



CPT/Inf (97) 11

**Report to the Norwegian Government  
on the visit to Norway  
carried out by the European Committee  
for the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment (CPT)**

**from 17 to 21 March 1997**

This report was published by the Norwegian Government on 4 September 1997.

Strasbourg, 5 September 1997



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Copy of the letter transmitting the CPT's report

Strasbourg, 4 July 1997

Dear Sirs,

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 Norway drawn up by the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) after its visit to Norway from 17 to 21 March 1997. The report was adopted by the CPT at its thirty-third meeting, held from 23 to 27 June 1997.

The CPT requests the Norwegian authorities to provide, within six months, a report informing the Committee of the action taken in response to the recommendations and comments in this report (the Committee's recommendations and comments appear in bold in the text).

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

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

Yours faithfully,

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

First Legal Division  
Royal Ministry of Foreign Affairs  
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## I. INTRODUCTION

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 Norway from 17 to 21 March 1997.

The visit was one which appeared to the CPT "to be required in the circumstances" (cf. Article 7, paragraph 1, of the Convention). The primary aim of the visit was to verify on the spot the situation of detained persons in Norway, looking at two aspects in particular: the detention of persons remanded in custody in police establishments and the solitary confinement of remand prisoners by court order. Both these questions had given rise to concern during the CPT's periodic visit to Norway in 1993, and the Committee had consequently made recommendations in this regard in its visit report (cf paragraph 28, sub-paragraph 4, and paragraphs 57 to 67 of document CPT/Inf (94) 11).

2. The delegation consisted of the following members of the CPT:

- Ms Pirkko LAHTI (Head of the delegation);
- Mr Jón BJARMAN;
- Mr Demetrios STYLIANIDES.

It was assisted by:

- Mr James MACKETH (Consultant Forensic Psychiatrist, the Bethlem Royal and Maudsley Hospitals, London) (expert);
- Mr Rodney MORGAN (Professor of Criminal Justice, University of Bristol) (expert);
- Ms Gyrith BORCH (interpreter);
- Ms Anne Eitzen BRYN (interpreter);
- Ms Maidie KLOSTER (interpreter).

The delegation was also accompanied by Mr Fabrice KELLENS of the CPT's Secretariat.

3. The delegation visited the prison ("Landsfengsel") and police headquarters in Bergen and the prison ("Kretsfengsel") and police headquarters in Oslo<sup>1</sup>.

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<sup>1</sup> The prison and the police headquarters in Oslo had already been visited by the CPT in 1993 (cf CPT/Inf (94) 11).

4. The CPT welcomes the excellent spirit of co-operation which prevailed during the visit of its delegation to Norway, which was fully in compliance with Article 3 of the Convention.

At the end of its visit, the CPT delegation held talks with Mr Morten RUUD, Assistant Secretary General of the Ministry of Justice and with several senior officials from the Department of Prison Administration. This exchange of views proved most fruitful. The CPT would also like to make special mention of the talks it held with four senior judges from the courts of first instance and the appeal courts in Bergen and Oslo, and the discussion it had with Mr Arne FLIFLET, the Parliamentary Ombudsman for Public Administration and two senior member of his staff.

Moreover, the CPT delegation experienced no difficulty whatsoever in gaining access to the establishments visited, irrespective of whether or not there had been prior notice of the possibility of a visit. The reception and co-operation of the authorities and staff *in situ* were entirely satisfactory.

5. Lastly, the CPT would like to emphasise the exemplary co-operation it encountered before, during and after the visit, from Ms Ellen BJERCKE, the CPT liaison officer at the Norwegian Ministry of Justice.

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

6. At the outset, it should be mentioned that the CPT's delegation heard no allegations of torture or other forms of physical ill-treatment in police or prison establishments in Norway. Moreover, no other evidence of physical ill-treatment was found by the delegation.

### A. Detention of persons remanded in custody in police establishments

#### 1. Introductory remarks

7. During its periodic visit in 1993, the CPT delegation noted that persons on remand could be detained for a week or even longer in the Oslo and Romerike Police Headquarters. In this regard, the CPT had stressed in its report that "while the police cells visited were, in principle, adequate for short stays, the physical environment and the regime (including, for example, the absence of outdoor exercise facilities and reading matter) fell distinctly short of what a detainee held for a prolonged period is entitled to expect" (CPT/Inf (94) 11, paragraph 28). Accordingly, it recommended that the Norwegian authorities take steps to rectify the situation.

8. In their interim report in reply to the visit report, the Norwegian authorities pointed out that recent statistics showed a considerable improvement in this area. They stated that "detainees are very seldom kept for prolonged periods, ie. a maximum of five days, in police establishments" (CPT/Inf (94) 12, page 4).

However, in 1996, the CPT received information from various sources, including the Parliamentary Ombudsman for Public Administration, indicating that persons remanded in custody could be detained for prolonged periods, on occasion up to one month, in police establishments in Oslo and other Norwegian cities, in particular Bergen. Accordingly, on 25 June 1996, the CPT wrote to the Norwegian authorities asking them for a report on the situation and for information on any measures taken in this field.

9. In their reply dated 8 October 1996, the Norwegian authorities stated that the policy followed in this matter by the Ministry of Justice was for a detainee on remand to be "transferred to a penitentiary as soon as possible" and not to be "held in custody in a police cell for more than five days as a maximum." However, they acknowledged that "for some months, during the spring and summer of 1996, the number of detainees having been held in police cells for 'prolonged periods' was higher than what would ordinarily be considered acceptable by the Ministry [of Justice]".

The Norwegian authorities said that the extraordinary and temporary situation in Oslo was due to the refurbishment of 87 cells in the city prison. As regards the situation in the western region of the country, the Ministry of Justice announced the provision of an additional 20 places in the Bergen prison in September 1996 and the construction of a new block of 45 cells (scheduled to open in 1998).

## 2. Situation observed at the Oslo and Bergen Police Headquarters

10. During its visit to the Oslo Police Headquarters, the CPT delegation noted that the practice of detaining persons in custody for longer than 5 days had ceased. Indeed, the transfer of remand prisoners to a prison now took place more quickly than before, primarily as a result of the 87 refurbished cells in Oslo Prison being put back into service and the opening of the Ringerike Prison (60 km from Oslo). Examination of the registers showed that the average period spent by remand prisoners at the Headquarters had shortened considerably, and was no longer than 2 to 3 days.

Remand prisoners were placed in a separate section of the detention area, where the cells were of an adequate size (approximately 6 m<sup>2</sup>) and suitably equipped (bed, mattress, table, chair, W.-C. and running water).

However, the police headquarters still had no outdoor exercise facilities, which meant that remand prisoners had no access to the open air while in detention. In the CPT's view, such a situation is not acceptable.

11. The CPT welcomes the improvements observed regarding the length of detention and the physical conditions for those remanded in custody at the Oslo Police Headquarters. Nevertheless, **it recommends that steps be taken to ensure that remand prisoners are offered proper outdoor exercise every day.**

12. The situation at the Bergen Police Headquarters was far less favourable. The CPT delegation noted that, although the situation had improved in comparison with 1996, more than 30 persons had still been detained in 1997 in the custody unit for a period of five days or more (ie 5% of all those in custody during that period). In ten or so cases, the length of detention was close to - or even exceeded - ten days.

The fourteen cells assigned to remand prisoners were of varying sizes, ranging from 4.5 m<sup>2</sup> (1.5 m x 2.95 m) to 8 m<sup>2</sup>. They were all well equipped (bed, mattress, sheets and blankets, table and chair). However, only three of the cells had access to natural light, and even then this was limited. Nevertheless, all had dual-mode (night/day) artificial lighting. The cells were not equipped with a toilet, but access to toilet facilities was guaranteed within a reasonable delay.

Activities for remand prisoners were limited to reading in their cells and the possibility of going to the inner courtyard of the police headquarters - used as a car park - for 10 to 20 minutes every two or three days, on which occasions the prisoners were handcuffed in pairs or to a police officer. To apply such a regime over a period lasting up to ten days is unacceptable. The solution is not to be found by improving the regime, but by reducing the period of detention of remand prisoners in the establishment.

13. **The CPT recommends that the Norwegian authorities take urgent steps to ensure that the policy defined by the Ministry of Justice not to keep a person in detention in police establishments longer than five days be invariably applied in practice in the Bergen Police Headquarters and in all other police establishments in Norway.**

In addition, it recommends that remand prisoners detained in the **Bergen Police Headquarters**:

- **be placed in a cell measuring at least 6 m<sup>2</sup> which, as far as possible, has access to natural light;**
- **be offered the opportunity to engage in proper daily outdoor exercise.**

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14. In the light of the observations made by the CPT's delegation during its visit to the above-mentioned police headquarters, the Committee would like to make the following supplementary remarks.

15. First, it is clear that, as observed in 1993, persons detained at the Oslo Police Headquarters were still given neither mattress nor blankets prior to their being brought before a judge (ie they spent a night in the cell sleeping on the bare floor). This state of affairs is in clear contradiction with the internal regulations governing the cell block (cf Oslo Politikammer Memorandum A2.62/PMI), which provides that "any person having spent longer than four hours [on the premises] and who is likely to have to remain in custody for the purposes of police questioning or appearing before the court must be given a mattress and blankets".

In this regard, **the CPT would like to reiterate its recommendation**, already made in paragraph 28, sub-paragraph 1, of the report on its first visit, **that any person required to spend the night in police custody be provided with a clean mattress and blankets.**

16. Second, with regard to the Bergen Police Headquarters, the CPT would like to stress that because of their dimensions, the smallest cells in the cell block were at the limit of what can be considered as acceptable for overnight stays. **In principle, those cells should only be used for periods of detention of a few hours.**

17. Finally, the delegation would like to draw attention to the presence, in both police headquarters visited, of "Pacto 500" toilets, designed to recover drugs concealed *in corpore*.

In its report on the 1993 visit (cf CPT/Inf (94) 11, paragraph 25), the CPT had recommended that "precise instructions [with regard to the procedures to be adopted in respect of *in corpore* concealment of drugs] be issued to the police, in order to ensure that the necessary steps are taken solely under the responsibility of a medical authority, which should make a diagnosis and choose the appropriate treatment, staff and setting". The CPT regrets that in their interim report (cf CPT/Inf (94) 12, page 3), the Norwegian authorities gave no response to this recommendation.

In the CPT's opinion, in view of the risk posed to anyone who is suspected of *in corpore* concealment of drugs (danger of the container perforating, leading to acute poisoning, and danger of intestinal obstruction), such persons should be subject to close medical supervision, preferably in a medical unit. **The Committee therefore reiterates its recommendation made in 1994.**

**B. Solitary confinement of remand prisoners by court order**

**1. Introductory remarks**

18. In its report on the periodic visit to Norway in 1993, the CPT stressed that it paid particular attention to prisoners who were held under conditions resembling solitary confinement. The principle of proportionality calls for a balance to be struck between the requirements of the situation and the imposition of a solitary confinement-type regime, which can have very harmful consequences for the person concerned.

19. In the above-mentioned report (CPT/Inf (94) 11, paragraphs 57-66), the CPT expressed reservations about the system of solitary confinement of remand prisoners by court order, as practised in Norway. The Committee recognised that it might be necessary, in certain cases, to impose restrictions on remand prisoners' contacts with others in order to safeguard the interests of justice. However, it recommended that such restrictions be applied only in cases where they were absolutely essential and that the remand prisoners concerned be offered appropriate activities and human contact. Moreover, the Committee stressed that it would not be acceptable for such measures to be applied with the aim of exerting psychological pressure on a detained person.

20. The responses provided by the Norwegian authorities in their interim and follow-up reports were not sufficient to dispel all the concerns which the CPT had in this area. Furthermore, the Committee has continued to receive reports that individuals have been subject to restrictions on contacts with others for prolonged periods.

**2. Situation observed at the Bergen and Oslo Prisons**

**a. Bergen Prison**

21. The Bergen Prison, a national high security establishment, opened in October 1990. It is a complex of low-rise blocks, originally designed to accommodate 152 inmates<sup>2</sup>. Accommodation for a further twenty inmates was provided in September 1996 (cf paragraph 9). At the time of the delegation's visit, the prison was accommodating 160 inmates (64 remand prisoners and 96 convicted prisoners). Some 15% of the prisoners were foreign nationals and there was a small number of female inmates.

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<sup>2</sup> Including 32 committed to the open section of the prison, located outside the secure enclosure.

Each block comprised small living units, containing six cells measuring approximately 10 m<sup>2</sup> each (fully fitted, with a separate sanitary annexe) and a common room/kitchenette. The majority of inmates were accommodated in single cells and clearly enjoyed a high-level of material comfort. The additional 20 places referred to above were created by doubling up the occupancy of some of the cells earmarked for remand prisoners. Obviously, the detention conditions, in particular the living space, were less favourable in these cells, but they were still acceptable.

The establishment provided numerous work posts and the programme of activities for detainees was generally satisfactory. Finally, it should be noted that the staff/detainee ratio was high (roughly 1:1).

22. At the time of the visit, twelve remand prisoners were subject to restrictions, representing on average one remand prisoner out of five. Some detainees were subject to surveillance of their mail and visits ("kontroll"), while others were subject to a ban on mail and visits ("forbud"). None of them were being denied access to newspapers or radio/television.

As stated above, the material environment of these prisoners was satisfactory. However, the same cannot be said for their detention regime. In addition to the restrictions referred to above, they were totally isolated from the other prisoners (in accordance with Article 82 of the Prison Regulations; cf paragraph 31 below). Consequently, they were confined to their cells for 23 hours out of 24, their only daily activity outside the cell being an outdoor walk, alone<sup>3</sup>. The delegation also noted that in practice no differentiation was made as far as the detention regime was concerned between those subject to "kontroll" measures and those subject to "forbud".

23. The delegation spoke in private with the twelve remand prisoners referred to above. It also met some detainees who had been subject to restrictions for prolonged periods in 1996 (including one who had been subject to surveillance of mail and visits for nine months and another subject to a ban on mail and visits for five and a half months).

Although they were interviewed separately, many of the detainees described suffering from similar experiences, when commenting on the effects of solitary confinement: fatigue, insomnia, loss of appetite, nausea, headaches, crying fits and bouts of depression becoming more acute as the solitary confinement continued. Some detainees mentioned suicidal thoughts; almost all referred to the distress consequent upon not being allowed contacts with families and friends. Foreign detainees who could not speak Norwegian or English were disturbed by the fact that their communication problems exacerbated their difficulties. The detainees' complaints were corroborated by both the prison staff with whom they were in daily contact and by social workers and medical staff.

24. At Bergen Prison, there were no clear directives or policy as regards the treatment of detainees subject to restrictions; in particular, no specific provisions had been made to compensate for the harmful effects of solitary confinement (eg deploying additional human resources to provide an appropriate level of human contact). The measures taken by the different staff concerned (medical staff, social workers, prison officers, chaplain, etc) depended on the initiative of those concerned and were unco-ordinated by management.

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<sup>3</sup> The areas set aside for this were adequate. In bad weather, they had access to a gym and body-building equipment.

b. Oslo Prison

25. Oslo Prison has already been described in the CPT's report on its 1993 visit (cf CPT/Inf (94) 11, paragraphs 77-79 and 82). The delegation welcomes the major renovation work which has been carried out in the meantime and, in particular, in D wing of B Block ("Bayern"), which houses the vast majority of prisoners subject to restrictions. The work carried out has included the installation of a translucent protective covering above the exercise areas on the roof of the building (cf CPT/Inf (94) 11, paragraph 66), the installation of a new ventilation system, the complete refurbishment of 87 individual cells<sup>4</sup> and the refurbishment in progress of the security cells (cf CPT/Inf (94) 11, paragraph 116).

26. At the time of the visit, Oslo Prison accommodated 35 prisoners subject to restrictions (out of a total of 189 remand prisoners, ie 18.5%) and 46 others who had been subject to similar measures in 1996 (bringing the total to 81 persons who were experiencing or had experienced such a regime, ie almost 43% of the current inmates). The delegation spoke in private with a large number of them. The period of restrictions was generally no longer than 2 months. However, the delegation met a number of detainees who had been subject to such restrictions for much longer periods (eg restrictions had been applied to one of the detainees for over six months, cf paragraph 28).

27. As stated above, the material conditions of detention offered to the prisoners subject to restrictions could certainly not be criticised. Their detention regime, however, was identical to that in Bergen Prison: 23 hours out of 24 confined to the cell, with the exception of the outdoor exercise period<sup>5</sup> (and a half hour's visit per week to the prison library). Once again, there was no distinction made between prisoners subject to "kontroll" and "forbud" as concerns the detention regime.

28. The vast majority of prisoners whom the delegation interviewed described experiences similar to those mentioned in paragraph 23 above.

A case can be highlighted as an example: an elderly detainee, of Turkish origin, had been subject to restrictions for over six months at the time of the delegation's visit. His situation had been made all the more difficult because of his problems in communicating with the staff (he could speak only Turkish and a little Dutch). In a written report - drafted after the prisoner concerned had been on solitary confinement for some four months - the prison medical doctor stated as follows: "patient suffers of constant headaches (tension headaches), sleeps badly (is constantly waking up), has lost many kilos (more than 10), has poor appetite. He is encountering increasing concentration problems, due to isolation. His symptoms are on the increase and can be seen as a consequence of his protracted isolation. If he continues to stay in isolation, there will be a risk of permanent health damage".

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<sup>4</sup> The new cells had the following characteristics: size +9 m<sup>2</sup>, new furniture (bed, desk, chair, cupboard, bookshelf), new bedding, radiator with individual thermostat, W.-C., washbasin, intercom system and T.V.

<sup>5</sup> While welcoming the installation of the protective covering above the exercise yards, **it must be said that their size (± 15 m<sup>2</sup>) was not conducive to proper physical exercise.**



29. During the visit, medical members of the delegation were also able to consult several medical files of prisoners who had been subject to restrictions, which contained evidence of harm being caused (cf also CPT/Inf (94) 11, paragraph 64).

In one case, the opinion of the prison medical doctor was recorded as follows: "He [the patient] is now obliged to take regular daily doses of medicine (neuroleptic drugs and anti-depressants) in order to bear up under the restrictions. He still has trouble sleeping despite this medication and requires sleeping medicine in addition. If he continues to be held in isolation, there will be a danger of permanent health impairment and such treatment is therefore to be regarded as a disproportionate measure against the inmate".

The delegation was left in no doubt that in some cases, illness was a direct consequence of prolonged isolation by court order.

30. As was the case at Bergen Prison, there were no clear directives or policy as regards the treatment of prisoners subject to restrictions. However, the delegation noted that some effort was taken by the staff in immediate contact with these prisoners, in an attempt to reduce the harmful effects of their situation. These efforts consisted in particular of more attentive monitoring of the prisoners concerned and the organisation of activities aimed at overcoming their isolation/idleness (for example, three prisoners were given work to do in their cells; recreational activities were organised from time to time for those prisoners suffering most from their situation).

Contrary to the situation at Bergen Prison, the prison doctor had no hesitation in informing the police/judicial authorities about the situation of some of the most vulnerable prisoners. In certain cases, he had written to the judicial and/or police authorities informing them that the condition of the prisoner could be considered to result from placing him in prolonged solitary confinement and that if this were to continue, it could pose a serious risk of irreparable damage to the prisoners' health.

### **3. The solitary confinement procedure by court order**

31. An arrested person may be remanded in custody by a court for a period of up to four weeks. The court may subsequently renew the remand order for periods of a maximum of four weeks at a time. However, if the nature of the investigation or other special circumstances indicate that a review after four weeks would be "pointless", the court may fix a longer time-limit (cf Section 185 of the Code of Criminal Procedure).

A person remanded in custody has the right to unrestricted written and oral communication with his official defence counsel; however, to the extent that due consideration for the investigation of the case so indicates, the court may decide that a person remanded in custody shall not receive visits or send or receive letters or other consignments, or that visits or exchanges of letters may only take place under police control. The court may also decide that the person in custody shall not have access to newspapers or broadcasts (Section 186.2 CCP).

The above-mentioned court decisions are subject to appeal (Section 377 CCP).

It should also be noted that prisoners subject to restrictions on visits and mail by court order are only entitled to associate with other prisoners with the consent of the police (Section 82 of the Prison Regulations).

32. During its second visit, the CPT delegation looked more closely at the procedure of solitary confinement by court order, in particular by consulting files on persons who had been or were still in solitary confinement by court order and by talking with senior judges in Bergen and Oslo, as well as with police officials.

33. From consulting the files and talking with the senior judges, it emerged that the procedure followed required the police to present fully their case and that the hearings relating to remand in custody or the extension thereof - when the issue of restrictions was also examined - were generally long and detailed. Further, there were many appeals against both the remand in custody (or the extension thereof) and the imposition of restrictions, which were heard speedily and were often successful, in part if not totally.

It emerged, however, that the first appearance before the court was primarily devoted to consideration of the expediency of being remanded in custody. In this respect, the judges with whom the delegation spoke acknowledged that the initial scrutiny of the prosecution case, with specific regard to the application for the imposition of restrictions, "left something to be desired". It should also be noted that in a few cases, the initial period of remand had been extended to eight, or on occasion twelve weeks, in accordance with Section 185 CCP; the automatic effect of this was to postpone any review of the restrictions by two or three months.

The CPT is also struck by the fact that, with a few exceptions, the decisions of the court of which the delegation was aware did not specify the persons with whom the prisoners concerned could not communicate in the interests of the investigation; as a result, this meant in practice that the prisoners were subject to a total communication ban.

34. As in 1993, many of the detained persons met by the delegation expressed the belief that the purpose of restrictions was to exert psychological pressure on them, that restrictions were most common when the police had a weak case and that, even if it had not been explicitly stated by the police, restrictions would be eased or lifted in response to co-operation with the police.

In its report on the 1993 visit, the CPT asked whether the exploitation by the police of "forbud/kontroll" measures as a means of exerting pressure on prisoners with the aim of advancing their enquiries would constitute a breach of the relevant provisions in the Prosecution Instructions. In their reply (cf CPT/Inf (94) 12, pages 16-17), the Norwegian authorities said that "an investigator may advise suspects that if they continue to refuse to make a statement then the police will petition for a ban on or surveillance of correspondence and visits or an extension thereof. The investigator may inform suspects of the *prosecutorial* consequences that will result from their stand. Suspects may also be informed that the restriction will be loosened if they co-operate."<sup>6</sup> This position was clearly confirmed in 1997 by a senior police official in Oslo with whom the delegation spoke, who said that Section 92 [of the CCP] forbidding "promises" or "coercion" did not mean that it was unlawful for the police to offer to relax or lift restrictions in response to co-operation with the police.

It should nevertheless be added that in their reply referred to above, the Norwegian authorities expressed the view that information on the use of bans on or surveillance of correspondence and visits would constitute a violation of the Prosecution Instructions when used without "procedural basis" for petitioning for or repealing such a ban or surveillance.

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<sup>6</sup> cf also Section 8-2 of the Prosecution Instructions.

#### 4. Assessment and measures proposed

35. A significant number of persons remanded in custody in Norway are subject to restrictions. The findings of the CPT during its visits in 1993 and 1997 have shown that such restrictions can provoke in certain of the persons concerned suffering and sometimes damage to health. This state of affairs, moreover, was not disputed by those with whom the delegation spoke in 1997, be they judges, police and prison officers or medical staff. Consequently, it is essential to ensure that such restrictions are imposed only when they are absolutely necessary in the interests of the investigation, that they are not extended beyond the time strictly necessary and that the persons subjected to them are cared for in an appropriate way so as to minimise their effects. In view of these considerations, and given the facts found during the 1997 visit, the CPT wishes to recommend a number of measures.

36. As regards the role to be played by the judicial authorities in this field, **the CPT recommends that :**

- **any request for the imposition of restrictions be carefully scrutinised by the competent court, immediately after a decision to remand in custody the person concerned has been taken;**
- **courts make every effort to specify as precisely as possible the scope of the restrictions imposed (they should be tailored to the circumstances of each particular case);**
- **a review of restrictions imposed be carried out at least every four weeks;**
- **courts be particularly attentive to the effects of restrictions on the mental and physical health of the remand prisoner concerned; where appropriate, a court should seek a medical opinion before imposing or renewing such restrictions.**

**The CPT also recommends that the courts be given responsibility for the decision whether a prisoner subject to restrictions may associate with other prisoners.**

37. The CPT welcomes the statement of the Norwegian authorities that it would be unacceptable to use restrictive measures to create psychological pressure on persons charged with an offence (cf CPT/Inf (94) 11, page 16). Nevertheless, the Committee has misgivings as regards the opinion of the same authorities that the police may legitimately invoke the possibility of imposing, relaxing or lifting restrictions when questioning suspects.

To advise someone that a failure to co-operate will lead to the imposition (or continuation) of restrictions or, conversely, that willingness to co-operate will lead to the relaxation or lifting of restrictions, would appear - at first sight at least - to correspond closely to the concepts of "coercion" or "promises" (cf Section 92 of CCP).

Further, the distinction which the Norwegian authorities seek to make between information on the use of restrictions which is provided with - as opposed to information which is provided without - "procedural basis", opens the door to abuse. This approach could clearly encourage the police to seek to justify the imposition (or the continuation) of restrictions even in cases when they know that due consideration for the investigation does not require such a measure.

**The CPT recommends that the Norwegian authorities review the Prosecution Instructions, in the light of these observations.**

38. With regard to the treatment in prison of remand prisoners subject to restrictions, **the CPT recommends that this be governed by detailed directives. These directives should ensure that coordinated efforts are made by staff with a view to offering the persons concerned access to purposeful activities and appropriate human contact. The general aim should be to protect prisoners from experiencing suffering or harm.**

In this context, the CPT would like to recall Section 14 of the Norwegian Prison Act, which states: "Harmful effects of loss of freedom shall as far as possible be prevented or counteracted".



**APPENDIX**

**LIST OF PERSONS WITH WHOM THE DELEGATION HELD TALKS**

Parliamentary Ombudsman for Public Administration

Mr. Arne FIFLET	Ombudsman
Mr. Harald GRAM	Head of Division
Mr. Torkjel NESHEIM	Deputy Head of Division

Judges

Mr. Erik MØSE	Borgarting Court of Appeals
Mr. Rune VOLL	Gulating Court of Appeals
Mr. Stein Dons HEINFJELL	Bergen City Court
Mr. Truls LIE	Oslo City Court

Ministry of Justice and Police

Mr. Morten RUUD	Assistant Secretary General
Mr. Erik LUND-ISAKSEN	Director General
Mr. Magnar AUKRUST	Deputy Director General
Ms. Marit ROSSEHAUG	Assistant Director General
Ms. Hilde INDREBERG	Legal advisor

Oslo Police

Mr. Sveinung SPONHEIM	Assistant Chief of Police
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