.

On the other hand, rules regulating the use of instruments of restraint, solitary confinement and isolation, disciplinary measures, duties of security officers and nutrition in detention facilities, adopted back in 1978, are still in force.

House rules in the institutions that do have them are often available to untried and convicted prisoners alike only after admission. Detained foreign nationals are deprived of the opportunity to read house rules in their own mother tongues – instead, house rules are interpreted to them by other inmates who speak their languages.

Classification and allocation of prisoners to different institution and regimes is often not in keeping with letter of the law. Besides, acute prison overcrowding resulting from the police Saber operation made proper classification of detainees practically impossible. Prisoners convicted of minor offences and under short sentences often share accommodation with habitual offenders under long sentences. In some institutions, it is practically impossible to physically separate persons sentenced for misdemeanor from those sentenced for crime. However, in some places where such separation is possible, the two categories of prisoners are kept together round the clock since prison administrations do not consider this requirement crucial.

Almost as a rule, prisoners under long sentences, habitual offenders or those convicted of crime are allocated for “security reasons” to district prisons the treatment regimes of which are not adjusted to those categories of prisoners.

Position, rights and treatment of prisoners allocated to strictly closed prisons (such as the pavilion VII of the Pozarevac-Zabela Penitentiary-Reformatory) are not clearly defined by law. This opens the door to all sorts of abuse and ill-treatment of such prisoners.

Bearing in mind that effective grievance procedures against are fundamental safeguards against ill-treatment in prisons, the team takes that provisions regulating this domain are contrary to internationally adopted standards. Though compiled information indicate that small number of prisoners have filed complaints against disciplinary measure taken against them, violation of their right or the criteria for granting benefits, informal interviews that have been conducted lead to the conclusion that prisoners believe that filing complaints is of no avail, the more so since the whole system proved to be ineffective in scores of cases.

Further, a relatively small number of disciplinary proceedings instituted against prison officers for all sorts of breaches of orders and misconduct can hardly be interpreted as a proof that the system operates smoothly and in keeping with the letter of law. In the team’s view, this is more to be attributed to lenient prison administrations, ineffective inspection and inappropriate formal disciplinary procedures to be applied in the event of misconduct.

Apart from legal shortcomings, the Central Prison Administration, i.e. its supervisory bodies, are to blame for such situation.

4. Social Resettlement

Prisoners’ social rehabilitation, as the main purpose of imprisonment, is the fundamental principle recognized in modern science, legislature and practice alike. In keeping with this top priority principle, the LECS provides that reeducation services shall coordinate the work of all other prison services with a view to attaining this goal. Given that imprisonment in itself should be aimed at changing a prisoner’s behavior for the better, treatment programs provided to persons deprived of their liberty should be adjusted to individual needs. However, practice in domestic detention facilities shows that repression and prisoners’ isolation from the outside community are still considered the sum and substance of incarceration.

Inappropriate layouts of prisons and the lack of competent personnel on the one hand, and overcrowding and deficient funds on the other, objectively hinder the process of social resettlement.

In most institutions, the criteria for a prisoner’s allocation (classification and reclassification) are determined by available accommodation and security reasons, rather than by his specific needs, problems and behavior.

Teams in charge of prisoners’ admission, if any, are incomplete. Prisoners’ classification and reclassification are often in the hands of one or two educators who perform on their own the entire process ranging from admission, reeducation to the so-called pre-release preparation and post-penal integration into life in the outside community. Staff complements in reeducation services are constantly inadequate. More often than not, educators in smaller institutions are in charge of compiling general records, which unnecessarily wastes their time and prevents them from efficiently pursuing their main duties. So it happens that prisoners are rarely in daily contact with their educators and that the entire process of reeducation boils down to educators who handle prisoners’ requests to be granted some benefits or exercise some of their rights. Prisoners, therefore, more often communicate with security officers and try to solve their problems through this service. Situations as such are often seedbeds of corruption and emergence of “privileged inmates” who are classified or reclassified with no respect paid to adopted criteria.

Work and education, as key instruments in the process of social rehabilitation, are theoretically incorporated into domestic reformist policy. However, in everyday life, prisoners are rarely offered a variety of purposeful activities that would motivate them for work and education (work of vocational value, well stocked libraries, recreational activities, prison work suited to their professions in the outside community, etc.).

Though the overall prison population is poorly educated, schooling is organized only in two institutions – the Krusevac Penitentiary-Reformatory and the Valjevo Juvenile Prison. The fact that teachers are unwilling to work for prison schools, while prisoners themselves are hardly motivated for schooling can in no way justify insufficient efforts by prison personnel to encourage this major aspect of social resettlement.

The team pinpoints the necessity to have the school system in prisons reformed by organizing courses of training, particularly for juveniles, in skills that correspond to modern time, and by introducing vocational education in the trades that would help prisoners to find jobs after release.

General overcrowding in district prisons – and, especially, in their high security wards – adversely affect the exercise of almost all rights. In most cases, prisoners spend almost all the time locked in their rooms and are hardly ever engaged in some purposeful activity. The existence of a satisfactory program of activities is just as important – if not more so – in a high security ward than on normal prison location, as it can do much to counter deleterious effects upon a prisoner's personality of living in the bubble-like atmosphere of such wards.

Prisoners allocated to high security wards – untried prisoners in particular – are often left to languish for weeks, or even months, in poor living conditions without being provided any recreation in the open. Relevant international standards explicitly require that persons deprived of their liberty should be able to take exercise in the open at least for one hour. In all institutions the team has monitored, prisoners' exercise in fresh air – due to overcrowding and security reasons – are restricted to 15-30 minutes. Moreover, prison administrations and the prisoners allocated to high security wards alike said that any physical exercise within dormitories was prohibited.

The above statement does not refer to large prisons that have sport grounds available to prisoners several times a week at least.

As regards work activities in high security wards, it is clear that security considerations may preclude many types of prison work available to the prisoners classified to open and semi-open regimes. However, such considerations need not imply that prisoners in high security wards should spend days playing chess or domino, or watching TV.

On the other hand, work activities in open and semi-open wards are mainly focused on agriculture and farming. Viewed from the angle of vocational value, such work is, as a rule, inadequate to prisoners' need and can hardly motivate them. The fact that small percentage of prison population is engaged in prison work is to be attributed both to unmotivated prisoners and poor remuneration they get. Though all relevant authorities are aware that prisoners who languish are highly susceptible to bad influence and prone to aggressiveness, no steps to solve this pressing problem have been taken so far.

The only visible progress has been made in the domain of prisoners' religious rights and pastoral visits. Churches have been built within prison compounds or arrangements have been made for religious ceremonies in separate premises. However, this only improved the situation of the Serbian Eastern Orthodox believers. Religious rights of members of other faiths are still not fully respected.

The above-mentioned problems are only logical when one bears in mind the meager progress made in the reform of the judiciary, i.e. the discrepancy between proclaimed standards and the real life. Further, detention facilities could not have been spared from overall effects of the deep economic crisis. However, the team takes that even under current circumstances, small investments into detention facilities and, above all, full commitment on the part of authorized bodies and prison staffs to the concept of social rehabilitation – as a top priority of incarceration - would make it possible to develop by far better and efficient social resettlement programs.

5. Contact with the Outside World

Telephone is the most frequent mean of safeguarding prisoners' contact with the outside world. Almost all the visited institutions have phone booths installed for the purpose of prisoners' communication with their families, close friends and lawyers.

Limitations upon such contact derive from two aspects. Firstly, the number of telephone booths in large institutions is inadequate. Namely, due to permanent growth of prison population in such institutions duration of calls has been cut down to minimum. Secondly, ever since the time of the state of emergency, prison officers are, this way or another, able to overhear prisoners' telephone conversations.

The restrictive regime imposed during the state of emergency still affects prisoners' correspondence. Their letters are being read before dispatched to the outside community. However, the team has not obtained any information about letters kept (unsent) by prison administrations.

No major problems affecting reception of packages or money orders have been registered by the team. Further, no interviewed prisoners complained that some items were missing from the packages that had been delivered to him.

Procedures safeguarding visits by families or close friends are mostly respected. Frequency and duration of such visits depend on prisoners' treatment programs and classification. As for the rooms for family and spousal visits, they are, if any, mostly of inadequate size and furnishing.

Procedures regulating prisoners' contacts with their lawyers usually imply a prison director's approval. The team has not learned that any prisoner has been deprived of this right.

In most cases, the rooms wherein prisoners consult with their lawyers do not secure privacy of conversation.

Prisoners are kept informed about developments and events in the outside world. All monitored institutions have sufficient number of radio and TV sets available both to convicted and untried prisoners. Some institutions are in the position to distribute daily newspapers to prisoners free of charge. On the other hand, all prisoners are entitled to subscribe to unlimited number of dailies, magazines and other publications.

Generally speaking, contact with the outside world implies cooperation with relevant social services and agencies in local communities. Viewed from this angle, the contact with the outside world is utterly unsatisfactory. Society as a whole is neither involved in nor animated to participate in the programs of social rehabilitation and after-care programs. Pre-release preparations boil down to meetings with prisoners about to be released and their families. After release, prisoners are practically left to manage on their own.

Public opinion is still imbued with bias and stereotypes about prisoners. Regretfully, even some professional circles and penologists take the same attitude. Staffs of some social or medical centers, as well as police officers (mostly in small local communities) have prejudices about persons deprived of their liberty. Such bias stands in the way of the exercise of some of prisoners' rights during incarceration and after release.

The very fact that visiting hours are usually scheduled on weekends when prison staff are not on premises restricts the staff's communication with prisoners' families.

All in all, it is imperative to enhance cooperation between various detention facilities, and encourage prison administrations to work closely with prisoners' families and social centers that should assist released prisoners to reestablish themselves in society. However, prison staffs cannot make any significant progress in this domain, unless the relevant ministry plans and initiates the steps to be taken for this purpose.

6. Prison Personnel

Overall bad economic situation and chronic lack of people interested in full-time jobs in detention facilities are not pressing problems at this point. What makes the situation in this aspect most difficult is non-existent willingness to capacitate detention facilities with competent professionals, provide scholarships and appropriate training to would-be prison officers and secure better salaries to those incumbent officers who are committed to their work. In brief, prison personnel are not adequately selected. Some institutions even employ officers who do not meet basic requirements for the work. Thus this delicate and responsible work is often entrusted to the persons without any professional capacity whatsoever – a situation that hinders the very functioning of detention facilities. Further, one cannot but be alerted by the fact that in some institutions (mostly in district prisons) even prison administrations are unaware of treatment programs and, therefore, cannot instruct or guide other officers.

Only security services are mandatory in terms of organization systems. As a rule, security officers figure as the largest staff in every institution.

The obvious absence of highly professional security officers is additionally burdened by recruitment of officers who have not been given any kind of training in their general and specific duties. The interviewed security officers are fully aware of the problem and take that courses of training on recruitment, as well as those of in-service training are more than necessary, as they precondition a change in the perception of these services, which should not solely focus on repression. Seminars organized by the OSCE Mission to Serbia and Montenegro in tandem with the Central Prison Administration were the initial steps in that direction. These seminars were aimed at enhancing staff-prisoner relations, imparting information about human rights, etc.

Organization of other services varies from institution to institution. District prisons, for instance, either do not have reeducation service or, if they do, educators in these services seem to be tasked with duties that

do not logically derive from the services' purpose and objectives. In large detention facilities, few educators are often in charge of too many prisoners. On the other hand, training and employment services in the institutions with minimal number of prisoners engaged in prison work are often overstaffed.

In most institutions, officers – those engaged in the process of reeducation in the first place – perceive themselves as nothing but clerks who handle prisoners' requests and propose steps to be taken just to satisfy formal requirements. In their view, their suggestions have little influence on the decision-making process. Most interviewed prisoners perceive their educators' role in about the same way.

Special pedagogues in all institutions are dissatisfied with their status that, the same as their salaries, have been degraded by recently adopted regulations. They feel professionally humiliated and marginalized, particularly when compared with other, formally less educated employees.

Few are educators who are given the opportunity to follow contemporary trends in the field of penology or are interested in this type of remedial education. Given that the Central Prison Administration has not developed plans for remedial education, the latter solely depends on individual officers' personal ambition to improve their knowledge. In the team's view, a variety of purposeful activities and good reeducation programs in some institutions are to be attributed to enthusiasm of a handful of younger professionals, rather than to a well-planned and generally adopted concept of re-socialization.

Further, it was just in a couple of institutions that the team observed that entire staffs teamed up when it came to prisoners' reeducation. Inter-staff relations are mostly marked by rivalry, particularly between reeducation and security services. In practice, it is the latter that usually has the upper hand. Such atmosphere impairs the quality of work in detention facilities and opens the door to all sorts of misconduct and conflicts. And, it is only natural that it adversely affects prison population.

In addition, chronic inadequacy of staff complements or inappropriate assignments reduce direct communication with prisoners and hinder development of positive relations between prison staff and prisoners. Significant amounts of inadequately remunerated overtime add to staffs' perception of their work as unrewarding, and result in high level of stress.

RECOMMENDATIONS – MEASURES TO BE TAKEN TO IMPROVE THE OVERALL SITUATION

The overview presented in the sections above may be used as a basis for theoretical research aimed at finding solutions to system problems weighting detention facilities. The team's task, however, is to give, on the basis of this overview, suggestions that may improve the overall situation and secure respect for prisoners' human rights.

GENERAL RECOMMENDATIONS

- Drafting of a new "law on execution of criminal sanctions" and relevant bylaws should be sped up;
- Various experts competent to contribute to the development of norms that would be adjusted to modern, European standards and viable in practice should be included in the process of drafting the new law and bylaws (professionals from the Central Prison Administration, professors at faculties of psychology and law, prison directors and staffs, as well as experts from OSCE, UNHCHR, UNICEF and domestic NGOs dealing with this problematics);
- The Central Prison Administration should set up a team of experts that will inspect all detention facilities and draw up a relevant report; on the basis of their findings, and those contained in the reports publicized by international organizations and domestic NGOs, short-term and long-term plans should be made with a view to improve the situation in this domain.

1. Quality and Conditions of Life

- The Ministry of Justice, i.e. the Central Prison Administration should form a team that will – taking into account European standards – assess today's 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;
- The pressing problem of prison overcrowding calls for cooperation at European level; therefore, planning of a strategy for solving this problem requires consultation with the European Committee for the Problems of Criminality;¹⁶
- A plan for urgent measures aimed at removing or alleviating inhuman or degrading accommodation in some prisons should be grounded on the analysis of all reports on quality and conditions of life; such a plan, according to the team's findings, should imply: building of new pavilions or thorough reconstruction of the existing ones that were demolished in the November 2000 prison riot (Sremska Mitrovica and Pozarevac-Zabela penitentiaries-reformatories), reconstruction of the Belgrade District Prison and the Penitentiary-Hospital in the same manner in which the hospital's ward for women has been adapted, and installation of a new central heating system in the Pozarevac-Zabela Penitentiary-Reformatory;
- 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;
- Engagement of professional cooks by all institutions would better food preparation and serving – aspects as important as nutritional value and variety of food;

¹⁶ See Recommendation No. R (99) 22 of September 30, 1999 by the Ministerial Committee of the Council of Europe dealing with overcrowding and inflation of prison population.

- Better supplied prison canteens would not only add to the quality of food available to prisoners, but also significantly contribute to the establishment of positive climate in detention facilities;
- The system of medical care provided to persons deprived of their liberty should be changed so as to secure financial and professional independence of medical staffs; such independence from prison administrations would enhance the quality and efficiency of medical services;
- The quality and the effectiveness of medical services should be assessed only by a qualified medical authority; the Ministry of Healthcare should partake in making such arrangements;
- All detention facilities should be obliged to compile medical records for all detainees regardless of the period over which they are deprived of their liberty;
- All detention facilities should have at least one medical officer employed on full-time basis, competent to provide first aid, administer prescribed therapies, keep medical records and perform other duties when a doctor is not on premises;¹⁷
- Treatment programs for the growing number of prisoners dependent on psychoactive substances should be developed in close cooperation with the Ministry of Healthcare;
- The Belgrade Penitentiary-Hospital should be urgently equipped with modern medical instruments and apparatuses.

2. Security

- By building new facilities and adapting the existing ones in the short-to-long run the level of security in each institution should be adjusted to its legal definition;
- The-state-of-the-art equipment (modern video cameras and sensors of movement), new conveyances and more adequate personal outfits (communications, weapons, instruments of restraint, etc.) would significantly contribute to security in all monitored institutions, and enable security officers to efficiently perform their duties;
- Development of constructive and positive relations between security officers and prisoners – which implies no financial investment whatsoever – would enhance control and security;
- The Ministry of Justice, i.e. the Central Prison Administration and prison administrations should consider establishment of formal bodies that would represent prisoners in large institutions; namely, the idea is that prisoners are given the possibility to elect those inmates who would, in their view, stand for their rights in the best way; so elected representatives would not only take upon themselves to represent interests of the majority of prison population or particular prisoners who are victims of harassment, intimidation or physical attacks by certain inmates, but would also help curtail the adverse activity of “prison gangs;” further, by protecting prisoners’ interests, such formal bodies composed of elected representatives would render prison riots or serious incidents less possible.

3. Legality of Prison Regime

- In the process of drafting a new “law on the execution of criminal sanctions” and relevant bylaws, due attention should be paid to their adjustment to European standards in the following segments:
 - * Grievance procedures available to persons deprived of their liberty in the event their rights have been violated by prison staffs or administrations;
 - * Disciplinary procedures for persons deprived of their liberty;
 - * Disciplinary procedures for prison administrations and staffs;
 - * Allocation and classification procedures to be applied in all institutions and guided by clear-cut criteria;
 - * Definition of the term “intensified supervision” – conditions under which and reasons for having a prisoner allocated to an intensified supervision unit, period within which the purpose of such allocation should be reassessed, person in charge of such assessment, as well as rights of and restrictions imposed on a person allocated to such treatment program;

¹⁷ The recommendation refers to district prisons that have no medical officers except for visiting doctors who examine patients once or twice a week.

- Every detention facility should be obliged to make a copy of the current LECS and a copy of house rules available to each prisoner at all times; in the team's view, apart from having summarized copies of house rules visibly posted on premises, this objective can be attained by having several copies of these regulations available in prison libraries or given to educators who would hand them out in the event there is no library;

- Due attention should be paid to the separation of prisoners sentenced for misdemeanor from those sentenced for crime;

- The Central Prison Administration should more efficiently and more frequently inspect the functioning of prison administrations and services;

- The Central Prison Administration should form a unique database of all institutions so as to facilitate the communication within the prison system;

- Administrative departments of detention facilities should be equipped with computers with a view to be able to keep detailed and easily retrievable information about the legal status of every person deprived of his liberty.

4. Social Resettlement

- Awareness about re-socialization as the main purpose of incarceration and reeducation services as pillars of this process should be raised at all levels, including the Central Prison Administration, prison directors, staffs and prisoners. With a view to securing efficient social rehabilitation of prisoners necessary steps to be taken are as follows:

- Prisoners should be classified and reclassified in keeping with their individual needs, i.e. treatment programs able to produce best results;

- Arrangements should be made for education and vocational training of prisoners in lucrative trades; particular attention should be paid to schooling of the juveniles allocated to the Krusevac Reformatory; modern teaching aids and methods of learning, comparable to those available to juveniles in the outside community, should be provided to these juveniles;

- Conditions conducive to adequate individual and group treatment programs should be created (sizes of educational groups, premises, full complement of competent staff, etc.);

- Recreational activities provided to prisoners should be diversified through arrangements for cultural and artistic work, well-stocked libraries, cooperation with cultural centers in the outside community, etc;

- Prison work should be solely focused on prisoners' reeducation;

- Prison work and organizational arrangements should be so channeled as to secure development of professional skills in lucrative trades;

- Adequate premises for religious ceremonies should be provide to believers other than those of Serbian Eastern Orthodoxy;

- The Ministry of Justice, in tandem with the Ministry of Labor and Social Issues, should develop a strategy for pre-release preparations and after-care programs;

- Through media and whenever possible the general public should be informed about the purpose of imprisonment, i.e. the concept of social rehabilitation the effectiveness of which considerably depends on the attitude towards released prisoners, taken by people and relevant bodies in the outside world.

5. Contact with the Outside World

- Phone booths should be installed in the institutions where they are presently nonexistent;

- Additional phone booths should be placed in the institutions where their number is insufficient to meet prisoners' needs;

- Unless security reasons dictate otherwise, control of telephone conversations by prison officers should be abolished;

- Censorship of all letters sent by prisoners should be abolished; censorship should be restricted only to the cases when there is reasonable doubt to believe that prisoners might abuse this type of communication with the outside world; prisoners' right to privacy would be thus respected, while prison staffs would be relieved of a burdensome task;

- Adequate premises for family visits or those paid by close friends should be secured;
- Apart from securing and adequately furnishing premises for spousal visits, the law should provide that prisoners are entitled to exercise this right more frequently than at present (once in three months);
- Arrangements should be made so as that the rooms in which prisoners meet with their lawyers guarantee privacy of conversation, i.e. so that security officers can only visually control such meetings;
- Officers of reeducation services should be extra paid to work on visiting days with a view to establish close ties with prisoners' families;
- Generally, there is the need for more flexibility as regards the exercise of prisoners' right to contact with the outside world; full exercise of this right lessens tension in an institution and a prisoner's feeling of deprivation, and encourages creation of positive climate in detention facilities.

6. Institutional Personnel

- The Ministry of Justice, i.e. the Central Prison Administration, should develop programs – and secure funds for their implementation – that would enable prison staffs to improve their knowledge in all fields related to prison population, human rights, interpersonal communication skills and international standards the country is bound to respect;
- 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;
- 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;
- The Ministry of Justice, i.e. the Central Prison Administration, should reconsider recruitment criteria; apart from professional capacity, special emphasis should be given to candidates' integrity, humanity and personal suitability for the work;
- An independent commission tasked with periodic assessment of personnel's professional competence and personal suitability for the work should be formed; the criteria for granting benefits to the officers committed to their work should be based on the commission's reports that would, in turn, help to hinder corruption, as well as unmotivated and unprofessional work;
- Cooperation and exchange of views between the Central Prison Administration, prison administrations and staffs should be encouraged with a view to finding solutions to the problems all detention facilities are, more or less, faced with;
- Job classifications should be reconsidered and adjusted to actual needs of each service; services should be fully staffed and, wherever necessary, part-time staff or volunteers should be engaged;
- In order to improve conditions of service, personnel should be provided adequate offices and modern equipment;
- Arrangements should be made so as to enable prison officers to spend their vacations in resorts offering popular prices, to use gyms and other sport facilities free of charge, etc; in other words, better salaries should not figure as the only motivation for prison officers' commitment to their work;
- Norms defining the status of special pedagogues should be reconsidered;
- A model of positive management and communication, based on human and non-violent relations between prison officers and prisoners, as well as on their mutual respect, should be promoted.

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