

## **Response**

**of the Government of Bosnia and Herzegovina to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Bosnia and Herzegovina**

**from 11 to 15 May 2009**

The Government of Bosnia and Herzegovina has requested the publication of this response. The report of the CPT on its May 2009 visit to Bosnia and Herzegovina is set out in document CPT/Inf (2010) 10.

Strasbourg, 31 March 2010

*Note:*

*In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, certain names have been deleted.*

In accordance to the powers entrusted to the Ministry for Human Rights and Refugees and following the visit of the European Committee for Prevention of Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CPT) to Bosnia and Herzegovina made from 10 to 15 May 2009, we inform you herein that the **Report of the European Committee for Prevention of Torture was adopted at the 99<sup>th</sup> session of the Council of Ministers of BiH held on 24 September 2009.** At this occasion the Council of Ministers made conclusions by which it approved publishing of all reports submitted so far by the European Committee for Prevention of Torture as well as of the responses of Bosnia and Herzegovina authorities to different comments, recommendations and requests for information that have been discussed and adopted up to day at the sessions of the Council of Ministers of BiH since delivery of the first CPT Report in 2003.

**We inform you that all CPT reports as well as Bosnia and Herzegovina authorities reports are now available on the Ministry for Human Rights and Refugees website.**

After its adoption by the BiH Council of Ministers, the Report of the European Committee for Prevention of Torture was forwarded to the relevant ministries of Bosnia and Herzegovina and Entities for submission of responses and feedback information concerning CPT questions, comments and requests for information.

Due to short time and CPT request to receive the Report of Bosnia and Herzegovina authorities within three months from the date of receipt of the Report of the European Committee for Prevention of Torture, the BiH liaison officer, that is the Ministry for Human Rights and Refugees of BiH requested the CPT Secretariat in written to send back the information concerning the date from which the three months period was to be counted.

**The CPT Secretariat submitted the answer stating that the three months deadline was to be counted from the date of submission of the CPT Report to the Permanent Mission of BiH in Strasbourg, so the three months period in this case started to run from 21 July 2009.**

In line with the above mentioned, the deadline for submission of the feedback information by Bosnia and Herzegovina authorities, namely the Report of Bosnia and Herzegovina authorities, expired on 21 October. It should be noted that the Council of Ministers of BiH had consideration and adoption of the Report of the European Committee for Prevention of Torture on its agenda at the 99<sup>th</sup> session of the Council of Ministers held on 24 September 2009.

Given the above mentioned reasons, the Ministry for Human Rights and Refugees of BiH sent a letter to CPT explaining that it was objectively impossible, in such a short deadline, not a month from the date of CPT Report adoption by the Council of Ministers of BiH at its session of 24 September 2009, to finalize the compiled report of Bosnia and Herzegovina authorities, obtain the responses by relevant Ministries of BiH and Entities, to submit the compiled Report of BiH authorities for consideration and adoption by the Council of Ministers of BiH, to make an English translation of the Report of BiH authorities and forward it by care of the Ministry of Foreign Affairs to the Secretariat of the European Committee for Prevention of Torture (CPT).

**We inform you hereby that the last written report of the Ministry of Justice of Federation of BiH was delivered to the Ministry for Human Rights and Refugees on 14 December 2009.**

We are forwarding below the reports of the competent professional ministries of Bosnia and Herzegovina and Entities related to received CPT questions and requests for responses to requests, comments and recommendations, as well as submission of additional information, in the following manner:

- The Ministry of Justice of Bosnia and Herzegovina,
  - The Ministry of Justice of the Republika Srpska,
  - The Ministry of Justice of the Federation of BiH,
  - The Ministry of Health of the Federation of BiH,
  - The Ministry of Justice of Bosnia and Herzegovina,
  - The Ministry of Health and Social Welfare of the Republika Srpska.
- The Ministry of Justice of Bosnia and Herzegovina –

In connection to the obligation of the Bosnia and Herzegovina Government to supply information or response to the commentaries laid out in the report, the Ministry of Justice of BiH, within its powers, submits to you the additional information concerning the paragraph 8, item 37 of the report (Complaints and Inspection), the paragraph 9, item 40 of the report (Minors), item 62 of the report (Unique Forensic-Psychiatric Institution in Bosnia and Herzegovina), as follows:

**Paragraph 8, item 37 (Complaints and Inspection)**

The general provisions of the Law of Bosnia and Herzegovina on Execution of Criminal Sanctions, Detention and Other Measures that regulate the fundamental and most important human rights explicitly sets forth the right to communication and complaints of detainees and prisoners, their immediate resolution and possibility of filing petitions, complaints and other writs to the relevant authorities in order to protect their rights. In connection with this legal issue the Minister of justice made the Rules on filing petitions, complaints and other writs of detainees and prisoners in the institutions for execution of criminal sanctions, detention and other measures of Bosnia and Herzegovina which was published in the Official Gazette of BiH, number: 42/05 of 28 June 2005 and which regulates in more details the rights of the applicants of writs, the obligations of the writ receivers and treatment upon the named writs.

Further, the Law of Bosnia and Herzegovina, in its Article 68 provides the possibility of referring of detainees and prisoners to the institution of the Ombudsman of BiH and filing petitions and complaints regarding all issues of the institution as a special independent body tasked to protect human rights and fundamental freedoms. The above named right of the detainees and prisoners is also governed by the Article 20 of the Law on Ombudsmen for Human Rights of BiH which stipulates that: **“correspondence submitted to the named institution from the place of the detained persons, be they imprisoned or deprived of their liberty, cannot be subject to any censorship and it must not be opened, and the conversations made between the Ombudsmen institution and the named category of persons cannot be supervised or interfered,”** which shows that existing regulations of Bosnia and Herzegovina contain the control of the prison issues by the independent institution outside the prison system.

Independently of the existence and authorities of the Ombudsmen institution of BiH, the Ministry of Justice of BiH accepted the recommendation from the European Prison Rules enforced on 11 January 2006, namely its paragraphs 93.1 and 93.2 which recommend to the States Parties of

the Council of Ministers of Europe to integrate into their prison rules the **“Independent monitoring”** by an independent body, of the conditions of stay in prisons and treatment of prisoners regarding their human rights, which was integrated through the Article 41.-a of the Law on Amendments of the Law of Bosnia and Herzegovina on Execution of Criminal Sanctions, Detention and Other Measures adopted by both Houses of Parliament on 27 April 2009 and published in the Official Gazette of BiH, number: 37/09 of 12 May 2009. It came into legal effect on 20 May 2009 and in the meantime the Parliamentary Assembly of BiH undertook legal activities and launched the procedure for establishment of the **“Independent Commission”** (Conclusion number 01.02.-34-1-1093/09 of 15 September 2009) on which we give you herein the explanation with citation of the legal normative:

**“Article 41a.  
(Independent Commission)**

- (1) The Independent Commission monitors the conditions of stay in the institutions and treatment and situation of human rights of the persons against who the criminal sanctions and other measures are executed within the criminal proceeding by the Court, foreign courts for acts provided by the Criminal Code of Bosnia and Herzegovina or by international treaty signed by Bosnia and Herzegovina or other court in accordance with the Law of Bosnia and Herzegovina.
- (2) The Independent Commission from the paragraph (1) of this Article is appointed and dissolved by the Parliamentary Assembly of Bosnia and Herzegovina.
- (3) The Commission consists of (5) members, out of which number one is the president.
- (4) The Commission members are appointed for the period of 5 (five) years with a possibility of repeated appointment for a further mandate.
- (5) The Commission members shall be experts or they should have knowledge in legal or similar fields, such as judiciary, administration, penology, social welfare, psychology, pedagogy and so on.
- (6) The Commission may conduct external monitoring of the work of the Institution on its own or together with inspection or other monitoring bodies, as well as cooperate with international and other institutions competent for monitoring and exercise of human rights and fundamental freedoms in accordance with the Law and relevant international instruments.
- (7) Pursuant to the paragraph (6) of this Article, the Commission has all powers in its work as has the empowered person from the articles 40 and 42 of this Law.
- (8) The Commission enacts the Rules of Procedure for its operation.
- (9) The Commission makes annual reports on its work and submits it to the Parliamentary Assembly of Bosnia and Herzegovina and to the Ministry of Justice in order to undertake appropriate actions and measures in line with the law.

**Legal reasons**

**The Recommendation (2006) 2 of the Committee of Ministers to the States Members in connection with the prison rules adopted at the session of 11 January 2006, recommends to the States Members of the Council of Europe to integrate into their regulations the provisions on the “Independent monitoring” contained in the provisions of the Article 93.1 and 93.2 of the said Recommendation that is incorporated into the Law of Bosnia and Herzegovina on Execution of Criminal Sanctions.**

The aim of the Recommendation is to establish and appoint the Independent Commission, apart from the inspection conducted in the institutions by the competent ministry body, to monitor the development of the standards regarding respect of human rights, treatment with persons and conditions of their stay in the institutions.

The above named Commission has authority to conduct independent external monitoring of the Institution or together with the inspectors from the Ministry of Justice of Bosnia and Herzegovina or other monitoring bodies and it has in this regard the powers entrusted to authorized persons, inspectors from the Articles 40 and 42 of this Law. These reasons make the Commission competent to make a report and submit it to the relevant ministries of justice and to the Institution manager.

The said Article also stipulates the manner of appointment, dissolution, as well as the number of the Commission members, their mandate, professional qualifications and making of the Rules of Procedure on its work and annual report, which will have significant importance in raising standards of respect of human rights of detainees and prisoners, high level of professional treatment by institution officers, their permanent education, training and adoption of new prison skills representing the latest European practice in the field of prison rules.

Furthermore, the concrete conditions of stay, state of prison, especially adequacy of corresponding premises, accommodation standards with all accompanying facilities in the institutions will indicate the need to harmonize the conditions in line with the minimum European standards and rules.

**The work of the Independent Commission will enable to provide faster and more efficiently the financial means for rehabilitation, reconstruction, building up or building of new buildings within reform of the prison system that should follow the reform of the judiciary and prosecutor's office and be compatible with the new criminal sanctions, standards and new methods of execution of criminal sanctions.**

In case of possible riots, mutinies or strikes in prisons, the Independent Commission monitoring will contribute to more objective information supplied to the public and competent bodies on such events, their causes and ways of their solution, which will disable the arbitrary pressures of the prison population in demanding their rights contrary to legal regulations or indirect political interference in the work of the prison system.

**The conclusion on establishment of the temporary Mutual Commission of both Houses of the Parliamentary Assembly of BiH for performance of obligations from the Article 41/a of the Law on Amendments of the Law of Bosnia and Herzegovina on Execution of Criminal Sanctions, Detention and Other Measures (Official Gazette of BiH, number 37/09), which refers to selection and appointment of the Independent Commission empowered by the law to monitor the conditions of the stay in the institutions and treatment regarding human rights of the persons against whom criminal sanctions and other measures were pronounced in the criminal proceeding by the Court, foreign courts for the acts provided in the Criminal Code of BiH or in the international treaty that Bosnia and Herzegovina signed or other courts in accordance with the Law of Bosnia and Herzegovina. The conclusion was made at the 59<sup>th</sup> session of the House of Representatives of 02 September 2009 and at the 35<sup>th</sup> session of the House of Peoples held on 15 September 2009 and it was published in the Official Gazette of BiH, number 75/09 of 22 September 2009.** The said conclusion was made upon the initiative of the Ministry of Justice of

BiH within the undertaking of additional activities for the implementation of the Article 41-1, namely for execution of the Law on Amendments of the Law of Bosnia and Herzegovina on Execution of Criminal Sanctions, Detention and Other Measures (Official Gazette of BiH, number 37/09).

**Paragraph 9, item 40 (Minors)**

The execution of criminal sanctions against minors is under jurisdiction of the entities because the punishment of the juvenile prison is executed in a special institution in the entity in which the minor has place of living or residence, in order to achieve the higher standard of the reintegration process especially with the said population, in a way to enable them a closer contact with their family and other relatives, continuation or attendance of school and other penology treatment applied for that population.

Considering the present situation in Bosnia and Herzegovina and the fact that the Federation of Bosnia and Herzegovina has no special institution in which the minors could serve the prison sentence and that the special ward in the Zenica Prison was overcrowded by convicted adults due to lack of space, the minors have had no adequate conditions to serve prison or to be separated from the adults and prevented of contacts with the persons convicted for serious crimes. **Due to negative effect caused by this legal situation, the Ministry of Justice of BiH incorporated a special legal normative allowing for the possibility that in such legal situations, based on the decision by the Minister of Justice of BiH, the minor person can be sent to serve sentence in the appropriate institution or in the special ward for juveniles of an institution in another entity (Official Gazette of BiH, number 37/09).** In this way a full contribution to the rule of law was attributed and this legal normative prevented to have in practice a legal situation preventing allocation of a minor to serve the prison sentence in an entity due to lack of institutional capacities. We hereby present the said normative pointing out its reasons and purposes for its enactment, which is especially shown in the reasoning of this legal normative.

**“Article 168a”.**

**(Accommodation of minors in another institution or special ward)**

- (1) In case of impossibility to accommodate the minor who was pronounced the prison sentence by a competent court of any entity or the Brcko District of BiH, or to conduct modern education measures and treatment as well as to serve the juvenile prison in a special juvenile ward in an institution or a special institution of the entity in which the imprisoned minor has place of living or residence, the Minister of Justice may make the decision for such a minor to serve the prison in the corresponding institution in another entity in Bosnia and Herzegovina.
- (2) The application based on the paragraph (1) of this Article is filed by the court in the place of place of living or residence competent to allocate such person for accommodation, by care of the entity Ministry of Justice or the Judicial Commission of Brcko District of BiH which must give their prior consent to accommodate the minor in the institution or special ward in another entity.
- (3) Based on the decision by the Minister of Justice, the court in the place of the minor's place of living or residence allocates the person pronounced the juvenile prison sentence to the adequate institution or a special juvenile ward in the institution of another entity, upon prior consent given by the Ministry of Justice of that entity.

- (4) The accommodation costs are born by the Ministry of Justice of the entity or the Judicial Commission of Brcko District of BiH which had given written consent to accommodate the minor in an appropriate special ward or juvenile institution in another entity.”

**Legal reasons:**

The existing legal regulations in Bosnia and Herzegovina stipulate that the minor serves the pronounced juvenile prison sentence in a special juvenile institution or in a separate juvenile ward in the institution in the entity in which the juvenile prisoner has place of living or residence. Furthermore, the law specially sets forth that the persons who serve the juvenile prison must have separate premises from other prisoners if they are accommodated in the special ward as well as the possibility to apply modern methods of treatment regarding reintegration, bringing up, school or vocational training, in order to successfully return and reintegrate themselves in the conditions of life in freedom and meet the civilian duties in line with the law.

**The Federation of BiH currently has no an institution for the minors to serve the juvenile prison, it has only the special ward in the Zenica Closed Prison, in which adult person with pronounced prison sentence are also accommodated due to overcrowded capacities.** Such situation breaks the basic penology principle of separate accommodation of minors from adults and impedes successful implementation of treatment arrangements and all other professional and regular activities meant for reintegration and resocialization of minors as the basic objective of the execution of a sentence that may be pronounced against such persons.

**The special building was built in the Republika Srpska, at the location of the Remand section of East Sarajevo Prison, for accommodation of minors pronounced the juvenile prison sentence. Currently,** there are 3 (three) minors serving sentence but the facility capacity is constructed to accommodate up to 40 (forty) minors and meets all penology requirements required by the law regarding the treatment process.

**Certain difficulties might appear in the practice for the above given reasons, with regard to possibilities of sending to serve the sentence from the Federation of BiH, and possible longer stay of such persons in freedom waiting to be summoned to serve their sentence, which would be contrary to the principles of justice, purpose of punishment both in view of general and special prevention and especially in view of the fulfillment of justice towards the families of the victims.**

The said issue was also opened in public and it was suggested that the Ministry of Justice of BiH acts in such legal situations based on its authorities, in order to ensure the possibility to accommodate a minor in the special institution in another entity in case it is impossible to adequately accommodate the minor on the territory of one entity or Brcko District of BiH.

In such situations, the Ministry of Justice of BiH would have powers based on the proposed legal normative to make the decision for such a minor to serve the sentence in a corresponding institution of another entity. The application from the paragraph (1) of this Article is filed by the court in the place of the place of living or residence by care of the Ministry of Justice of the entity or the Judicial Commission of Brcko District of BiH, which must give its prior consent for the accommodation in another entity. In such procedure the competency of entity's or Brcko District of BiH authorities is respected.



Based on the proposed legal normative, the Ministry of Justice of BiH, the court in the place of place of living or residence allocates the minor to serve the prison sentence in a corresponding institution in another entity.

The accommodation costs are born by the Ministry of Justice or the Judicial Commission of Brcko District of BiH according to the court competent to allocate such minor to serve the juvenile prison sentence.

**The proposed legal normative prevents to have in practice the problems concerning impossibility of accommodation and execution of sentence of a convicted minor, including violation of the principle of justice, implementation of resocialization and purpose of punishment, attitude towards the victim and the society as an organized community capable to effect and undertake measures to prevent commitment of crimes and to influence on the citizens' awareness on justifiable punishment of perpetrators of criminal acts.**

#### **Item 62 (Unique Forensic-Psychiatric Institution in Bosnia and Herzegovina)**

We would like to point out here that since September 2008, in regard of resolving the issues of execution of safeguards of mandatory psychiatric treatment and treatment of drug addiction, **the Ministry of Justice of BiH has carried out the main coordinating activities concerning making of the Agreement on Accommodation and Compensation of Costs for Execution of Safeguards Pronounced in the Criminal Proceeding and Other Procedure in which the Measure of Medical Treatment was Pronounced.** This Agreement was agreed upon on 04 September 2009, after being adopted at the Council of Ministers of BiH on 17 June 2009, accepted by the East Sarajevo Clinical Center on 13 April 2009 and adopted by the Republika Spska, Brcko District of BiH and the Federation of BIH governments on 09 July 2009, 23 July 2009 and 23 July 2009, respectively, with additional consent by the Ministry of Health and Social Welfare of RS dated 04 September 2009 and this day is considered as the date on which the Agreement was finally accepted and adopted.

The activities on signing and certification of the Agreement by the Prime Ministers of the above mentioned institutions are underway and this enables use of donor funds transferred to the special account of the Ministry of Finance and Treasury of BiH by the Swiss Confederation in the amount of CHF 2,800,000.00 for reconstruction and rehabilitation of the future building of the Special Hospital for Forensic Psychiatry in Sokolac which will be a unique institution in Bosnia and Herzegovina for accommodation of persons against whom the safety measures were pronounced by any court in Bosnia and Herzegovina. The said Agreement will ensure solution of a very important issue in the field of accommodation of forensic patients and will mean the implementation of the commitment deriving from the CPT and the European Commission recommendations.

Based on all aforesaid, the Ministry of Justice of Bosnia and Herzegovina made the text of the Draft Agreement and delivered it for adoption to the governments of the Entities, Brcko District of BIH government and the Council of Ministers of Bosnia and Herzegovina.

At its 91<sup>st</sup> session of 17 June 2009, the Council of Ministers of Bosnia and Herzegovina considered and adopted the Agreement on Accommodation and Compensation of Costs for Execution of Safeguards Pronounced in the Criminal Proceeding and Other Procedure in which the Measure of Medical Treatment was Pronounced and Dr. Nikola Spiric, the Chairman of the **Council of Ministers of BiH** was authorized to sign the Agreement. (The Conclusion of the Council of

Ministers of BiH number 05-07-1945-5/09 of 17 June 2009). Furthermore, the East Sarajevo Clinical Center sent its response to this Ministry, number 01-192/09 of 30 April 2009, in which the Center confirmed that the “**Clinical Center – East Sarajevo**” adopted and accepted the Draft Agreement, and the signatory of the response is the acting director Dr. Sinisa Zubic. The Draft Agreement was adopted by the **Republika Srpska Government** on 09 July 2009 and the signatory was the RS Prime Minister Mr Milorad Dodik. It was also adopted by the **Brcko District of BiH Government** on 23 July 2009 and signed by the mayor Dr. Dragan Pajic, and it was adopted by the **government of the Federation of BiH** on 23 July 2009 and signed by the Prime Minister of the Federation of BiH, Mr Mustafa Mujezinovic. **On 04 September 2009, the Ministry of Health and Social Welfare of RS gave the additional consent on the Draft Agreement, and this date is considered as the final date of the Agreement acceptance and adoption, after which on 07 September 2009 the notice on the adopted Agreement was delivered to all participants who took part in making the text of this Agreement.**

A number of activities were undertaken in the previous procedure including regular and permanent meetings and corresponding decisions or conclusions were made and the 04 September 2009 is considered as the date on which the Agreement was finally adopted and accepted, and so we inform you herein on the final text of the Agreement as follows:

#### **The Final Text of the Agreement**

Pursuant to the Article 251 of the Criminal Code of Bosnia and Herzegovina (“Official Gazette of BiH, no. 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06 and 32/07) the Conclusion of the Council of Ministers of Bosnia and Herzegovina passed at its 52<sup>nd</sup> session of 12 June 2008, and in connection with providing execution of safeguards and other forms of psychiatric treatment in accordance with the existing regulations in the field of criminal and non-litigation legislation of Bosnia and Herzegovina and regulations in the field of health care and social welfare in Bosnia and Herzegovina,

- 1. The Council of Ministers of Bosnia and Herzegovina, Trg BiH 1, Sarajevo, represented by the Chairman Dr. Nikola Spiric,**
- 2. The Government of the Federation of Bosnia and Herzegovina, Alipasina 41, Sarajevo, represented by the Prime Minister Dr. Nedžad Branković,**
- 3. The Government of the Republika Srpska, Trg Republike Srpske 1, Banjaluka, represented by the Prime Minister Milorad Dodik,**
- 4. The Government of the Brcko District of BiH, Bulevar mira 1, Brcko District, represented by the mayor Dragan Pajic,**
- 5. The Clinical Center in East Sarajevo, Kasindolskog bataljona 113, East Sarajevo, represented by the acting director Dr. Sinisa Zubic**

**M a k e:**

**THE AGREEMENT ON ACCOMMODATION AND COMPENSATION OF COSTS FOR EXECUTION OF SAFEGUARDS PRONOUNCED IN THE CRIMINAL PROCEEDING AND OTHER PROCEDURE IN WHICH THE MEASURE OF MEDICAL TREATMENT WAS PRONOUNCED**

## **Article 1**

- (1) This Agreement governs the conditions of accommodation, medical treatment, stay and care of persons who were sentenced to safeguard of mandatory psychiatric treatment, treatment of addictions and other measures requiring accommodation in a special hospital for forensic psychiatry.
- (2) The Sokolac Special Hospital for Forensic Psychiatry (hereinafter: the Special Hospital) shall accommodate under the same conditions the patients from entire Bosnia and Herzegovina.

## **Article 2**

The accommodation of the patients shall begin when the reconstruction of the existing special building next to the Psychiatric Clinic « Podromanija » in Sokolac will have been completed, that is when the Special Hospital obtains necessary licenses for the beginning of its work and after it has been registered at the court.

## **Article 3**

- (1) Accommodation, staying, stay, care, medical treatment, expertise, supervision, reporting and other procedures referring to execution of the safeguards shall be carried out on the basis of safety measures pronounced in a criminal proceeding by the Court of Bosnia and Herzegovina, courts of the Federation of Bosnia and Herzegovina, courts of the Republika Srpska and the courts of the Brcko District of Bosnia and Herzegovina.
- (2) Accommodation, staying, stay, visits, care, medical treatment, expertise, supervision, reporting and other procedures passed by the body competent for social care, mental health or social welfare, namely by other competent bodies of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska and the Brcko District of Bosnia and Herzegovina, which are implemented under a special law or other regulation in the second instance procedure, or based upon the decision by the competent court in non-litigation procedure.

## **Article 4**

The Special Hospital may accommodate the persons based on the decision issued by the courts in Bosnia and Herzegovina, the decision of foreign courts for criminal acts provided by the laws of Bosnia and Herzegovina in line with the international treaties or special law to which Bosnia and Herzegovina is a signatory, or if the decisions were made against foreign citizens or persons without citizenship with place of living or residence in Bosnia and Herzegovina, or made by other competent body in Bosnia and Herzegovina on the basis of a special law or regulations in the second instance procedure, if:

- a) The safety measure of mandatory psychiatric treatment was pronounced for the perpetrator who committed the said act in the state of essentially reduced accountability, that is reduced accountability, including prison sentence;
- b) The safety measure of mandatory medical treatment of addiction pronounced to the perpetrator who committed the criminal act by decisive effect of addiction to alcohol or opiate drugs or other psycho-topic substances, including prison sentence;

- c) The safety measures pronounced to minor perpetrators of the crimes when this measure is not replaced by the pedagogical measure of transfer to other institution for qualifying or in case he/she had not been accommodated in a special psychiatric institution for accommodation of children and youth;
- d) The proceeding has been instituted with the competent court or other responsible body for forced accommodation in a health institution of the perpetrator of the criminal act committed in a state of non-accountability;
- e) The psychiatric treatment or anti-addiction treatment was ordered for the perpetrator together with the conditional sentence, unless the treatment was provided, according to the place of living, within primary health care, hospital care or other specialized health care;
- f) The perpetrator was allocated under safety supervision together with the conditional sentence, or under medical treatment in an appropriate health institution or visits to specified psychiatric, psychological and other advisory institutions and acting upon advise, unless the treatment was provided, according to the place of living, within primary health care, hospital care or other specialized health care;
- g) Staying in a health institution was ordered to mentally disturbed persons by the court decision in a non-litigation procedure, when it is necessary, due to the nature of the illness, to limit freedom of movement to such a person, or contact with external world and if the accommodation was not provided, according to the place of living or residence or in the closest institution to the person's place of living, residence or the place where the person was found, in another specialized health or social institution dealing with accommodation, care and medical treatment of such persons;
- h) The detention measure was ordered that is executed in the psychiatric institution or if a decision was made on temporary detention in the said institution;
- i) The decision was made by the competent authority for forced detention or accommodation in the psychiatric institution or if a voluntary accommodation was ordered with the person's consent pursuant to regulations on protection of persons with mental disorders, if the accommodation was not provided, according to the place of living or residence or in the closest institution to the person's place of living, residence or the place where the person was found, in another specialized or social institution dealing with accommodation, care and medical treatment of such persons;
- j) If temporary accommodation was ordered for the perpetrators of criminal acts or other persons in order to implement the psychiatric expertise;
- k) It is based on the decision of the Minister of Justice on accommodation of detainees in the health institution due to psychological disturbances, if they get mentally ill during execution of prison sentence or show the serious psychological disturbances.

## **Article 5**

The Special Hospital commits to execute the measures from the Article 1 to 4 of this Agreement ordered against the persons, to enable accommodation and treatment without discrimination on any grounds, with human treatment, respect of human dignity, absence of degrading treatment or other forms of inhuman treatment or punishment which are contrary to legal or other regulations in the field of execution of safety measures and health field, as well as in the execution of medical experiments, research or application of forms of medical treatment forbidden by the law, other regulations or international conventions or standards with regard to protection of rights and provision of medical services to persons with mental disorders, mental disturbances and other forms of mental illnesses.

## **Article 6**

- (1) The Ministry of Justice of Bosnia and Herzegovina, the Federal Ministry of Justice, the Ministry of Justice of the Republika Srpska and the Judicial Commission of the Brcko District of BiH commit to bear complete costs of execution of the measures listed in the Article 1 to 4 of this Agreement, pronounced in the criminal proceeding by the Court of Bosnia and Herzegovina, the courts of the Federation of Bosnia and Herzegovina, the courts of the Republika Srpska and the courts of the Brcko District of Bosnia and Herzegovina, for the persons who are serving these measures in the Special Hospital.
- (2) The Federal Ministry of Justice commits to timely regulate the payment of the costs with the cantonal ministries of justice for execution of the measure of the forced accommodation of the perpetrators of the criminal acts in the state of non-accountability.
- (3) The perpetrators of criminal acts in the state of non-accountability shall not be allocated to the Special Hospital until the issues from the previous paragraph of this Article have been regulated.

## **Article 7**

- (1) The price of costs of execution of measures from the Article 1 to 4 of this Agreement per daily stay for one person shall be calculated in the amount of 72.00 KM for the standard care, which represents the price of a hospital day of the acute psychiatry in accordance with the Price List of health services of the Republika Srpska Health Insurance Fund for 2008 which will be in force until a new price list of health services has been passed for 2009.
- (2) The Ministry of Health and Social Welfare of the Republika SRpska and the Health Insurance Fund of the Republika Srpska commit themselves to monitor continually the real costs of accommodation and medical treatment, and to propose timely corrections of the above established prices in case of change of prices of medicament supply, medical equipment and other resources necessary for impeded work and operation of the Special Hospital.
- (3) The price of the costs of services from the paragraph 1 of this Article shall be modified upon proposal of the Ministry of Health and Social Welfare of the Republika Srpska with the consent of the Agreement signatories, after which the Ministry of Justice of Bosnia and Herzegovina shall make a special decision on the price of the costs.

## **Article 8**

The expertise is determined by the competent body to which the Special Hospital sends the invoice for services provided upon the completion of the said expertise.

## **Article 9**

- (1) The Special Hospital shall invoice the accommodation costs from the Article 5 of this Agreement until the 5<sup>th</sup> day in a current month for the previous month and it shall deliver it to the Ministry of Justice of Bosnia and Herzegovina for the measures ordered by the Court of Bosnia and Herzegovina, to the Federal Ministry of Justice for the measures ordered by the courts in the Federation of Bosnia and Herzegovina, to the Ministry of Justice of the Republika Srpska for the measures ordered by the courts in the Republika Srpska and to the Judicial Commission of Brcko District of BiH for the measures ordered by the courts of Brcko District and to other competent bodies which ordered certain measures from the

Article 1 to 4 of this Agreement, pursuant to the law and regulations in the second instance procedure.

- (2) The invoice shall be accompanied by the list of persons who serve measures together with the days spent in the Special Hospital, kind of supplied care, medicaments specification and other services rendered.

#### **Article 10**

The Ministry of Justice of Bosnia and Herzegovina, the Federal Ministry of Justice, the Ministry of Justice of the Republika Srpska and the Judicial Commission of Brcko District and other bodies and institutions who allocate the persons to the Special Hospital commit to pay the money from the previous Article of this Agreement to the account of the Special Hospital, upon the receipt of the invoice and not later than within 30 days from the date of the receipt of the invoice.

#### **Article 11**

- (1) The Special Hospital undertakes to provide to each person who serves any of the measures from the Article 1 to 4 of this Agreement ordered by the Court of Bosnia and Herzegovina, by the courts of the Federation of Bosnia and Herzegovina, by the courts of the Republika Srpska and by the courts of Brcko District of Bosnia and Herzegovina, adequate medical treatment and accommodation that satisfy the health and hygienic needs, nutrition of at least three meals a day, health care, and personal and collective hygiene, in the manner and the scope as regulated by the existing regulations, except for the approved costs of health care and medical treatment outside the institution and other costs provided by the Article 185 of the Law on Criminal Procedure of Bosnia and Herzegovina, the Article 199 of the Law on the Criminal Procedure of the Federation of Bosnia and Herzegovina, the Article 96 of the Law on the Criminal Procedure of the Republika Srpska and the Article 185 of the Law on Criminal Procedure of Brcko District of Bosnia and Herzegovina.
- (2) The Special Hospital ensures the protection of the patients during the stay and medical treatment in another health institution.

#### **Article 12**

The Special Hospital undertakes to submit a three-month and annual reports on its work and situation of execution of the measures listed in the Article 1 to 4 of this Agreement, to the following instances: the Ministry of Justice of Bosnia and Herzegovina, the Entities' Ministries of Justice and the Judicial Commission of Brcko District as well as to the ministries of health of the Federation of Bosnia and Herzegovina and the Republika Srpska, to the Federal Ministry of Labor and Social Policy, to the competent health body of Bosnia and Herzegovina and the custody bodies for non-accountable perpetrators of the criminal acts who were accommodated in the Special Hospital based on the non-litigation court decision.

#### **Article 13**

- (1) The Ministry of Health and Social Welfare of the Republika Srpska and the Republic Administration for Inspection of the Republika Srpska shall carry out the supervision of the work of the Special Hospital in regard to the health and sanitary care and application of modern medical treatment methods.
- (2) The Ministry for Human Rights and Refugees of Bosnia and Herzegovina, the Ministry of Civil Affairs of Bosnia and Herzegovina, the Ministry of Health of the Federation of Bosnia

and Herzegovina and the Ministry of Labor and Social Welfare of the Federation of Bosnia and Herzegovina can conduct the supervision with regard to overview of the situation and accommodation of the persons allocated for medical treatment to the Special Hospital on the grounds mentioned in the Article 1 to 4 of this Agreement.

- (3) The Special Hospital is obliged to ensure impeded access and overview of accommodation and respect for human rights for the persons under medical treatment to the European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) as well as to other national and international organizations competent for monitoring and exercise of human rights and fundamental freedoms in accordance with the law and corresponding international instruments.

#### **Article 14**

The Special Hospital shall enable supervision of execution of ordered safety measures or other ordered measures, which will be conducted on behalf of the Ministry of Justice of Bosnia and Herzegovina, the Federal Ministry of Justice, the Ministry of Justice of the Republika Srpska and the Judicial Commission of Brcko District by inspectors who are officials with special authorities assigned in line with the existing legal regulation, and also carried out by courts and prosecutor's offices, and other competent bodies which participated in the procedure of ordering the safety measures from the Article 1 to 4 of this Agreement.

#### **Article 15**

Upon obtaining the license on fulfillment of requirements for carrying out the activities and after registration at the court, the Special Hospital shall immediately enable the accommodation of forensic persons who were previously sentenced to safety measures of mandatory psychiatric treatment and care in the forensic unit of the Zenica penitentiary closed institution and the forensic unit in the "Podromanija" Clinic in Sokolac.

#### **Article 16**

This Agreement is made for unlimited time and shall apply from the date of its signing. It may be cancelled by giving a statement within 3 months prior to the end of a current calendar year for the next year, and the party that cancels the Agreement is obliged to pay all costs to the Special Hospital and to transfer the persons ordered execution of safety measures to another adequate institution.

#### **Article 17**

The contracting parties agree that they shall resolve disputes arising from the implementation of provisions of this Agreement in a friendly way, and in the case of failure to reach an amicable agreement, the dispute shall be resolved by the competent court.

#### **Article 18**

The Ministry of Health and Social Care of the Republika Srpska shall accept the terms of this Agreement until the Special Hospital obtains a legal person status and is entered into the court registry, and after its registration with the court the Special Hospital shall be obliged to implement the said terms.

## **Article 19**

This Agreement is made in six identical copies, one copy for each contracting party.

## **Article 20**

This Agreement shall be published in the official papers of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska and Brcko District of Bosnia and Herzegovina, and after this Agreement enters into force, the Memorandum of understanding on legal assistance and official cooperation in the field of execution of safety measures of mandatory psychiatric treatment ordered in the criminal procedure made between Bosnia and Herzegovina, the government of the Federation of Bosnia and Herzegovina, the Republika Srpska and Brcko District of Bosnia and Herzegovina, number 03-02-3927/06 of 22 May 2006 ceases to be valid.

### **Final part:**

We would also like to inform you that the amendments to the Law on Execution of Criminal Sanctions regulate at the state level the field of **“hunger strike of convicted and detained persons”** which represents the implementation of the standards from the Malta declaration - of the World Association of Doctors in regard to ethic treatment by doctors of persons deprived of their liberty who strike in hunger – from 2006 (Article 59-a of the Law), then also the legal normative regulating – **“Testing to infectious diseases or psychoactive substances (Article 64-a of the Law)”, the assessment of the risk, measures of supervision, prohibition and limitation (Article 140-a, 140-b, 140-c and 140-d of the Law), mandatory proposal of the manager for conditional release (Article 157-a of the Law), as well as the notification of the institution on the need to assist to the person after execution of the prison sentence, or to conditionally released person (Articles 164-a and 165-a of the Law), resolution of jurisdiction conflict for procedure upon application for conditional release of the person convicted by an entity court who was transferred during the service of the sentence, into an institution of another entity (Article 160-a of the Law),** which indicates that the recommendations from the report of the European Committee or delivered by the Council of Europe, are followed or implemented.

### **- The Ministry of Justice of the Republika Srpska -**

The European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited ad hoc a number of institutions for execution of prison sentence in the period from 11 to 15 May 2009, and, among other things, it visited the penitentiary institution in East Sarajevo, namely the Unit for execution of juvenile prison sentence.

After analysis of the received Report which partially concerns the execution of juvenile prison sentence, we herein inform you on the following:

Until 2008, the juvenile prison sentence in the Republika Srpska was executed in the special unit of the penitentiary institution in Foca. Aware of the fact that long-term prison sentence is executed in the Foca Prison, including also persons who serve their sentences for commitment of the most serious crimes, returnees to prison etc., and trying to find the solution, the Ministry of Justice decided to make a reconstruction of one building and a part of the East Sarajevo Remand Prison compound in order to provide necessary conditions for execution of the juvenile prison sentence.



Recognizing the priorities in the system of implementation of criminal sanctions, the Government of the Republika Srpska earmarked significant financial resources to adjust the building and the surrounding terrain to its purpose. The necessary staffing was carried out and they were additionally trained in a very short time, through various kinds of courses, workshops and study visits to similar institution in the surroundings.

After creation of all necessary conditions for normal execution of the juvenile prison sentence, three minors were transferred from the Foca Prison where they served the juvenile prison sentence and the Unit officially started to operate in September 2008.

In its Report, the European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) correctly described the conditions and facilities of the juvenile prison, especially stressing two problems: the Unit capacity and the room for separation, or how the Committee calls it “the premises for pacifying the prisoners after an incident”.

In accordance with the Law on Execution of Criminal Sanctions of the Republika Srpska (Official Gazette of the Republika Srpska, no. 64/01, 24/04 and 68/07) which contains the CPT and European Prison Rules standards, every convicted person must be provided with at least 4 square meters of space. The capacity of prisons is calculated based on that legal provision.

We are aware of the fact that certain specific categories of the convicted persons (minors and women) require, both according to domestic and international legislation standards, more specific and demanding conditions for stay and work during execution of the prison sentence, and we are trying to follow it and provide such conditions. These facts were crucial when the decision was made where and what conditions were to be created for execution of the juvenile prison sentence.

When the decision making was in progress as to in which prison the special Unit for execution of juvenile prison sentence would be established, the care was also taken on assessing the number of persons who will serve the sentence in it. Comparing statistical figures on the number of persons who served their juvenile prison sentence since 1992 in the Republika Srpska (the number varied from 3 to 6 persons per year) we anticipated the optimum capacity of 20 minors, which we think is sufficient for the area of the Republika.

We think that both the Unit in the Banja Luka Prison for execution of a correctional measure of allocation to a correctional institution and execution of juvenile prison sentence in the special Unit in East Sarajevo Remand Prison are temporary solutions. These two special units in the penitentiary institutions will operate until creation of conditions for establishment of special penitentiary institutions in accordance with the Article 326, paragraph 1 of the Law on Execution of Criminal Sanctions of the Republika Srpska, naturally by always taking care on efforts to create the best possible conditions in the existing special Units.

Currently, there are 5 persons serving the juvenile prison sentence and the space at their disposal fully satisfies all standards.

Since the Committee Report expressed its doubts about the possibilities of carrying out free activities in case the number of persons serving sentences increases and about the accommodation in the existing premise designed for free activities, we inform you that the reconstruction of some premises is planned in the juvenile prison in order to make them fit for work area and sport activities. The realization of this reconstruction will provide necessary room for practical lessons and free and other sport activities in the period when the weather conditions do not allow for them to be carried out in open air.

The second problem that the CPT officials noticed and pointed out in the Report is the lack of rooms that would be used for pacifying of prisoners after an incident.

The room for separation of minors which needs to satisfy appropriate standards already exists, and it is up to the prison management to adjust it and equip it so it can be used for the aimed purpose.

We inform you that this problem was passed to the management of East Sarajevo Remand Prison as well as to the manager of the Unit for execution of the juvenile prison sentence and they were ordered to solve the problem urgently.

- **The Ministry of Justice of the Federation of BiH** -

**Item 12 – ill-treatment of prisoners (abuse)**

In connection with the statements from the Item 12, the allegations of the convicted persons, who escaped from the Sarajevo Prison in Ustikolina on 10 March 2009, that they were kicked with feet and hands upon their arrest and detention, by the members of the Security Sector, are not true. The fact is that the convicted persons made bodily injuries to guards in Ustikolina and the latter ones were transferred to the hospital and sent home for home treatment. The representatives of the Ministry of Justice of FBiH had a conversation with the convicted persons during their arrest, in the premises of the Sarajevo Prison, and at that occasion the convicted confirmed the correct treatment by the official staff. This can be also confirmed by the medical check-up by the health service where no injuries were registered in the convicted persons' medical files. The Report by the Prison management stipulates that the deputy director issued the order, prior to detention of the convicted persons, on prohibition of use of physical force because he had in mind the possible development of the situation.

In regard to the comments on ill-treatment of the convicted persons on the second floor of the Pavilion II of the Zenica Prison, the Prison management stated that the installation of the video monitoring with digital recording (installation completed in June 2009) sent a clear message to official staff that the ill-treatment in the pavilion II (on the stairs or in one of two separate cells) shall be investigated and confirmed by means of the video recording. The Prison management continuously briefs their staff at the official meetings that the inhuman treatment and physical abuse of the convicted persons are not permitted and will be severely sanctioned.

**Items 13 and 14 of the Report**

As far as it concerns the above items of the Report, the Prison management undertook certain measures in order to improve security and reduce violence among the convicted persons through the following activities:

- A detailed plan was made for pacifying violence among the convicted persons.
- The video monitoring was installed for monitoring of the convicted persons at the places where the convicts gather in a greater number (promenade, central dining room, pavilion halls...).
- The prison compound was parted into 10 separate areas, where a less number of convicted persons will stay and the use of the areas will be regulated by a new Order on daily activities.
- The rehabilitation of the previous forensic-psychiatry unit is in progress and it is scheduled for accommodation of highly risky convicted persons.
- The procedure of recruitment of 50 prison policemen-guards is in progress and this will increase the security and safety situation in the Prison.

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With regard to the prisoner who suffers from epilepsy, with injuries on his back which indicate that he was hit with a long and hard object, allegedly, while he had the epilepsy attack, the Prison Director got the report which shows through the statements by the members of the security sector, the statements of the convicted persons and the convicted person who reported the injuries, that it can be concluded that the convicted person AA invented all the story in order to realize his targeted goals and so he involved another convicted person, BB, who afflicted him injuries upon the former person's request. Asked if he suspected that somebody among the members of the security sector had made him injuries the convicted person rejected that fact stating that the Security sector members were the ones who assisted him most in this situation.

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**Item 15 of the Report**

The Zenica Prison management makes maximum efforts to discover and monitor the cases of intimidation and violence among the convicted persons, by instituting the disciplinary offences for perpetrators of such conduct, and if there are elements of a crime they are obliged to inform the competent prosecutor's office. We enclose here the report concerning the investigation procedures in connection with the injuries suffered by the convict with epilepsy from which it can be concluded that there were no abuse of violence by the employees.

**Item 21 of the Report**

The Zenica Prison is in the course of recruiting of 50 new employees, prison policemen-guards (40 guards planned) and two pedagogues, which creates conditions for better safety and security of human resources.

**Item 22 of the Report**

The six-month initial training is underway pursuant to the Law on Execution of Criminal Sanctions and the Rulebook on conditions and manner of passing the professional examination for officials and prison policemen-guards in the Federal institution for execution of prison sentence. We note here that the prison policemen-guards and other staff are actively involved in the training organized by the Council of Europe experts. According to your recommendations, the organization of training for prison police in the very Prison is also in progress.

### **Items 24 and 25 of the Report**

The above item says that the material conditions in the detention unit of the Sarajevo Prison are poor and inadequate, and that higher financial resources are required in order to improve the conditions. The Prison management said that the coming budget year anticipated financial resources for that purpose within the capital investment funds. Concerning the comments from the item 25 in regard of the working duties, promenade and stay in open air, it may be said that there are limiting factors that adversely affect the efforts to improve the conditions in this segment of execution of detention measure. It primarily concerns the number of detained persons, only two laps for promenade, accomplice relations, mutual threats, which all together influences the presence of this problem. This further gives rise to the problem of accommodation of juvenile detainees with adult inmates. In the coming period, having in mind age and special needs, the Prison management shall undertake appropriate measures. First of all it will avoid the possibility of accommodation with adults. Besides the existing recreational contents the Prison management plans for the next year to install the tables for the table tennis. In the Zenica Closed Prison they plan to part the current promenade space, and renovate the cellar space that will be used for free activities of detained persons.

### **Item 29 of the Report**

As for the staffing solution of replacement of the physician who works in the Sarajevo Prison and who will be retired on 31 December 2009, the Prison management confirmed to us that they announced the vacancy to recruit a physician who would continue to provide medical services to persons deprived of their liberty.

### **Item 31 of the Report**

The management of the Zenica Closed Prison informed us that they will organize in the coming period methadone therapy with previous education for health workers, in order to be able to treat the persons who started such therapy in the community and whose course will not be interrupted by serving prison sentence.

### **Item 32 of the Report**

The management of the Zenica Closed Prison shall undertake all measures to ensure that every allocation of the convicted person into the cell with upholstered walls be approved by the prison physician.

### **Item 33 of the Report**

The above item says that three rooms for separation in the Sarajevo Prison (73b, 77 and 80) are not adequately equipped or renovated as previously ordered in the Committee Report from 2007. However, we can say that the measures were immediately ordered for thorough rehabilitation and renovation, so this default and failure will be removed.

### **Item 34 of the Report**

The management of the Zenica Closed Prison confirmed that they will respect the recommendations from the above item and that it will be realized within the planned rehabilitation of the pavilion II, with a note that the convicted persons with damaged health have possibility to lie on the bed upon recommendation of the prison physician.

### **Item 35 of the Report**

The management of the Sarajevo Prison gave instructions not to use masks during the necessary intervention, and to make the names of the Security sector members visible on their uniforms. There is not a special emergency group in the Prison, but the sentry teams are formed from the existing staff and they are used in emergency situations. In the coming period the more precise instructions, rules and procedures will be provided for the operation of such teams.

### **Item 36 of the Report**

In October 2009, the closed boxes for filing complaints by the convicted and detained persons were put up in every pavilion in the Zenica Closed Prison, next to telephone booths. This will also be done in Sarajevo prison. In line with the recommendations that each prisoner must be briefed on the possibility of filing complaints, including correspondence with the judicial appellate authorities outside the prison, the Prison management will hang on visible place in every pavilion the instructions on the manner of filing complaints.

### **Item 40 of the Report**

Acknowledging the CPT recommendations from the last visit, the management of the Zenica Closed Prison transferred the adult prisoners from the rooms where the juvenile persons are accommodated. At the same time they committed that the adult convicted persons will not be accommodated in the rooms with the juvenile persons, which is respected now.

## **- The Ministry of Health of the Federation of BiH -**

### ***Information and news in the health filed, concerning the CPT comments***

#### **1) Prisoners who have problems with drugs**

At its 71<sup>st</sup> session of 24 September 2008, the Government of the Federation of Bosnia and Herzegovina adopted the Decision on acceptance of the Draft National Strategy of Monitoring of Narcotics, Prevention and Elimination of Drug Abuse in Bosnia and Herzegovina for the period 2009-2013 (V, number 831/08). The Government of the Federation of BiH considered the draft of the said strategy in compliance with the conclusion of the Commission for prevention of abuse of narcotics in BiH, adopted at the session of 7 July 2008. The conclusion stipulates that the Entities' governments and the government of Brcko District of BiH give their opinions on this strategy. After the Entities' governments and the government of Brcko District supplied their opinions on the Draft Strategy, it was adopted by the Council of Ministers of Bosnia and Herzegovina upon the proposal of the Ministry of Civil Affairs, and by both houses of the Parliamentary Assembly of BiH afterwards.

At its 27<sup>th</sup> session of 26 March 2009, the House of Peoples of the Parliamentary Assembly of BiH adopted unanimously the Proposal of the National Strategy of Monitoring of Narcotics, Prevention and Elimination of Drug Abuse in Bosnia and Herzegovina for the period 2009-2013, with the following conclusion: “ The Council of Ministers of BiH has obligation to pass within 60 days the Plan of Action connected to the National Strategy of Monitoring of Narcotics, Prevention and Elimination of Drug Abuse in Bosnia and Herzegovina for the period 2009-2013”.

The period of 60 days expired, and it was only at its 99<sup>th</sup> session of 25 September 2009, that the Council of Ministers of BiH considered and adopted the National Action Plan against Drug Abuse in Bosnia and Herzegovina proposed by the Ministry of Security, with comments given at the session to be incorporated in the plan.

This Plan of Action obliges the Entities’ governments and the government of Brcko District to adopt the plans of action within 90 days of publishing the Plan of Action in the “Official Gazette of Bosnia and Herzegovina”, with precisely indicated names of responsible institutions, which is fully in line with the Plan of Action against Drug Abuse in BiH for the period 2009-2013. The action plans of lower level authorities shall constitute the annexes to the national Action Plan and be integral part of it.

The National Strategy of Monitoring of Narcotics, Prevention and Elimination of Drug Abuse in Bosnia and Herzegovina has the following general goals: “Raising the level of awareness through education of the community on application of healthy lifestyles and preservation of mental health; prevention and elimination of further spreading of abuse of psychoactive substances; prevention of development of the addiction disease, mortality and health damages due to abuse of psychoactive substances; reduction of damages to community caused by abuse of psychoactive substances; reduction of demand for psychoactive substances, especially by young people; strengthening of institutional capacities and more accountable involvement of the society; enhancement of the legislation and its application; reduction of supply of psychoactive substances, and establishment of an independent multi-sector Office for prevention of drug abuse at the level of Bosnia and Herzegovina.

As for the prisoners who have problems with addiction, the National Strategy involved also this category of addicts, which is exactly in accordance with the CPT recommendation to make a comprehensive national strategy of providing assistance to all prisoners who have drug problem, which is one aspect of the national strategy for fight against drugs. Namely, under the goal “Prevention” the National Strategy provides the item “Prevention in the penitentiary institutions”. Moreover, the goal “Medical treatment of addicts” provides that the medical treatment of addicts includes also the pubic health sector, primary health care and other health services, as well as the health unit in the prison systems. The National strategy treats as the special item of this goal the medical treatment in detention institutions and prisons, in the following way:

“It is necessary to ensure medical treatment of addiction of the prisoners under the same principles and conditions available to addicts outside prisons for execution of the medical treatment of the narcotics addicts in the prison systems, which was not the case so far. It means a sufficient number of experts and supervision by experts outside the prison system. It is necessary to ensure accommodation capacities in separate drug-free sections. It is necessary to provide the prison units with tests for detection of psychoactive substances in body liquids, and the test should be conducted following verified protocols. The availability of voluntary confidential advising should be provided for prisoners, test for hepatitis B and C, HIV and TBC and medical treatment as well. The centers must be urged to participate in implementation of the program in the prison system with accent on provision of services and assistance in organization of gradual acceptance for narcotics addicted prisoners. It is necessary to network the prison system with institutions that keep records of addicts.

The medical treatment of the prisoners, narcotics addicts, is carried out on the basis of the court decision (ordered safety measure of medical treatment of addiction), on the grounds of established diagnosis.

The continuation of treatment started in freedom should be enabled further on as well as the inclusion of the addict with the possibility of opening special wards in prison units.

The minimum standard of reduction of damages in prison conditions is substitution, socio-therapeutic programs, i.e. the distribution of condoms.

Detainees are the special category of persons in the prison system. Apart from provision of health care, the detoxication by application of methadone therapy, and damage reduction measures are also conducted during execution of detention measure.

The organization of medical treatment of addicts in prisons and detention centers is under jurisdiction of the Ministry of Justice, in cooperation with the Ministry competent for the health”.

The program of the rehabilitation of addicts, *inter alia*, should be conducted also by the judicial system, namely by the prison unit.

The reintegration of addicts and social integration also involves the category of prisoners-addicts, and so the National strategy provides: “encouraging employment and self-employment programs of addicts who completed the rehabilitation programs in the therapy communities, prison units, correctional houses and similar or are on maintenance therapy”.

It is important to say that the adopted Action Plan elaborates the objectives set in the National Strategy, which involves also the implementation of activities in the prisons, such as, for example, ensuring conditions for the methadone therapy and screening in the prisons, provision of reintegration of prisoners-addicts in all society fields etc.

The Federal Ministry of Health actively participated through its representatives in making of the National Strategy and the National Action Plan of Fight against Drug Abuse in Bosnia and Herzegovina. Immediately upon publishing of the Action Plan in the Official Gazette of Bosnia and Herzegovina, this Ministry will continue to carry out scheduled activities in connection to its implementation. We note that the health system in the prisons in the Federation of Bosnia and Herzegovina is divided from the health system in the community and is under jurisdiction of the Ministry of Justice.

2) **Sokolac Special hospital for forensic psychiatry**

Regarding the grant of the Government of the Swiss Confederation in the amount of CHF 2,8 millions designated for the rehabilitation and reconstruction of the Sokolac Special Hospital for forensic psychiatry, we inform you that the conditions are fulfilled for the signing of the "Agreement on accommodation and compensation of the costs for execution of safety measures pronounced in the criminal procedure and other procedure in which the medical treatment measure is ordered". After the contracting parties of the Agreement accepted the proposed text of the Agreement, and appointed their signatories, the official signing can begin followed by its final publishing in the official gazettes of Bosnia and Herzegovina. The signing of the Agreement was the condition for activating the above mentioned grant by the Swiss Confederation as well as for conclusion of the contract between the Ministry of Finances and Treasury of BiH and the Psychiatric Clinic "Podromanija" Sokolac on realization of the said donor funds.

The institution is designated for care and medical treatment of the patients from entire Bosnia and Herzegovina. After the rehabilitation and reconstruction and recruitment of new professional staff it is expected to have improved conditions for the stay and better health care for the persons accommodated in the institution.

- **The Ministry of Health and Social Welfare of the Republika Srpska -**

1. The capacity at the acute forensic ward decreased. There are currently 21 patients. The capacity at the rehabilitation forensic ward also reduced, and there are currently 49 patients, which approximately corresponds to prescribed standards. The solution of the competent court motions for more patients is under process.
2. Better equipment, signs and legends are provided in the daily rooms and sleeping rooms.
3. All old mattresses were changed as well as glasses missing on windows. The nylon covers for mattresses for patients with incontinence have been supplied.
4. The number of space and unlocking cupboards for personal things of patients has been increased.
5. The recreational exercise in open air for the patients staying in the closed wards cannot be carried out due to material situation, but we hope and wait for opening of the new forensic center. Furthermore, the Psychiatry clinic in cooperation with the Ministry of Health and Social Care and local community negotiate for rehabilitation of the existing sport courts which are property of our Clinic.
6. The newly built restaurant for nutrition of patients began to work on 1 July 2009.
7. Per existing systematization of the Psychiatry Clinic in Sokolac, we have sufficient number of staff functioning as a multi-disciplinary team (doctor-specialist, medical nurse-technician, social workers, psychologists, pedagogue-andragogue, defectologist) for establishment of a complete therapeutic ambiance consisting of a wide range of physical, psychological, social and professional activities.



8. In times of institutional transition the hospital management together with other staff made a clear vision of the institution future.
9. An individual plan of treatment was made for each patient in accordance with the intellectual capabilities and psychopathology. The plan includes the integrative therapeutic protocol encompassing the application of adequate pharmacotherapy protocol, psychotherapy (group and individual), socio-therapeutic procedure (group socio-therapy, meeting of a therapy community), working-occupational and sport-recreational treatment.
10. For the sake of prevention and reintegration of persons with mental disturbances in the Sokolac Psychiatry Clinic a number of socio-therapeutic procedures is going on. The procedures should lead to fully reintegrated person ready to return to the community where the person came from. One of such procedures is a socio-therapeutic group with elements of psychotherapy in which the patients together with their therapists work in order to correct and harmonize their behavior, which is done in accordance with the socially acceptable norms. The programs on prevention of repetition of criminal acts are also included for the patients in the forensic-psychiatric unit.
11. The psychiatry units have guidelines for use of coercion means and accurate records on their previous uses.
12. The isolation room for aggressive patients at the male acute ward has written rules on use.
13. In accordance with the existing legal rules, all procedures have been established to regulate the voluntary and forced accommodation of the patients into the clinic.
14. In the course of the court proceeding, the forensic-psychiatry patients may directly file complaints to a competent court by care of an attorney, on the manner of allocation to the hospital.
15. In the Psychiatry clinic there is a Commission for complaints and appeals by the patients consisted of the internal staff, and during the proceeding it is supplemented by an external member who participates in the work of the Commission for complaints and appeals.
16. The booklet for patients and their families containing initial information on the institution program and the patients' rights is under construction.