

## **Response**

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

**from 14 to 17 December 2004**

The Government of Bosnia and Herzegovina has requested the publication of this response. The CPT's report on the December 2004 visit to Bosnia and Herzegovina is set out in document CPT/Inf (2016) 2.

Strasbourg, 23 February 2016



**REPRESENTATION PERMANENTE DE LA BOSNIE-HERZEGOVINE  
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OFC-COE-SXB-203-04-1046/05  
Strasbourg, 25 October 2005

Dear President,

Following your letter from 18 October 2005, I have a great pleasure to hand you the Report of the authorities of Bosnia and Herzegovina to the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) after its ad hoc visit to Bosnia and Herzegovina in December 2004.

Please accept, dear President, the assurances of my highest appreciation.

Ambassador

Borislav MARIC

**Mrs Silvia CASALE**  
**President**  
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## Report

**of the authorities of Bosnia and Herzegovina  
under the Report of the European Committee for the Prevention of Torture  
and Inhuman or Degrading Treatment or Punishment –  
Monitoring in Bosnia and Herzegovina  
in the period from 14 to 17 December 2004**

In accordance with Article 10 paragraph 1 of the *European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), following visit to Bosnia and Herzegovina in the period from 14 through 17 December 2004, submitted the Report to the authorities of BiH for consideration and adoption.

The Council of Ministers of BiH, at its 82<sup>nd</sup> session held on 7 July 2005 considered and adopted the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, with a view of action of the authorities of BiH, that is providing the written answer by the Ministry of Health and Social Protection of Republic of Srpska as a line ministry, since in December 2004 the CPT visited Institute for Treatment, Rehabilitation and Social Protection of Chronically Mental Patients Jakeš in Modriča and Eastern Sarajevo Clinical Centre – Sokolac Psychiatric Hospital.

### **Institute for Treatment, Rehabilitation and Social Protection of Chronically Mental Patients Jakeš in Modriča**

Following monitoring of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in April-May 2003 and the Report of the CPT interpreting shortages in the Jakeš Institute, and following CPT monitoring in December 2004, the Report states positive moves and shortages corrected, fulfilling promises of employees of Jakeš Institute, that is the Ministry of Health and Social Protection of Republic of Srpska in the field of work advancement, treatment and protection of chronically mental patients of Jakeš Institute.

Employees of Jakeš Institute are aware that all could be even better and that large work on improvement of conditions of life and stay of their patients is before them. They are aware of the fact that all could be realised through greater care of social community and with better material position of Jakeš Institute. There is a need for larger financial resources and more regular manner of financing the needs of chronically mental patients.

Administration of Jakeš Institute, with a view of increasing staff number, received consent by the Ministry of Health and Social Protection of Republic of Srpska for specialization of two physicians in psychiatry and one subspecialization in internal medicine, which will significantly strengthen the staff of Jakeš Institute.

Other medical staff will be continuously employed providing there are resources for that purpose.

Employees of Jakeš Institute have been initiators of establishment of NGO "Breza", composed among others of representatives of psychiatrists and other interested, with a view of acting on improvement of patients' life conditions, solving their problems and protection of their rights

Considering all CPT remarks, authorized persons of Jakeš Institute stated the following at the end of their Report:

"There is enough potential in our institution for advancement of work and life of patients, and each day certain steps and moves are done in that regard.

Gradually we will try to solve all remarks stated in the CPT Report. We see them as assistance in our work, since often we cannot see certain things, and we hope to succeed in receiving adequate material support by social community to enable us to solve noted problems more easily.

We are ready to consider all advice and other experiences and to implement them in the Jakeš Institute, with a view of better life and work of patients and employees of the Jakeš Institute.

### **Eastern Sarajevo Clinical Centre – Sokolac Psychiatric Hospital**

Submission of information on the CPT visit in the period from 14 to 17 December 2004

Since the last visit of the CPT to date, considering the CPT recommendations, there have been no substantial changes in the relations of Republic of Srpska authorities and its institutions to Sokolac Psychiatric Hospital.

Debts of Republic of Srpska Health Insurance Fund are still relevant.

This year also the Fund made agreements for 31 beds (for Foča and Eastern Sarajevo region), ignoring the fact that considerably larger number of patients from the whole Republic of Srpska are treated in Sokolac Psychiatric Hospital. Drastic example of negligence of Republic of Srpska authorities and line ministry is the fact that they gave funds for caring of psychiatric patients to Medical Centre in Zvornik and General Hospital in Bijeljina, although neither of them has psychiatric ward, and their patients are accommodated in Sokolac Psychiatric Hospital. With such relation, in spite of warnings, they put Sokolac Psychiatric Hospital into more difficult situation. Funds for caring of court patients are sent by grant from Republic of Srpska budget, disregarding number of patients.

Ministry of Justice of the Federation of BiH still declares itself nonresponsible; therefore we turned to Ministry of Justice of BiH for a favour to help us in overcoming the problem. Neither recommendation of the inspector for criminal sanctions execution has been realised (October 2004 Report).

Authorised persons of Sokolac Psychiatric Hospital fully apply the published Law on Protection of Persons with Mental Disorders in Republic of Srpska; however, responsible institutions of Republic of Srpska do not follow mental health policy. As a large problem we emphasise Social Work Centres, as an important link in the chain of caring of persons referred to implementation of treatment measures.

As stated by the authorised persons of Sokolac Psychiatric Hospital, they appealed several times both in oral and written form to responsible ministries asking for their engagement; however, there has been no feedback.

There are no news as regards building adaptation and reconstruction of Sokolac Psychiatric Hospital, particularly restaurant.

Promised funds for Sokolac Psychiatric Hospital have not been realised. Restaurant is falling to pieces, and employees of the Sokolac Psychiatric Hospital are considering the possibility to seek consent for closure of the facility from construction and sanitary inspectorate.

Moving of restaurants in living rooms also requires additional funds not at disposal of Sokolac Psychiatric Hospital.

Priority in allocation of funds by the Government of Republic of Srpska has been given to health institutions in Banja Luka, namely Rehabilitation Institute "M.D. Miroslav Zotović" and Psychiatric Clinic, allegedly for advancement of health protection.

Considering specific structure of patients and specific position of this institution (organisational part of Eastern Sarajevo Clinical Centre), we emphasise that situation is aggravating, in spite of efforts of the employees.

Authorized persons of Sokolac Psychiatric Hospital respect and accept the CPT recommendations, and following December 2004 monitoring, these activities have been taken:

- Underway is elaboration of Register for Limitation – Isolation;
- Leather fixation belts purchased;
- Isolation room provided;
- Decision on application of limited physical force passed;
- Male ward whitewashed, and underway is collection of bids for purchasing of missing doors;
- Video surveillance system has not been installed due to lack of financial resources;
- Funds for investing maintenance of the Sokolac Psychiatric Hospital for the current year have not been approved; employees maintain the Hospital in function with their own work;
- Personnel structure has been improved through employment of nine (9) nurses (one with advanced vocational school, others with intermediate vocational school), in spite of prohibition of the Ministry of Health and Social Protection of Republic of Srpska to employ new staff;
- Sociotherapeutic work has been enriched through employment of two special education teachers;
- At Hospital there are seven (7) neuropsychiatrists, one physician on specialisation in psychiatry and one physician on preparation for specialisation in psychiatry. Psychiatric service is organised for 24 hours. Psychologists, social workers, nurses and other staff take care of patients. A total number of employees is 135.
- Problem of "neurology ward" still has not been solved, and makes difficult the already difficult work of the Clinic in general;
- There is evident problem of education of employees, especially now when health system reform is underway. Considering various structure of employees, it is very difficult for the Clinic to organise internal education. Problem also lies in lack of financial resources;
- Total debts of the Health Insurance Fund are over BAM 2 million of certified realisations. Debt of Ministry of Justice of the FBiH is BAM 1.5 million. Courts and correction houses also owe large amounts of money. Psychiatric Clinic live on

- funds received under agreement by the Fund (BAM 40,000) and grant in the amount of BAM 58,000, which is not enough even for salaries;
- At the moment there are 197 patients at the Clinic;
- The situation is made difficult by the fact that Agreement with the Health Insurance Fund limit stay of patients on three weeks;
- Heating oil is purchased as per available funds!!!

**As regards neuropsychiatrist** [redacted], the last report (No. 01-1808-1/05) was submitted to Ministry of Health and Social Protection of Republic of Srpska on 23 June 2005.

On 22 June 2005 first-instance Medical Commission for assessment of working ability assessed that M.D. [redacted] is fit for work, based on report of specialist from Neuropsychiatric Institute "M.D. Laza Lazarević" – Dispensary Service, Belgrade.

In consultation with M.D. Stevan Jović, CPT liaison officer, we act according to medical findings.

Aware of the fact that M.D. [redacted] is not able to fulfil working obligations, and not wanting to violate regulations of the Labour Act, he is assigned to working-occupation therapy ward, without any working obligations. M.D. [redacted] is formally present on socio-therapeutic groups, he neither keeps any medical records nor does any tasks within the ward.

On 14 July and 25 August 2005 M.D. [redacted] went on scheduled control checkups in Belgrade, covering days off with his annual vacation days.

Since 22 June 2005 Psychiatric Clinic has neither had opportunity nor possibility to be included into checks, controls, assessments, etc.

In solving the problem of work engagement of M.D. [redacted], assistance and additional engagement was requested through letter sent to the Ministry of Health and Social Protection of Republic of Srpska. The Ministry has regularly been informed on all actions related to work and engagement of M.D. [redacted].

In her last letter sent to the Ministry of Health and Social Protection of Republic of Srpska Chief of staff M.D. Mirjana Đerić stated the following:

"We would especially like to know in which way and why to forbid M.D. [redacted] access into our Institution's premises.

M.D. [redacted] resides in a house near our Institution. He lives alone. He needs contacts and assistance by people from his environment no matter what his condition is, particularly when he is a person with mental problems".



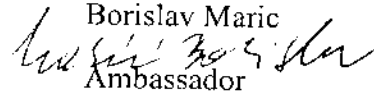
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OFC-COE-SXB-203-02-1023/04  
Strasbourg, 17. October, 2005

<b>C. P. T.</b>
Arrivée le : 21/10/05
Transmis à : H.C.

It is my pleasure to forward to you the Information on the implementation activities in regard with human rights situation in Zenica prison and forensic and psychiatrics facility in Bosnia and Herzegovina, issued by the Council of Ministers of Bosnia and Herzegovina.

Borislav Maric  
  
Ambassador

**Mrs Renata Kicker**  
CPT  
Council of Europe  
Strasbourg

**Torture and Inhuman or Degrading Treatment or Punishment and the regulations of the Law on the Execution of Criminal Sentences of BiH.**

Authorised Ministries of the Federation of BiH – Ministry of Justice, Ministry of Health Care and Ministry of Labour and Social Affairs – didn't make significant movements in the solving the status of the forensic unit in a view of improvement of the prison conditions for prisoners/patients in the Zenica Prison Forensic Psychiatric Annexe.

The Working Group, at the end of the Report, states that the Zenica Prison authorities are indolent and indifferent although they have direct influence on the situation and atmosphere in the forensic unit.

Pursuant to the Conclusion no. 4 of the Council of Ministers, the Ministry for Human Rights and Refugees informs the Council of Ministers that the authorised Ministries of the Federation of BiH, according to the conclusion of the Federation Government - Ministry of Justice, Ministry of Health Care and Ministry of Work and Social Affairs – established the Working Group tasked to make **the Law on Establishing the Closed Type Social Health Institution for Imprisonment of patients in the cases when they are suffering from mental disorder, they are mentally incompetent and when they are to be treated of addiction.**

In accordance with the information of the Ministry for Human Rights and Refugees, the Working Group has made draft of this Law and passed it to the procedure.

Concerning the relocation of the Zenica Prison Forensic Psychiatric Annexe, on the proposal of the Working Group, the Federation Government made **the Decision on Giving Away of the «Misoča» barracks in Iljaš with its land to Social Health Institution of closed type, which is to be founded.**

The Working Group considers that, after passing the above-mentioned Law, adequate financial investments would be necessary for the adaptation of the object with specific purpose and its equipping, as well as necessary employment of staff. After that it will be possible to move persons from the Zenica Prison Forensic Psychiatric Annexe as well as to imprison other persons in accordance with Criminal Codes and other regulations in the Federation of BiH.

The Ministry for Human Rights and Refugees BiH considers it necessary to amend the Information with the fact that in the meantime the Ministry of Justice BiH, according to the Conclusions of the Council of Ministers BiH and the Recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as CPT), has taken the share of competence, requested the documentation about it and the Ministry for Human Rights and Refugees gave over all requested documentation.

In addition, we consider that it is necessary to point out that the mandate of the Working Group of NGOs, as well as activities of the Ministry of Justice of the Federation BiH within this context, were not related to the actual condition in Zenica Prison, i.e. the strike of some convicts of Serbian and Croatian nationality, and because of that we do not mention the same in this Information.



With respect of the above content of the Information on activities taken for implementation of Conclusions of the Council of Ministers concerning the enjoyment of human rights of prisoners/ patients with psychiatric disorders in the Zenica Prison Forensic Psychiatric Annexe, the Ministry for the Human Rights and Refugees, as one of the authorised Ministries for this issue at the state level, suggests to the Council of Ministers BiH to adopt the following

### CONCLUSIONS

1. The Information about undertaken activities for implementation of Conclusions of the Council of Ministers concerning the enjoyment of human rights of prisoners/ patients with psychiatric disorders in the Zenica Prison Forensic Psychiatric Annexe shall be adopted;
2. The Ministry for Human Rights and Refugees and the Ministry of Justice BiH shall, in accordance with their competence, monitor the implementation of the previous conclusions on this issue of the Council of Ministers BiH and the implementation of the Decisions of the Federation Government;
3. The Ministry of Human Rights and Refugees BiH shall be obliged to inform CPT about this Information, so that CPT is conversant with decisions and activities taken for realisation of decisions;
4. The Ministry for Human Rights and Refugees and the Ministry of Justice BiH shall be obliged to inform the Council of Ministers BiH about the progress in this field within 3 months.