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**Report to the Government of Slovenia  
on the visit to Slovenia  
carried out by the European Committee  
for the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment (CPT)  
from 19 to 28 February 1995**

The Government of Slovenia has requested the publication of this report and of their interim report in response. The latter is set out in document CPT/Inf (96) 19.

Strasbourg, 27 June 1996



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Copy of the letter transmitting the CPT's report

Strasbourg, 7 July 1995

Dear Mr Mlinarič,

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 Slovenia drawn up by the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) after its visit to Slovenia from 19 to 28 February 1995. The report was adopted by the CPT at its twenty-fifth meeting, held from 12 to 16 June 1995.

I would draw your attention in particular to paragraph 109 of the report, in which the Committee requests the Slovenian authorities to provide an interim and a follow-up report on action taken upon its report. The CPT would ask, in the event of the latter reports being forwarded in Slovenian, that they be accompanied by an English or French translation.

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 sincerely,

Claude NICOLAY  
President of the European Committee for  
the prevention of torture and inhuman  
or degrading treatment or punishment

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## PREFACE

As the European Committee for the prevention of torture and inhuman or degrading treatment or punishment is a relatively new institution, knowledge of its mandate and functions is inevitably limited. The CPT has therefore 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 two other Council of Europe supervisory bodies within the field of human rights: the European Commission and European Court of Human Rights.

Unlike the Commission and 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 Commission's and 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 harmful 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 Commission and European Court of Human Rights are:

- i) the Commission and the Court have as their primary goal 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 Commission and Court have 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 their functions, the Commission and the Court consist 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 Commission and Court only intervene 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 Commission and 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 Slovenia from 19 to 28 February 1995. The visit formed part of the CPT's programme of periodic visits for 1995.

2. The delegation consisted of the following Committee members:

- Mr Bent SØRENSEN, First Vice-President of the CPT (Head of the delegation);
- Mr Jón BJARMAN;
- Mr Günther KAISER;
- Mr Arnold OEHRYS;
- Mr Stefan TERLEZKI.

The delegation was assisted by:

- Mr Knud JENSEN (Chief Psychiatrist, Odense University Hospital, Denmark) (expert);
- Ms Metka GRAUNAR (interpreter);
- Ms Viktorija PREMZL (interpreter);
- Ms Nadja ZIDARIČ (interpreter).

The delegation was also accompanied by the following members of the CPT's Secretariat:

- Mr Mark KELLY;
- Mr Jan MALINOWSKI;
- Ms Petya NESTOROVA.

**B. Establishments visited**

3. The delegation visited the following places of detention:

Police establishments

- Kranj Police Station, Stritarjeva ulica 6, Kranj
- Criminal Investigation Department, Prešernova cesta 18, Ljubljana
- Police holding facilities, Povšetova ulica 5, Ljubljana
- Ljubljana-Bežigrad Police Station, Posavskega ulica 3, Ljubljana
- Ljubljana-Centre Police Station, Trdinova ulica 10, Ljubljana

Prisons

- Dob Prison
- Ljubljana Prison

Re-education Centre for Young Persons

- Re-education Centre.

**C. Consultations held by the delegation**

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

A list of those authorities, organisations and persons is set out in Appendix II to this report.

**D. Co-operation between the CPT and the Slovenian authorities**

5. At the outset of the visit, the CPT's delegation was received by the Minister for the Interior, Mr Andrej Šter, the Minister for Justice, Mrs Meta Zupančič, and the Minister for Health, Mr Božidar Voljč, together with certain of their senior officials. Those meetings were conducted in a spirit of full co-operation. The delegation also held fruitful consultations with senior officials of those Ministries, both during and at the end of the visit.

The delegation also had interesting discussions with the Human Rights Ombudsman, Mr Ivan Bizjak, and a number of senior members of his staff.

6. The CPT's delegation enjoyed immediate access to all of the establishment visited - including to places which had not been notified in advance of the Committee's intention to carry out a visit. In this context, the CPT is grateful to the three ministries concerned for having provided members of the delegation with credentials/identification badges.

The delegation found that management and staff at local level were well informed about the Committee's mandate and prepared to offer the delegation every facility necessary for its work. The CPT is convinced that the timely and appropriate dissemination of information on the CPT's mandate to all relevant authorities contributed significantly to the excellent co-operation enjoyed by its delegation throughout the visit to Slovenia.

7. The CPT also wishes to express its sincere appreciation for the considerable assistance provided to its delegation by the Government's liaison officer, Mr Franc Mlinarič, adviser to the Minister for Justice in the section for implementing penal sanctions, not only during but also before and after the CPT's visit to Slovenia. The Committee is also grateful for the assistance provided by Ms Tatjana Krivec-Tavčar, Head of the Private Office of the Minister for Justice, and by Mr Guido Mravljak, adviser to the Minister for the Interior.

8. In short, the co-operation received by the CPT's delegation was entirely in accordance with Article 3 of the Convention.



## **II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED**

### **A. Police establishments**

#### **1. Preliminary remarks**

9. The CPT's delegation visited three district police stations (Kranj, Ljubljana-Bežigrad and Ljubljana-Centre), as well as the Criminal Investigation Department in Ljubljana and the police holding facilities at Povšetova.

10. Persons arrested in connection with less serious offences (infringements of the laws on public order and minor criminal offences) may be held in custody by the police for a maximum of 24 hours. As regards minor offences, detention is in principle limited to 12 hours, though this period can be extended by another 12 hours when it is necessary to bring the detained person before a judge during the weekend.

However, it should be added that in practice, the majority of persons held on suspicion of having committed less serious offences appeared to spend relatively short periods in police custody. Moreover, it was the stated policy of the police to take persons into custody only if no other non-custodial option was available.

A person detained in connection with a serious criminal offence, falling within the competence of the Criminal Investigation Department, can remain in police custody for a maximum of 48 hours.

#### **2. Torture and other forms of ill-treatment**

11. The CPT's delegation heard no allegations of torture of persons detained by the police in Slovenia; further, no other evidence of such treatment was found by the delegation during the visit.

12. However, allegations were heard of physical ill-treatment of persons detained by police officers.

A number of persons alleged that they had been subjected to the excessive use of force (in particular, the infliction of blows with batons) by police officers at the time of arrest. Further, some allegations were heard of blows (slaps and punches) inflicted by criminal investigation officers in the course of questioning.

The delegation was informed by medical staff that, in 1994, 25 new arrivals (out of the 299 persons remanded in prison from police custody) had been observed to bear marks of injuries. In two cases, the delegation gathered evidence suggesting that the injuries sustained by the persons concerned could have resulted from the excessive use of force by the police.

In the first case, the person concerned alleged that the arresting police officers struck him with a firearm. The medical records examined by the delegation revealed that he had sustained contusions on the head, a broken elbow (comminute fracture of the proximal part of the right radius) and other minor lesions. The second case involved a person who alleged that he had been beaten by the police at the time of his arrest. The medical records showed that he had sustained contusions on the head and two broken ribs.

Neither of the above-mentioned persons had filed formal complaints regarding their treatment by the police; the first stated that he intended to do so, once he had obtained legal advice on the matter, while the second claimed that he had been threatened not to proceed with a complaint.

13. During the visit, the CPT's delegation also received information about the case of a person who died after having been detained by the police in Kranj on 30 July 1994. This matter was raised with the Slovenian authorities at the end of the visit, and the Minister for the Interior subsequently provided the CPT with a number of administrative/legal documents relating to the case, from which it would appear that the death of the person concerned was not the result of the use of force by the police. Nevertheless, **the CPT would like to receive a copy of all medical records drawn up by the doctors who examined him on 30 July 1994, of the autopsy report and of the opinion or opinions given by forensic doctors in respect of the injuries which he had sustained.**

14. The CPT fully recognises that the arrest of a suspect is often a hazardous task, in particular if the person concerned resists and/or is someone the police officers concerned have good reason to believe may be armed and dangerous. The circumstances of an arrest may be such that injuries are sustained by the person concerned (and possibly also by police officers) without this being the result of an intention to inflict ill-treatment. However, no more force than is reasonably necessary should be used when effecting an arrest. Furthermore, once arrested persons have been brought under control, there can never be any justification for them being struck by police officers.

In the light of the information gathered during the visit, **the CPT recommends that police officers be reminded of these precepts.**

More generally, **the CPT recommends that senior police officers deliver to their subordinates the clear message that the ill-treatment of detained persons is not acceptable and will be the subject of severe sanctions.**



15. Slovenian law contains a number of specific provisions penalising ill-treatment by State officials (cf. inter alia Articles 270 and 271 of the Penal Code). In addition, a range of legal safeguards are available to detained persons (these are discussed later in this report, cf. paragraphs 29 to 45). However, it should be emphasised that legal and other technical safeguards - while important - will never be sufficient; the best possible guarantee against ill-treatment is for its use to be unequivocally rejected by police officers. **It follows that the provision of suitable education on human rights questions and of adequate professional training is an essential element of any strategy for the prevention of ill-treatment.**

In this regard, **the CPT would like to receive information on human rights education and professional training - both initial and ongoing - for police officers in Slovenia.**

16. Naturally, one of the most effective means of preventing ill-treatment by police officers lies in the diligent examination of complaints of such treatment and, where appropriate, the imposition of suitable disciplinary and/or penal sanctions.

In this respect, **the CPT would like to receive the following information for the years 1993-1994:**

- **the number of complaints of ill-treatment lodged against police officers and the number of disciplinary and/or criminal proceedings initiated as a result of those complaints;**
- **an account of disciplinary/criminal sanctions imposed on the grounds of ill-treatment by the police.**

### **3. Conditions of detention in police establishments**

#### a. introduction

17. Custody by the police is in principle of relatively short duration. Consequently, physical conditions of detention cannot be expected to be as good in police establishments as in other places of detention where persons may be held for lengthy periods. However, certain elementary material requirements should be met.

All police cells should be 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, cells should enjoy natural light. Further, cells should be equipped with a means of rest (e.g. a 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 with the needs of nature when necessary 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 extended periods (24 hours or more) should, as far as possible, be offered outdoor exercise every day.

b. situation in the establishments visited

18. Material conditions of detention in the police establishments visited varied from reasonably good to rather poor.

19. At **Kranj Police Station** there were three cells of an adequate size (8 to 9m<sup>2</sup>) for single occupation, and consultation of the custody register revealed that it was rare for more than one person to be held per cell. Each was equipped with a wooden platform, an asian-style lavatory and a two-way intercom system. Further, artificial light was satisfactory (though, as far as the delegation could ascertain, access to natural light would be very poor) as was heating. As regards washing facilities, detained persons had access to a washbasin located in the area outside the cells.

The only significant criticism which could be levelled at the conditions of detention concerned sleeping arrangements for persons held overnight. No mattresses were provided to such prisoners (though blankets were available); further, the fact that the wooden platform was slanted and highly varnished made it quite unsuitable for sleeping purposes.

20. The two cells at **Ljubljana-Bežigrad Police Station** measured some 10.5 and 12.5 m<sup>2</sup> respectively, and were equipped with an asian-style lavatory and a call system. However, the cells benefitted from no artificial light and from the delegation's observations it appeared that natural light would at best be limited. Further, the cleanliness of the premises left something to be desired.

Mattresses were available for use by detainees, but no blankets were provided. In addition, the absence of heating in the cells/cell area meant that the temperature was rather low.

21. By far the worst conditions seen in a police establishment in Slovenia were those in **Ljubljana-Centre Police Station**. The three basement cells were of a fair size, but had a dungeon-like aspect - they had no natural light, very poor artificial light, no mattresses and were filthy, as were the adjacent lavatories.

Police officers advanced that it was rare for persons to be held in the cells for more than an hour or so; however, it emerged from the detention registers that it was not uncommon for persons to be held in them for periods of more than 6 hours. **In the view of the CPT, the conditions in the cells at the time of the delegation's visit rendered them unfit to hold persons for any length of time whatsoever.**

22. At the **Criminal Investigation Department** of the police in Ljubljana, the delegation was shown two holding rooms in which detainees were placed whilst waiting to be interrogated. Each measured approximately 5m<sup>2</sup> and benefitted from good natural and artificial light and adequate ventilation. Further, they were equipped with a wooden bench and a table.

It emerged from conversations with police officers that detainees were regularly held by the Criminal Investigation Department for the full 48 hours permitted by Slovenian law. At least once during that period, such persons would apparently be transferred to the police holding facilities at Povšetova, where they could rest in more appropriate surroundings (cf. paragraph 23). However, the delegation was unable to ascertain the precise periods of time which persons had spent in the holding rooms because no records were kept of their use.

The Committee wishes to stress, in this respect, that although the holding rooms seen by its delegation at the Criminal Investigation Department provided acceptable conditions in which to detain persons for periods not exceeding a few hours, they were not properly equipped to serve as overnight accommodation.

23. Persons held in police establishments for extended periods of time could be transferred to the **police holding facilities at Povšetova**, which consisted of 7 of the 8 cells in a semi-basement unit of Ljubljana Prison (the eighth cell being used by the prison to hold intoxicated inmates).

The cells were of an acceptable size (8 m<sup>2</sup>) and were equipped with a bed, an asian-style lavatory and a washbasin. They had adequate artificial lighting and benefited from good natural light, through a window which also provided good ventilation. The cells were not fitted with a call bell, but the delegation was informed that whenever there were persons detained there, a police officer would always be within hearing distance.

To sum up, the holding facilities offered acceptable conditions of detention for persons held in police custody. Nevertheless, the CPT's delegation was somewhat surprised to learn that detainees held in the police holding facilities at Povšetova were not offered outdoor exercise, despite the fact that these facilities are located within the Ljubljana Prison's premises, which comprise open air exercise areas. In this respect, the CPT would recall that persons held for extended periods in police custody should, as far as possible, be offered outdoor exercise every day.

24. **The CPT recommends that conditions of detention in the police establishments visited by its delegation be reviewed, in the light of the remarks made in paragraphs 19 to 23 above.**

More generally, **it recommends that the Slovenian authorities take steps to ensure that all police detention facilities in Slovenia comply with the criteria set out in paragraph 17.**

- c. the provision of food to persons in police custody

25. It was alleged by detainees (and subsequently confirmed by senior police officers with whom the delegation spoke) that no food was provided to persons held in police stations or the Criminal Investigation Department. The delegation was informed that detained persons were fed only after their transfer to the police holding facilities at Povšetova; they were then offered the same food available to inmates in Ljubljana Prison.

As a result, detainees could wait a considerable time before receiving food, and a person held by the Criminal Investigation Department would only receive food during the time spent at the Povšetova police holding facilities (cf. paragraph 22, second sub-paragraph). Such persons might therefore be interrogated over the course of a whole day without being fed.

**26. The CPT recommends that the Slovenian authorities take urgent steps to ensure that persons detained by the police receive food at appropriate times, including at least one full meal every day.**

#### **4. Safeguards against ill-treatment**

- a. introduction

27. The CPT attaches particular importance to three rights for persons detained by the police:

- the right of those concerned to have the fact of their detention notified to a close relative or third party of their choice,
- the right of access to a lawyer,
- the right to a medical examination by a doctor of their choice (in addition to any medical examination carried out by a doctor called by the police authorities).

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

28. Furthermore, in the view of the CPT, persons taken into police custody should be expressly informed without delay of all their rights, including those referred to in paragraph 27.

b. notification of custody

29. The right of notification of custody is guaranteed by Article 19 of the Slovenian Constitution and Article 4 of the Code of Criminal Procedure; this latter provision stipulates that persons detained shall be immediately informed that they have such a right.

This right is formally limited to notifying a close relative of the fact of detention; nonetheless, police officers in several of the police stations visited informed the delegation that, in practice, if the detained person so requested, such notification would also be given to another third party of the detainee's choice and, in the case of foreign nationals, to their consul. The CPT welcomes this broad interpretation of the legal provision regarding notification of custody; **it considers that detainees should be expressly informed of these possibilities.**

30. Notwithstanding the above, the CPT is concerned to note that under Article 208 of the Code of Criminal Procedure, criminal investigation officers have 24 hours within which to give effect to a detainee's wish to inform family members of his/her detention. Moreover, certain persons interviewed by the delegation alleged that there had been a lengthy delay before their request to have the fact of their detention notified to a family member or a third party was complied with.

In this connection, the CPT wishes to stress that a detainee's right to inform a relative or a third party of his choice of his situation should be expressly guaranteed from the outset of his detention. The exercise of this right may, of course, be subject to certain exceptions designed to protect the interests of justice; however, any such exceptions should be clearly defined.

31. **The CPT recommends that the necessary steps be taken to ensure:**

- **that the notification of custody requested by a detained person is carried out without delay;**
- **that any possibility exceptionally to delay notification of custody is clearly circumscribed, made subject to appropriate safeguards (e.g. any such delay to be recorded in writing together with the reasons therefor and to require the approval of a senior officer or public prosecutor) and strictly limited in time.**

c. access to a lawyer

32. Slovenian law provides for a right of access to a lawyer during both the investigation phase of the procedure and subsequent judicial proceedings; the right applies as from the moment when a person is apprehended. Moreover, whenever a person does not have the means to appoint a lawyer, legal assistance may be provided under Article 4 (4) of the Code of Criminal Procedure.

33. **The CPT would like to receive clarification of the precise content of the right of access to a lawyer at the stage of police custody; more particularly, it would like to be informed of whether the detainee has a right, at that stage, to speak in private with a lawyer and to have the lawyer present during interrogation by the police.**

d. access to a doctor

34. Conversations held with officers in various of the police establishments visited suggested that detainees in need of medical attention would always receive it, generally by being transferred to a health centre or hospital; it appeared that special consideration was given to the need for medical attention for severely inebriated persons. More particularly, the recording and, where necessary, the treatment of injuries was carried out by doctors in a health centre or hospital. It should be added that the delegation received no complaints concerning access to a doctor during police custody.

35. The Committee wishes to stress that:

- all medical examinations of persons in police custody should be undertaken out of the hearing and, unless the doctor concerned requests otherwise, out of the sight of police officers;
- the results of every examination, as well as any relevant statements by the detainee and the doctor's conclusions, should be recorded in writing by the doctor and made available to the detainee and his lawyer.

**The CPT would like to be informed of whether the practice in Slovenia is in accordance with the above considerations.**

36. There would appear to be no legal provisions to the effect that a detainee has a right of access to a doctor of his own choice. **The CPT recommends that this right be formally guaranteed.**

e. information on rights

37. Article 4 of the Code of Criminal Procedure stipulates that persons deprived of their liberty shall be immediately informed in a language which they understand of the reasons for their detention and of certain of their rights, including the right to silence, the right to notify a relative and the right of access to a lawyer. In this respect, the CPT's delegation was favourably impressed by the detailed forms used by police officers to record particulars concerning, inter alia, information provided to persons in police custody on their rights and the exercise of those rights.

However, a certain number of detainees indicated that their rights had not been fully explained to them or that they had not fully understood the significance of the forms which they had signed. In the CPT's opinion, the current forms could usefully be supplemented by a written statement of rights, phrased in straightforward terms, to be given to persons held by the police at the outset of their custody.

**The CPT therefore recommends that a form setting out in a straightforward manner the rights of detainees, including those referred to in paragraphs 29 to 36, be given systematically to persons detained by the police at the outset of their custody. This form should be available in an appropriate range of languages.**

f. conduct of police interviews

38. The Slovenian Penal Code contemplates sanctions of up to eight years imprisonment for the offence of extorting a statement from a detainee using unlawful means (cf. Article 271 of the Penal Code).

More generally, the Code of Criminal Procedure reiterates the constitutional right of a person suspected/accused of having committed a criminal offence to refrain from making a statement and categorically prohibits "the forcing of a confession or of any other statement from the accused or from any other participant in the proceedings" (cf. inter alia Articles 4 and 11 of the Code).

Further, part 4 of Chapter 18 of the Code of Criminal Procedure, under the heading "Interrogation of the Accused", contains a number of detailed rules regarding the content of the interview and the manner in which the questioning is to be carried out; in particular, the use of "force, threats or any similar means of extorting a statement or confession from the accused" is specifically prohibited.

It should also be noted that these rules apply to both questioning by public prosecutors/investigating judges and (by virtue of Article 173 of the Code of Criminal Procedure) to police interrogations.

39. Nevertheless, insofar as police interrogations are concerned, the CPT considers it essential for the aforementioned provisions to be supplemented by a code of practice, setting out in detail the procedures to be followed on a number of specific points. The existence of such a code would, inter alia, serve to underpin the lessons taught during police training.

In addition to reiterating the total prohibition of the use of ill-treatment, the code should deal inter alia with the following: the systematic informing of the detainee of the identity (name and/or number) of those present at the interrogation; the permissible length of an interrogation; rest periods between interrogations and breaks during an interrogation; places in which interrogations may take place; whether the detainee may be required to remain standing while being interrogated; the interrogation of persons who are under the influence of drugs, alcohol, medicine, or who are in a state of shock. It should also be required that a record be systematically kept of the time at which interrogations start and end, of the persons present during each interrogation and of any request made by the detainee during the interrogation.

The position of specially vulnerable persons (for example, the young, those who are mentally disabled or mentally ill) should be the subject of specific safeguards.

**The CPT therefore recommends that the Slovenian authorities draw up a code of practice for police interrogations.**

40. The CPT considers that the electronic recording of police interrogations represents another important safeguard for detainees, as well as offering advantages for the police. In particular, it can provide a complete and authentic record of the interview process, thereby greatly facilitating the investigation of allegations of ill-treatment and the correct attribution of blame. However, according to the information received by the delegation, such a system is apparently not in use in Slovenia.

**The CPT invites the Slovenian authorities to consider the possibility of introducing a system for the electronic recording of police interrogations. The system should offer all appropriate safeguards (for example, the consent of the detainee and the use of two tapes, one of which would be sealed in the presence of the detainee and the other used as a working copy).**

g. custody registers

41. The CPT considers that the fundamental safeguards afforded to persons in police custody can be reinforced (and the work of police officers facilitated) by the existence of a single and comprehensive custody record for each person detained. Such a custody record should contain information on all relevant aspects of a detainee's custody and action taken regarding them (when deprived of liberty and reasons for that measure; when told of rights; signs of injury, mental illness, etc.; contacts with and/or visit from next of kin, lawyer, doctor or consular official; when offered food; when interrogated; when transferred or released, etc.).

The custody records and forms currently used by the Slovenian police provide for the recording of most of the information mentioned above; **however, certain additional details could usefully be included (e.g. when visited, when offered food, when interrogated, when transferred).**

42. The CPT is concerned to note that at the Criminal Investigation Department, the detention of a person was not always immediately recorded in the custody register; at the time of the delegation's visit, there appeared to be a backlog of seven detentions to be recorded. Further, a high ranking officer stated that a detention would not be recorded if the person concerned was released within six hours of arrest.

**The CPT recommends that steps be taken to ensure that whenever a person is detained in a police establishment, for whatever reason (including for identification purposes) and for whatever length of time, the fact of his detention is recorded without delay.**



h. complaints and inspection procedures

43. The CPT has noted with interest that public prosecutors are under a duty to set in motion an investigation whenever there is reasonable suspicion that a criminal offence liable to ex officio prosecution has been committed, regardless of the source of the information. In the view of the CPT, energetic action by public prosecutors upon complaints of ill-treatment by police officers can have an important preventive effect (cf. also the request for information in paragraph 16).

The Human Rights Ombudsman can also investigate violations of human rights or fundamental freedoms at his own initiative or following the filing of a complaint.

44. The existence of an effective mechanism at the administrative level for examining complaints about treatment whilst in the custody of the police and, if appropriate, imposing suitable penalties is also most important. **The CPT would like to receive information on the mechanism applicable in Slovenia, including full details of the guarantees ensuring the objectivity and independence of the procedure.**

45. The CPT has noted that the Ombudsman or his representative may enter the premises of government agencies and, in particular, inspect places of detention (cf. Article 42 of the Law on the Human Rights Ombudsman). **The CPT would like to receive confirmation that this power extends to inspections of police stations and to receive information on the use which has been made thereof.**

In addition the CPT considers that regular and unannounced visits by the prosecuting/judicial authorities to places where persons are detained by the police can have a significant effect in terms of preventing ill-treatment. **The CPT would like to know whether such on-the-spot supervision of the implementation of custodial measures is undertaken by those authorities.**

## **B. Prisons and the Radeče Re-education Centre for Young Persons**

### **1. Preliminary remarks**

46. The CPT's delegation visited two prisons for men, Dob and Ljubljana Prisons, as well as the Re-education Centre for Young Persons at Radeče. All three establishments fall under the authority of the Ministry of Justice.

47. **Dob Prison** is located in the countryside, near the town of Mirna. With an official capacity of 450<sup>1</sup>, it is by far the largest prison in Slovenia. On 22 February 1995, the prison was holding 251 sentenced prisoners, 43 of whom were held in two satellite sections of the prison (Slovenska Vas and Hotemež) which provided an open regime. These latter sections were not visited by the CPT's delegation.

48. **Ljubljana Prison** holds both sentenced and remand prisoners, as well as persons in administrative detention (i.e. serving a custodial term in lieu of a fine). The prison has an official capacity of 200 and, on 20 February 1995, was holding 188 prisoners (102 on remand, 75 sentenced and 11 in administrative detention). Ljubljana Prison also has three satellite sections (at Ig, Novo Mesto and Radovljica), which did not form part of the delegation's visit.

49. The CPT's delegation also carried out a brief visit to **Radeče Re-education Centre** in order to follow up information received regarding a very serious incident which had taken place there on 9 January 1995. The Re-education Centre can accommodate up to 60 young persons aged 14 to 23; there were 51 young persons (including two girls) in residence on 25 February 1995.

### **2. Torture and other forms of ill-treatment**

50. The CPT's delegation heard no allegations of torture, and gathered no other evidence of such treatment, of prisoners or young persons by staff in the establishments visited or in other establishments in Slovenia falling under the authority of the Ministry of Justice.

Further, at Ljubljana Prison, no allegations were heard and no other evidence was found of other forms of ill-treatment of prisoners by staff. More generally, day to day dealings between prisoners and staff at both Dob and Ljubljana Prisons appeared to be relatively relaxed.

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<sup>1</sup> All of the figures given were provided by the Slovenian authorities at the time of the visits to the establishments concerned.

51. At **Dob Prison**, two prisoners alleged that they had been beaten by staff - one in May 1994 and the other in July 1994.

The first case involved an incident in which baton blows had been inflicted upon a prisoner in order to quell his disruptive conduct. Allegedly, he had been banging the door and shouting while in the establishment's padded cell and had displayed somewhat provocative and aggressive conduct when officers entered the cell to quieten him (he apparently kicked one of the guards). As the prisoner did not respond to warnings and continued to offer passive resistance, the guards struck him three times with their batons. A medical examination of the prisoner following the incident and photographs taken of him revealed three haematomas on his back, which were identified by the doctor as being consistent with the infliction of blows using batons; a further haematoma was observed on the right thigh.

In the second case, the prisoner concerned alleged that, having objected to being strip-searched within sight of other prisoners, he was punched by a prison officer. Information provided to the delegation showed that when the prisoner was medically examined four days after the incident, he displayed haematomas of 2.5 x 1.5 cm on the left shoulder and 2.5 x 3cm on the right upper arm. He also complained of pain in the lower jaw and lip as well as in the abdomen, though no marks supporting those symptoms were recorded. On the basis of the incident report submitted to the Ministry of Justice by the Prison's management, the Ministry quashed the disciplinary sanction which had been imposed upon the prisoner in respect of the incident in question. Moreover, in addition to criticising procedural issues (and the delay in medically examining the prisoner), the Ministry found that it could not endorse the way in which the prison officers involved had dealt with the matter.

52. Reference should also be made to the information gathered by the CPT's delegation before and during its visit to the **Radeče Re-education Centre for Young Persons**. In advance of the delegation's visit, the authorities responsible for the Centre at the Ministry of Justice provided a detailed account of an incident which had occurred there on 9 January 1995 (cf. paragraph 49), together with a copy of a report drawn up following their internal investigation into the events in question.

53. It would appear that, on the date in question, a small group of young persons refused to work and were placed in a classroom, where they engaged in various forms of disruptive behaviour. With a view to resolving this situation, the Chief Guard consulted the Ministry of Justice and requested the assistance of an "intervention" squad of prison officers drawn from Celje and Dob Prisons and the Celje Prison for Young Offenders. After their arrival at the establishment, seven intervention squad prison officers, together with the Chief Guard, attempted to restrain the inmates in the classroom and move them to the special "isolation" room used for disciplinary punishments.

In the course of that operation a number of inmates were struck repeatedly with batons by prison officers.

54. Medical information provided to the delegation confirmed that the inmates concerned had sustained injuries as a result of the above-mentioned intervention. According to that information, on medical examination, six of the young persons concerned displayed injuries consistent with the infliction of multiple baton blows, as follows:

- inmate 1. several transversal bruises 10 to 25 cm long on the back and a smaller wound on the scalp;
- inmate 2. transversal bruises on the back and the frontal side of the thorax, and two very shallow wounds on the cheek-bone;
- inmate 3. twelve injuries, evocative of baton blows, on the bottom and two bruises on the right upper arm with a contusion the size of a child's palm;
- inmate 4. minor blow marks on the back, two blow marks on the hand and two contusions on the scalp;
- inmate 5. two bruises on the scalp and one on the forehead as well as fifteen oblong red and painful blow marks measuring 8 to 10 cm on the back;
- inmate 6. ten oblong blow marks measuring 10 to 40cm on the back.

55. The report drawn up by the Ministry of Justice following an internal inquiry concluded that force had been used prematurely and that the means employed had been disproportionate: "It would have been more appropriate if staff working with the young persons had attempted to convince them before the intervention". Moreover, the young persons concerned "could have been restrained by using physical force only," although, in some cases, "more time and effort would have been required".

Further, it would seem that, on occasion, the use of force had been completely without justification. The report states that one young person received two blows from officers using batons after he had been brought under control; a second young person was hit with a baton while being searched although, apparently, "he did not resist the search"; and a third person, "against whom means of coercion had already been used" and who refused to get up the following morning, was "dragged out of bed" and "struck twice with a baton".

The report also criticises the fact that basic medical help was not provided immediately after the incident, it being "astonishing that [the young persons concerned] were medically examined only on the following day".

56. The action taken by the Ministry of Justice on the basis of its investigation involved inter alia the replacement of the establishment's Director and certain senior members of staff (notably the Chief Guard and the Head Educator), with the stated objective of enabling newly appointed staff to manage the establishment in a sensitive and humane manner, and to assist other members of staff in developing their full potential in the performance of their duties.

The CPT welcomes this decisive response by the Slovenian authorities. However, reference should also be made to the discussions of the CPT's delegation with the Centre's staff; the delegation gained the impression that the staff felt that, on occasion, they were not fully supported by the authorities responsible for the Centre at the Ministry of Justice and that they doubted whether their concerns would be taken into account in the reorganisation of the establishment.

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57. The CPT has taken careful note of the provisions of the Law on the implementation of penal sanctions and the Rules on the execution of the duties of prison officers concerning the use of means of coercion. The latter stipulate that batons should not, in principle, be used in cases of passive resistance and that prison officers should avoid striking the head or other sensitive parts of the body. Further, section 48 of the Rules provides that resort to "means of coercion shall only be allowed if there is no other way" to fulfil a lawful duty and that prison officers are "obliged to use the mildest means of coercion" required in the circumstances.

It should also be mentioned that prison officers interviewed by the CPT's delegation stated that in-service training during the last few years had led to a decrease in the use of batons and other similar instruments of restraint; more particularly, training in control and restraint techniques (i.e. physical force as opposed to handcuffs, batons and tear gas) had apparently led to a decrease in the number and severity of injuries sustained by prisoners behaving in an unruly manner.

Nevertheless, the information set out under paragraphs 51 to 55 indicates that there is still considerable progress to be made in this area. **The CPT recommends that the Slovenian authorities issue clear instructions to the effect that the use of batons as a means of dealing with aggressive behaviour or passive resistance is only permissible if absolutely necessary to safeguard the physical integrity of staff or other inmates or to prevent serious damage to property. It should be stated unambiguously that there can never be any justification for using batons against a prisoner who has been brought under control.**

58. **More generally, the CPT recommends that the relevant authorities in the Ministry of Justice, as well as directors of prisons and of other places of detention under the Ministry's authority, deliver to their subordinates the clear message that ill-treatment of inmates is not acceptable and will be dealt with severely.**

In this connection, **the CPT would like to receive the following information for 1993 and 1994:**

- **the number of complaints of ill-treatment lodged against staff at prisons and other places of detention under the authority of the Ministry of Justice and the number of disciplinary and/or criminal proceedings initiated as a result of those complaints;**
- **an account of disciplinary/criminal sanctions imposed on the grounds of ill-treatment by staff in the above-mentioned places of detention.**

59. As already stated, the provision of suitable education on human rights questions and of adequate professional training is an essential element of any strategy for the prevention of ill-treatment (cf. paragraph 15). This is equally as true for prison staff as it is for police officers. **The CPT would like to receive detailed information on the provision of human rights education and professional training (including in control and restraint techniques) -both initial and ongoing - for prison officers in Slovenia.**

**Further, the CPT considers that an aptitude for interpersonal communication should be a major factor in the process of recruiting prison officers and that, during the induction and in-service training of such officers, considerable emphasis should be placed on acquiring and developing interpersonal communication skills.**

60. As regards, more particularly, the Radeče Re-education Centre for young persons, **the CPT would like to receive information on the precise steps taken by the new management team to ensure that incidents such as the one which took place on 9 January 1995 are not repeated.**

**The Committee also wishes to be informed of whether disciplinary and/or criminal proceedings have been brought against any of the staff involved in the above-mentioned incident.**

Further, with regard to the remarks made in paragraph 56 (second sub-paragraph), **the CPT trusts that effective means will be found to ensure that the concerns of staff of all grades are taken into account by the new management of the establishment and by the relevant authorities at the Ministry of Justice.**

### **3. Conditions of detention in the prisons visited**

#### **a. material conditions**

61. In general, **Dob Prison** provided clean and decent accommodation for prisoners. The bulk of the inmates were accommodated in dormitories of 35m<sup>2</sup> or (in most cases) 60m<sup>2</sup>. Each dormitory possessed a sanitary annex (comprising a partitioned lavatory, urinal, two washbasins, a sluice and a shower); those facilities were readily accessible at all times, including at night. Every two dormitories shared a sizeable TV room and a wide corridor/entrance hall; prisoners could move freely within these areas during the day. The dormitories were furnished with beds and lockers, and the common areas with tables and benches. All the premises benefitted from good natural light and artificial lighting, and had adequate ventilation.

62. A 60m<sup>2</sup> dormitory accommodated some eight to ten inmates; at this level of occupation, the dormitories provided sufficient living space, particularly given that inmates spent a large proportion of the day outside their dormitories.

However, the delegation was told that, in the past, the Prison had operated at or beyond its official capacity, the peak being an occupancy level of 700 inmates. In this connection, the CPT would point out that a dormitory of 60m<sup>2</sup> should never be used to accommodate more than twelve prisoners and one of 35m<sup>2</sup> more than seven. Further, for a variety of reasons, smaller accommodation units are far preferable to larger dormitories. The CPT therefore welcomes the renovation work currently under way in Dob Prison (cf. paragraph 64).

63. There were also a number of cells designed for single occupancy, in both the admissions and the reinforced security units as well as in the ordinary units. They measured some 7m<sup>2</sup>, including a sanitary annex (with or without a partition) comprising a wash basin and lavatory. The delegation found that in certain sections of the prison - notably in Unit III - two inmates were accommodated in such cells. A cell measuring 7m<sup>2</sup> is adequate for single occupation, but provides cramped accommodation for two persons; **the CPT therefore recommends the Slovenian authorities to take steps to ensure that these cells only accommodate one person (save for specific situations when it is not appropriate for a prisoner to be left alone).**

64. The delegation noted that a renovation and refurbishment project was under way in Dob Prison. This involved, inter alia, replacing dormitory accommodation with smaller multi-occupancy cells, grouped in units sharing common sanitary facilities and recreation/association areas.

The delegation visited one section in the process of being adapted in such a way. It observed that, in addition to single cells (of over 8m<sup>2</sup>), multi-occupancy cells (measuring some 13 to 20m<sup>2</sup>) were being built, and was told that the latter were intended to accommodate two or, in the case of the larger cells, three prisoners each. The CPT considers that the proposed capacity for the new cellular accommodation is quite satisfactory.

The sanitary facilities were similar to those described in paragraph 61 above. The delegation was also informed that the newly constructed cells would operate under an open-door regime throughout the day. Further, it was foreseen that cells would be fitted with a call system and electronically operated doors, thereby ensuring that prisoners have ready access to toilet facilities at all times.

65. Material conditions were less favourable in some parts of **Ljubljana Prison**, particularly those occupied by remand prisoners (the ground floor and part of the first floor). It should be noted that, although they constituted nearly 60% of the prison's population, remand prisoners appeared to occupy less than 40% of the available cellular space. Nevertheless, as at Dob, the prisoner accommodation in the establishment was in general in an adequate state of cleanliness and repair.

The majority of cells measured some 18m<sup>2</sup>, including a sanitary annex (a wash basin and lavatory). In addition, the remand section of the prison disposed of a number of cells measuring approximately 8m<sup>2</sup>, including a sanitary annex. The cells were suitably furnished (beds, lockers, a table and stools), had adequate lighting (including access to natural light) and ventilation, and were fitted with a call system. Further, the sanitary facilities were for the most part properly partitioned from the rest of the cell. However, **in some cells the degree of partitioning was not satisfactory. Further, the state of repair of certain of the sanitary facilities left something to be desired.**

66. The larger (18m<sup>2</sup>) cells had a maximum capacity of six prisoners, and a number of remand prisoners were held at this level of occupation. The smaller (8m<sup>2</sup>) cells were designated to accommodate two remand prisoners.

At their maximum capacity, both types of cell provided only cramped accommodation for prisoners. Moreover, in the case of remand prisoners, the deleterious effects of overcrowding were exacerbated by the very restrictive regime which was offered to them (cf. paragraph 71).

In view of the above remarks, **the CPT recommends that efforts be made to reduce the number of prisoners held in the cells measuring 18m<sup>2</sup> to a maximum of four, and to accommodate only one prisoner in each cell measuring 8m<sup>2</sup>.**

67. Other facilities seen by the CPT's delegation in **Dob and Ljubljana Prisons** were on the whole of an acceptable standard. This was the case for reception and visiting facilities, common rooms and association areas.

As regards outdoor exercise areas, they were spacious and were partly laid out as sports grounds; however, **the CPT considers that they should be provided with a means of shelter against inclement weather.**

b. regime

68. The information gathered by the CPT's delegation in the course of the visit indicates that the programmes of activities provided to **sentenced prisoners** in Slovenia are aimed at ensuring that they retain and, if possible, develop their links with the community. Considerable efforts are made to strengthen and develop family ties, as well as social and work skills. Preparation for the post-release phase (including job placement) is accorded an important place in this process. Attention is also paid to the treatment of prisoners with problems related to alcohol abuse, (apparently, other forms of drug-abuse remain comparatively rare amongst the Slovenian prison population).

The educators and social workers (who constitute a significant proportion of the prison staff in Slovenia) with whom the delegation spoke stated that a prisoner who took an active part in these programmes could progress rapidly to a semi-open or open regime. On occasion, a proposal for early release would be made to the Ministry of Justice.

69. The situation observed at Dob Prison was particularly praiseworthy. There, prisoners enjoyed generous out-of-cell time and access to a range of sport and associative activities. Sport facilities included a football field and a basketball court. Moreover, indoor recreation facilities (fitness rooms) were available in each unit. Sport/exercise/association facilities for sentenced prisoners at Ljubljana Prison were also of an adequate standard.



Further, the delegation was informed that jobs (in the fire extinguishing equipment plant, kitchen, maintenance, etc.) were available for all prisoners at Dob willing to work; in practice, only a small number of prisoners did not work. However, as regards the fire extinguishing equipment plant, the delegation observed that although some safety equipment was available for inmates, very limited use of it was being made. **The CPT invites the Slovenian authorities to place more emphasis on safe working practices in the fire extinguishing equipment plant at Dob Prison.**

In general, sentenced prisoners in Ljubljana Prison were offered work options with vocational value (metal-work, galvanizing, assembly, carpentry); however, the work seemed to be performed in somewhat neglected and outdated workshops. As in Dob Prison, the delegation was informed that there was a surplus of jobs over the number of prisoners willing to do the work involved.

70. This generally favourable impression of the regimes offered to sentenced prisoners was somewhat impaired by the fact that education was offered only to elementary school level. As regards, in particular, an establishment such as Dob Prison - which accommodates prisoners serving sentences of a significant number of years - the range of educational activities offered should be sufficiently broad to meet the initial and developmental needs of its inmates. More generally, it should be borne in mind that enhanced educational opportunities can form a valuable counterpoint to vocational training in the rehabilitation of prisoners.

Consequently, **the CPT recommends that efforts be made to develop a wider range of educational programmes which, preferably, lead to the acquisition of recognised qualifications.**

71. By contrast, **remand prisoners** at Ljubljana Prison were offered nothing which remotely resembled a regime.

Apart from the two hours daily outdoor exercise, two showers per week and visits, remand prisoners spent their time idle in their cells (though they could have their own television and radio as well as reading matter). No other associative or educational activities were provided. A few work places were on offer for the assembly of ballpoint pens, a poorly rewarded and scarcely stimulating job which was performed within the prisoner's cell. In short, almost without exception, remand prisoners spent up to 22 hours per day locked in their cells, with little or nothing to occupy their time. The CPT was particularly concerned to learn that some remand prisoners were detained in such conditions for several months and, on occasion, more than one year.

Whilst the Committee recognises that it will remain difficult to provide a full range of regime activities in a prison with a comparatively high turnover of inmates on remand, efforts must be made to improve the situation seen at Ljubljana Prison. **The CPT therefore recommends that a thorough examination of the means of improving the regime activities offered to remand prisoners be undertaken without delay; the aim should be to ensure that remand prisoners in Slovenia spend a reasonable part of the day (8 hours or more) outside their cells, engaged in purposeful activities of a varied nature (work, preferably with vocational value; education; sport; recreation/association).**

#### 4. Medical issues

72. The CPT attaches considerable importance to the general principle that prisoners are entitled to a level of health care comparable to that enjoyed by persons living in the community at large.

In this connection, the medical members of the delegation which carried out the visit were struck by the professional competence displayed by the doctors and other medical staff met at Dob and Ljubljana Prisons. The number of doctors and other health-care workers employed, as well as the hours in attendance at the prisons, were sufficient to enable an appropriate medical service to be provided in both the establishments. Further, the premises occupied by the health-care services and the standard of equipment were satisfactory in both prisons.

However, in the light of its delegation's observations in Ljubljana Prison, **the CPT recommends that steps be taken to ensure the strict confidentiality of medical data.**

73. Adequate health care was also guaranteed in cases falling outside the scope of the general and specialist (dentistry, dermatology, psychiatry) medical services provided in the prisons; referral of prisoners to hospital (or in certain cases, e.g. for minor emergencies, to a health centre) was decided on exclusively medical grounds and, in principle, was not subject to any undue delay.

Nevertheless, the CPT's delegation observed in the prisons visited the presence of a number of persons on normal location who displayed symptoms of mental disturbance (in one case verging on active psychosis). In this connection, medical staff in the prisons visited informed the delegation that they tried to avoid as far as possible sending prisoners to a psychiatric hospital, as the conditions in the closed wards of those establishments tended to be worse than in prison and the legal position of such inmates after admission to a closed ward was apparently uncertain.

In the view of the CPT, a mentally ill prisoner should be kept and cared for in an appropriately equipped and staffed hospital setting, be it a general psychiatric hospital or a specially equipped psychiatric unit within the prison system. **The CPT recommends that the Slovenian authorities ensure that this requirement is met.**

74. From the information gathered, it appears that certain newly admitted prisoners, and more particularly remand prisoners, might have to wait a considerable time before receiving a medical examination.

The CPT considers that all newly admitted prisoners - sentenced or on remand - should be seen without delay by a member of the prison health-care service and, if necessary, given a medical examination. This medical screening on admission could be undertaken either by a doctor or by a qualified nurse reporting to a doctor. Moreover, any signs of violence observed on admission should be fully recorded, together with any relevant statement by the prisoner and the doctor's conclusions; this information should be made available to the prisoner. The same approach should be followed whenever the prisoner is medically examined following a violent episode in the prison.

**The CPT recommends that the Slovenian authorities take the necessary steps to ensure that practice is consistent with the points made above.**

75. The delegation was informed that the presence of HIV+ prisoners (or for that matter prisoners who had developed AIDS) was rare in Slovenian prisons. There was no general screening for HIV; however, prisoners could request an HIV test.

Some information concerning HIV and other communicable diseases was apparently provided to prison staff (though no copies of the brochure in question were available at the time of the visit). On the other hand, no information was systematically given to prisoners.

The CPT considers that prison health-care services should regularly provide information to both prisoners and prison staff on transmissible diseases (in particular, hepatitis, AIDS, tuberculosis and skin diseases). With particular regard to AIDS, appropriate counselling and support should be provided before and - if necessary - after any HIV screening test. Prison staff should receive training about the preventive measures to be taken and the attitude to adopt towards those who are HIV-positive, and be given appropriate instructions on non-discrimination and confidentiality.

**The CPT recommends that the Slovenian authorities take the appropriate steps, in the light of the above points.**

#### **5. Other issues of relevance to the CPT's mandate**

##### **a. placement of minors in adult prisons**

76. The CPT's delegation was concerned to note that, at the time of the visit, a number of minors were being held in the remand section of Ljubljana Prison. In one case, a boy of 14½ years of age was found to be sharing a cell with a number of adult male prisoners, whose ages ranged from 19 to 46.

In this respect, the CPT wishes to make clear that, unless it is clearly in the interest of the young person concerned, a minor should not be detained in cellular/dormitory accommodation which is also used by adult prisoners. Preferably, minors should be held in a quite distinct detention facility. The CPT also wishes to stress that young persons in custody should be provided with a full regime of educational, recreational and other purposeful activities. Physical education should constitute a significant element of that regime. Moreover, the staff assigned to units accommodating juveniles should be carefully chosen and, more specifically, be persons capable of guiding and motivating young people.

**The CPT recommends that the Slovenian authorities take appropriate steps in the light of the above remarks.**

b. contact with the outside world

77. Arrangements designed to ensure that **sentenced prisoners** in Slovenia retained and developed their ties with the outside world were, on the whole, satisfactory.

78. A not insignificant number of sentenced prisoners were granted home leave every weekend or on alternate weekends. However, some complaints were heard from prisoners of non-Slovenian nationality resident in Slovenia who did not benefit from home leave. Certain of those persons claimed that they had benefitted from that privilege, but had been deprived of it following the declaration of independence of the Republic of Slovenia. **The CPT would like to receive the comments of the Slovenian authorities on this subject.**

Those sentenced prisoners not benefitting from weekend leave nonetheless had very generous visiting arrangements; prisoners were entitled to receive visits from their family and friends for several hours (a maximum of four hours in Ljubljana Prison and of five hours in Dob Prison) every Saturday. Visits took place in indoor facilities or outdoor areas which provided a good level of privacy for prisoners, and most visits were of an open nature.

As regards more particularly Dob Prison, some inmates were allowed to leave the prison compound for up to five hours, provided they remained within a radius of ten kilometres of the prison. Those who did not benefit from this possibility had the option to receive intimate visits lasting one hour in one of the five rooms available for the purpose; those rooms provided decent and clean conditions and were adequately furnished for that type of visit.

79. By contrast, **remand prisoners** in Ljubljana were only allowed one supervised visit a week (on Wednesday) lasting for a mere 15 minutes (though visits from lawyers were unsupervised and had no limit as to frequency and duration). This is not sufficient to allow a remand prisoner to maintain good relations with his family and friends. **The CPT recommends that the visiting entitlement for remand prisoners be substantially increased.**

80. As regards other forms of contact with the outside world, in principle there were no restrictions on the correspondence and telephone contacts of sentenced prisoners, though some restrictions were on occasion applied on the ground that the prisoner had proffered threats or otherwise abused members of his family. The delegation was informed that, at the time of the visit, only five sentenced prisoners in Ljubljana were subject to such restrictions.

Once again, the situation was much less favourable for persons on remand in Ljubljana Prison; all their correspondence was transmitted through the court under the authority of which the inmate in question was remanded in custody, and was subject to supervision. Some allegations were heard of delays in forwarding the correspondence to the inmate concerned or addressee. Further, use of the telephone was subject to express authorisation by the relevant judge.

While recognising the need to take special precautions regarding the contacts of at least certain remand prisoners with the outside world, **the CPT invites the Slovenian authorities to verify that the correspondence of such prisoners is not subject to undue delays and to seek to facilitate access of such prisoners to the telephone.**

c. segregation/disciplinary measures

81. In both prisons visited, an agitated or violent prisoner could be placed in a padded or, more euphemistically, "medical" cell. At Ljubljana Prison, the delegation noted that recourse to placement in the padded cell was rare; further, it was limited to those cases where the state of agitation of the person concerned could involve a risk to his own physical integrity or that of others. The delegation was also informed that the psychiatrist or, in his absence, the doctor would visit the person concerned as soon as possible following his placement in the padded cell.

Recourse to placement in the padded cell was more frequent in Dob Prison. Further, allegations were heard that the visit by the doctor could on occasion be delayed for a considerable time. The delegation was informed that the prison doctor had recently been called upon to examine a person on the day following his placement in the padded cell; apparently the doctor found no medical reason to justify the measure and requested that the prisoner be immediately removed from that cell. In this context, **the CPT recommends that placement of an agitated or violent prisoner in a padded cell be effected on the express instruction of a doctor or immediately brought to the attention of a doctor for his approval.**

82. The most severe disciplinary measure that could be applied was solitary confinement for up to twenty one days (other disciplinary measures included reclassification in a more strict regime and the temporary withdrawal of privileges).

Material conditions in the disciplinary cells at both prisons visited were satisfactory; the cells were of an acceptable size, adequately equipped (bed, table and stool, lavatory), and properly lit (including access to natural light) and ventilated.

Inmates undergoing solitary confinement as a disciplinary measure were allowed to take their personal belongings with them, including a radio, but not a television set. Further, in Ljubljana Prison, inmates continued to have their meals in the prison's dining room. In both Dob and Ljubljana Prisons, a person undergoing solitary confinement as a sanction might be allowed to continue to work outside the cell.

83. To sum up, the conditions of detention of persons placed in solitary confinement as a sanction gave no grounds for concern.

Nevertheless, the CPT wishes to point out that at Dob Prison, the delegation was informed that inmates undergoing solitary confinement as a sanction were not allowed to lie down on their bed during the day; in Ljubljana, the delegation was told that this had also been the case in the past, but that this measure was no longer applied. **The CPT would like to receive the comments of the Slovenian authorities on this subject.**

84. It should be added that a small number of inmates in Dob Prison were subject to an involuntary segregation regime, in the interest of good order within the establishment. However, their situation was far from what is normally considered to be a solitary confinement regime. The prisoners were allowed a minimum of one hour of outdoor exercise per day (which they took together with other prisoners), were entitled to work in the prison's factory and were usually allowed to eat together with other prisoners in the dining room.

Nevertheless, from the discussions held with such prisoners, it appeared that they were provided with very little information on the reasons for their being subjected to this regime, and on avenues open to them to challenge their placement. Moreover, although there was an ongoing assessment of the situation of those inmates by the treatment team, it appeared that there was no formal periodic revision procedure allowing the prisoner concerned to make known his views. **The CPT would like to receive the comments of the Slovenian authorities on this matter.**

d. complaints and inspection procedures

85. 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 all 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 the premises.

86. Prisoners in Slovenia can address written complaints to the prison management, the Ministry of Justice, the Human Rights Ombudsman and the judge having supervisory duties (as regards sentenced prisoners, the President of the local district court and, where remand prisoners are concerned, the judge under whose authority they are held in custody). Moreover, a prisoner may request to see the Prison Director or the supervisory judge in order to formulate complaints verbally. **The CPT would like to receive confirmation that the above-mentioned written complaints are transmitted by confidential letter. Further, it invites the Slovenian authorities to add the President of the CPT to the list of authorities with whom prisoners can communicate by confidential letter.**

87. It should also be noted that the President of a district court has a duty to visit the places where sentenced prisoners are held within his jurisdiction at least once a month. In this connection, it appeared that while Dob Prison was regularly visited by the judge concerned (who visited in particular the disciplinary unit, the kitchen and the living quarters of prisoners), such visits were rare at Ljubljana Prison.

**The CPT invites the Slovenian authorities to encourage all competent district court judges to visit the places of detention falling under their jurisdiction on a regular basis. As regards remand prisoners, similar encouragement should be given to judges responsible for such prisoners. During their visits, judges should make themselves "visible" to both the prison authorities and staff and the prisoners. They should not limit their activities to seeing persons who have expressly requested to meet them, but should take the initiative by visiting the establishment's detention areas and entering into contact with inmates.**

88. As already indicated, the Human Rights Ombudsman has the power to inspect prisons (cf. paragraph 45). **The CPT would like to receive an account of his activities in this respect since his appointment in 1994.**

e. information for prisoners

89. Discussions with inmates held in both Dob and Ljubljana Prisons suggested that prisoners did not receive on arrival any information on the establishment's day-to-day rules. This state of affairs made the situation particularly difficult for prisoners of foreign origin.

In the library at Ljubljana Prison, the delegation was shown one copy of the house rules, in Slovenian, which was apparently available for consultation by inmates. However, it was not available in the other languages commonly spoken by prisoners.

90. **The CPT recommends that all newly admitted prisoners be supplied with written information on the regime in force in the establishment and on their rights and duties, in a language which they understand.**

Apart from this information supplied to prisoners on arrival, **it would be useful if a description of the main features of the prison's regime, a list of prisoners' rights and duties and an outline of the avenues of appeal open to them were to be posted on the prison notice boards. This information should be available in an appropriate range of languages.**





### III. RECAPITULATION AND CONCLUSIONS

#### A. Police establishments

91. The CPT's delegation heard no allegations of torture of persons detained by the police in Slovenia and found no other evidence of such treatment during the visit.

However, allegations were heard of physical ill-treatment of persons detained by police officers. A number of persons alleged that they had been subjected to the excessive use of force (in particular, the infliction of blows with batons) by police officers at the time of arrest. Further, some allegations were heard of blows (slaps and punches) inflicted by criminal investigation officers in the course of questioning.

92. The CPT has recommended that police officers be reminded that no more force than is reasonably necessary should be used when effecting an arrest and that, once arrested persons have been brought under control, there can never be any justification for striking them. More generally, it has recommended that senior police officers deliver to their subordinates the clear message that the ill-treatment of detained persons is not acceptable and will be the subject of severe sanctions.

In addition, the Committee has stressed that one of the most effective means of preventing ill-treatment by police officers lies in the diligent examination of complaints of such treatment and, where appropriate, the imposition of suitable disciplinary and/or penal sanctions.

93. As regards formal safeguards against ill-treatment of persons detained by the police, it is noteworthy that both the right of notification of custody and the right of access to a lawyer are formally guaranteed.

However, the CPT has recommended that the notification of custody requested by a detained person be carried out without delay, and that any possibility exceptionally to delay notification be clearly circumscribed, made subject to appropriate safeguards (e.g. any delay to be recorded in writing together with the reasons therefor and to require the approval of a senior officer or public prosecutor) and strictly limited in time. The CPT has also recommended that the right of access to a doctor of the detainee's choice be formally guaranteed.

94. Further, the CPT has recommended that a form setting out in a straightforward manner the rights of detainees, including those referred to above, be given systematically to persons detained by the police at the outset of their custody, and that a code of practice for police interrogations be drawn up.

95. It should be added that the CPT was concerned to note that at the Criminal Investigation Department, the detention of a person was not always immediately recorded in the custody register, and would not be recorded at all if the detention period lasted less than six hours. The Committee has recommended that steps be taken to ensure that whenever a person is detained in a police establishment, for whatever reason (including for identification purposes) and for whatever length of time, the fact of his detention is recorded without delay.

96. Material conditions of detention in the police establishments visited varied from reasonably good to rather poor. The shortcomings observed related principally to lighting, hygiene and sleeping arrangements for persons held overnight. By far the worst conditions seen in a police establishment in Slovenia were those in **Ljubljana-Centre Police Station**, where the three basement cells had a dungeon-like aspect - the conditions in the cells at the time of the visit rendered them unfit to hold persons for any length of time whatsoever.

The CPT has recommended that conditions of detention in the police establishments visited be reviewed in the light of the delegation's findings. More generally, it has recommended that the Slovenian authorities take steps to ensure that conditions in all police detention facilities in Slovenia meet the general standards set out in its report.

97. The CPT's delegation learned that no food was provided to detained persons while being held in police stations or at the Criminal Investigation Department. Such persons were fed only if and when they were transferred to the police holding facilities in Povšetova, which meant in particular that persons held by the Criminal Investigation Department might be interrogated over the course of a whole day without receiving food. The CPT has therefore recommended that the Slovenian authorities take urgent steps in order to ensure that persons detained by the police receive food at appropriate times, including at least one full meal every day.

## **B. Prisons and the Radeče Re-education Centre for Young Persons**

98. The CPT's delegation heard no allegations of torture, and gathered no other evidence of such treatment, of prisoners or young persons by staff in the establishments visited or in other establishments in Slovenia falling under the authority of the Ministry of Justice. At **Ljubljana Prison**, no allegations were heard and no other evidence was found of other forms of ill-treatment of prisoners by staff.

At **Dob Prison**, two prisoners alleged that they had been beaten by staff - one in May 1994 and the other in July 1994. The first case involved an incident in which baton blows had been inflicted upon a prisoner in order to quell his disruptive conduct. In the second case, the prisoner concerned alleged that, having objected to being strip-searched within sight of other prisoners, he was punched by a prison officer. Information provided to the delegation showed that when they were subsequently medically examined both prisoners displayed injuries consistent with their allegations.

It should be added, however, that day to day dealings between prisoners and staff in both Ljubljana and Dob Prisons appeared to be relatively relaxed.

99. The CPT has also considered the information gathered by its delegation concerning an incident which occurred at the **Radeče Re-education Centre for Young Persons** on 9 January 1995. It would appear that, in the course of an operation designed to bring an end to disruptive behaviour by a small group of young persons, a number of inmates were struck repeatedly with batons by members of an "intervention" squad made up of prison officers drawn from other establishments. Medical information provided to the delegation confirmed that the inmates concerned had sustained injuries as a result of the above-mentioned intervention; several of the young persons displayed injuries consistent with the infliction of multiple baton blows.

The report drawn up by the Ministry of Justice following an internal inquiry had concluded that force had been used prematurely and that the means employed had been disproportionate. Moreover, it would seem that, on occasion, the use of force had been completely without justification. In this respect, the CPT has welcomed the decisive action taken by the Ministry of Justice (including the replacement of the establishment's Director and certain senior members of staff). At the same time, the Committee has expressed the hope that the concerns of staff at the Radeče Re-education Centre will be taken into account by the new management of the establishment and the relevant authorities at the Ministry of Justice.

100. Strict rules apply vis-à-vis the use of means of coercion, and apparently greater emphasis has been placed in recent times on the use of control and restraint techniques (i.e. physical force as opposed to instruments of restraint such as batons). Nevertheless, the information gathered by the CPT's delegation indicates that there is still considerable progress to be made in ensuring that batons are not used against inmates in an inappropriate manner. The CPT has recommended, in particular, that clear instructions be issued to the effect that the use of batons as a means of dealing with aggressive behaviour or passive resistance is only permissible if absolutely necessary to safeguard the physical integrity of staff or other inmates or to prevent serious damage to property. It should be stated unambiguously that there can never be any justification for using batons against a prisoner who has been brought under control.

101. As regards material conditions, in general **Dob Prison** provided clean and decent accommodation for prisoners. However, the delegation found that in certain sections of the prison two inmates were accommodated in cells measuring 7m<sup>2</sup>; this cell size is adequate for single occupation, but provides only cramped accommodation for two persons.

102. Material conditions were less favourable in some parts of **Ljubljana Prison**, particularly those occupied by remand prisoners. The majority of the cells measured approximately 18m<sup>2</sup> (with a maximum capacity of six prisoners) and some measured 8m<sup>2</sup> (for two prisoners). At their maximum capacity, both types of cell provided only cramped accommodation for prisoners. Moreover, in the case of remand prisoners, the deleterious effects of overcrowding were exacerbated by the very restrictive regime which was offered to them.

The CPT has recommended that efforts be made to reduce the number of prisoners held in the cells measuring 18m<sup>2</sup> to a maximum of four, and to accommodate only one prisoner in cells measuring 8m<sup>2</sup>.

103. As regards regimes, the delegation observed that inmates at **Dob Prison** (all of whom were sentenced) enjoyed generous out-of-cell time and access to a range of sport and associative activities. Further, the delegation was informed that jobs were available for all prisoners who were willing to work. In general, sentenced prisoners in **Ljubljana Prison** were also offered work options with vocational value.

This generally favourable impression of the regimes offered to sentenced prisoners at both establishments was somewhat impaired by the fact that education was offered only to elementary school level. Consequently, the CPT has recommended that efforts be made to develop a wider range of educational programmes which, preferably, lead to the acquisition of recognised qualifications.

104. By contrast, remand prisoners at **Ljubljana Prison** were offered nothing which remotely resembled a regime. Almost without exception, such inmates spent up to 22 hours per day in their cells, with little or nothing to occupy their time; some remand prisoners were detained in such conditions for several months and, on occasion, for more than one year.

The Committee has recommended that a thorough examination of the means of improving the regime activities offered to remand prisoners be undertaken without delay; the aim should be to ensure that remand prisoners in Slovenia spend a reasonable part of the day (8 hours or more) outside their cells, engaged in purposeful activities of a varied nature (work, preferably with vocational value; education; sport; recreation/association).

105. Turning to medical issues, the CPT's delegation was struck by the professional competence displayed by the doctors and other medical staff met at **Dob** and **Ljubljana Prisons**. Further, the premises occupied by the health-care services and the standard of equipment were satisfactory in both establishments.

Nonetheless, the Committee has recommended that steps be taken to ensure the strict confidentiality of medical data and to ensure that all newly admitted prisoners - sentenced or on remand - are seen without delay by a member of the prison health-care service and, if necessary, given a medical examination.

106. The CPT has also addressed the questions of the treatment of mentally-ill prisoners and the provision of information about transmissible diseases.

In the light of the information gathered during the visit, the Committee has recommended that the Slovenian authorities ensure that mentally-ill prisoners are kept and cared for in an appropriately equipped and staffed hospital setting, be it a general psychiatric hospital or a specially equipped psychiatric unit within the prison system.

As regards transmissible diseases, the CPT has recommended that information be provided regularly by the prison health-care service to both prisoners and prison staff. With particular regard to AIDS, appropriate counselling and support should be provided before and - if necessary - after any HIV screening test, and prison staff should receive training about the preventive measures to be taken and the attitude to adopt towards those who are HIV-positive and be given appropriate instructions on non-discrimination and confidentiality.

107. The Committee has made a number of recommendations and comments about a variety of other issues of relevance to its mandate (the placement of minors in adult prisons; contact with the outside world; segregation/disciplinary measures; complaints and inspection procedures and information for prisoners). Of these, it would emphasise its recommendations that minors should not be detained in cellular/dormitory accommodation which is also used by adult prisoners unless it is clearly in the interest of the young persons concerned, and that the visiting entitlement for remand prisoners should be substantially increased.

**C. Action on the CPT's recommendations, comments and request for information**

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

109. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the CPT requests the Slovenian 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 Slovenian 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. Torture and other forms of ill-treatment**

###### recommendations

- police officers to be reminded that no more force than is reasonably necessary should be used when effecting an arrest and that, once arrested persons have been brought under control, there can never be any justification for striking them (paragraph 14);
- senior police officers to deliver to their subordinates the clear message that the ill-treatment of detained persons is not acceptable and will be the subject of severe sanctions (paragraph 14).

###### comments

- the provision of suitable education on human rights questions and of adequate professional training is an essential element of any strategy for the prevention of ill-treatment (paragraph 15).

###### requests for information

- as regards the deceased person to whom reference is made in paragraph 13, a copy of all medical records drawn up by the doctors who examined him on 30 July 1994, of the autopsy report and of the opinion or opinions given by forensic doctors in respect of the injuries which he had sustained (paragraph 13);
- information on human rights education and professional training - both initial and ongoing - for police officers in Slovenia (paragraph 15);
- information for the years 1993-1994 on:
  - the number of complaints of ill-treatment lodged against police officers and the number of disciplinary and/or criminal proceedings initiated as a result of those complaints;
  - an account of disciplinary/criminal sanctions imposed on the grounds of ill-treatment by the police (paragraph 16).

## **2. Conditions of detention in police establishments**

### recommendations

- conditions of detention in the police establishments visited by the CPT's delegation to be reviewed, in the light of the remarks made in paragraphs 19 to 23 of the report (paragraph 24);
- the Slovenian authorities to take steps to ensure that all police detention facilities in Slovenia comply with the criteria set out in paragraph 17 of the report (paragraph 24);
- the Slovenian authorities to take urgent steps to ensure that persons detained by the police receive food at appropriate times, including at least one full meal every day (paragraph 26).

### comments

- conditions in the cells at Ljubljana-Centre Police Station at the time of the delegation's visit rendered them unfit to hold persons for any length of time whatsoever (paragraph 21).

## **3. Safeguards against ill-treatment**

### recommendations

- the necessary steps to be taken to ensure:
  - that the notification of custody requested by a detained person is carried out without delay;
  - that any possibility exceptionally to delay notification of custody is clearly circumscribed, made subject to appropriate safeguards (e.g. any such delay to be recorded in writing together with the reasons therefor and to require the approval of a senior officer or public prosecutor) and strictly limited in time (paragraph 31);
- the right of access to a doctor of the detainee's own choice to be formally guaranteed (paragraph 36);
- a form setting out in a straightforward manner the rights of detainees, including those referred to in paragraphs 29 to 36, to be given systematically to persons detained by the police at the outset of their custody. This form should be available in an appropriate range of languages (paragraph 37);
- the Slovenian authorities to draw up a code of practice for police interrogations (paragraph 39);
- steps to be taken to ensure that whenever a person is detained in a police establishment, for whatever reason (including for identification purposes) and for whatever length of time, the fact of his detention is recorded without delay (paragraph 42).



comments

- detainees should be expressly informed of the possibility to have the fact of their detention notified to a third party of their choice (whether a close relative or not) and, in the case of foreign nationals, to their consul (paragraph 29);
- the Slovenian authorities are invited to consider the possibility of introducing a system for the electronic recording of police interrogations. The system should offer all appropriate safeguards (for example, the consent of the detainee and the use of two tapes, one of which would be sealed in the presence of the detainee and the other used as a working copy) (paragraph 40);
- certain additional details could usefully be included in the custody records and forms currently used by the Slovenian police (e.g. when visited, when offered food, when interrogated, when transferred) (paragraph 41).

requests for information

- clarification of the precise content of the right of access to a lawyer at the stage of police custody; more particularly, information as to whether the detainee has a right, at that stage, to speak in private with a lawyer and to have the lawyer present during interrogation by the police (paragraph 33);
- the practice in Slovenia with regards to medical examinations of persons in police custody (whether they take place out of the hearing and out of the sight of police officers; and whether the results of the examination, as well as any relevant statements by the detainee and the doctor's conclusions, are recorded in writing and made available to the detainee and his lawyer) (paragraph 35);
- the mechanism applicable in Slovenia at the administrative level for examining complaints about treatment whilst in the custody of the police, including full details of the guarantees ensuring the objectivity and independence of the procedure (paragraph 44);
- confirmation that the power of the Ombudsman to inspect places of detention extends to inspections of police stations, and information on the use which has been made thereof (paragraph 45);
- whether on-the-spot supervision of the implementation by the police of custodial measures is undertaken by prosecuting/judicial authorities (paragraph 45).

## **B. Prisons and the Radeče Re-education Centre for Young Persons**

### **1. Torture and other forms of ill-treatment**

#### recommendations

- the Slovenian authorities to issue clear instructions to the effect that the use of batons as a means of dealing with aggressive behaviour or passive resistance is only permissible if absolutely necessary to safeguard the physical integrity of staff or other inmates or to prevent serious damage to property. It should be stated unambiguously that there can never be any justification for using batons against a prisoner who has been brought under control (paragraph 57);
- the relevant authorities in the Ministry of Justice, as well as directors of prisons and of other places of detention under the Ministry's authority, to deliver to their subordinates the clear message that ill-treatment of inmates is not acceptable and will be dealt with severely (paragraph 58).

#### comments

- an aptitude for interpersonal communication should be a major factor in the process of recruiting prison officers and, during the induction and in-service training of such officers, considerable emphasis should be placed on acquiring and developing such skills (paragraph 59);
- the CPT trusts that effective means will be found to ensure that the concerns of staff of all grades are taken into account by the new management of the Radeče Re-education Centre for Young Persons and by the relevant authorities at the Ministry of Justice (paragraph 60).

#### requests for information

- the following information for 1993 and 1994:
  - the number of complaints of ill-treatment lodged against staff at prisons and other places of detention under the authority of the Ministry of Justice and the number of disciplinary and/or criminal proceedings initiated as a result of those complaints;
  - an account of disciplinary/criminal sanctions imposed on the grounds of ill-treatment by staff in the above-mentioned places of detention (paragraph 58);
- detailed information on the provision of human rights education and professional training (including in control and restraint techniques) - both initial and ongoing - for prison officers in Slovenia (paragraph 59);

- the precise steps taken by the new management team of the Radeče Re-education Centre for Young Persons to ensure that incidents such as the one which took place on 9 January 1995 are not repeated (paragraph 60);
- whether disciplinary and/or criminal proceedings have been brought against any of the staff involved in the incident which took place at the Radeče Re-education Centre on 9 January 1995 (paragraph 60).

## **2. Conditions of detention in the prisons visited**

### recommendations

- the Slovenian authorities to take steps to ensure that the 7m<sup>2</sup> cells in Unit III of Dob Prison only accommodate one person (save for specific situations when it is not appropriate for a prisoner to be left alone) (paragraph 63);
- efforts to be made at Ljubljana Prison to reduce the number of prisoners held in the cells measuring 18m<sup>2</sup> to a maximum of four, and to accommodate only one prisoner in each cell measuring 8m<sup>2</sup> (paragraph 66);
- efforts to be made to develop a wider range of educational programmes which, preferably, lead to the acquisition of recognised qualifications (paragraph 70);
- a thorough examination of the means of improving the regime activities offered to remand prisoners to be undertaken without delay; the aim should be to ensure that remand prisoners in Slovenia spend a reasonable part of the day (8 hours or more) outside their cells, engaged in purposeful activities of a varied nature (work, preferably with a vocational value; education; sport; recreation/association) (paragraph 71).

### comments

- in some cells in Ljubljana Prison the degree of partitioning of sanitary facilities was not satisfactory. Further, the state of repair of certain of the sanitary facilities left something to be desired (paragraph 65);
- the outdoor exercise areas in Dob and Ljubljana Prisons should be provided with a means of shelter against inclement weather (paragraph 67);
- the Slovenian authorities are invited to place more emphasis on safe working practices in the fire extinguishing equipment plant at Dob Prison (paragraph 69).

### **3. Medical issues**

#### recommendations

- steps to be taken to ensure the strict confidentiality of medical data (paragraph 72);
- the Slovenian authorities to ensure that mentally ill prisoners are kept and cared for in an appropriately equipped and staffed hospital setting, be it a general psychiatric hospital or a specially equipped psychiatric unit within the prison system (paragraph 73);
- the Slovenian authorities to take the necessary steps to ensure that practice as regards medical screening on admission and subsequent medical examinations is consistent with the points made in paragraph 74, second sub-paragraph, of the report (paragraph 74);
- the Slovenian authorities to take steps to ensure that prison health-care services regularly provide information to both prisoners and prison staff on transmissible diseases; that appropriate counselling and support is provided before and - if necessary - after any HIV screening test; and that prison staff receive training about the preventive measures to be taken and the attitude to adopt towards those who are HIV-positive, and are given appropriate instructions on non-discrimination and confidentiality (paragraph 75).

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

#### recommendations

- the Slovenian authorities to take appropriate steps to ensure that, unless it is in the interest of the young person concerned, a minor is not detained in cellular/dormitory accommodation which is also used by adult prisoners (preferably, they should be held in a quite distinct detention facility). Young persons in custody should be provided with a full regime of educational, recreational and other purposeful activities; physical education should constitute a significant element of that regime. Moreover, staff assigned to units accommodating juveniles should be carefully chosen and, more specifically, be persons capable of guiding and motivating young people (paragraph 76);
- the visiting entitlement for remand prisoners to be substantially increased (paragraph 79);
- the placement of an agitated or violent prisoner in a padded cell to be effected on the express instruction of a doctor or immediately brought to the attention of a doctor for his approval (paragraph 81);
- all newly admitted prisoners to be supplied with written information on the regime in force in the establishment and on their rights and duties, in a language which they understand (paragraph 90).

comments

- the Slovenian authorities are invited to verify that the correspondence of remand prisoners is not subject to undue delays and to seek to facilitate access of such prisoners to the telephone (paragraph 80);
- the Slovenian authorities are invited to add the President of the CPT to the list of authorities with whom prisoners can communicate by confidential letter (paragraph 86);
- the Slovenian authorities are invited to encourage all competent district court judges to visit the places of detention falling under their jurisdiction on a regular basis. As regards remand prisoners, similar encouragement should be given to judges responsible for such prisoners. During their visits, judges should make themselves "visible" to both the prison authorities and staff and the prisoners; they should not limit their activities to seeing persons who have expressly requested to meet them, but should take the initiative by visiting the establishment's detention areas and entering into contact with inmates (paragraph 87);
- it would be useful if a description of the main features of the prison's regime, a list of prisoners' rights and duties and an outline of the avenues of appeal open to them were to be posted on the prison notice boards. This information should be available in an appropriate range of languages (paragraph 90).

requests for information

- the comments of the Slovenian authorities on the subject of home leave for prisoners of non-Slovenian nationality resident in Slovenia (paragraph 78);
- the comments of the Slovenian authorities on the subject of inmates undergoing solitary confinement as a sanction being treated differently at Dob and Ljubljana Prisons as regards the possibility to lie down on their bed during the day (paragraph 83);
- as regards prisoners subject to an involuntary segregation regime in Dob Prison, the comments of the Slovenian authorities on:
  - the apparent paucity of information provided to those prisoners on the reasons for their placement under that regime and on the avenues open to them to challenge that placement;
  - the apparent absence of a formal periodic revision procedure (in addition to the ongoing assessment of those inmates by the treatment team) allowing the prisoner concerned to make known his views (paragraph 84);
- confirmation that written complaints addressed by prisoners to the prison's management, the Minister for Justice, the Human rights Ombudsman and the judge having supervisory duties are transmitted by confidential letter (paragraph 86);
- an account of the activities of the Human Rights Ombudsman as regards the inspection of prisons, since his appointment in 1994 (paragraph 88).



## APPENDIX II

### **LIST OF NATIONAL AUTHORITIES, NON-GOVERNMENTAL ORGANISATIONS AND OTHER PERSONS MET BY THE CPT'S DELEGATION**

#### **National authorities**

##### Ministry of the Interior

- Mr Andrej ŠTER, Minister for the Interior
- Mr Slavko DEBELAK, Secretary of State
- Mr Guido MRAVLJAK, Adviser to the Minister for the Interior
- Mr Pavle MARTONOŠI, Deputy Director of the Criminal Investigation Department

##### Ministry of Justice

- Mrs Meta ZUPANČIČ, Minister for Justice
- Mr Miha WOHINZ, Deputy Secretary of State
- Mrs Tatjana KRIVEC-TAVČAR, Head of the Private Office of the Minister for Justice
- Mr Franc MLINARIČ, Adviser to the Minister for Justice
- Mr Aldo CARLI, Adviser to the Minister for Justice
- Mrs Julka GRUDEN, Adviser to the Minister for Justice
- Mrs Desa OREL, Social work coordinator in the Ministry of Justice

##### Ministry of Health

- Mr Boidar VOLJČ, Minister for Health
- Mrs Dunja PIŠKUR-KOSMAČ, Secretary of State
- Mr Janez ZAJC, Secretary of State
- Mrs Vlasta DRNOVŠEK-MOČNIK, Adviser to the Minister for Health
- Dr Jože LOKAR, Head of the Mental Health Centre of the Ljubljana Psychiatric Clinic

##### The Human Rights Ombudsman's Office

- Mr Ivan BIZJAK, Human Rights Ombudsman
- Mr Aleš BUTALA, Deputy Ombudsman
- Mr Karl ERJAVEC, Head of Private Office

#### **Other organisations and persons met by the delegation**

- Center za socialno delo Celje
- Civic Link
- Professor Dr Ljubo BAVCON
- Mrs Sonja LOKAR