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**Report to the Croatian Government
on the visit to Croatia
carried out by the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
from 20 to 30 September 1998**

The Croatian Government has requested the publication of this report and of the interim and follow-up reports drawn up in response. The Government's responses are set out in document CPT/Inf (2001) 5.

Strasbourg, 10 April 2001

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from 20 to 30 September 1998

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Copy of the letter transmitting the CPT's report

Strasbourg, 16 April 1999

Sir,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I have the honour to enclose herewith the report to the Government of Croatia drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) after its visit to Croatia from 20 to 30 September 1998. The report was adopted by the CPT at its 38th meeting, held from 9 to 12 March 1999.

I would like to draw your attention in particular to paragraph 190 of the report, in which the CPT requests the Croatian authorities to provide an interim and a follow-up report on the action taken upon its report. The Committee would be grateful if it were possible, in the event of the reports forwarded being in Croatian, for them to be accompanied by an English or French translation. It would also be most helpful if the Croatian authorities could provide a copy of the reports in a computer-readable form.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Finally, I would be grateful if you could acknowledge receipt of this letter.

Yours faithfully,

Ivan ZAKINE
President of the European Committee for
the prevention of torture and inhuman
or degrading treatment or punishment

Mr Vladimir MATEK
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Croatia
to the Council of Europe
70, allée de la Robertsau
67000 STRASBOURG

Preface

The European Committee for the prevention of torture and inhuman or degrading treatment or punishment has deemed it appropriate to begin the first of its reports to each Party by setting out some of the Committee's salient features. This should prove particularly helpful in differentiating the basis and aims of the CPT from those of another Council of Europe supervisory body within the field of human rights: the European Court of Human Rights.

Unlike the Court, the CPT is not a judicial body empowered to settle legal disputes concerning alleged violations of treaty obligations (i.e. to determine claims *ex post facto*).

The CPT is first and foremost a mechanism designed to **prevent ill-treatment from occurring**, although it may also in special cases intervene after the event.

Consequently, whereas the Court's activities aim at "conflict solution" on the legal level, the CPT's activities aim at "conflict avoidance" on the practical level.

This being so, the guiding maxim for the CPT when performing its obligations must be to "extend the widest possible protection against abuses, whether physical or mental" (quotation from the 1979 UN Code of conduct for law enforcement officials as well as from the 1988 Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, both adopted by the General Assembly).

The CPT's activities are based on the concept of co-operation (Article 3 of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment). The CPT's task is not to publicly criticise States, but rather to assist them in finding ways to strengthen the "cordon sanitaire" that separates acceptable and unacceptable treatment or behaviour. In fulfilling this task the CPT is guided by the following three principles:

- i) that the prohibition of ill-treatment of persons deprived of their liberty is absolute,
- ii) that ill-treatment is repugnant to the principles of civilised conduct, even if used in milder forms, and
- iii) that ill-treatment is not only harmful to the victim but also degrading for the official who inflicts or authorises it and ultimately prejudicial to the national authorities in general.

The CPT first of all explores the prevailing factual situation in the countries it visits. In particular it:

- i) examines the general conditions in establishments visited;
- ii) observes the attitude of law enforcement officials and other staff towards persons deprived of their liberty;
- iii) interviews persons deprived of their liberty in order to understand how they perceive (i) and (ii) and hear any specific grievances they may have;
- iv) examines the legal and administrative framework on which the deprivation of liberty is based.

Subsequently, the CPT reports to the State concerned, giving its assessment of all the information gathered and providing its observations. In this regard, it should be recalled that the CPT does not have the power to confront persons expressing opposing views or to take evidence under oath. If necessary, it recommends measures designed to prevent the possible occurrence of treatment that is contrary to what reasonably could be considered as acceptable standards for dealing with persons deprived of their liberty.

In carrying out its functions, the CPT has the right to avail itself of legal standards contained in not only the European Convention on Human Rights but also in a number of other relevant human rights instruments (and the interpretation of them by the human rights organs concerned). At the same time, it is not bound by the case law of judicial or quasi-judicial bodies acting in the same field, but may use it as a point of departure or reference when assessing the treatment of persons deprived of their liberty in individual countries.

To sum up, the principal differences between the CPT and the European Court of Human Rights are:

- i) the Court has the primary goal of ascertaining whether breaches of the European Convention on Human Rights have occurred. By contrast, the CPT's task is to prevent abuses, whether physical or mental, of persons deprived of their liberty from occurring; it has its eyes on the future rather than the past;
- ii) the Court has substantive treaty provisions to apply and interpret. The CPT is not bound by substantive treaty provisions, although it may refer to a number of treaties, other international instruments and the case law formulated thereunder;
- iii) given the nature of its functions, the Court consists of lawyers specialising in the field of human rights. The CPT consists not only of such lawyers but also of medical doctors, experts in penitentiary questions, criminologists, etc;
- iv) the Court only intervenes after having been petitioned through applications from individuals or States. The CPT intervenes *ex officio* through periodic or *ad hoc* visits;
- v) the activities of the Court culminate in a legally binding finding as to whether a State has breached its obligations under a treaty. The CPT's findings result in a report and, if necessary, recommendations and other advice, on the basis of which a dialogue can develop; in the event of a State failing to comply with the CPT's recommendations, the CPT may issue a public statement on the matter.

I. INTRODUCTION

A. Dates of the visit and composition of the delegation

1. In pursuance of Article 7 of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment (hereinafter referred to as "the Convention"), a delegation of the CPT carried out a visit to Croatia from 20 to 30 September 1998.

This visit, the CPT's first to Croatia, formed part of the Committee's programme of periodic visits for 1998.

2. The visit was carried out by the following members of the CPT:

- John OLDEN, Second Vice-President of the CPT, Head of the Delegation
- Christina DOCTARE
- Lambert KELCHTERMANS
- Renate KICKER
- Ole Vedel RASMUSSEN.

They were assisted by:

- Rodney MORGAN, Professor of Criminal Justice, University of Bristol, United Kingdom (expert)
- Derrick POUNDER, Professor of Forensic Medicine, University of Dundee, United Kingdom (expert)
- Vera ANDRASSY (interpreter) (from 20 to 25 September 1998)
- Mirko BRODNJAK (interpreter) (from 29 to 30 September 1998)
- Ana KAČIĆ-ROSSETTI (interpreter) (from 20 to 28 September 1998)
- Nataša MANČE (interpreter) (from 20 to 29 September 1998)
- Sanja MATEŠIĆ (interpreter) (from 21 to 29 September 1998)
- Sonja PLEJIĆ (interpreter) (from 20 to 30 September 1998)

and were accompanied by Trevor STEVENS (Secretary of the CPT) and Bojana URUMOVA of the CPT's Secretariat.

B. Establishments visited

3. The delegation visited the following places of detention:

Police establishments

Sisak-Moslavačka Police Administration

- Sisak Police Station

Split-Dalmatia Police Administration

- Police Station No. I, Split
- Police Station No. II, Split
- Makarska Police Station
- Sinj Police Station

Šibenik-Knin Police Administration

- Knin Police Station
- Šibenik Police Station
- Headquarters of the Criminal Police, Šibenik (Mandalina)

Zagreb Police Administration

- Črnomerec Police Station
- Trešnjevka Police Station
- Trnje Police Station
- Unit for detention, escort and security, Đorđićeva 4

Prison establishments

- Lepoglava State Prison
- Split County Prison
- Šibenik County Prison
- Zagreb County Prison
- Hospital for persons deprived of their liberty (Prison Hospital), Zagreb

Establishments for young offenders

- Institution for the re-education of minors, Turopolje.

C. Consultations held by the delegation and co-operation encountered

4. In addition to meeting with the local officials in charge of the places visited, the delegation held consultations with national authorities and representatives of international and non-governmental organisations active in areas of concern to the CPT.

A list of the national authorities and organisations with which the delegation held consultations is set out in Appendix II to this report.

5. The delegation's meetings with the national authorities at both the start and the end of the visit took place in a spirit of close co-operation. At the outset of the visit, the delegation was received by Mr Zlatko GLEDEC, Deputy Minister of the Interior, Mr Željko SAČIĆ, Assistant Minister of the Interior, and Mr Tomislav PENIĆ, Assistant Minister of Justice. Further, in the course of its visit, the delegation had fruitful discussions with Ms Lidija LUKINA-KARAJKOVIĆ, Assistant Minister of Justice, and General Ivan TOLJ, Assistant Minister of Defence, as well as with senior officials from the Ministries of Justice, Defence, the Interior and Health, with Mr Željko THÜR, Deputy Ombudsman, and with certain judges and public prosecutors.

6. At local level, the delegation met, on the whole, with a very satisfactory reception from management and staff at establishments visited, including those which had not been notified in advance of the CPT's intention to carry out a visit. It found that many local officials were aware of the possibility of a visit and had at least some knowledge of the CPT's terms of reference. The delegation was granted immediate access to all places of detention, and documentation and other information requested was made available.

7. In conclusion, the CPT welcomes the degree of co-operation encountered when carrying out its first periodic visit to Croatia, which was in accordance with Article 3 of the Convention.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Police establishments

1. Preliminary remarks

8. As already indicated (cf. paragraph 3), the CPT's delegation visited twelve police establishments of different types in four different police administrations.

9. Section 97(1) of the 1997 Code of Criminal Procedure (CCP) specifies that an apprehended person¹ must be brought before an investigating judge within a maximum delay of 24 hours.²

Under section 98 of the CCP, the investigating judge may order the detention (*zadržavanje*) of the apprehended person for a further period of up to 48 hours. Exceptionally, on motion by the police and if the offence carries a penalty of over five years imprisonment, the judge may order that the detention take place in police facilities. However, the delegation found that such orders were extremely rare. Persons detained beyond the initial police custody period of 24 hours were almost invariably held in a county prison.

If the investigating judge does not decide to impose remand imprisonment by the end of the first business day following the end of the period of detention allowed under section 98 of the CCP, the apprehended person must be released.

10. In addition, section 35 of the Law on Internal Affairs (LIA) provides that the police may detain a person for the protection of freedoms and rights of other persons and for the protection of the legal order, public morals and public health. Such detention may not exceed 24 hours and usually takes place in police premises.

¹ Apprehension (*uhičenje*) is defined as any measure or act involving the forcible holding of a person suspected of committing a criminal offence (section 6(2), CCP). Police officers may apprehend someone in respect of whom a warrant has been issued or a person who has been remanded in custody (section 95 (1)), or someone reasonably suspected of having committed an arrestable offence, when a basis for remand imprisonment also exists (section 95 (2)). Apprehension in flagrante delicto is governed by section 94(1).

² Exclusive of the period of up to two hours during which the police must postpone their activities pending the arrival of a lawyer (cf. section 177(5) of the CCP as well as paragraph 28 below).

11. Reference should also be made to section 177 of the CCP, by which the police may issue a summons (*poziv*) directing persons to present themselves on police premises in order to provide information regarding a criminal offence (a procedure commonly known as “informative talks”). A summons is issued in writing and must contain the grounds for summoning, i.e. the criminal offence in question. A person who refuses to respond to such a summons, without providing any justification therefor, may be taken into custody against his will by the police. A warning to this effect appears on the summons forms. In addition, the police may take into custody persons who deliberately evade the service of a summons.

An “informative talk” can lead directly to a period of formal deprivation of liberty (if during that talk, police officers reach the conclusion that the interviewee should be treated as a criminal suspect).

12. The CPT's delegation was informed that various important legislative texts concerning police activities were currently in preparation, in particular a draft law on the police and regulations for the implementation of the new CCP. The Deputy Minister of the Interior informed the delegation that work on these texts had been expedited following the recent death of an Italian citizen in Šibenik (cf. paragraph 15). **The CPT would like to receive an account of progress made in this area and, in due course, copies of the legislation concerned.**

2. Torture and other forms of ill-treatment

13. The majority of the persons deprived of their liberty interviewed by the delegation indicated that they had not been ill-treated by the police. Nevertheless, a number of persons interviewed in different parts of the country did allege that they had been physically ill-treated. Most of those allegations related to ill-treatment at the time of apprehension; however, a not insignificant number of persons interviewed alleged that they had been ill-treated in the course of police questioning.

The types of ill-treatment alleged mainly involved punches, kicks, slaps and blows with wooden sticks or truncheons. In a small number of cases, the severity of the ill-treatment alleged, notably *falaka* (i.e. blows to the soles of the feet) and sustained beating, could be considered to amount to torture. In certain cases, the delegation gathered medical evidence consistent with the allegations made.

14. Particular reference might be made to the case of a juvenile interviewed by the delegation at the Turopolje institution for the re-education of minors. He alleged that he had been severely ill-treated on 27 July 1998 in the course of questioning at a police station in Pula and, more precisely, beaten on various parts of his body (head, torso, arms, knees and the bare soles of both feet) with a small baseball bat and a coat hanger. A medical report drawn up the following day by a doctor of the Pula Health Centre records that the juvenile bore injuries on the parts of the body on which he alleged he had been struck, including fresh bruises on the soles of both of his feet. The CPT was subsequently informed that two police officers concerned had been suspended from duty and made the subject of criminal prosecution for "coercing a statement" under section 126, paragraph 1, of the Criminal Code.

In this connection, **the CPT would like to be informed of the considerations which led to charges being brought under section 126(1) of the Criminal Code rather than section 126(2) (aggravated form of coercing a statement) or section 176 (torture and other cruel, inhuman or degrading treatment).**

15. Police ill-treatment was a highly topical issue at the time of the delegation's visit, following the case of an Italian citizen who was injured at the time of his apprehension in the Šibenik area during the night of 1 to 2 September 1998 and subsequently died in Split on 3 September 1998. As a result of this incident, a number of police officers had been suspended from duty and remanded in custody.

At the outset of the visit, the Croatian authorities provided detailed information on this case to the delegation. **The CPT would like to receive an update of the relevant proceedings.**

16. The aforementioned incident had galvanised the Croatian authorities into taking action to stamp out the use of excessive force at the time of apprehension and other forms of ill-treatment by the police. In this context, reference can be made to the instructions circulated on 18 September 1998 by the Head of the Split-Dalmatia Police Administration concerning the use of means of coercion. The Head of the Police Administration made clear his dissatisfaction with the present state of affairs and issued a number of precise directives covering such matters as education and training, recording and reporting procedures, medical controls, etc. **The CPT recommends that comparable instructions be issued by the heads of all police administrations in Croatia.**

More generally, **the CPT recommends that the relevant national authorities as well as senior police officers deliver the clear message that the ill-treatment of persons in police custody, whether at the time of apprehension or subsequently, is not acceptable and will be dealt with severely.**

Further, it is clear that continued exposure to highly stressful or violent situations can generate psychological reactions and disproportionate behaviour. **The CPT would like to be informed of any preventive measures taken with a view to providing support for police officers exposed to such situations.**

17. The best possible guarantee against ill-treatment is for its use to be unequivocally rejected by police officers themselves. This implies strict selection criteria at the time of recruitment of police officers³ and the provision of adequate professional training. As regards the latter, the Croatian authorities should seek to integrate human rights concepts into practical professional training for handling high-risk situations, such as the apprehension and interrogation of suspects. This will prove more effective than separate courses on human rights.

³ As regards the recruitment of police officers, cf. also paragraph 21.

Training should be pursued at all levels of the police force, and should be ongoing. It should seek inter alia to put across and develop two points: firstly, that all forms of ill-treatment are an affront to human dignity and, as such, are incompatible with the values enshrined in the Croatian Constitution as well as in many international instruments ratified by and binding upon Croatia; secondly, that resort to ill-treatment is a fundamentally-flawed method of obtaining reliable evidence for combating crime. Further, particular attention should be given to training in the art of handling, and more especially of speaking to, persons in police custody, i.e. interpersonal communication skills. The possession of such skills will often enable police officers to defuse situations which might otherwise become violent.

Consequently, **the CPT recommends:**

- **that a very high priority be given to professional training for police officers of all ranks and categories, taking into account the above remarks. Experts not belonging to the police force should be involved in this training;**
- **that an aptitude for interpersonal communication be a major factor in the process of recruiting police officers and that, during the training of such officers, considerable emphasis be placed on acquiring and developing interpersonal communication skills.**

18. It is axiomatic that one of the most effective means of preventing ill-treatment by the police lies in the diligent examination by the judicial authorities (investigating judges, public prosecutors, etc.) of all complaints of such treatment brought before them and, when appropriate, the imposition of a suitable penalty. This will have a very strong dissuasive effect. Even in the absence of an express complaint, action should be taken if there are other indications (e.g. visible injuries; a person's general appearance or demeanour; the precise circumstances of a person's apprehension) that ill-treatment might have occurred.

The delegation spoke with a number of investigating judges and public prosecutors about the procedure followed in this area. It transpired that if an apprehended person brought before an investigating judge alleged ill-treatment by the police and bore visible injuries, the judge would usually order that the person concerned be examined by a forensic doctor. Further, such an examination might be ordered if an apprehended person bore visible injuries, even in the absence of allegations of ill-treatment. All allegations of ill-treatment would be set out in the court record and the relevant public prosecutor was under a legal duty to examine whether a crime had been committed.

In the interests of the prevention of ill-treatment, **the CPT recommends that, whenever an apprehended person brought before an investigating judge alleges ill-treatment by the police, the judge immediately request a forensic medical examination of the person concerned and bring the matter to the attention of the relevant public prosecutor, irrespective of whether the person concerned bears visible injuries.**

Further, even in the absence of an express allegation of ill-treatment, an investigating judge should request a forensic medical examination and inform the relevant public prosecutor whenever there are grounds to believe that an apprehended person brought before him could have been the victim of ill-treatment.

19. Mention might be made in this context of two specific cases encountered by the delegation during the visit – those of M. P. and E. S.

Mr P. was interviewed by the delegation at Šibenik Prison. He alleged that he had been beaten (struck with truncheons, punched and kicked on the back and on the legs) by the police at the time of his apprehension in Šibenik on 29 May 1998. The delegation was able to consult the record in the day register concerning his hearing before the investigating judge on 29 May; there was no indication in the record of any complaint by Mr P. concerning his treatment by the police. Mr P. was admitted to Šibenik Prison later the same day and was then sent to the general hospital for a medical examination. The delegation examined his medical file which disclosed that when examined at the hospital, he had alleged that he had been beaten by the police; the medical examination at the hospital revealed injuries including a 10 cm bruise on the right leg, a 10 cm bruise to the abdomen near the liver, and three bruises on his back.

The delegation requested the Croatian authorities to provide information concerning the case of Mr P. According to the information supplied Mr P. had resisted apprehension, as a result of which the police officers concerned had been obliged to use force. That use of force (described as two or three truncheon blows to the lower part of the body) was subsequently assessed by the Head of the Šibenik-Knin Police Administration as justified.

The CPT would like to be informed whether the statements made by Mr P. at the time of his medical examination at Šibenik general hospital on 29 May and the injuries recorded on that occasion have ever been brought to the attention of a judge or public prosecutor and, in the affirmative, to be informed of the action taken by that authority.

In the course of the delegation's visit to Split County Prison, its attention was drawn to the case of **Mr S.**, a former inmate of the establishment. His prison medical record revealed that he had arrived at the prison on 15 August 1998 and been medically examined on 18 August. The medical record indicated that he had complained to the doctor that he had been beaten by the police at Makarska; the medical examination disclosed raised bruises on the left thigh, left buttocks and left upper arm. The prison doctor informed the delegation that he had notified the prison management of this case; however, no further action was apparently taken by the prison.

The delegation subsequently ascertained that Mr S. had been brought before an investigating judge in Split on 15 August; however, it was unable to find out whether he had made any complaints about police ill-treatment on that occasion, the court registry being closed. The delegation also requested the Croatian authorities to provide information on the case of Mr S. ; according to that information, no means of coercion had been used at the time of his apprehension.

The CPT would like to be informed whether the allegations made by Mr S. of police ill-treatment on 15 August 1998 and the injuries which he bore have ever been brought to the attention of a judge or public prosecutor and, in the affirmative, to be informed of the action taken by that authority.

20. The delegation was informed that police ill-treatment cases considered to be relatively minor would normally be dealt with through internal police disciplinary procedures, under the supervision of the relevant public prosecutor, the initiation of criminal proceedings being reserved only for the more serious cases. **The CPT would like to receive further information on the criteria used by public prosecutors when deciding upon the precise course of action to be taken vis-à-vis cases of police ill-treatment.**

Further, in order to enable the CPT to form a nationwide view, **it would like to receive the following information for the year 1998:**

- **the number of complaints of ill-treatment made against police officers in Croatia and the number of criminal/disciplinary proceedings which were instituted as a result;**
- **an account of criminal/disciplinary sanctions imposed following complaints of police ill-treatment.**

The CPT would also like to receive detailed information on police complaints and disciplinary procedures, including the safeguards incorporated to ensure their objectivity.

21. Reference should also be made to the Office of Internal Affairs established in 1994 within the Cabinet of the Minister of the Interior. Its mandate includes inter alia supervising whether police officers perform their duties in a lawful manner, with special emphasis on the legitimate use of force. Information provided to the delegation by the Internal Affairs Office indicated that the use of excessive force by police officers, in particular at the moment of apprehension, was on the increase. The Office had apparently recently begun an inquiry into the underlying causes of police brutality, including an analysis of the psychological tests given at the time of recruitment of police personnel. **The CPT would like to receive further information on this subject.**

The CPT would also be grateful if the Croatian authorities could clarify the nature of the interaction between the activities of the Office of Internal Affairs and the functions of police administrations, public prosecutors and the courts, insofar as ill-treatment by the police is concerned.

22. In a number of police stations visited the delegation found unlabelled and potentially intimidating objects (axes, knives, wooden sticks, broom handles, hollow metal rods, short pieces of thick electric cable, etc.) in offices used by members of the criminal police when questioning suspects. Šibenik Police Station, as well as Črnomerec Police Station in Zagreb, were found to contain a particularly impressive variety of such objects. Certain persons interviewed by the delegation alleged that they had been threatened and/or struck with objects of this kind in certain of the police stations concerned, in the course of their questioning.

When questioned about the objects, police officers present usually stated that they had been confiscated from criminal suspects and were to be used as items of evidence. Certain objects were said to be presents from victims of crime; for others, no explanation for their presence could be provided.

The CPT recommends that appropriate steps be taken to ensure that:

- **all objects to be used as items of evidence are properly labelled and held in a secure location designated for that purpose;**
- **all other, non-standard issue, objects of the kind described above are removed from police premises.**

23. Finally, the issue of policemen who suffer from post-traumatic stress (PTSD) as a result of their war experience was discussed with several persons, including representatives of the Ministry of the Interior. It was recognised that such officers could be particularly prone to using excessive force. Some interlocutors advanced that there was a need for a coherent interministerial policy aimed at identifying the extent of the problem and encouraging persons suffering from the syndrome to actively seek treatment and support. **The CPT would like to be informed of developments in this area.**

3. Safeguards against the ill-treatment of detained persons

a. introduction

24. The CPT attaches particular importance to three rights for persons deprived of their liberty by the police:

- the right of those concerned to inform a close relative or another third party of their choice of their situation,
- the right of access to a lawyer,
- the right of access to a doctor.

The CPT considers that these three rights are fundamental safeguards against the ill-treatment of persons deprived of their liberty, which should apply from the very outset of custody (that is, from the moment when the persons concerned are obliged to remain with the police).

Furthermore, in the view of the CPT, persons taken into police custody should be expressly informed, without delay and in a language they understand, of all their rights, including those referred to above.

25. The 1997 Code of Criminal Procedure expressly provides for a number of important safeguards against ill-treatment by the police, including the right of access to a lawyer and to have a third party notified of one's deprivation of liberty. However, information gathered by the CPT's delegation in the course of the visit indicates that persons deprived of their liberty by the police might not always be informed in an effective and timely manner of their rights. Moreover, the CPT has concerns regarding the safeguards applicable during the "informative talks" procedure and, more particularly, the safeguard of access to a lawyer.

b. notification of custody

26. Section 96(5) of the CCP stipulates that police officers must notify the family of the apprehended person within 24 hours, unless the person concerned opposes notification. Further, the form to be filled in following apprehension specifically addresses the issue of notification of the family (cf., however, paragraph 34).

Some persons interviewed by the delegation indicated that they were informed promptly of the possibility to notify their family of their situation, whereas others indicated that they had been in police custody for some time before the matter was raised with them.

27. In this connection, the CPT has misgivings concerning the degree of latitude offered to police officers by the CCP to notify an apprehended person's family "within 24 hours". It considers that the right of a person taken into police custody to inform a relative or third party of his situation should, in principle, apply as from the very outset of custody. The exercise of this right could, of course, be made subject to certain exceptions designed to protect the interests of justice; however, any such exceptions should be clearly defined.

The CPT recommends that the Croatian authorities take the necessary steps to ensure that:

- **persons apprehended by the police have the right to inform, without delay, a close relative or a third party of their choice of their situation, either directly or through a police officer;**
- **any possibility exceptionally to delay the exercise of this right is clearly circumscribed in law, and made the subject of appropriate safeguards (e.g. any delay to be recorded in writing with the reasons therefor and to require the approval of a senior police officer or public prosecutor).**

c. access to a lawyer

28. According to the CCP (sections 6 and 177(5)), persons apprehended by the police have an immediate right of access to a lawyer. If the person concerned indicates that he wishes to exercise this right, the police must postpone their activities until such time as the lawyer arrives, subject to the qualification that the lawyer must arrive within two hours. If it is clear that the lawyer designated by the suspect will not be in a position to arrive within two hours, the police must offer the person a list of available lawyers prepared by the local bar association.

Further, the form filled in following apprehension specifically refers to the right of access to a lawyer.

29. Despite the above provisions, the information gathered by the delegation indicated that in practice it was the exception rather than the rule for apprehended persons to have access to a lawyer during the initial period of police custody prior to being brought before an investigating judge. One reason for this situation may be that apprehended persons are not always properly informed about their right of access to a lawyer, a matter which will be addressed subsequently. Further, even if informed of their right of access to a lawyer, apprehended persons may choose to waive it.

However, certain persons interviewed by the delegation indicated that they had, during their period in police custody, requested to see a lawyer, but that the lawyer had not appeared at the police station. Having regard to this latter point, **the CPT would like to receive full details of the system for providing legal assistance to persons in police custody, including the provision of legal assistance to persons who are not in a position to pay for such services.**

30. To be effective as a means of preventing ill-treatment, the right of access to a lawyer must include the right to talk to him in private. Consequently, the CPT was very concerned to learn that almost all persons interviewed by the delegation who had had access to a lawyer during their period in police custody stated that they had not been allowed to speak with their lawyer in private; police officers had been present at such discussions. It is noteworthy that the relevant provisions of the CCP are silent on this issue.

The CPT recommends that appropriate steps be taken to ensure that the right of access to a lawyer guaranteed under the CCP includes the right to consult in private with the lawyer, as from the outset of the period of police custody.

31. The delegation raised with numerous police officers - some of them very senior members of the criminal police - the question of whether persons summoned to a police station for an "informative talk", under section 177(2) and (3) of the CCP, had a right of access to a lawyer. Diverging views were expressed on this subject, but the majority opinion was that persons summoned to a police station had no access to a lawyer until such a time as they were formally deprived of their liberty by the police.

The delegation spoke with several persons who had experienced the "informative talks" procedure. They stated that after responding to the summons, they had been kept on police premises and questioned for many hours (in one case, for more than 24 hours) without receiving any information as regards their rights and, in particular, without being offered access to a lawyer. Such information was apparently only provided when the police proceeded to formally deprive the person concerned of his liberty. Obviously, this state of affairs can lend itself to abuse.

Anyone who is under a legal obligation to attend a police station should have the right of access to a lawyer and be informed without delay that he enjoys that right. **The CPT recommends that the Croatian authorities take the necessary steps to ensure that these safeguards are guaranteed in both law and practice.**

d. access to a doctor

32. As far as the CPT's delegation was able to ascertain, Croatian law contains no formal provisions on the right of persons in police custody to have access to a doctor.

In practice, if a person held in police custody requested to see a doctor, or police officers formed the view that such a person required medical attention, a doctor would be called from the nearest health care centre or the detained person would be taken to the centre. Police officers with whom the CPT's delegation spoke indicated that in principle they would have no objections to calling a doctor of the detained person's own choice; however, it was apparently very rare for detainees to make such a request.

33. **The CPT recommends that specific legal provisions be adopted on the subject of the right of persons in police custody to have access to a doctor. Those provisions should stipulate inter alia that:**

- **a person taken into police custody has the right to be examined, if he so wishes, by a doctor of his own choice, in addition to any medical examination carried out by a doctor from a health centre (it being understood that an examination by a doctor of the detained person's own choice may be carried out at his own expense);**
- **all medical examinations of persons in police custody, whether carried out on police premises or in a health care facility, are to take place out of the hearing and - unless the doctor concerned expressly requests otherwise in a given case - out of the sight of police officers;**
- **the results of every examination, as well as any relevant statements by the person in custody and the doctor's conclusions, are to be recorded in writing by the doctor and made available to the detained person and his lawyer.**

e. information on rights

34. The CPT has already indicated the importance it attaches to persons taken into police custody being informed of all their rights, including those referred to in paragraphs 26 to 33 above.

Section 6 of the CCP stipulates that a person apprehended by the police must immediately be given information on the right of access to a lawyer and to have his family notified, as well as the right to remain silent. Nevertheless, many persons interviewed by the delegation stated that they had not been informed by the police about their rights, such information only being given when they were brought before the investigating judge.

Police officers informed the delegation that they read out the above-mentioned rights to those concerned. However, no specific written information on their rights was given to persons apprehended. Admittedly, these rights are referred to in the form filled in following apprehension, a document which must be signed by the person taken into custody. However, the design of that document and the manner in which it is worded is such that a person in police custody may well not glean the particular information which concerns his rights.

35. In order to ensure that persons in police custody are duly informed of all their rights, **the CPT recommends that a specific form setting out those rights in a straightforward manner be systematically given to such persons at the very outset of their deprivation of liberty. The form should be available in an appropriate range of languages.**

f. conduct of police interviews

36. Article 25 of the Constitution stipulates that persons deprived of their liberty "shall be treated humanely and their dignity shall be respected". However, as far as the delegation could ascertain, there are no detailed directives on how to actually conduct police interviews.

Of course, the art of questioning criminal suspects will always be based in large measure on experience. However, the CPT considers that formal guidelines should exist on a number of specific points; the existence of such guidelines will, inter alia, help to underpin the lessons taught during police training.

37. Consequently, **the CPT recommends that a code of conduct for police interviews be drawn up.** In addition to reiterating the total prohibition of ill-treatment, the code should deal, inter alia, with the following: the systematic informing of the detained person of the identity (name and/or number) of those present at the interview; the permissible length of an interview; rest periods between interviews and breaks during an interview; places in which interviews may take place; whether the detained person may be required to remain standing while being questioned; the questioning of persons who are under the influence of drugs, alcohol or medicine, or who are in a state of shock. It should also be stipulated that a systematic record be kept of the times at which interviews start and end, the persons present during each interview and any request made by the detained person during the interview. The position of specially vulnerable persons (the young, those who are mentally disabled, the mentally ill, etc.) should be the subject of specific safeguards.

g. inspection procedures

38. Systems for the inspection of police detention facilities by an independent authority are capable of making an important contribution towards the prevention of ill-treatment of persons held by the police and, more generally, of ensuring satisfactory conditions of detention. To be fully effective, the visits by such an authority should be both regular and unannounced, and the authority concerned must be empowered to discuss in private with detained persons.

39. The relevant prosecuting/judicial authorities in Croatia are no doubt empowered to visit places where persons are detained by the police. However, the information gathered by the delegation indicated that such visits were not a common occurrence. The Deputy Ombudsman informed the delegation that his Office also had the right to visit police detention facilities, but that limited resources prevented the Office from making regular use of its powers in this area.

The CPT invites the Croatian authorities to explore the possibility of introducing a system of independent inspections of police establishments of the kind described in paragraph 38.

4. Conditions of detention

40. The general criteria which guide the CPT's activities in this area are as follows.

All police holding facilities should be clean, of a reasonable size for the number of persons they are used to accommodate, and have adequate lighting (i.e. sufficient to read by, sleeping periods excluded) and ventilation; preferably, such facilities should enjoy natural light. Further, holding facilities should be equipped with a means of rest (e.g. a fixed chair or bench) and persons obliged to stay overnight in custody should be provided with a clean mattress and clean blankets.

Persons in custody should be allowed to comply, when necessary, with the needs of nature in clean and decent conditions, and be offered adequate washing facilities. They should have ready access to drinking water and be given food at appropriate times, including at least one full meal (i.e. something more substantial than a sandwich) every day. Persons held for 24 hours or more should be provided with appropriate personal hygiene items and, as far as possible, be offered outdoor exercise every day.

41. As already indicated (cf. paragraphs 9 and 10), in Croatia police custody is in principle of short duration, and the CPT's delegation observed that in practice many criminal suspects spend only a few hours in police stations prior to their appearance before an investigating judge and their release or remand in custody. From the Committee's standpoint, this is a most favourable situation.

Nevertheless, it is not uncommon for criminal suspects to spend periods of up to 24 hours on police premises and stays in excess of 24 hours can occur on occasion, via the procedure of informative talks. It is clear from the information gathered by the delegation that current arrangements in police stations for accommodating such persons leave a great deal to be desired. The persons concerned are frequently held for many hours (sometimes overnight) in offices, corridors or waiting rooms, without being offered either appropriate facilities for rest and sleeping or food. Moreover, a number of allegations were received that persons in police custody had been kept handcuffed, often to radiators or items of furniture, for periods of hours.

42. **Consequently, the CPT recommends that the Croatian authorities review arrangements for the holding of criminal suspects on police premises, taking into account the criteria set out in paragraph 40. Above all, criminal suspects held on police premises should be offered food at appropriate intervals (which implies that the budgetary means must exist for providing food to persons not in a position to pay for it themselves), and suspects held overnight on such premises should be accommodated in a designated holding facility and provided with a clean mattress and clean blankets.**

Further, while it may be necessary for a criminal suspect in police custody to be handcuffed at certain stages of the procedure, handcuffs should not be used as a substitute for proper holding facilities. **The CPT recommends that appropriate steps be taken to ensure that criminal suspects held on police premises are not kept handcuffed for extended periods.**

43. Many of the police stations visited did in fact possess cells, but the delegation was informed that they were only used to accommodate persons detained for disturbing public order. The quality of this cellular accommodation varied considerably.

Conditions of detention in the two cells at **Sisak Police Station** were satisfactory. The cells were of an adequate size (6 m²) and in a good state of repair, had good lighting and ventilation, and were each equipped with a bed, mattress and blankets.

The cellular accommodation at the **Knin, Makarska and Split No. 1 Police Stations** was less good, but still on the whole adequate for short stays. However, detained persons were not provided with a mattress at any of the stations. Further, the artificial lighting was dim in the cells at Knin and Split, and out of order in certain of the cells at Makarska.

The four cells at **Šibenik Police Station** were well lit and detained persons were provided with a mattress (albeit very thin). However, the cells had the disadvantage of being very small (3.3 m²). Cells of such a size are adequate for temporary holding purposes (i.e. stays of up to a few hours); however, they should not be used to accommodate persons kept in police custody overnight.

Conditions of detention in the two cells at **Trešnjevka Police Station in Zagreb** were poor. They were windowless, dimly lit, inadequately ventilated and, more generally, of very oppressive design. Further, no mattresses or bedding were provided to detained persons.

As for the four cells at **Sinj Police Station**, at the time of the delegation's visit they were totally unfit for use as detainee accommodation. The cells were in a deplorable state of repair, filthy and had a distinctly dungeon-like aspect. Police officers present indicated that they were no longer used; this should remain the case until such a time as they are thoroughly renovated to meet the standards referred to in paragraph 40.

44. **The CPT recommends that steps be taken to remedy the shortcomings identified in the police cells referred to in paragraph 43. Further, all persons held overnight in police custody, including inebriates, should be provided with a mattress.**

More generally, **the CPT recommends that the state of cellular accommodation in all police stations in Croatia be reviewed, having regard to the criteria set out in paragraph 40.**

45. Reference should also be made to the "**Unit for detention, escort and security**" in **Zagreb (Đorđićeva 4)**, a facility used to accommodate persons waiting to appear before the City Misdemeanours Court. This nine-cell facility was in the process of being renovated at the time of the delegation's visit. Many of the cells were in a poor state of repair; however, the unit had the potential - adequately-sized cells, access to natural light, good artificial lighting and ventilation, partitioned in-cell toilet facility - to offer satisfactory conditions of detention.

The CPT would like to be informed whether the renovation of the unit has now been completed and, in the affirmative, to receive confirmation that conditions of detention in the unit now meet all the criteria set out in paragraph 40.

B. Prisons

1. Preliminary remarks

46. The prison system in Croatia consists of two main types of establishment: penitentiary institutions (*kazneni zavodi*), for persons sentenced to terms longer than six months, and county prisons (*okružni zatvori*), for persons serving shorter sentences and remand prisoners.

The delegation visited one penitentiary institution, Lepoglava State Prison, and the county prisons in Zagreb, Split and Šibenik.

47. The rules concerning the treatment of sentenced prisoners are set out in the 1993 Law on Execution of Sentences. The delegation was informed that a revision of this law was currently being drawn up. **The CPT would like to receive information on the progress made on this subject and, in due course, a copy of the new law.**

48. The basic rules governing remand imprisonment are set out in sections 101 to 118 of the 1997 Code of Criminal Procedure. They stipulate inter alia that the criminal investigation concerning a person held on remand should be completed within six months at the latest. The maximum possible length of imprisonment on remand (pending final judgement) varies, according to the seriousness of the offence, from six months to two and a half years, a further six months extension being possible in exceptional cases on decision of the Supreme Court. Many of the remand prisoners interviewed by the delegation had in fact been held for more than six months, and a number of them for periods up to two years. In this connection, several of the delegation's interlocutors complained that proceedings before the courts were unduly lengthy. **The CPT would like to receive the comments of the Croatian authorities on this matter.**

Detailed regulations on the treatment of remand prisoners were promulgated in 1994. However, the delegation understood that they were due to be superseded by regulations currently being drawn up for the implementation of the new CCP. The CPT would like to receive further information on this subject.

49. **Lepoglava State Prison** is the largest prison in Croatia. The construction of the closed unit, where most of the inmate population is accommodated, took place in 1914. In addition to that unit, the prison comprises four semi-open sections at Lepoglava and three external sections located in the county prisons at Gospić, Pula and Šibenik. All of the prisoners are adult men. The delegation focused its attention on the closed unit.

On 23 September 1998, 872 inmates were registered at the establishment (including 124 at the external sections and 81 escapees), for an official capacity of 894. The closed unit was accommodating 532 prisoners.

50. **Zagreb County Prison** is located in modern premises constructed in the 1980s. With an official capacity of 400, the establishment was accommodating 425 inmates on 16 September 1998, including 17 juveniles and 23 women. In addition to remand prisoners and persons sentenced to terms shorter than six months, the establishment also accommodated some inmates who had been sentenced to longer terms but who were due for release in six months or less. Further, the prison included a Centre for Psycho-Social Diagnostics, which received sentenced inmates from the entire country at the outset of their terms and decided on their subsequent allocation.

Split County Prison was also located in modern premises, constructed in 1986. Despite having a formal capacity of 120, the establishment was accommodating 198 prisoners on the first day of the delegation's visit. The vast majority of the prisoners were on remand, and the inmate population included 11 women.

Šibenik County Prison was located in the centre of the town, next to the courthouse. The present premises had been used as a prison since 1906 and had recently been renovated. With 52 inmates at the time of the visit (34 on remand), the establishment was operating well within its official capacity of 80.

2. Ill-treatment

51. The CPT's delegation heard no allegations of torture or other forms of deliberate ill-treatment of inmates by staff at the county prisons in Split and Šibenik, and gathered no other evidence of such treatment. Further, at Split County Prison many inmates spoke favourably of the manner in which they were treated by prison officers; the delegation itself observed that staff in that establishment adopted a positive attitude in their dealings with inmates.

The delegation was also on the whole satisfied that prison staff at Zagreb County Prison were not abusing their authority vis-à-vis inmates. The delegation did receive information indicating that one particular juvenile held at the establishment could on occasion be struck by one particular prison officer. This matter was raised with the prison director, who stated that he would take appropriate remedial action.

52. Most prisoners interviewed at Lepoglava State Prison did not have any complaints to make about the manner in which they were treated by prison staff. However, the CPT is concerned by the information gathered by its delegation regarding the treatment of persons placed in the establishment's unit for increased supervision (level B1). This small and quite distinct unit, comprising 11 cells, was used to accommodate prisoners who were considered to represent a security risk or present serious management and control problems, as well as prisoners requesting segregation for their own protection.

The delegation held individual interviews with practically all the prisoners in the unit. Many of them alleged that they were frequently the object of verbal abuse by prison staff, both those assigned to the unit and members of the prison management, and some of them alleged that they had on occasion been physically ill-treated by staff. The allegations were consistent in terms of the types of ill-treatment concerned (insults and taunts, blows with truncheons, punches, unreasonable time restrictions on use of sanitary facilities) and the places where physical ill-treatment could occur (in the hallway in front of the cells or in the small office at the wing's entrance). It was obvious from the delegation's own observations that staff-inmate relations in the unit were very poor. A number of staff members displayed a barely disguised antagonistic and contemptuous attitude towards inmates held in the unit.

Endorsing the remarks made by its delegation at the end of the visit, **the CPT recommends that the Croatian authorities review the situation at the unit for increased supervision at Lepoglava State Prison, in order to ensure that staff are not abusing their authority vis-à-vis prisoners held there.**

53. The best possible guarantee against the ill-treatment of prisoners is properly-recruited and trained prison officers, who know how to adopt the appropriate attitude in their relations with inmates. Developed interpersonal communication skills are an essential part of the make-up of such staff. Those skills will often enable them to defuse a situation which could otherwise turn into violence. More generally, they will lead to a lowering of tension and raising of the quality of life in the establishment concerned, to the benefit of all concerned.

The delegation was informed at both ministerial and local level that the current training provided to prison staff left something to be desired. Consequently, **the CPT recommends that the Croatian authorities give high priority to the development of prison staff training, both initial and ongoing. In the course of such training, considerable emphasis should be placed on the acquisition of interpersonal communication skills. Building positive relations with prisoners should be recognised as a key feature of a prison officer's vocation.**

3. Lepoglava State Prison

a. material conditions

54. The closed unit at Lepoglava Prison consisted of a radial building comprising four wings, each of four storeys, and a two-storey annex (the reception section). A programme of refurbishment was under way, and two of the wings as well as the reception section had been completely renovated.

55. Newly-arrived prisoners could spend up to a month in the reception section. This contained several dormitories measuring between 17 and 19 m², as well as a smaller double-occupancy room. The accommodation was immaculately clean, benefited from very good access to natural light, artificial lighting and ventilation, and was equipped with integral sanitation. Conditions would be cramped if the dormitories were used at their maximum intended occupancy (six persons), although this shortcoming would be offset by the fact that during much of the day, inmates had access to a recreation room.

56. D wing was one of the renovated wings. A typical cell measured some 11 m² and, in addition, had a distinct sanitary annex (washbasin and toilet). Access to natural light varied somewhat depending on the particular cell, but was generally satisfactory. Artificial lighting and ventilation were also very good throughout the wing, and the cells were clean. In sum, the material conditions of detention in the renovated D-wing were quite satisfactory. However, the CPT was concerned to learn that many of the cells were being used to accommodate up to four prisoners. In view of their size, they should preferably not accommodate more than two prisoners, and never more than three.

57. A wing, which accommodated inter alia the establishment's medical facilities, chapel, school, and disciplinary unit, had also been renovated to a high standard.

58. In contrast, the two unrenovated wings, B and E, accommodating mainly unemployed prisoners, offered very poor conditions of detention. Prisoners in these wings were being held under cramped conditions, typically two to three persons in cells measuring between 5,5 to some 6,5 m². The CPT must emphasise that cells of such a size are only suitable for individual occupancy. Further, the cells were dirty and in a poor state of repair, and a number of them had poor access to natural light and/or dim artificial lighting. In addition, they were not equipped with integral sanitation; as a result, at night inmates had to comply with the needs of nature using a bucket in their cell. As for the communal sanitary facilities, they were in a generally woeful state of repair (some of them with hazardous flooded floors). It is also noteworthy that several prisoners in these two wings complained that they were not able to obtain necessary toiletries.

The director informed the delegation that the renovation of the whole establishment was planned, but that difficulties were being encountered in obtaining the necessary resources. The CPT must stress that the prevailing material conditions in B and E wings are quite unacceptable. Consequently, **the Committee recommends that the renovation of these wings, including installation of in-cell sanitation following the model of D wing, be treated as a matter of high priority.**

Moreover, **the CPT recommends that steps be taken immediately to ensure that all prisoners at Lepoglava State Prison are able to obtain personal hygiene products (toilet paper, soap, toothpaste, etc.) as well as the necessary means to maintain their cells and communal sanitary facilities in a clean and hygienic state.**

59. Further, as already indicated in paragraphs 56 and 58, the closed unit was overcrowded at the time of the visit. This was particularly the case in the unrenovated wings, but the cell occupancy level was also too high in D wing. In this connection, the director indicated that in his view, the optimal capacity of the closed unit was 300. The CPT shares that view.

The CPT recommends that serious efforts be made to reduce cell occupancy levels in the closed unit at Lepoglava State Prison, having regard to the foregoing remarks.

60. In the course of a brief visit to one of the semi-open sections, it was observed that the prisoner accommodation there was of a very high standard.

b. regime

61. According to section 19 of the Law on Execution of Sentences, sentenced prisoners must be provided, to the extent possible given an establishment's facilities and resources, with various types of work appropriate to their abilities and skills. Further, the work environment must correspond as closely as possible to modern standards in the outside community for similar types of work. The LES also provides that education and vocational training leading to professional certification may be organised for those sentenced prisoners who are considered likely to benefit from such programmes. Further, a general compendium of courses, sports and other extracurricular activities should be made available to all sentenced prisoners (section 20).

62. Of the 660 prisoners in the closed and semi-open sections at Lepoglava State Prison, approximately 300 were engaged in various types of work activities, including woodworking and furniture production (employing 150 inmates), metalwork (20), arts and crafts, as well as a variety of posts involving the day-to-day operations of the prison (laundry, cooking, gardening, etc.). The delegation was impressed by the establishment's workshops for wood and metal work, which were found to be equipped with good-quality machinery, adequately stocked and operated by civilian instructors with minimal supervision by custodial staff (three prison officers for a total of 170 inmates in the workshops). The goods produced were of a high quality. The arts and crafts workshops - consisting of 20 studios where inmates with the relevant skills or motivation could create oil paintings, pottery, woodcarvings, jewellery boxes, mosaics and the like - were similarly impressive. Working conditions in the kitchen and laundry facilities were also quite satisfactory.

63. Nevertheless, the fact remains that at the time of the visit, the majority of the prisoners in the establishment's closed unit - 324 out of 532 - were not working. 110 prisoners were on a waiting list for work. Further, 83 prisoners had been categorised as permanent non-workers, either through choice or disability, though many such prisoners interviewed by the delegation advanced that they did in fact wish to work.

The situation of the non-workers was rendered all the more unsatisfactory by the scarcity of other regime activities at the prison. Although the establishment was equipped with good educational facilities, only about 50 prisoners - including some who already worked - were attending classes. Further, there was little evidence of therapeutic (i.e. offence-focused) programmes and no organised sports activities. To sum up, almost two thirds of the prisoners accommodated in the closed unit were subject to an impoverished regime; the typical daily programme for a non-working prisoner was found to consist of little else besides watching television in an association area and outdoor exercise.

64. Consequently, there was a clear gap between the aspirations enumerated in the LES and the programmes of activities which were being delivered to many inmates at Lepoglava State Prison. For the majority of prisoners in the establishment's closed unit, there was no positive regime in place which might encourage them to address their offending behaviour.

The CPT recommends that the Croatian authorities take the necessary steps to ensure that all prisoners at Lepoglava State Prison have access to an appropriate range of work, educational, sports and recreational activities.

c. unit for "increased supervision"

65. The conditions of detention observed by the delegation in the unit for increased supervision at Lepoglava State Prison are of particular concern to the CPT. It has already been recommended that the situation at the unit be reviewed in order to ensure that staff are not abusing their authority (cf. paragraph 52). Further, the recommendations made in paragraph 58 concerning material conditions apply as much to the unit for increased supervision as to the other parts of B wing. As regards the precise regime applied within the unit, it calls for some specific remarks.

66. In every country there will be a number of so-called "dangerous" prisoners (a notion which covers a variety of types of person) in respect of whom special conditions of custody are required. This group of prisoners will (or at least should, if the classification system is operating satisfactorily) represent a very small proportion of the overall prison population. However, it is a group that is of particular concern to the CPT, in view of the fact that the need to take exceptional measures concerning such prisoners brings with it a greater risk of inhuman treatment than is the case with the average prisoner.

Prisoners held in a special security unit should enjoy a relatively relaxed regime (able to mix freely with the small number of fellow prisoners in the unit; allowed to move without restriction within what is likely to be a relatively small physical space; granted a good deal of choice about activities, etc.) by way of compensation for their severe custodial situation. Special efforts should be made to develop a good internal atmosphere within such units. The aim should be to build positive relations between staff and prisoners. This is in the interests not only of the humane treatment of the unit's occupants but also of the maintenance of effective control and security and of staff safety. Success in this area requires that the staff assigned to work in such units must be very carefully chosen. They should be appropriately trained, possess highly developed communication skills and have a genuine commitment to the exercise of their skills in a more than usually challenging environment.

The existence of a satisfactory programme of activities is just as important - if not more so - in a special detention unit as on normal location. It can do much to counter the deleterious effects upon a prisoner's personality of living in the bubble-like atmosphere of such a unit. The activities provided should be as diverse as possible (education, sport, work of vocational value etc.). As regards, in particular, work activities, it is clear that security considerations may preclude many types of work activities which are found in ordinary prison units. Nevertheless, this should not mean that only work of a tedious nature is provided for prisoners. In this respect, reference might be made to the suggestions set out in paragraph 87 of the Explanatory Memorandum to Recommendation No. R(82)17 of the Committee of Ministers of the Council of Europe.

67. At the time of the delegation's visit, the unit for increased supervision manifestly failed to meet the above criteria. In particular, the internal atmosphere was anything but good and no programme of activities worthy of the name was offered to the unit's inmates. The prisoners concerned, most of whom were facing long sentences, were kept in a confined area in a state of enforced idleness and uncertainty about their future, and were confronted on a daily basis by a hostile attitude from staff. The prisoners had not been given clear guidance as to what requirements they must meet in order to be able to return to the mainstream population, and the regime within the unit was in any event such that they had little opportunity to prove that they were ready for that transition. These are the ingredients of a highly insecure environment.

The CPT recommends that regime and staffing arrangements in the unit for increased supervision be revised, in the light of the criteria set out in paragraph 66.

The Committee believes that it would also be advisable to reconsider which categories of prisoner should be placed in the unit. It is not appropriate to hold prisoners requesting segregation for their own protection together with prisoners considered as dangerous. Further, as regards the latter category of prisoners, it would be preferable for prisoners identified as representing an extremely high escape risk to be dealt with separately from those presenting management and control problems within the institution.

68. Further, it is axiomatic that a prisoner should not be held in a special security unit any longer than the risk which he presents makes necessary. This calls for regular reviews of the placement decision. Further, prisoners should as far as possible be kept fully informed of the reasons for their placement and, if necessary, its renewal.

In this respect, **the CPT recommends:**

- **that a prisoner who is placed in a unit for increased supervision or whose placement in such a unit is renewed be informed in writing of the reasons for that measure (it being understood that the reasons given could exclude information which security requirements reasonably justify withholding from the prisoner);**
- **that a prisoner in respect of whom such a measure is envisaged be given an opportunity to express his views on the matter;**
- **that the placement of a prisoner in the unit be fully reviewed at least every three months.**

The CPT would also like to be informed of the avenues open to a prisoner for the purposes of challenging a decision to place him in a unit for increased supervision or to prolong that placement.

d. medical care

69. Health care staff resources at Lepoglava State Prison were manifestly insufficient at the time of the visit.

According to regulations issued on 27 June 1994, the prison's full-time health care staff should consist of a head doctor, a psychiatrist, a general practitioner, a dentist, four nurses, a pharmacist, and three assistants (dental, laboratory and radiology). Such a team could be considered as adequate for an establishment accommodating some 650 prisoners. However, the actual staffing levels fell far short of those specified in the regulations. The posts of head doctor, psychiatrist, general practitioner and dentist were all vacant and the full-time health care team numbered a mere six persons: a health technician, a pharmacist, a dental assistant and three nurses. To make up for the absence of a full-time doctor, the ad hoc solution adopted was to employ an outside doctor (cardiologist) for one or two hours each morning on weekdays. The only other doctors to visit the prison were certain specialists (a psychiatrist, a pulmonologist, a surgeon, and specialists in gastroenterology and internal medicine) who were available for consultations for a few hours every two weeks.

Such a state of affairs is inadmissible in an establishment as large as Lepoglava. It is totally unrealistic to expect one doctor to be able to respond adequately to even the basic demands of a prison population of such a size in the space of a daily session of two hours or less, or to expect one psychiatrist to provide adequate services during a comparably short session every two weeks. It is therefore scarcely surprising that the standard of health care provided to prisoners was found to display serious shortcomings.

70. It should be noted, however, that the material facilities for health care were quite satisfactory. In particular, the prison's infirmary was found to be clean, spacious, well-ventilated and properly equipped, and the dental care facilities were also of a high standard. Further, the prison's pharmacy was well-equipped, and there were apparently no problems in obtaining all medicines required. In other words, the basic infrastructure for a fully satisfactory health care service exists. In addition, the confidentiality of medical data was guaranteed.

71. In the light of the above remarks, the CPT recommends that the Croatian authorities take immediate steps to provide the equivalent of at least one full-time doctor at Lepoglava State Prison, as well as to reinforce the provision of psychiatric and dental care at the establishment. Further, it recommends that, at the earliest opportunity, the health care staffing levels be brought fully into conformity with those foreseen by the prison's regulations on staffing issued on 27 June 1994.

72. The CPT was also concerned to learn that no member of the health care team was present on the prison's premises from 10 pm to 7 am. A 24-hour presence of a member of the health care team would be most desirable, bearing in mind the number of prisoners held in the establishment and that a number of sick inmates are regularly held in the prison's infirmary (ten at the time of the visit). In case of emergency, a prisoner could be taken at night to a health care service situated some ten kilometres from the prison; however, as things stand at the moment, there might be no one present with the necessary knowledge to give immediate care.

The CPT recommends that immediate steps be taken to ensure that someone qualified to provide first aid (preferably with a nursing qualification) is always present at Lepoglava State Prison, including at night. Further, it recommends that the possibility be explored of providing a 24-hour presence of a nurse or doctor from the establishment's health care team.

73. According to the visiting doctor, all newly-arrived prisoners were seen by a member of the health care service on arrival. However, examination of the files of the last 26 persons to have been admitted to the prison revealed that this was not the case. Instead, reliance was placed upon the medical file transmitted from the Zagreb County Prison.

Even though Lepoglava does not represent a point of entry into the prison system, the CPT considers it highly desirable for all newly arrived prisoners to be properly interviewed by a doctor, or a fully qualified nurse reporting to a doctor, as soon as possible after admission. **The CPT recommends that steps be taken to ensure that this is the case.**

74. The delegation found evidence of grossly overloaded sick parades. Health care staff stated that the doctor would see some 30 to 40 prisoners during his daily two-hour visit to the establishment. With such a workload, it is highly questionable whether there will be sufficient time for an adequate diagnosis and treatment of each prisoner's health problems. Further, the delegation met several inmates, in particular in the unit for increased supervision, who were in need of psychiatric/psychological care, but who were not receiving it. Following remarks made by the delegation, one of those inmates was taken to a doctor outside the hospital for examination, who ordered that he be transferred immediately to the Prison Hospital in Zagreb on the grounds of his suicidal state of mind.

More generally, the inadequate staff resources inevitably meant that the health care service was overwhelmed by day-to-day requests for medical attention; it had no time to develop and pursue a health policy of a preventive nature. Further, the lack of a full-time doctor meant that other health care staff were not receiving the guidance they required. It is noteworthy in this regard that the consultation of the medical files of several patients in the prison's infirmary revealed inadequacies in the recording of medical data and in the carrying out of standard medical procedures (monitoring of temperature, pulse, blood pressure; blood/urine analyses, etc.).

The aforementioned shortcomings can only be resolved via the implementation of the recommendations concerning staff resources set out in paragraph 71 above.

e. contact with the outside world

75. It is very important for prisoners to be able to maintain good contact with the outside world. Above all, they must be given the opportunity to safeguard their relations with their family and friends, and especially with their spouse or partner and their children. The continuation of such relations can be of critical importance for all concerned, particularly in the context of prisoners' social rehabilitation. The guiding principle should be to promote contact with the outside world; any restrictions on such contacts should be based exclusively on security concerns of an appreciable nature or considerations linked to available resources. This is in line with a number of recommendations in the 1987 European Prison Rules, particularly Rule 43, sub-paragraph 1 and Rule 65, point c.

76. Sentenced prisoners in Croatia have the right to receive visits from immediate relatives and, subject to the prison governor's approval, from other persons (section 152, LES). According to the degree of security of a particular establishment, a prisoner may receive from two to four visits per month; the duration of each visit must be at least one hour (section 153, LES).

All sentenced prisoners at Lepoglava were granted four visits per month. Albeit rather austere, the room used for visits was basically of an adequate standard. Visits took place under relatively relaxed and open conditions, with prisoners and their visitors seated together at a table. Further, partitions offered them a degree of privacy. In the establishment's closed unit, the duration of a visit was from 60 to 150 minutes depending on an inmate's classification into one of three categories (visits in the semi-open units could last from three to four hours).

All prisoners, regardless of their category, could also receive "free visits" i.e. unsupervised visits from their spouses or official partners for up to four hours. The facilities used for such visits (a set of eight bedrooms with adjoining bathrooms) were found to be in a good state of repair and hygiene and, more generally, to provide a suitable environment. The CPT greatly welcomes the arrangements made by the Croatian authorities for such visits, which are of fundamental importance for the social rehabilitation of a prisoner.

In addition, all sentenced prisoners in Croatia have the right to unlimited correspondence with members of their family and other persons as long as an ongoing criminal investigation is not affected (section 150, LES). Moreover, the house rules at Lepoglava State Prison made provision for access to a telephone.

77. Consequently, the possibilities for prisoners at Lepoglava State Prison to maintain contact with the outside world can be qualified as largely satisfactory. However, the CPT was concerned to note that a significant proportion of prisoners at Lepoglava did not receive regular visits, this situation due at least in part to the geographical isolation of the establishment. The establishment's house rules did attempt to alleviate the difficulties in this area, in particular by allowing extended visiting time for visitors coming from distant areas. Nevertheless, **the CPT invites the Croatian authorities to consider ways of facilitating visits to prisoners at Lepoglava State Prison.**

Efforts might also be made to improve waiting facilities for visitors. The area presently used for this purpose is small and has neither special facilities for visitors with children nor drink dispensers.

78. The house rules at Lepoglava State Prison provide for correspondence to be subject to censorship. The CPT recognises that in certain cases it may be necessary for the prison authorities to read letters to or from a prisoner. However, to routinely read all such correspondence is almost certainly a wasteful use of staff resources. **The CPT would like to receive the comments of the Croatian authorities on this subject.**

Further, the CPT assumes that prisoners' correspondence with legal advisers, judicial authorities, international human rights bodies such as the European Court of Human Rights, etc. cannot be read. **The Committee would like to receive confirmation that this is the case.**

f. discipline

79. Section 168 of the LES sets out various sanctions for offences against prison discipline by sentenced prisoners, the most severe being the imposition of solitary confinement for up to 21 days. Disciplinary measures are imposed by an institution's director or his deputy, after the prisoner concerned has been given the opportunity to present a statement (section 170, LES). However, the existing law (as distinct from the draft law currently under consideration) makes no specific reference to a right of appeal against sanctions imposed.

The CPT recommends that steps be taken to provide sentenced prisoners with an effective right of appeal to a higher authority against disciplinary sanctions imposed on them.

80. The CPT's delegation found no evidence at Lepoglava State Prison of excessive resort to the disciplinary sanction of solitary confinement. Moreover, the material conditions and the regime applied to prisoners subject to that sanction call for no adverse comment.

The cells used for solitary confinement were clean and of an adequate size (6 m² for single occupancy). Each cell was suitably furnished and equipped with a call bell, sink and lavatory. Further, prisoners subject to solitary confinement were allowed reading and writing materials and entitled to outdoor exercise on a daily basis.

4. County prisons

a. material conditions

81. The main building of **Zagreb County Prison** was a four-level structure built around two courtyards and comprising ten sections for prisoner accommodation. Each section contained twelve larger (21 m²) multiple-occupancy and six smaller (10 m²), in principle single-occupancy, cells as well as a collective bathroom with six showers.

The multi-occupancy cells were usually accommodating four and - in some instances - five prisoners. The smaller cells were all being used for single occupancy at the time of the visit; however, prison staff indicated that on occasion they might accommodate two inmates.

Each cell had a small sanitary annex equipped with a lavatory and sink (hot and cold water) and a bidet in cells used for women prisoners. In the larger cells, these annexes were fully partitioned, but in the small cells the lavatory was unscreened. The cells were clean, well-ventilated, and suitably furnished with bunk beds, tables and chairs. However, access to natural light suffered somewhat from the obstruction created by metal screens placed outside the windows (at a distance of approximately 50 cm); further, both prisoners and staff alleged that in summertime the screens caused the temperature in the cells to increase to uncomfortable levels.

As for the collective bathrooms, they were clean and in a good state of repair.

82. To sum up, material conditions of detention at Zagreb County Prison were on the whole of a reasonable standard. However, **living space in the multi-occupancy cells was limited when they accommodated five prisoners**, especially bearing in mind that remand prisoners spent the majority of their time inside their cells (cf. paragraph 88). As regards the smaller cells, the fact that the lavatory is unscreened renders them unsuitable for use by two prisoners; further, a cell measuring 10 m², inclusive of a sanitary facility, is rather cramped accommodation for two prisoners. Consequently, **the CPT trusts that in future the 10 m² cells will only be used for single occupancy, unless other considerations render it unwise for a particular prisoner to be accommodated on his own.**

Concerning the problem of access to natural light, the delegation was informed that the metal window screens were necessary to prevent contacts during exercise periods between inmates subject to restrictions on the grounds of a risk of collusion and other prisoners. The CPT does not consider this rationale can justify depriving prisoners in general at Zagreb Prison of good access to natural light and of a view outside their cells. Other means of avoiding such contacts (e.g. having prisoners subject to restrictions take outdoor exercise in a discrete courtyard) should be found. Consequently, **the CPT recommends that the Croatian authorities explore the possibility of removing the metal window screens.**

83. As already indicated (cf. paragraph 50), **Split County Prison** was operating at well above its formal capacity at the time of the visit. Consequently, 28 m² cells which staff stated had been intended for five prisoners were in fact accommodating up to nine inmates. Similarly, 17.5 m² cells designed for three prisoners were accommodating up to five, and the establishment's 9 m² cells were accommodating two prisoners.

As at Zagreb, each cell had a sanitary annex equipped with a lavatory and washbasin. However, the annexes were not fully partitioned, though a modicum of privacy was offered in the 28 m² and 17.5 m² cells by a low wall. Unfortunately, the design of the annex in the 9 m² cells, and in particular the absence of a door, meant that a prisoner would comply with the needs of nature in full view of his cell mate.

Cells and communal facilities were found to be on the whole clean, well-ventilated, suitably equipped and in a satisfactory state of repair. However, in the same way as at Zagreb, the cell windows were screened by metal plates. Access to natural light remained nevertheless quite good in most of the cells, but the prisoners had scarcely any view outside their cells.

The state of repair of certain of the establishment's isolation cells - used for disciplinary purposes, voluntary requests for segregation and night arrivals - left something to be desired (e.g. broken call bells). Further, it was observed that two of the cells (numbers 1 and 14) had very poor access to natural light and, more generally, offered a rather oppressive environment; at the time of the visit, cell 14 was accommodating a prisoner who had recently returned to the establishment after receiving psychiatric care at the Prison Hospital in Zagreb.

84. Split County Prison is quite capable of offering satisfactory material conditions of detention, provided cell occupancy levels are lowered. In this connection, the prison's director informed the delegation that he had requested that another floor be added to the existing building.

The CPT recommends that appropriate steps be taken to ensure that no more than six prisoners are accommodated in the establishment's 28 m² cells, and that no more than four prisoners (preferably no more than three) are accommodated in the 17.5 m² cells. Further, it is recommended that the sanitary annexes in these cells be fully partitioned.

The CPT also recommends that serious efforts be made to reduce the occupancy level of the 9 m² cells to one prisoner per cell and that, for so long as the cells are occupied by more than one prisoner, improvements be made to the partitioning of the in-cell toilet facilities.

As regards isolation cells 1 and 14, the CPT recommends that those two rooms only be used for short periods (i.e. not more than 24 hours), and that they never be used to accommodate prisoners with psychiatric symptoms. Further, steps should be taken to ensure that the call bells in all the isolation rooms are kept in working order.

Concerning the metal window screens, the recommendation in paragraph 82 is to be read as applying equally to Split County Prison.

85. Material conditions of detention at **Šibenik County Prison** were the best of the three establishments visited. Prisoner accommodation consisted essentially of 34 m² dormitories (which were accommodating no more than eight persons at the time of the visit) and 9 m² single cells, all with high ceilings. The dormitories and cells were clean, well-ventilated and suitably furnished, and had very good access to natural light via large windows which were not screened.

Each dormitory and cell had its own sanitary annex, those in the dormitories being almost fully partitioned and those in the cells being situated at the far end of the cell and partitioned off by a low wall.

86. Nevertheless, the delegation was told that the dormitories could be used to hold up to ten prisoners. In the CPT's view, they are not sufficiently large for such an occupancy level; consequently, **the Committee recommends that the maximum occupancy level of the 34 m² dormitories at Šibenik County Prison be set at eight prisoners.**

Further, **the CPT trusts that the establishment's 9m² cells will continue to be reserved for single occupancy.**

b. regime

87. Remand prisoners at the three establishments visited (and presumably throughout Croatia) were subject to an impoverished regime. They were offered no work, no education and, with rare exceptions, no sports activities. As the director of Split County Prison put it, the regime of a remand prisoner is "basically, in the room". Such a state of affairs is inadmissible, the more so bearing in mind the lengthy periods of time for which persons can be imprisoned on remand.

88. The only regular out-of-cell activity for remand prisoners was outdoor exercise for two hours a day, as required by law. Even this legal requirement was not being met at Split County Prison as regards remand prisoners subject to restrictions on the grounds of a risk of collusion, who were being offered only one hour of outdoor exercise per day.

The outdoor exercise areas at Zagreb and Split were suitable for nothing more strenuous than walking. The situation was slightly better at Šibenik Prison, where one of the two daily 60-minute exercise periods took place in an area marked out for sport which was just about large enough for a game of 5-a-side football.

The only other out-of-cell "activities" would be to attend any visits from family members or a lawyer, to use occasionally the telephone, and to see a member of the health-care service. The net result was that it was commonplace for remand prisoners to spend up to 22 hours a day in their cells.

89. Remand prisoners did have access to newspapers and magazines as well as to books (though the prison libraries at Split and Šibenik were very modest facilities) and they were allowed other means of recreation in their cells; further, most of the cells and dormitories had a radio and television. However, watching television and playing board games is no substitute for a proper programme of out-of-cell activities. Such a programme is of crucial importance for the physical and psychological well-being of any prisoner, whether he be sentenced or on remand.

90. The CPT recognises that the organisation of regime activities in remand prisons is not a straightforward matter, in view of the fairly rapid turnover of inmates. Further, the imposition of restrictions on certain remand prisoners, in the interest of the pre-trial investigation, is another complicating factor. However, nothing can justify the current policy in Croatia of "warehousing" remand prisoners.

The CPT recommends that steps be taken as a matter of urgency to improve radically the regime activities for remand prisoners at the Zagreb, Split and Šibenik County Prisons (as well as, if necessary, in other county prisons in Croatia). The aim should be to ensure that remand prisoners are able to spend a reasonable part of the day (i.e. eight hours or more) outside their cells, engaged in purposeful activities of a varied nature (group association activities; work, preferably with vocational value; sport). The legislative framework governing remand imprisonment and staffing levels should be revised accordingly.

91. Activities for sentenced prisoners held in the county prisons visited can be considered as satisfactory. In particular, they were offered paid work and had regular access to sports facilities.

In the course of its visit to Šibenik County Prison, the delegation was told that it was planned to accommodate a further 20 sentenced prisoners in the establishment in the near future. **The CPT would like to know whether this has now occurred and, in the affirmative, to be informed of the regime activities available to the prisoners concerned.**

c. Centre for Psycho-Social Diagnostics (Zagreb County Prison)

92. All persons in Croatia sentenced to a term of imprisonment in excess of six months were sent to the Centre for Psycho-Social Diagnostics at Zagreb County Prison for evaluation. The evaluation was intended to tailor the prison regime to the individual prisoner and to address the problems arising from his deprivation of liberty. The regulations stated that assessment would be over a one-month period but in practice the assessment period was usually three weeks.

The Centre was headed by a psychologist and its staff included three further psychologists, one pedagogue, one social pedagogue, one lawyer, one criminologist, two administrators, and three social workers. According to information received by the delegation, psychological tests, mainly comprising non-verbal personality and IQ tests, were performed on prisoners and interpreted, and exploratory interviews were undertaken with a view to providing a profile. A social worker reviewed the case file, interviewed the prisoner and provided comments relating to family matters, work and social rights. The pedagogue assessed the level of education. The lawyer examined the details of the crime, and established the level of criminal activity and dangerousness of the prisoner. The social pedagogue was responsible for devising the appropriate regime. Administrative staff compiled the case files, and one of two teams discussed the findings, arriving at a joint assessment and recommendations for therapy, education and special treatment. Self-injury risk and threat assessment were included.

Specific recommendations were made with respect to placement in one of the three types of available prisons, namely: open prisons in which the prisoner could go home every weekend, medium security prisons, or the State Prison at Lepoglava. Recommendations from the psycho-social unit were forwarded to the Ministry of Justice, which confirmed or modified the decision.

93. The CPT can only welcome the existence of the Centre, which can play a crucial role in the social rehabilitation of prisoners. However, staff at the Centre indicated that the lack of a sufficient range of differentiated institutions and treatment programmes was undermining the impact of their work. The Assistant Minister for Justice, Mr PENIĆ, made much the same point, commenting that there were not enough establishments to keep different categories of prisoners apart.

The CPT would like to receive information on the steps envisaged by the Croatian authorities with a view to overcoming these difficulties.

94. Further, the CPT notes that sentenced prisoners transferred to Lepoglava State Prison following their evaluation at the Centre would then spend up to another month in the reception area at Lepoglava, undergoing further assessment.

It might be considered that the work carried out at the Centre in Zagreb should, in principle, eliminate the need for such further diagnosis. **The CPT would like to receive the comments of the Croatian authorities on this subject.**

d. juveniles

95. The CPT has also noted with concern that juveniles (i.e. persons under 18) were on occasion held on remand in the Split and Zagreb County Prisons. The regime offered to these young prisoners was no less impoverished than that of other remand prisoners and, in particular, they were being offered no education. Further, at Split County Prison, a 16 year-old was being accommodated in the same cell as an elderly prisoner; whilst the delegation understands the reasons which had motivated this approach, such a situation is far from satisfactory. At the time of the visit, all juvenile remand prisoners at Zagreb County Prison were being held separately from adult inmates; however, it received information suggesting that juvenile prisoners in the Zagreb Prison could on occasion be accommodated together with adults.

96. In the CPT's view, all juvenile prisoners, including those on remand, should be held in detention centres specifically designed for persons of this age, offering regimes tailored to their needs and staffed by persons trained in dealing with the young. **The Committee recommends that the Croatian authorities strive to ensure that juvenile remand prisoners are held in such centres.**

In the meantime, **the CPT recommends that the Croatian authorities take the necessary steps to ensure that juveniles placed in county prisons are provided with a full programme of educational activities (including physical education) and are accommodated separately from adult prisoners.**

e. medical care

97. Health care staff at **Zagreb County Prison** consisted of one head doctor (an occupational health specialist) assisted by two general practitioners and seven nurses and technicians, all working on a full-time basis. In addition, two dentists worked at the establishment, one on a full-time basis and the second three days a week. There was also a post for a full-time psychiatrist; however, the incumbent had recently begun long-term maternity leave. At the time of the visit, an outside psychiatrist gave consultations at the establishment once a week.

Such a staffing level can be considered as adequate; however, **the CPT recommends that pending the return of the full-time psychiatrist, steps be taken to ensure more frequent visits to Zagreb County Prison by an outside psychiatrist.**

98. The situation was less favourable at **Split County Prison**, where the full-time health care staff comprised one doctor, one qualified nurse and a technician. Such a staffing level is not adequate, in particular as regards nursing resources. As a result of this situation, there was no nursing cover at weekends and custodial staff were sometimes required to perform duties which should be carried out by health care staff (e.g., the distribution of medication). Further, the absence of a dentist meant that the provision of dental treatment presented a major problem; in contrast to the situation at Zagreb Prison, no conservative dental treatment was available, and prisoners had to be transferred to the general hospital for dental extractions. It should also be noted that the establishment was not visited on a regular basis by a psychiatrist.

The CPT recommends that steps be taken:

- **to provide two additional nurses at Split County Prison;**
- **to ensure that prisoners at that establishment have access to conservative dental treatment;**
- **to arrange regular visits to the establishment by a psychiatrist.**

99. At the time of the delegation's visit, **Šibenik County Prison** did not possess a health care service worthy of the name. The prison's doctor had been largely absent for some time, apparently for the purposes of undertaking specialist training, and was not expected to return on a full-time basis for several months. No replacement having been arranged, the responsibility of running the prison's health care service fell upon that service's only other staff member, a technician. As a result, the establishment was heavily dependent on the services of the town's general hospital; any prisoners considered by the technician (or, in his absence, custodial staff) to require treatment by a doctor would be transferred to that hospital. The information gathered by the delegation in the course of its discussions with the technician, other staff members and inmates, revealed that although emergency cases could be handled appropriately via transfer to the general hospital, the standard of routine medical care left a great deal to be desired.

The CPT recommends that steps be taken without delay to ensure:

- **the presence at Šibenik County Prison of a doctor equivalent to at least a half-time post;**
- **daily visits to the establishment by a fully qualified nurse.**

100. The material facilities for health care in the three county prisons visited were satisfactory and no problems were identified as regards the availability of appropriate medication. Medical files and registers were well-kept at the Zagreb and Split County Prisons. This was not the case at Šibenik County Prison; however, this shortcoming should be resolved once staff resources are reinforced, as recommended in paragraph 99. As far as the delegation could ascertain, the confidentiality of medical data was guaranteed in the three prisons.

101. No health care staff were present at Split and Šibenik County Prisons as from the late afternoon or over weekends. Further, the director of Split County Prison informed the delegation that custodial staff had received no special training in first aid. At Zagreb County Prison, a nurse was present over weekends; however, even at that establishment, no member of the health care team was present at night (i.e. from 9 pm to 7 am).

The CPT recommends that immediate steps be taken to ensure that someone qualified to provide first aid (preferably with a nursing qualification) is always present at Zagreb, Split and Šibenik County Prisons, including at night. Further, the CPT trusts that following the reinforcement of nursing resources at Split County Prison, as recommended in paragraph 98, it will be possible to arrange for a nurse to be present at that establishment on weekends.

102. All newly-arrived prisoners should be medically screened as soon as possible after their admission, in particular in establishments such as Zagreb, Split and Šibenik County Prisons, which represent points of entry into the prison system. This is of crucial importance inter alia for the prevention of the spread of transmissible diseases, the identification of prisoners who represent a suicide risk, and the timely recording of injuries sustained prior to admission to the prison system.

The information gathered by the delegation indicated that newly-arrived prisoners at the Zagreb and Split prisons would normally be medically examined by a doctor within 24 hours. However, prisoners arriving late on a Friday might not be seen by a doctor until the beginning of the following week; **the CPT recommends that steps be taken to ensure that such prisoners are seen by a fully qualified nurse without delay, pending their examination by a doctor.**

As regards Šibenik County prison, there was no guarantee that newly-arrived prisoners would be examined by either a doctor or a fully qualified nurse. Such prisoners were only transferred to the town's general hospital for a medical examination if this was deemed necessary by the medical technician. **The CPT recommends that steps be taken immediately to ensure that all newly-arrived prisoners at Šibenik County Prison, without exception, are medically screened by a doctor, or a fully qualified nurse reporting to a doctor, without delay.**

103. Health care services in remand establishments can make a significant contribution to the prevention of ill-treatment by the police, through the systematic recording of injuries and, if appropriate, the provision of information to the relevant authorities. Any signs of violence observed when a prisoner is medically screened on his admission to such an establishment should be fully recorded, together with any relevant statements by the prisoner and the doctor's conclusions. The same approach should be followed whenever a prisoner is medically examined following a violent episode within the prison.

104. The information gathered by the delegation indicated that there was room for improvement in this area at the three county prisons visited. In particular, injuries observed during the examination of newly-arrived inmates and allegations made by the latter were not always recorded in a sufficiently detailed manner. Further, agreed procedures for the transmission of such information to the relevant authorities did not appear to be followed in all cases.

The CPT recommends that doctors examining newly-arrived prisoners draw up a record containing:

- (i) a full account of statements made by the person concerned which are relevant to the medical examination, including any allegations of ill-treatment made by him;**
- (ii) a full account of objective medical findings based on a thorough examination;**
- (iii) the doctor's conclusions in the light of (i) and (ii).**

If a prisoner has been examined by a forensic doctor prior to his arrival at the prison (cf. paragraph 18), the prison doctor could, as appropriate, defer to the forensic doctor's findings. The prison doctor should also be empowered, in appropriate cases, to decide himself to send a newly-arrived prisoner to a forensic doctor for examination.

Further, the CPT recommends that existing procedures be reviewed in order to ensure that whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a newly-arrived prisoner, the record is brought to the attention of the relevant public prosecutor.

- f. contact with the outside world

105. Subject to the approval of the investigating judge, remand prisoners may receive visits from members of their family and other persons (section 115, CCP). The information gathered during the visit indicated that investigating judges were exercising their discretion in this area in a fair manner.

However, the actual visiting time allowed was scarcely generous. For example, the delegation was informed at Zagreb County Prison that remand prisoners were allowed two 15-minute visits per week from family and friends.⁴ **The CPT recommends that the Croatian authorities strive to increase the visiting time allowed to remand prisoners.**

⁴ Daily visits from lawyers were possible.

At all three establishments, visits to remand prisoners took place, in principle, in booths with glass panels separating inmates from their visitors. The booths were, on the whole, adequately equipped e.g. seat and table for both the prisoner and his visitor. However, **the CPT invites the Croatian authorities to review the design of the booths at Split County Prison;** at present, a prisoner's view of his visitor is obscured by a thick wire mesh.

More generally, the existing booth facilities are by their very nature not conducive to the maintenance of prisoners' relations with their families. The use of such facilities should be the exception rather than the rule. Consequently, **the CPT invites the Croatian authorities to move towards more open visiting arrangements for remand prisoners.**

106. Remand prisoners are allowed to send and receive correspondence, subject to the approval of the investigating judge. Such correspondence can be read by the judge.

Under section 115(5) of the CCP, remand prisoners also have "the right to free and unrestricted contact with the defence lawyer". **The CPT would like to receive confirmation that by virtue of this provision, correspondence between a remand prisoner and his lawyer cannot be read by a person other than the addressee.**

Further, under section 115(4) of the CCP, remand prisoners have the right of access to a telephone, unless expressly prohibited in a particular case by the investigating judge.

107. Sentenced prisoners held in the three county prisons visited had the same rights as regards contacts with the outside world as prisoners held at Lepoglava State Prison (cf. paragraph 76). The visiting facilities for such prisoners were found to be of an adequate standard.

g. discipline

108. Section 116 of the CCP provides that remand prisoners who commit offences against prison discipline may be punished by restrictions on visits and correspondence (exclusive of contacts with a lawyer or consular representative). Such a sanction is imposed by the investigating judge on a motion by the prison director. The prisoner concerned has the right to appeal against the decision within 24 hours to a council of three judges from the competent court.

Sentenced inmates at the county prisons visited were subject to the disciplinary provisions of the LES (cf. paragraph 79).

109. In the course of its visits to Zagreb, Split and Šibenik County Prisons, the delegation did not gather any evidence of excessive resort to disciplinary sanctions. Further, the cells used to accommodate sentenced prisoners subject to the disciplinary sanction of solitary confinement were, on the whole, of an adequate standard (cf. however, the recommendation made in paragraph 84 above concerning isolation cells No's 1 and 14 at Split County Prison).

5. Complaints and inspection procedures

110. Effective complaints and inspection procedures are basic safeguards against ill-treatment in prisons. Prisoners should have avenues of complaint open to them, both within and outside the prison system, and be entitled to confidential access to an appropriate authority.

The CPT attaches particular importance to regular visits to prison establishments by an independent body (for example, a visiting committee or a judge with responsibility for carrying out inspections) with authority to receive - and, if necessary, take action on - prisoners' complaints and to visit all of the prison's facilities.

111. Under section 158 of the LES, sentenced prisoners have the right to submit written complaints to the prison director. If the director's decision is not to the prisoner's satisfaction, he may forward - via the management of the establishment - a further complaint to the Ministry of Justice.

The new draft Law on the Execution of Sentences contains more detailed provisions on the subject of complaints. In particular, the draft provides for the establishment of the office of executing judge, charged inter alia with protecting the rights of inmates and to whom prisoners will be able to submit written complaints on a confidential basis. The CPT welcomes the aforementioned provisions and **trusts that they will enter into force in the near future** (cf. also paragraph 47).

The CPT's delegation was also informed that sentenced prisoners have the right to send uncensored letters to the Ombudsman. **The CPT would like to receive confirmation that this is, and will remain, the case.**

112. Establishments for sentenced prisoners are inspected by the Directorate for the Execution of Sentences at the Ministry of Justice. Further, the Deputy Ombudsman informed the delegation that every prison establishment in Croatia was visited by the Ombudsman's office once every two years, and that it was hoped in future to visit each establishment on an annual basis.

The CPT would like to be informed whether executing judges will also be required to inspect the premises of the establishments falling within their jurisdiction, irrespective of any complaints received by prisoners.

113. As regards remand prisoners, the house rules of the county prisons visited stated that they could make a written request to meet the prison director "in order to fulfil [their] rights and legally protected interests". Further, according to section 117 of the CCP, a judge of the competent court is required to visit remand prisons at least once a week and to enter into contact with remand prisoners on a confidential basis, with the purpose of verifying that their basic needs are being met and that they are being treated correctly.

The same section stipulates that regardless of the regular visits, judges from the competent court, including the investigating judge, may “visit remand prisoners at any time, speak with them and receive grievances from them”. In this connection, **the CPT would like to be informed whether remand prisoners have the right to send, on a confidential basis, written complaints to judges of the competent court.**

114. The delegation was informed that, unlike sentenced prisoners, remand prisoners do not have the right to correspond on a confidential basis with the Ombudsman’s office. The CPT considers that arguments based on the interests of the investigation cannot justify such a situation. Consequently, **the Committee recommends that remand prisoners be granted confidential access to the Ombudsman, in the same way as sentenced prisoners.**

115. Concerning the regular visits by judges of the competent court under section 117 of the CCP, one such visit to Zagreb County Prison took place while the delegation was at that establishment. The delegation was not convinced that the objectives set by section 117 were being fully achieved, especially as regards confidential access of inmates to the judge. In particular, when visiting detention areas the judges were accompanied by a number of persons, including prison personnel. The latter themselves announced the arrival of the judges and asked prisoners if they wished to speak to them. Such arrangements could well inhibit prisoners from voicing any grievances they might have about the way in which they are being treated.

Consequently, **the CPT recommends that the manner in which visits are carried out by judges of the competent court be reviewed. The judges should not limit their activities to prisoners who expressly request to meet them, but should take the initiative by entering into direct contact with inmates in the absence of prison personnel.**

C. Institution for the re-education of minors, Turopolje

1. Preliminary remarks

116. Under section 4 of the Law on Juvenile Courts (LJC), a court may sentence a minor⁵ found guilty of a crime to one or more of the following: a re-educational measure, juvenile prison or a security measure. Re-educational measures may involve the placement of the minor in a specialised institution; for example, a court may order placement in an “institution for re-education” (*odgojni zavod*), if it determines that it is necessary to separate from his environment a minor who is exhibiting significant behavioural disorders. Such placements have a minimum duration of six months and may be prolonged up to a total of three years. Every six months, the court must review the placement and decide on its continuation or possible replacement with another type of re-educational measure.

The CPT’s delegation visited the Turopolje re-education institution, which is the only such institution for male minors in Croatia.

117. The Turopolje re-education institution traces its origins to the year 1902, when an establishment for the placement of male youths with behavioural disorders was first founded in Croatia. Prior to the recent war, the institution had been located in Glina. In 1993, it was moved closer to Zagreb, where some of the buildings which had previously formed part of Turopolje Prison (a prison for sentenced adult males built in 1960, which continues to operate) were adapted for use as facilities for the placement of minors.

The institution, which has an official capacity of 113, consists of the premises at Turopolje, a closed unit in Zagreb County Prison, used for disciplinary purposes, and an open section in Sisak. The delegation focused its attention on the premises at Turopolje, which were located in the midst of fields and woods near the outskirts of Zagreb. On 18 September 1998, there were 34 residents at the institution (a further thirteen being absent due to escapes or placement in the open section). The institution was staffed by 114 employees, including 44 “re-educators” and 43 custodial officers.

2. Ill-treatment

118. Section 92 of the LJC provides that in the course of carrying out a re-educational measure, minors must be treated with respect, their physical, moral and intellectual development encouraged and their physical and psychological health protected. The CPT welcomes this provision, as well as the commitment expressed by the director of the Turopolje institution to a policy of zero-tolerance of ill-treatment of residents by staff. It is also noteworthy that the establishment’s house rules (section 65) emphasise the responsibility of staff to “behave humanely, reasonably and lawfully towards the minors, so as to positively influence the minors’ personal development”.

⁵ i.e., a person aged between 14 and 18 at the time of the commission of the offence.

119. From its observations during the visit, the delegation formed a generally positive impression of relations between staff and inmates at the Turopolje institution. Most residents evaluated their relations with treatment staff (the “re-educators”) favourably, and considered that custodial staff treated them “fairly”. Certain residents remarked that the attitudes of custodial staff towards them had improved in recent times.

Nonetheless, information gathered by the delegation would suggest that a sustained level of vigilance is necessary. In particular, allegations were heard to the effect that certain members of the custodial staff were still prone to strike (punches, kicks or blows with batons) inmates who misbehaved in one way or another. Reference might be made in this context to one inmate interviewed by the delegation, who alleged that he had *inter alia* been kicked on his left shoulder three days previously by a member of the custodial staff. On examination by a medical member of the delegation, he was found to display on his upper left arm a patterned bruise which measured 10 by 8 cm and was red and swollen. This finding is entirely consistent with the inmate's allegation.

The CPT recommends that the management of the Institution for the re-education of minors at Turopolje deliver the clear message to custodial staff that the ill-treatment of inmates is not acceptable under any circumstances and will be dealt with severely. Inmates who misbehave should be dealt with only in accordance with the prescribed disciplinary procedures.

120. Repeated and consistent allegations were heard that two inmates who had been apprehended in the course of an attempted escape during the early hours of 21 August 1998 had been ill-treated by staff, one of them severely. In particular, it was alleged that the latter youth had been punched in the face by a member of the custodial staff and, after having fallen to the ground, had been kicked repeatedly by a group of five custodial officers. Further, one of the officers was alleged to have jumped on him as he was lying on the ground in front of the dormitory building.

The inmate alleged that he had borne various bruises and that his arm had been swollen and caused him great pain. However, the entry in the inmate's file, made by the institution's doctor on the date of the incident, contained only the following inscription: “He has three shallow scratches on his back”. Further, the document drawn up by the doctor made no reference to the inmate's allegations of ill-treatment (though they were set out in a separate document contained in the inmate's file) and drew no conclusions as to the origin of the injuries recorded.

In the above-mentioned case, the director, who had apparently been on annual leave when the alleged incident had taken place, had determined - on the basis of the original reports he had received - that excessive force had not been used by custodial staff. However, he informed the delegation that he would investigate the matter anew, and take appropriate action should the new inquiry yield different findings. **The CPT would like to receive the results of the new inquiry.**

121. The delegation's discussions with the doctor at the Turopolje institution concerning the case mentioned in paragraph 120 indicated that there was considerable scope for developing the contribution made by the institution's health care service to preventing ill-treatment by custodial officers. In this connection, **the CPT recommends that whenever an inmate is medically examined following a violent episode in the establishment, the doctor draw up a record containing:**

- i) a full account of statements made by the person concerned which are relevant to the medical examination, including any allegations of ill-treatment made by him;**
- ii) a full account of objective medical findings based on a thorough examination;**
- iii) the doctor's conclusions in the light of i) and ii).**

This record should be forwarded by the doctor directly to the director of the institution. Further, if so requested by the inmate, the doctor should provide him with a certificate describing his injuries.

Moreover, the CPT recommends that whenever injuries are recorded which are consistent with allegations of ill-treatment made, the record be brought to the attention of the relevant public prosecutor.

122. In the interest of the prevention of ill-treatment, it is also essential that custodial staff at the Turopolje institution be carefully chosen (and, more specifically, be persons capable of guiding and motivating young people) and receive appropriate training. In this regard, the CPT was concerned to learn that custodial staff at the Turopolje institution had received the same training as prison staff working in establishments for adult offenders. The head of the custodial staff had apparently organised some in-house training and had allocated officers deemed more "suitable" to posts in the accommodation units; however, there was no systematic training geared to enabling custodial officers to meet the specific challenges of working with young inmates. **The CPT recommends that this lacuna be remedied.**

123. Finally, the delegation observed that custodial staff who came into direct contact with the minors openly carried batons. Such a practice is not conducive to fostering positive relations between staff and inmates. **Preferably, custodial staff should not carry batons at all. If, nevertheless, it is considered necessary for them to do so, the CPT recommends that the batons be hidden from view.**

3. Conditions of detention

a. material conditions

124. Most of the inmates were accommodated in a two-storey unit, containing three-person dormitories measuring around 24 m², equipped with beds, chairs and cupboards. The dormitories and association areas benefited from good natural light and artificial lighting.

The unit had the potential to provide very good conditions of detention. However, a lack of regular maintenance had taken its toll on the building. The same assessment had been reached by the Directorate of the Execution of Sanctions at the Ministry of Justice, which stated in a report dated 19 September 1997 to the Assistant Minister of Justice: “The central accommodation unit needs to be better maintained ... The general evaluation of the conditions found in the building is negative. It is clearly necessary to organise differently the upkeep of the building and to include to a greater extent the residents themselves in the maintenance and upkeep of their accommodation areas so as to encourage them to form a greater attachment to the space and to develop a sense of responsibility with respect to its appearance.”

Unfortunately, the foregoing remarks continued to be valid at the time of the delegation’s visit, one year after the Directorate’s report. The dilapidation was especially apparent as regards the sanitary facilities, which were in a very poor state of repair and without exception unhygienic, thereby rendering the air in the otherwise well-ventilated premises rather foul. The director informed the delegation that he had sought approval for the refurbishment of the premises.

The CPT recommends that the renovation of the central accommodation unit at the Turopolje institution be given a high priority, particular attention to be accorded to refurbishment of the sanitary facilities.

125. Conditions were markedly better in the establishment’s reception annex, where newly-arrived inmates were accommodated for a month before being allocated to a particular “re-education group”. The annex contained a large, clean room measuring 68 m² which served as both a dormitory and an association/activities area (separated by wardrobes). The room contained a large table, chairs, a television and video equipment, as well as reading material, videotapes and personalised wall decorations. Access to natural light, artificial lighting and ventilation was fully satisfactory.

126. Particular reference should be made to the issue of food, which had been the source of serious discontent in the past. The delegation found that the kitchen area was spacious, clean and suitably equipped. The planned menus call for no comment from the CPT, and no serious complaints were heard from inmates regarding either the quantity or the quality of the food actually provided.

b. regime

127. Under section 93 of the LJC, re-education measures must be carried out pursuant to an individualised programme for each minor, which should include activities of an educational, vocational and extra-curricular/recreational nature. Residents are obliged to attend classes at the elementary education level (provided they have not already completed them). In this connection, it should be noted that the school premises and teaching material at the Turopolje institution were of a good standard. In addition, the establishment offered certain types of vocational training at the secondary school level; current programmes available were food preparation/service and welding.

The director stated that there were plans to expand the rather limited range of vocational activities. The CPT considers that this would be a most welcome development **and would like to receive further information on this question.**

128. Work activities in the strict sense included, in addition to cleaning duties, a pen assembly workshop and gardening.

Sports activities were also an important part of the programme and the facilities for this purpose (gymnasium, areas for outdoor sports) were of an adequate standard. The delegation was also informed that interested inmates could participate in extracurricular activities such as a drama group, a literature section, music, visual arts, etc.

129. Nevertheless, the CPT was concerned to learn that at the time of the visit, little or no activities were being offered to the institution's youngest inmate, a 15 year-old boy who had been categorised as mentally retarded and who displayed particularly severe behavioural disorders. Attempts to involve him in pen-assembling activities had apparently proven unsuccessful. While recognising the difficulties inherent in managing such an inmate, **the CPT invites the Croatian authorities to redouble their efforts to provide him with an appropriate regime, either at the Turopolje institution or elsewhere.**

130. Given the inmate population at the time of the visit, staffing levels in the institution - and, more particularly, the number of treatment staff - could be considered quite sufficient to achieve the institution's statutory objectives.

However, some re-educators interviewed by the delegation felt that they had not been adequately trained for the tasks that they were called upon to perform. This shortcoming was felt particularly vis-à-vis inmates with substance abuse problems (cf. also paragraph 135). **The CPT would like to receive the comments of the Croatian authorities on this question.**

4. Other issues of relevance to the CPT's mandate

a. medical care

131. The institution's health care staff consisted of one doctor, one nurse and one medical technician, all full-time. This staffing level can be considered as satisfactory, having regard to the inmate population at the time of the visit. However, no member of the health care team was present at the institution outside normal working hours (8 am to 4 pm) or at weekends. **The CPT recommends that steps be taken to ensure that someone qualified to provide first aid, preferably with a nursing qualification, is always present at the institution, including at night and weekends.**

132. All new arrivals were seen promptly by the doctor and the nurse. The medical screening procedure on arrival, as explained to the delegation by health care staff, appeared to be on the whole satisfactory. However, **the CPT wishes to stress that the recommendations made in paragraph 121 also apply mutatis mutandis to the medical examination of a newly-arrived inmate.**

133. Inmates who wished to see the doctor were required to make a written request to this effect. The delegation was told by health care staff that such requests would initially be examined by a nurse, an approach which is perfectly acceptable. However, in the light of other information gathered, the CPT wishes to stress that **it is not for non-medical staff to screen requests to consult the doctor; all such requests should be forwarded without delay to health care staff. Further, inmates should, if they so wish, be able to approach the health care service on a confidential basis, for example by means of a message in a sealed envelope.**

It is also essential that all medical examinations of inmates, both on arrival and subsequently, take place out of the hearing and - unless the doctor/nurse explicitly requests the contrary in a specific case - out of the sight of non-medical staff. **The CPT would like to receive confirmation that this is the case at the Turopolje institution.**

134. The health care facilities were entirely satisfactory (new and well-equipped surgery) and access to appropriate medication was guaranteed. Further, the medical files (an individual file for each patient) and registers were well-kept.

135. Finally, it should be noted that although ten of the inmates at the time of the visit were registered as drug addicts, none of them was subject to a "security measure" stipulating mandatory treatment. This may explain why the institution was not offering any special assistance to inmates who were drug addicts. Nevertheless, in the CPT's view, an inmate's stay at a re-education institution offers an ideal opportunity to address and combat in a positive manner drug addiction. Ideally, suitable medical, psychological and welfare structures should exist inside the institution working, as appropriate, with external therapeutic agencies. Consequently, **the CPT invites the Croatian authorities to explore the possibility of developing a fully-fledged therapeutic programme at the Turopolje institution, aimed at combating drug and/or alcohol addiction.**

b. contact with the outside world

136. Residents at the institution were entitled to receive regular visits from family members and, on the director's approval, from other third parties, as well as to send an unlimited number of letters to their families and to any persons considered not to present a "harmful influence". In addition, one weekly telephone call was permitted. Further, inmates whose behaviour was evaluated as particularly good could be granted up to two one-day periods and a weekend period of leave outside the institution each month. It should also be noted that, in the context of the programme of activities, group trips outside the institution were organised from time to time.

To sum up, inmates at the institution were able to maintain satisfactory contact with the outside world.

c. discipline

137. Inmates who committed disciplinary offences could be subject to a variety of sanctions - warnings, confiscation of wages, restriction of privileges, and up to 7 days of solitary confinement⁶. In this context, a number of inmates interviewed alleged that the latter sanction was often applied for offences of a minor nature. The credibility of this allegation was reinforced by statistics supplied by the institution, which indicated that considerable reliance was being placed upon the disciplinary sanction of solitary confinement. From 1 January to 18 September 1998, the sanction of solitary confinement (or placement in the closed unit at Zagreb County Prison) had been actually applied on 63 occasions, and imposed on a suspended basis on another 101 occasions.

The CPT considers that placing a minor in solitary confinement must be considered as an exceptional measure; further, the imposition of such a sanction must always be proportionate to the offence in question. Consequently, **the CPT invites the Croatian authorities to review the approach being followed at the Turopolje institution as regards disciplinary sanctions and, more particularly, the sanction of solitary confinement.**

138. As for the conditions of detention applicable to residents undergoing solitary confinement, the two ground floor cells in the main accommodation unit where residents served such a sanction call for no particular comment. The cells measured approximately 12 m² and were adequately lit, ventilated and furnished. Inmates serving a sanction of solitary confinement were offered reading material and provided with three hours of outdoor exercise per day.

139. More generally, the CPT was concerned to note that the disciplinary rules in force made no reference to certain fundamental safeguards for inmates who were the subject of disciplinary proceedings. In this context, **the CPT recommends that all residents at re-educational institutions have a formal right to be heard on the subject of the offence it is alleged they have committed and be entitled to appeal to a higher body against any disciplinary sanctions imposed on them.**

⁶ In addition, a minor who committed a serious disciplinary offence could be sent to the establishment's closed unit (capacity: 10) at Zagreb County Prison. The unit was empty at the time of the visit.

d. complaints and inspection procedures

140. In the same way as in prisons (cf. paragraph 110), effective complaints procedures are basic safeguards against ill-treatment in institutions where minors are deprived of their liberty. Residents in such institutions should have avenues of complaint open to them, both within the establishment's administrative system and to outside bodies, and be able to have confidential access to an appropriate authority.

In Croatia, minors placed in a re-education institution may submit complaints to the institution's director; if the director's decision is not to the minor's satisfaction, he may request (in writing and via the management of the institution) the juvenile council of the competent county court to decide on the validity of his complaint (section 101, LJC). Further, the right of residents to complain to the director, whether in writing or informally, as well as to write letters to the Ministry of Justice, are the subject of specific provisions of the house rules at Turopolje.

141. The dining room at the Turopolje institution contained a box for complaints. However, only one such letter had been received by the current director, who had been in that post for two years. Far from evincing a high degree of satisfaction among inmates, a near-complete absence of written complaints in a place of deprivation of liberty is almost certainly a sign that, for whatever reason, inmates lack confidence in the complaints procedures concerned. In fact, some minors at Turopolje expressed a reluctance to make written complaints due to a perceived risk of reprisals (e.g. the restriction of privileges). Further, several minors stated that they rarely came into contact with the director and did not regard the possibility to complain to him as being genuinely open to them.

Further, the CPT was concerned to learn that, without exception, all outgoing correspondence - including letters addressed to the juvenile council - were subject to the control (i.e. read by) the re-educators.

The CPT recommends that the Croatian authorities seek ways of reinforcing the confidence of inmates in the effectiveness of complaints procedures at the Turopolje institution for the re-education of minors. The Committee also recommends that inmates be entitled to write, on a confidential basis, to an appropriate authority outside the institution.

142. The CPT attaches particular importance to regular visits by an independent body (for example, a visiting committee or a judge for minors) to establishments where minors are deprived of their liberty. Such an entity should be authorised to receive - and, if necessary, take action on - residents' complaints and to inspect the accommodation and facilities. During such visits, the persons concerned should make themselves "visible" to both the authorities and staff and the residents. They should not limit their activities to seeing residents who have expressly requested to meet them, but should take the initiative by visiting the establishments' detention areas and entering into contact with inmates.

143. Section 98(2) of the LJC provides that the juvenile judge who decided to place a particular minor in a re-education institution and the public prosecutor shall visit the institution at least twice a year. In the course of such visits, the judge and public prosecutor should meet with residents and staff, and examine the establishment's records so as to reach a conclusion on the legitimacy of the treatment being received by the minors and the degree of success of the measure of re-education. If problems are observed, the juvenile judge must immediately notify the entities responsible for the supervision of the execution of re-education measures, as well as the management of the establishment concerned.

In order to ascertain whether the above visits fully meet the criteria set out in paragraph 142, **the CPT would like to receive full details of visits to the Turopolje institution by juvenile judges and prosecutors during 1998 - number of visits, reports drawn up, action taken on proposals made, etc.**

D. Hospital for persons deprived of their liberty (Prison Hospital), Zagreb

1. Preliminary remarks

144. The hospital has a nationwide vocation, providing somatic and psychiatric in-patient care for sentenced and remand prisoners from all prisons in Croatia. The hospital comprises four wards - neurology/psychiatry (the largest ward, with some 50 beds), respiratory diseases, surgery (including an operating theatre) and internal medicine - with a total capacity of 105 beds. At the time of the delegation's visit, it was accommodating 80 patients.

The delegation was informed that health-care staff totalled approximately 50, including 15 full-time doctors and 23 nurses. In addition, there was a social-psychological team consisting of three persons, including a psychologist. The hospital also had some 50 security staff, whose principal duties were to maintain order and discipline amongst the patients and prevent escapes.

145. The hospital's director informed the delegation that upon the suggestion of its own doctors, the facility had since 1992 been jointly supervised by the Ministries of Health and Justice (instead of, as previously, only by the latter). He commented that this reflected the philosophy that inmates of the establishment were first and foremost patients rather than prisoners. However, he admitted that this viewpoint was not always fully shared by the establishment's security staff, a situation which could on occasion give rise to internal tensions.

The CPT would like to receive full details on how the above-mentioned joint supervision of the hospital is effected in practice.

2. Ill-treatment

146. The CPT's delegation found no evidence of ill-treatment of inmates by health-care staff at the hospital. The delegation did hear allegations, both before and in the course of the visit to the hospital, that security staff could on occasion ill-treat patients (slaps, truncheon blows, etc.), in particular in the psychiatric ward. Nevertheless, most of the patients interviewed by the delegation made no complaints about the manner in which they were treated by security staff.

147. Working with psychiatric patients will always be a demanding task for all categories of staff involved. Bearing this in mind, it is of crucial importance that staff assigned to custodial duties vis-à-vis psychiatric patients be carefully selected and receive appropriate training before taking up their duties.

In this connection, the CPT would like to be informed of the specific training provided to security staff assigned to duties in the hospital's psychiatric ward.

148. In the light of information gathered by its delegation, the CPT must also stress that the management of agitated and/or violent psychiatric patients should be the responsibility of health-care staff. All assistance given by security staff in dealing with such patients should be provided under the authority and close supervision of health-care staff.

As regards, more particularly, resort to instruments of physical restraint (straps, straightjackets, etc.), this will only very rarely be justified and must always be either expressly ordered by a doctor or immediately brought to the attention of a doctor with a view to seeking his approval. Further, instruments of physical restraint should be removed at the earliest opportunity; they should never be applied, or their application prolonged, as a punishment.

The CPT recommends that steps be taken to ensure that the practice followed within the hospital complies with the above-mentioned requirements.

149. It is also important for every instance of the physical restraint (manual control, use of instruments of physical restraint, etc.) of any patient to be recorded in a specific register established for this purpose (as well as in the patient's file). This will greatly facilitate both the management of such incidents and the oversight of the extent of their occurrence.

At the time of the visit, no such register was kept at the hospital. **The CPT recommends that this deficiency be remedied. Entries in the register should include the times at which a measure of physical restraint began and ended, the circumstances of the case, the reasons for resorting to the measure, the name of the staff member who ordered or approved it, and an account of any injuries sustained by patients or staff.**

150. The CPT was also concerned to learn that security staff at the hospital carried truncheons, in full view of the patients. Such a practice is hardly conducive to good relations between staff and inmates in any place of deprivation of liberty, and is totally at odds with the ethos of a health-care facility.

The CPT recommends that security staff at the hospital do not carry truncheons within the wards or, failing that, carry truncheons that can be and are hidden from view.

151. More generally, it is of crucial importance, in an establishment such as the hospital for persons deprived of their liberty, for the respective functions of health-care and security staff to be clearly understood and respected. The delegation's on-the-spot observations suggested that security staff could on occasion assume a role which was not fully compatible with the therapeutic function of the hospital. Health-care staff should counter this by asserting their authority and setting the appropriate tone within the establishment.

The CPT trusts that health-care staff at the hospital, and in particular the hospital's doctors, will be encouraged to display leadership and promote the avowed therapeutic function of the establishment.

3. Staff and medical facilities

152. The hospital's staff resources appeared on the whole to be adequate (cf., however, paragraph 159), and the delegation was informed that there was no difficulty in obtaining access to specialist medical advice and care from outside the hospital whenever this was required.

Nevertheless, the most recent (1997) Annual Report on the hospital indicated that a number of posts in the health-care service were vacant, in particular among the nursing staff. **The CPT would like to receive up-to-date information on official and actual staff numbers at the hospital. Further, as regards nurses assigned to duties in the establishment's neurology/psychiatry ward, the Committee would like to know how many of them have had specialised psychiatric nursing training.**

153. The permanent presence of health-care staff (i.e. on a 24 hour a day, 7 days a week basis) is essential in an establishment such as the hospital for persons deprived of their liberty. This will inter alia ensure that the requirements set out in paragraph 148 can be met at all times.

The delegation was informed that at least two doctors and two nurses were always present on the hospital's premises; **the CPT would like to receive confirmation that this is the case.**

154. As regards the hospital's security staff, the delegation was informed that they were all men. Bearing in mind, in particular, that the establishment usually has a small number of female patients, **the CPT invites the Croatian authorities to consider the possibility of including some women among the security staff.**

155. The delegation was favourably impressed by the hospital's medical facilities and equipment. The clinical investigation and treatment rooms, the operating theatre, and the hospital laboratory were all appropriate, adequate and up-to-date. Similarly, the pharmacy was well stocked and the X-ray facilities were appropriate for a small hospital.

156. As for the hospital's kitchen, it was of an appropriate size and suitably equipped, and provided special diets as necessary. It was overseen by the head of internal medicine, and the Ministry of Health apparently provided general advice and made unannounced inspections annually.

4. Patients' living conditions and treatment

157. Patient accommodation was in principle satisfactory. The rooms had good lighting (including access to natural light), ventilation and heating, were equipped with beds, bedside tables and call bells, were in a satisfactory state of repair and met hospital hygiene requirements.

However, occupancy rates in the psychiatric ward were rather high, a drawback which was exacerbated by the fact that patients tended to spend most of the day in their rooms. Further, the CPT was concerned to learn that due to the pressure of numbers, juvenile psychiatric patients could on occasion be accommodated together with adults. More generally, it was apparently not possible to guarantee an appropriate separation of different categories of patient in the psychiatric ward. These factors would suggest that thought might usefully be given to expanding the accommodation available to the ward.

In all wards, the general atmosphere in the patients' rooms was rather drab; efforts should be made to provide a more positive therapeutic environment. The practice observed in the hospital of having patients wear pyjamas/nightgowns continuously should also be reviewed. As regards, in particular, psychiatric patients, this practice is not conducive to strengthening personal identity and self-esteem; individualisation of clothing should form part of the therapeutic process.

The CPT recommends that steps be taken without delay to ensure:

- **that juvenile patients are not accommodated together with adults;**
- **that there is an appropriate separation of different categories of patient in the psychiatric ward.**

The CPT also recommends:

- **that no more than four patients be accommodated in the hospital's standard 20 m² rooms;**
- **that patients' rooms be decorated in a more stimulating manner and that patients be allowed to keep certain personal belongings;**
- **that whenever permitted by their medical condition, patients be allowed to wear their own clothes during the day or be provided with appropriate non-uniform garments.**

158. Communal sanitary facilities (toilets, showers, baths) were located close to the patients' rooms. The information gathered by the delegation indicated that patients had ready access to those facilities, including at night.

However, the sanitary facilities were in a rather poor state of repair, and the CPT notes that attention was drawn to this fact in the previously-mentioned Annual Report of 1997. **The CPT recommends that steps be taken to renovate the patients' sanitary facilities.**

159. From the delegation's discussions with doctors and patients as well as its own observations, it was clear that somatic treatment at the hospital was of a good standard. It is noteworthy in this connection that practically all patients interviewed expressed satisfaction with the somatic care they were receiving.

The delegation was less impressed by the quality of psychiatric treatment, which was limited essentially to pharmacotherapy (though there were no indications of the misuse of medication). The hospital's doctors acknowledged that there was a clear need to develop rehabilitative and other therapeutic activities (occupational therapy, group therapy, individual psychotherapy, etc.) for the establishment's psychiatric patients; however, they commented that limited staff resources and the very nature of the establishment hindered progress in this area.

160. The CPT recommends that serious efforts be made to develop rehabilitative and other therapeutic activities for psychiatric patients at the hospital; the present state of affairs is untenable from a therapeutic standpoint.

It would also be desirable to offer a broader range of activities to somatic patients who stay for prolonged periods at the hospital. At present, the activities on offer appear to be limited to reading, board games and (in the evening) watching television.

Further, the Committee considers that any patient of school age who stays for a prolonged period at the hospital should be provided with educational activities.

161. Outdoor exercise arrangements for patients, both somatic and psychiatric, were not satisfactory. Patients were offered at least one hour of outdoor exercise per day, weather permitting; however, the existing exercise yard - a cramped and poorly-surfaced facility - was totally inadequate.

The delegation was informed of plans to enlarge the yard; **the CPT recommends that the implementation of those plans be accorded a high priority.**

162. Patients' possibilities for contact with the outside world - visits from family members and lawyers, correspondence, access to the telephone and complaints procedures (which included the possibility to write on a confidential basis to certain outside bodies) - do not call for any particular comment from the CPT.

However, **the Committee would like to be informed whether the hospital is visited on a regular basis by an independent outside body with authority to receive - and, if necessary, take action on - patients' complaints and to visit all of the hospital's facilities.**

III. RECAPITULATION AND CONCLUSIONS

A. Police establishments

163. The majority of the persons deprived of their liberty interviewed by the CPT's delegation indicated that they had not been ill-treated by the police. Nevertheless, a number of persons interviewed in different parts of the country did allege that they had been physically ill-treated. Most of those allegations related to ill-treatment at the time of apprehension; however, a not insignificant number of persons interviewed alleged that they had been ill-treated in the course of police questioning.

The types of ill-treatment alleged mainly involved punches, kicks, slaps and blows with wooden sticks or truncheons. In a small number of cases, the severity of the ill-treatment alleged, notably falaka (i.e. blows to the soles of the feet) and sustained beating, could be considered to amount to torture. In certain cases, the delegation gathered medical evidence consistent with the allegations made.

164. A recent case of an Italian citizen who was injured at the time of his apprehension in the Šibenik area, and subsequently died in Split, had galvanised the Croatian authorities into taking action to stamp out the use of excessive force at the time of apprehension and other forms of ill-treatment by the police. In this connection, the CPT has recommended that the heads of all police administrations in Croatia issue instructions comparable to those circulated on 18 September 1998 by the Head of the Split-Dalmatia Police Administration, concerning the use of means of coercion. The Committee has also sought information on progress made towards the adoption of various important legislative texts concerning police activities.

Further, the CPT has recommended that the relevant national authorities as well as senior police officers deliver the clear message that the ill-treatment of persons in police custody, whether at the time of apprehension or subsequently, is not acceptable and will be dealt with severely.

165. The best possible guarantee against ill-treatment is for its use to be unequivocally rejected by police officers themselves. The CPT has stressed that this implies strict selection criteria at the time of recruitment of police officers and the provision of adequate professional training.

Another effective means of preventing ill-treatment by the police lies in the diligent examination of all cases in which there are express complaints of ill-treatment or other indications that such treatment might have occurred and, when appropriate, the imposition of a suitable penalty. This will have a very strong dissuasive effect. The CPT has made detailed recommendations on this subject.

166. As regards formal safeguards against the ill-treatment of detained persons, the CPT attaches particular importance to three rights for persons deprived of their liberty by the police: the right to inform a close relative or another third party of one's custody, the right of access to a lawyer and the right of access to a doctor. The 1997 Code of Criminal Procedure (CCP) expressly provides for the first two of those rights; however, the CPT has made recommendations designed to ensure that the rights in question apply as from the very outset of police custody. Further, the Committee has recommended that specific legal provisions be adopted on the subject of the right of persons in police custody to have access to a doctor.

The CPT has also expressed concern regarding the safeguards applicable during the "informative talks" procedure under sections 177(2) and (3) of the CCP and, more particularly, the safeguard of access to a lawyer. In this connection, the Committee has emphasised that anyone who is legally obliged to attend a police station should have the right of access to a lawyer.

167. Moreover, it is of fundamental importance that persons taken into police custody be informed in an effective and timely manner of all their rights. Consequently, the CPT has recommended that a specific form setting out those rights in a straightforward manner be systematically given to such persons at the very outset of their deprivation of liberty. The form should be available in an appropriate range of languages.

168. The CPT has also recommended that a code of conduct for police interviews be drawn up. Of course, the art of questioning criminal suspects will always be based in large measure on experience. However, formal guidelines should exist on a number of specific points; this will, in particular, help to underpin lessons taught during police training.

169. Police custody in Croatia is in principle of short duration, and in practice many criminal suspects spend only a few hours in police stations prior to their appearance before an investigating judge and their release or remand in custody. From the CPT's standpoint, this is a most favourable situation.

Nevertheless, it is not uncommon for criminal suspects to spend periods of up to 24 hours on police premises and stays in excess of 24 hours can occur occasionally, via the procedure of informative talks. The conditions of detention of such persons currently leave a great deal to be desired. The persons concerned are frequently held for many hours (sometimes overnight) in offices, corridors or waiting rooms, without being offered either appropriate facilities for rest and sleeping or food. Moreover, a number of allegations were received that persons in police custody had been kept handcuffed, often to radiators or items of furniture, for periods of hours.

170. The CPT has recommended that criminal suspects held on police premises be offered food at appropriate intervals, and that suspects held overnight on such premises be accommodated in a designated holding facility and provided with a clean mattress and clean blankets. Further, appropriate steps should be taken to ensure that criminal suspects held on police premises are not kept handcuffed for extended periods.

The CPT has also identified certain shortcomings in cells used in the police stations visited to accommodate persons detained for disturbing public order, and has recommended that the state of cellular accommodation in all police stations in Croatia be reviewed, having regard to the general criteria set out in the Committee's report.

B. Prisons

171. The CPT's delegation heard no allegations of torture or other forms of deliberate ill-treatment of inmates by staff at the county prisons in Split and Šibenik, and gathered no other evidence of such treatment. Further, hardly any allegations of ill-treatment by staff were heard at Zagreb County Prison.

Similarly, few prisoners at Lepoglava State Prison made any complaints about the manner in which they were treated by staff, with the notable exception of inmates placed in the establishment's unit for "increased supervision".

172. The CPT's delegation held individual interviews with practically all the prisoners in the above-mentioned unit at Lepoglava. Many of them alleged that they were frequently the object of verbal abuse by prison staff, both those assigned to the unit and members of the prison management, and some of them alleged that they had on occasion been physically ill-treated by staff. The allegations were consistent in terms of the types of ill-treatment concerned and the places where physical ill-treatment could occur. It was obvious from the delegation's own observations that staff-inmate relations in the unit were very poor. A number of staff members displayed a barely disguised antagonistic and contemptuous attitude towards inmates held in the unit.

Consequently, the CPT has recommended that the Croatian authorities review the situation at the unit for increased supervision at Lepoglava State Prison, in order to ensure that staff are not abusing their authority vis-à-vis prisoners held there.

173. More generally, the CPT has recommended that a high priority be given to the development of training for prison staff in Croatia. Considerable emphasis should be placed on the acquisition of interpersonal communication skills; building positive relations with prisoners should be recognised as a key feature of a prison officer's vocation.

174. Material conditions of detention in the closed unit at **Lepoglava State Prison** were quite satisfactory in the renovated part of the establishment (the reception section and A and D wings) but very poor in the unrenovated B and E wings. The CPT has recommended that the renovation of the latter wings, including installation of in-cell sanitation following the model of D wing, be treated as a matter of high priority. Further, the Committee has recommended that serious efforts be made to reduce cell occupancy levels in the closed unit as a whole.

175. As regards the regime at Lepoglava State Prison, there was a clear gap between the aspirations enumerated in the Law on the Execution of Sentences and the programmes of activities which were being delivered to many of the establishment's inmates. For the majority of prisoners in the closed unit, there was no positive regime in place which might encourage them to address their offending behaviour. The CPT has recommended that the Croatian authorities take the necessary steps to ensure that all prisoners at Lepoglava State Prison have access to an appropriate range of work, educational, sports and recreational activities.

The CPT has also recommended that both the regime and staffing arrangements in the establishment's unit for increased supervision be revised, in the light of the general criteria set out in the Committee's report. At the time of the delegation's visit, the unit displayed the ingredients of a highly insecure environment.

176. The material facilities for health care (infirmary, pharmacy, etc.) at Lepoglava State Prison were quite satisfactory. However, health-care staff resources were manifestly insufficient. Actual staffing levels fell far short of those specified in the relevant regulations and, in particular, the posts of head doctor, psychiatrist, general practitioner and dentist were all vacant. To make up for the absence of a full-time doctor, an outside doctor attended the establishment for one or two hours each morning on weekdays. The only other doctors to visit the prison were certain specialists, who were available for consultations for a few hours every two weeks.

It is totally unrealistic to expect one doctor to be able to respond adequately to even the basic demands of a prison population of such a size in the space of a daily session of two hours or less, or to expect one psychiatrist to provide adequate services during a comparably short session every two weeks. Not surprisingly, the standard of health care provided to prisoners at Lepoglava was found to display serious shortcomings.

The CPT has recommended that immediate steps be taken to provide the equivalent of at least one full-time doctor at Lepoglava State Prison, as well as to reinforce the provision of psychiatric and dental care at the establishment.

177. Material conditions of detention were, in principle, satisfactory in the **Zagreb, Split and Šibenik County Prisons**. However, there was a serious problem of overcrowding at the Split prison, and some signs of overcrowding at Zagreb. The CPT has made recommendations on this subject.

The CPT has also recommended that the Croatian authorities explore the possibility of removing the metal screens placed outside cell windows at the Zagreb and Split establishments. The Committee does not consider that arguments based on the risk of collusion posed by certain prisoners can justify depriving prisoners in general of good access to natural light and of a view outside their cells. Other means of avoiding that problem should be found.

178. Remand prisoners at the three county prisons visited (and presumably throughout Croatia) were subject to an impoverished regime. They were offered no work, no education and, with rare exceptions, no sports activities. Such a state of affairs is inadmissible, the more so bearing in mind the lengthy periods of time for which persons can be imprisoned on remand. The CPT recognises that the organisation of regime activities in remand prisons is not a straightforward matter, in view of the fairly rapid turnover of inmates. Further, the imposition of restrictions on certain remand prisoners, in the interest of the pre-trial investigation, is another complicating factor. However, nothing can justify the current policy in Croatia of "warehousing" remand prisoners.

The Committee has recommended that steps be taken as a matter of urgency to improve radically the regime activities for remand prisoners at the Zagreb, Split and Šibenik County Prisons (as well as, if necessary, in other county prisons in Croatia). The aim should be to ensure that remand prisoners are able to spend a reasonable part of the day (i.e. eight hours or more) outside their cells, engaged in purposeful activities of a varied nature. The legislative framework governing remand imprisonment and staffing levels should be revised accordingly.

179. The material facilities for health care in the three county prisons visited were satisfactory. As regards health-care staff resources, they were found to be adequate at Zagreb but inadequate at Split. As for Šibenik County Prison, at the time of the delegation's visit it did not possess a health-care service worthy of the name. The CPT has made recommendations with a view to bolstering the health-care teams at the Split and Šibenik establishments.

The CPT has also made recommendations designed to reinforce the contribution made by the health-care services of county prisons to the prevention of ill-treatment by the police, through the systematic recording of injuries observed during the examination of newly-arrived inmates and of statements made by the persons concerned and, if appropriate, the provision of information to the relevant authorities.

180. The CPT has also made a number of recommendations and comments regarding a variety of other prison issues of relevance to its mandate: contact with the outside world, discipline, complaints and inspection procedures, and the treatment of juveniles. As regards the last-mentioned subject, the CPT has stressed that all juvenile prisoners, including those on remand, should be held in detention centres specifically designed for persons of this age, offering regimes tailored to their needs and staffed by persons trained in dealing with the young. Pending the implementation of this measure, the Committee has recommended that the Croatian authorities take the necessary steps to ensure that juveniles placed in county prisons are provided with a full programme of educational activities (including physical education) and are accommodated separately from adult prisoners.

C. Institution for the re-education of minors, Turopolje

181. The CPT's delegation formed a generally positive impression of relations between staff and inmates at the Turopolje institution. Most residents evaluated their relations with treatment staff favourably, and considered that custodial staff treated them fairly. Nonetheless, information gathered by the delegation would suggest that a sustained level of vigilance is necessary. In particular, allegations were heard to the effect that certain members of the custodial staff were prone to strike inmates who misbehaved. Further, repeated and consistent allegations were heard that two inmates who had been apprehended in the course of an attempted escape during the early hours of 21 August 1998 had been ill-treated by staff, one of them severely.

The CPT has recommended that the management of the Institution for the re-education of minors at Turopolje deliver the clear message to custodial staff that the ill-treatment of inmates is not acceptable under any circumstances and will be dealt with severely. The Committee has also underlined the need for custodial officers to receive training geared to enabling them to meet the specific challenges of working with young inmates.

182. The institution's central accommodation unit had the potential to provide very good conditions of detention; however, a lack of regular maintenance had taken its toll on the building. The CPT has recommended that the renovation of the unit be given a high priority, particular attention to be accorded to the refurbishment of the sanitary facilities.

As regards the activities for inmates at the institution, they were found on the whole to be of a satisfactory standard.

183. The CPT has made several recommendations and comments with respect to other issues, such as medical care, discipline, and complaints and inspection procedures. In particular, the Committee has invited the Croatian authorities to explore the possibility of developing a fully-fledged therapeutic programme at the Turopolje institution, aimed at combating drug and/or alcohol addiction.

D. Hospital for persons deprived of their liberty (Prison Hospital), Zagreb

184. The CPT's delegation found no evidence of ill-treatment of inmates by health-care staff at the hospital. The delegation did hear allegations, both before and in the course of the visit to the hospital, that security staff could on occasion ill-treat patients (slaps, truncheon blows, etc.), in particular in the psychiatric ward. Nevertheless, most of the patients interviewed by the delegation made no complaints about the manner in which they were treated by security staff.

185. Working with psychiatric patients will always be a demanding task for all categories of staff involved. Bearing this in mind, the CPT has emphasised the importance of staff assigned to custodial duties vis-à-vis psychiatric patients being carefully selected and receiving appropriate training before taking up their duties.

The Committee has also stressed that the management of agitated and/or violent psychiatric patients should be the responsibility of health-care staff. All assistance given by security staff in dealing with such patients should be provided under the authority and close supervision of health-care staff.

186. The hospital's staff resources appeared on the whole to be adequate and the delegation was favourably impressed by its medical facilities and equipment.

187. As regards living conditions and treatment, patient accommodation was in principle satisfactory. However, occupancy rates in the psychiatric ward were rather high, a drawback which was exacerbated by the fact that patients tended to spend most of the day in their rooms. Further, the CPT was concerned to learn that due to the pressure of numbers, juvenile psychiatric patients could on occasion be accommodated together with adults and that, more generally, it was not possible to guarantee an appropriate separation of different categories of patient in the psychiatric ward. The Committee has made recommendations on these matters.

Further, the general atmosphere in the patients' rooms in all the wards was rather drab; efforts should be made to provide a more positive therapeutic environment.

188. Somatic treatment at the hospital was of a good standard. The CPT's delegation was less impressed by the quality of psychiatric treatment, which was limited essentially to pharmacotherapy (though there were no indications of the misuse of medication). The Committee has recommended that serious efforts be made to develop rehabilitative and other therapeutic activities for psychiatric patients at the hospital.

E. Action on the CPT's recommendations, comments and requests for information

189. The various recommendations, comments and requests for information formulated by the CPT are summarised in Appendix I.

190. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the CPT requests the Croatian authorities:

- i. to provide within six months an interim report giving details of how it is intended to implement the CPT's recommendations and, as the case may be, providing an account of action already taken (N.B. the Committee has indicated the urgency of certain of its recommendations);
- ii. to provide within twelve months a follow-up report providing a full account of action taken to implement the CPT's recommendations.

The CPT trusts that it will also be possible for the Croatian authorities to provide in the above-mentioned interim report reactions to the comments formulated in this report which are summarised in Appendix I as well as replies to the requests for information made.

APPENDIX I

SUMMARY OF THE CPT'S RECOMMENDATIONS, COMMENTS AND REQUESTS FOR INFORMATION

A. Police establishments

1. Preliminary remarks

requests for information

- an account of progress made in the preparation of various important legislative texts concerning police activities, in particular the draft law on the police and regulations for the implementation of the new Code of Criminal Procedure (CCP); in due course, copies of the legislation concerned (paragraph 12).

2. Torture and other forms of ill-treatment

recommendations

- instructions, comparable to those circulated on 18 September 1998 by the Head of the Split-Dalmatia Police Administration concerning the use of means of coercion, to be issued by the heads of all police administrations in Croatia (paragraph 16);
- the relevant national authorities as well as senior police officers to deliver the clear message that the ill-treatment of persons in police custody, whether at the time of apprehension or subsequently, is not acceptable and will be dealt with severely (paragraph 16);
- a very high priority to be given to professional training for police officers of all ranks and categories, taking into account the remarks in paragraph 17. Experts not belonging to the police force should be involved in this training (paragraph 17);
- an aptitude for interpersonal communication to be a major factor in the process of recruiting police officers and, during the training of such officers, considerable emphasis to be placed on acquiring and developing interpersonal communication skills (paragraph 17);
- whenever an apprehended person brought before an investigating judge alleges police ill-treatment, the judge should immediately request a forensic medical examination of the person concerned and bring the matter to the attention of the relevant public prosecutor, irrespective of whether the person concerned bears visible injuries. Further, even in the absence of an express allegation of ill-treatment, an investigating judge should request a forensic medical examination and inform the relevant public prosecutor whenever there are grounds to believe that an apprehended person brought before the judge could have been the victim of ill-treatment (paragraph 18);

- appropriate steps to be taken to ensure that:
- all objects to be used as items of evidence are properly labelled and held in a secure location designated for that purpose;
- all other, non-standard issue, items of the kind described in paragraph 22 are removed from police premises (paragraph 22).

comments

- the CPT would be grateful if the Croatian authorities could clarify the nature of the interaction between the activities of the Office of Internal Affairs and the functions of police administrations, public prosecutors and the courts insofar as police ill-treatment is concerned (paragraph 21).

requests for information

- as regards the case referred to in paragraph 14, the considerations which led to charges being brought under section 126(1) of the Criminal Code rather than section 126(2) (aggravated form of coercing a statement) or section 176 (torture and other cruel, inhuman or degrading treatment) (paragraph 14);
- an update of the proceedings in the case referred to in paragraph 15 (paragraph 15);
- preventive measures taken with a view to providing support for police officers exposed to highly stressful or violent situations (paragraph 16);
- whether the statements made by Mr M. P. at the time of his medical examination at Šibenik general hospital on 29 May 1998 and the injuries recorded on that occasion have ever been brought to the attention of a judge or public prosecutor and, in the affirmative, the action taken by that authority (paragraph 19);
- whether the allegations made by Mr E. S. of police ill-treatment on 15 August 1998 and the injuries which he bore have ever been brought to the attention of a judge or public prosecutor and, in the affirmative, the action taken by that authority (paragraph 19);
- the criteria used by public prosecutors when deciding upon the precise course of action to be taken vis-à-vis cases of police ill-treatment (paragraph 20);
- for the year 1998:
 - the number of complaints of ill-treatment made against police officers in Croatia and the number of criminal/disciplinary proceedings which were instituted as a result;
 - an account of criminal/disciplinary sanctions imposed following complaints of ill-treatment (paragraph 20);

- detailed information on police complaints and disciplinary procedures, including the safeguards incorporated to ensure their objectivity (paragraph 20);
- further information on the inquiry carried out by the Office of Internal Affairs into the underlying causes of police brutality (paragraph 21);
- the interaction between the activities of the Office of Internal Affairs and the functions of police administrations, public prosecutors and the courts, insofar as ill-treatment by the police is concerned (paragraph 21);
- developments regarding the problem of policemen who suffer from post-traumatic stress (PTSD) as a result of their war experience (paragraph 23).

3. Safeguards against the ill-treatment of detained persons

recommendations

- the necessary steps to be taken to ensure that:
 - persons apprehended by the police have the right to inform, without delay, a close relative or a third party of their choice of their situation, either directly or through a police officer;
 - any possibility exceptionally to delay the exercise of this right is clearly circumscribed in law, and made the subject of appropriate safeguards (e.g. any delay to be recorded in writing with the reasons therefor and to require the approval of a senior police officer or public prosecutor) (paragraph 27);
- appropriate steps to be taken to ensure that the right of access to a lawyer guaranteed under the CCP includes the right to consult in private with the lawyer, as from the outset of the period of police custody (paragraph 30);
- the necessary steps to be taken to ensure that the safeguards set out in paragraph 31 (i.e. anyone who is under a legal obligation to attend a police station to have the right of access to a lawyer and to be informed without delay that he enjoys that right) are guaranteed in both law and practice (paragraph 31);
- specific legal provisions to be adopted on the subject of the right of persons in police custody to have access to a doctor. Those provisions to stipulate inter alia that:
 - a person taken into police custody has the right to be examined, if he so wishes, by a doctor of his own choice, in addition to any medical examination carried out by a doctor from a health centre;
 - all medical examinations of persons in police custody, whether carried out on police premises or in a health care facility, are to take place out of the hearing and - unless the doctor concerned expressly requests otherwise in a given case - out of the sight of police officers;

- the results of every examination, as well as any relevant statements by the person in custody and the doctor's conclusions, are to be recorded in writing by the doctor and made available to the detained person and his lawyer (paragraph 33);
- a specific form setting out in a straightforward manner the rights of persons in police custody to be systematically given to such persons at the very outset of their deprivation of liberty. The form to be available in an appropriate range of languages (paragraph 35);
- a code of conduct for police interviews to be drawn up (paragraph 37).

comments

- the Croatian authorities are invited to explore the possibility of introducing a system of independent inspections of police establishments of the kind described in paragraph 38 (paragraph 39).

requests for information

- full details of the system for providing legal assistance to persons in police custody, including the provision of legal assistance to persons who are not in a position to pay for such services (paragraph 29).

4. Conditions of detention

recommendations

- arrangements for the holding of criminal suspects on police premises to be reviewed, taking into account the criteria set out in paragraph 40. Above all, criminal suspects held on police premises to be offered food at appropriate intervals (which implies that the budgetary means must exist for providing food to persons not in a position to pay for it themselves), and suspects held overnight on such premises to be accommodated in a designated holding facility and provided with a clean mattress and clean blankets (paragraph 42);
- appropriate steps to be taken to ensure that criminal suspects held on police premises are not kept handcuffed for extended periods (paragraph 42).
- steps to be taken to remedy the shortcomings identified in the police cells referred to in paragraph 43 (paragraph 44);
- all persons held overnight in police custody, including inebriates, to be provided with a mattress (paragraph 44);
- the state of cellular accommodation in all police stations in Croatia to be reviewed, having regard to the criteria set out in paragraph 40 (paragraph 44).

requests for information

- whether the renovation of the "Unit for detention, escort and security" in Zagreb (Đorđićeva 4) has now been completed and, in the affirmative, confirmation that conditions of detention in the unit now meet all the criteria set out in paragraph 40 (paragraph 45).

B. Prisons

1. Preliminary remarks

requests for information

- progress made towards the revision of the 1993 Law on the Execution of Sentences and, in due course, a copy of the new law (paragraph 47);
- the comments of the Croatian authorities on the length of court proceedings (paragraph 48);
- further information about new regulations on the treatment of remand prisoners (paragraph 48).

2. Ill-treatment

recommendations

- the situation at the unit for increased supervision at Lepoglava State Prison to be reviewed, in order to ensure that staff are not abusing their authority vis-à-vis prisoners held there (paragraph 52);
- high priority to be given to the development of prison staff training, both initial and ongoing. In the course of such training, considerable emphasis to be placed on the acquisition of interpersonal communication skills. Building positive relations with prisoners to be recognised as a key feature of a prison officer's vocation (paragraph 53).

3. Lepoglava State Prison

recommendations

- the renovation of B and E wings, including installation of in-cell sanitation following the model of D wing, to be treated as a matter of high priority (paragraph 58);
- steps to be taken immediately to ensure that all prisoners at the establishment are able to obtain personal hygiene products (toilet paper, soap, toothpaste, etc.) as well as the necessary means to maintain their cells and communal sanitary facilities in a clean and hygienic state (paragraph 58);

- serious efforts to be made to reduce cell occupancy levels in the closed unit, having regard to the remarks in paragraphs 56 and 58 (paragraph 58);
- the necessary steps to be taken to ensure that all prisoners at the establishment have access to an appropriate range of work, educational, sports and recreational activities (paragraph 64);
- regime and staffing arrangements in the establishment's unit for increased supervision to be revised, in the light of the criteria set out in paragraph 66 (paragraph 67);
- a prisoner who is placed in a unit for increased supervision or whose placement is renewed to be informed in writing of the reasons for that measure (it being understood that the reasons given could exclude information which security requirements reasonably justify withholding from the prisoner) (paragraph 68);
- a prisoner in respect of whom the placement (or renewal of placement) in a unit for increased supervision is envisaged to be given an opportunity to express his views on the matter (paragraph 68);
- the placement of a prisoner in a unit for increased supervision to be fully reviewed at least every three months (paragraph 68);
- immediate steps to be taken to provide the equivalent of at least one full-time doctor at Lepoglava State Prison, as well as to reinforce the provision of psychiatric and dental care at the establishment. Further, the health care staffing levels to be brought fully into conformity with those foreseen by the prison's regulations on staffing issued on 27 June 1994, at the earliest opportunity (paragraph 71);
- immediate steps to be taken to ensure that someone qualified to provide first aid (preferably with a nursing qualification) is always present at the establishment, including at night. Further, the possibility to be explored of providing a 24-hour presence of a nurse or doctor from the establishment's health care team (paragraph 72);
- steps to be taken to ensure that all newly-arrived prisoners are properly interviewed by a doctor, or a fully qualified nurse reporting to a doctor, as soon as possible after their admission to the establishment (paragraph 73);
- steps to be taken to provide sentenced prisoners with an effective right of appeal to a higher authority against disciplinary sanctions imposed on them (paragraph 79).

comments

- it would be advisable to reconsider which categories of prisoner should be placed in the unit for increased supervision at Lepoglava State Prison (paragraph 67);
- the Croatian authorities are invited to consider ways of facilitating visits to prisoners at the establishment (paragraph 77);
- efforts might be made to improve waiting facilities at the establishment for visitors (paragraph 77).

requests for information

- the avenues open to a prisoner for the purposes of challenging a decision to place him in a unit for increased supervision or to prolong that placement (paragraph 68);
- the comments of the Croatian authorities on the subject of the reading of prisoners' correspondence (paragraph 78);
- confirmation that prisoners' correspondence with legal advisers, judicial authorities, international human rights bodies such as the European Court of Human Rights, etc. cannot be read (paragraph 78).

4. County prisons

recommendations

- to explore the possibility of removing the metal screens placed outside the windows of cells at Zagreb and Split County Prisons (paragraphs 82 and 84);
- appropriate steps to be taken to ensure that no more than six prisoners are accommodated in the Split County Prison's 28 m² cells, and no more than four prisoners (preferably no more than three) in the 17.5 m² cells. Further, the sanitary annexes in these cells to be fully partitioned (paragraph 84);
- serious efforts to be made to reduce the occupancy level of the 9 m² cells at Split County Prison to one prisoner per cell and, for so long as the cells are occupied by more than one prisoner, improvements to be made to the partitioning of the in-cell toilet facilities (paragraph 84);
- isolation cells 1 and 14 at Split County Prison to be used only for short periods (i.e. not more than 24 hours), and never to be used to accommodate prisoners with psychiatric symptoms. Further, steps to be taken to ensure that the call bells in all the isolation cells are kept in working order (paragraph 84);
- the maximum occupancy level of the 34 m² dormitories at Šibenik County Prison to be set at eight prisoners (paragraph 86);
- steps to be taken as a matter of urgency to improve radically the regime activities for remand prisoners at the Zagreb, Split and Šibenik County Prisons (as well as, if necessary, in other County Prisons in Croatia). The aim should be to ensure that remand prisoners are able to spend a reasonable part of the day (i.e. eight hours or more) outside their cells, engaged in purposeful activities of a varied nature (group association activities; work, preferably with vocational value; sport). The legislative framework governing remand imprisonment and staffing levels to be revised accordingly (paragraph 90);

- the Croatian authorities to strive to ensure that juvenile remand prisoners are held in centres specifically designed for the detention of persons of this age, offering regimes tailored to their needs and staffed by persons trained in dealing with the young. In the meantime, the necessary steps to be taken to ensure that juveniles placed in county prisons are provided with a full programme of educational activities (including physical education) and accommodated separately from adults (paragraph 96);
- pending the return of the full-time psychiatrist at Zagreb County Prison, steps to be taken to ensure more frequent visits to the establishment by an outside psychiatrist (paragraph 97);
- steps to be taken:
 - to provide two additional nurses at Split County Prison;
 - to ensure that prisoners at that establishment have access to conservative dental treatment;
 - to arrange regular visits to the establishment by a psychiatrist (paragraph 98);
- steps to be taken without delay to ensure:
 - the presence at Šibenik County Prison of a doctor equivalent to at least a half-time post;
 - daily visits to the establishment by a fully qualified nurse (paragraph 99);
- immediate steps to be taken to ensure that someone qualified to provide first aid (preferably with a nursing qualification) is always present at Zagreb, Split and Šibenik County Prisons, including at night (paragraph 101);
- steps to be taken to ensure that prisoners arriving late on a Friday at Zagreb or Split County Prisons are seen by a fully qualified nurse without delay, pending their examination by a doctor (paragraph 102);
- steps to be taken immediately to ensure that all newly-arrived prisoners at Šibenik County Prison, without exception, are medically screened by a doctor, or a fully qualified nurse reporting to a doctor, without delay (paragraph 102);
- doctors examining newly-arrived prisoners to draw up a record containing:
 - (i) a full account of statements made by the person concerned which are relevant to the medical examination, including any allegations of ill-treatment made by him;
 - (ii) a full account of objective medical findings based on a thorough examination;
 - (iii) the doctor's conclusions in the light of (i) and (ii) (paragraph 104);

- existing procedures to be reviewed in order to ensure that whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a newly-arrived prisoner, the record is brought to the attention of the relevant public prosecutor (paragraph 104);
- the Croatian authorities to strive to increase the visiting time allowed to remand prisoners (paragraph 105).

comments

- living space in the multi-occupancy cells at Zagreb County Prison was limited when they accommodated five persons (paragraph 82);
- the CPT trusts that in future the 10m² cells at Zagreb County Prison will only be used for single occupancy, unless other considerations render it unwise for a particular prisoner to be accommodated on his own (paragraph 82);
- the CPT trusts that the 9 m² cells at Šibenik County Prison will continue to be reserved for single occupancy (paragraph 86);
- the CPT trusts that following the reinforcement of nursing resources at Split County Prison, as recommended in paragraph 98, it will be possible to arrange for a nurse to be present at that establishment on weekends (paragraph 101);
- as regards the medical examination of newly-arrived prisoners, if a prisoner has been examined by a forensic doctor prior to his arrival at the prison, the prison doctor could, as appropriate, defer to the forensic doctor's findings. The prison doctor should also be empowered, in appropriate cases, to decide himself to send a newly-arrived prisoner to a forensic doctor for examination (paragraph 104);
- the Croatian authorities are invited to review the design of the visiting booths at Split County Prison (paragraph 105);
- the Croatian authorities are invited to move towards more open visiting arrangements for remand prisoners (paragraph 105).

requests for information

- whether the planned accommodation of a further 20 sentenced prisoners in Šibenik County Prison has now occurred and, in the affirmative, the regime activities available to the prisoners concerned (paragraph 91);
- information on the steps envisaged by the Croatian authorities with a view to overcoming the difficulties referred to in paragraph 93 (paragraph 93);
- the comments of the Croatian authorities on the necessity of placing sentenced prisoners transferred to Lepoglava State Prison in that establishment's reception area, for a further month of assessment (paragraph 94);
- confirmation that by virtue of section 115 (5) of the CCP, correspondence between a remand prisoner and his lawyer cannot be read by a person other than the addressee (paragraph 106).

5. Complaints and inspection procedures

recommendations

- remand prisoners to be granted confidential access to the Ombudsman, in the same way as sentenced prisoners (paragraph 114);
- the manner in which visits to remand prisons are carried out by judges of the competent court to be reviewed. The judges should not limit their activities to prisoners who expressly request to meet them, but should take the initiative by entering into direct contact with inmates in the absence of prison personnel (paragraph 115).

comments

- the CPT trusts that the more detailed provisions on the subject of complaints contained in the new draft Law on the Execution of Sentences will enter into force in the near future (paragraph 111).

requests for information

- confirmation that sentenced prisoners have the right to send uncensored letters to the Ombudsman and that this will remain the case (paragraph 111);
- whether executing judges will also be required to inspect the premises of the establishments falling within their jurisdiction, irrespective of any complaints received by prisoners (paragraph 112);
- whether remand prisoners have the right to send, on a confidential basis, written complaints to judges of the competent court (paragraph 113).

C. Institution for the re-education of minors, Turopolje

1. Ill-treatment

recommendations

- the management of the Institution for the re-education of minors at Turopolje to deliver the clear message to custodial staff that the ill-treatment of inmates is not acceptable under any circumstances and will be dealt with severely. Inmates who misbehave to be dealt with only in accordance with the prescribed disciplinary procedures (paragraph 119);

- whenever an inmate held at the Turopolje institution is medically examined following a violent episode in the establishment, the doctor to draw up a record containing:
 - i) a full account of statements made by the person concerned which are relevant to the medical examination, including any allegations of ill-treatment made by him;
 - ii) a full account of objective medical findings based on a thorough examination;
 - iii) the doctor's conclusions in the light of i) and ii).

This record to be forwarded by the doctor directly to the director of the institution. Further, if so requested by the inmate, the doctor should provide him with a certificate describing his injuries. Whenever injuries are recorded which are consistent with allegations of ill-treatment made, the record to be brought to the attention of the relevant public prosecutor (paragraph 121);

- the lack of systematic training for custodial officers at the Turopolje institution, geared to enabling them to meet the specific challenges of working with young inmates, to be remedied (paragraph 122);
- if it is considered necessary for custodial staff to carry batons, the batons to be hidden from view (paragraph 123).

comments

- it would be preferable for custodial staff not to carry batons (paragraph 123).

requests for information

- the results of the new inquiry into the incident described in paragraph 120 (paragraph 120).

2. Conditions of detention

recommendations

- the renovation of the central accommodation unit at the Turopolje institution to be given a high priority, and particular attention to be accorded to refurbishment of the sanitary facilities (paragraph 124).

comments

- the Croatian authorities are invited to redouble their efforts to provide the institution's youngest inmate, a 15 year-old boy categorised as mentally retarded and who displayed particularly severe behavioural disorders, with an appropriate regime, either at the institution or elsewhere (paragraph 129).

requests for information

- further information on plans to expand the range of vocational activities at the Turopolje institution (paragraph 127);
- the comments of the Croatian authorities on the question whether re-educators receive adequate training for the tasks they are called upon to perform, in particular vis-à-vis inmates with substance abuse problems (paragraph 130).

3. Other issues of relevance to the CPT's mandate

recommendations

- steps to be taken to ensure that someone qualified to provide first aid, preferably with a nursing qualification, is always present at the Turopolje institution, including at night and weekends (paragraph 131);
- all residents at re-educational institutions to have a formal right to be heard on the subject of disciplinary offences it is alleged they have committed and to be entitled to appeal to a higher body against any disciplinary sanctions imposed on them (paragraph 139);
- the Croatian authorities to seek ways of reinforcing the confidence of inmates in the effectiveness of complaints procedures at the Turopolje institution (paragraph 141);
- inmates to be entitled to write, on a confidential basis, to an appropriate authority outside the institution (paragraph 141).

comments

- the recommendations made in paragraph 121 should also apply mutatis mutandis to the medical examination of a newly-arrived inmate at the Turopolje institution (paragraph 132);
- it is not for non-medical staff to screen requests to consult the doctor; all such requests should be forwarded without delay to health care staff. Further, inmates should, if they so wish, be able to approach the health care service on a confidential basis, for example by means of a message in a sealed envelope (paragraph 133);
- the Croatian authorities are invited to explore the possibility of developing a fully-fledged therapeutic programme at the Turopolje institution, aimed at combating drug and/or alcohol addiction (paragraph 135);
- the Croatian authorities are invited to review the approach being followed at the Turopolje institution as regards disciplinary sanctions and, more particularly, the sanction of solitary confinement (paragraph 137).

requests for information

- confirmation that all medical examinations of inmates at the Turopolje institution, both on arrival and subsequently, take place out of the hearing and - unless the doctor/nurse explicitly requests the contrary in a specific case - out of the sight of non-medical staff (paragraph 133);
- full details of visits to the Turopolje institution by juvenile judges and prosecutors during 1998 - number of visits, reports drawn up, action taken on proposals made, etc (paragraph 143).

D. Hospital for persons deprived of their liberty (Prison Hospital), Zagreb

1. Preliminary remarks

requests for information

- full details on how the joint supervision of the hospital by the Ministries of Health and Justice is effected in practice (paragraph 145).

2. Ill-treatment

recommendations

- steps to be taken to ensure that the practice followed within the hospital complies with the requirements set out in paragraph 148 concerning the management of agitated and/or violent psychiatric patients (paragraph 148);
- every instance of the physical restraint of any patient to be recorded in a specific register established for this purpose. Entries in the register to include the times at which a measure of physical restraint began and ended, the circumstances of the case, the reasons for resorting to the measure, the name of the staff member who ordered or approved it, and an account of any injuries sustained by patients or staff (paragraph 149);
- security staff at the hospital not to carry truncheons within the wards or, failing that, to carry truncheons that can be and are hidden from view (paragraph 150).

comments

- the CPT trusts that health-care staff at the hospital, and in particular the hospital's doctors, will be encouraged to display leadership and promote the avowed therapeutic function of the establishment (paragraph 151).

requests for information

- the specific training provided to security staff assigned to duties in the hospital's psychiatric ward (paragraph 147).

3. Staff and medical facilities

comments

- the Croatian authorities are invited to consider the possibility of including some women among the hospital's security staff (paragraph 154);

requests for information

- up-to-date information on official and actual staff numbers at the hospital (paragraph 152);
- how many of the nurses assigned to duties in the hospital's neurology/psychiatry ward have had specialised psychiatric nursing training (paragraph 152);
- confirmation that at least two doctors and two nurses are always present on the hospital's premises (paragraph 153).

4. Patients' living conditions and treatment

recommendations

- steps to be taken without delay to ensure:
 - that juvenile patients are not accommodated together with adults
 - that there is an appropriate separation of different categories of patient in the psychiatric ward (paragraph 157);
- no more than four patients to be accommodated in the hospital's standard 20m² rooms (paragraph 157);
- patients' rooms to be decorated in a more stimulating manner and patients to be allowed to keep certain personal belongings (paragraph 157);
- whenever permitted by their medical condition, patients to be allowed to wear their own clothes during the day or to be provided with appropriate non-uniform garments (paragraph 157);

- steps to be taken to renovate the patients' sanitary facilities (paragraph 158);
- serious efforts to be made to develop rehabilitative and other therapeutic activities for psychiatric patients at the hospital (paragraph 160);
- implementation of plans to enlarge the hospital's exercise yard to be accorded a high priority (paragraph 161).

comments

- it would be desirable to offer a broader range of activities to somatic patients who stay for prolonged periods at the hospital (paragraph 160);
- any patient of school age who stays for a prolonged period at the hospital should be provided with educational activities (paragraph 160).

requests for information

- whether the hospital is visited on a regular basis by an independent outside body with authority to receive - and, if necessary, take action on - patients' complaints and to visit all of the hospital's facilities (paragraph 162).

APPENDIX II

LIST OF THE NATIONAL AUTHORITIES AND ORGANISATIONS WITH WHICH THE CPT'S DELEGATION HELD CONSULTATIONS

A. National authorities

Ministry of Justice

Ms Lidija LUKINA-KARAJKOVIĆ, Assistant Minister
Mr Tomislav PENIĆ, Assistant Minister
Ms Marina ŠTIMAC, Directorate for the Execution of Sentences
Mr Jure ŽULJ, Directorate for the Execution of Sentences

Ministry of Defence

General Ivan TOLJ, Assistant Minister
General Mate LAUŠIĆ
Colonel Marinko MARINKOVIĆ

Ministry of the Interior

Mr Zlatko GLEDEC, Deputy Minister
Mr Željko SAČIĆ, Assistant Minister
Mr Zdravko ŽIDOVEC, Head of the Minister's Cabinet
Mr Josip BEŠIĆ, Head of the International Relations Office
Mr Ivan NAĐ, Criminal Police Sector
Professor Petar VEIĆ, College of Police Studies
Ms Estela MUCIĆ ZOVKO, International Relations Office
Mr Dražen IVANUŠEĆ, Office of Internal Affairs

Ministry of Health

Mr Neven HENNIGSBERG, Assistant Minister
Ms Danica KRAMARIĆ, Senior Adviser

Mr Željko THÜR, Deputy Ombudsman

Judge Radovan ORTYNSKI
Mr Radovan ŠANTEK, District Attorney
Mr Ivan PLEVKO, Deputy District Attorney
Mr Nediljko IVANČEVIĆ, Municipal Public Prosecutor

B. International and non-governmental organisations

International Committee of the Red Cross

Committee for Human Rights

Croatian Helsinki Committee for Human Rights

Croatian Law Centre

International Committee for the Rehabilitation of Torture Victims

