

**Interim report of the Croatian Government
in response to the report of the European
Committee for the Prevention of Torture
and Inhuman or Degrading Treatment
or Punishment (CPT)
on its visit to Croatia**

from 20 to 30 September 1998

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Représentation Permanente de la République de Croatie auprès du Conseil de l'Europe

Strasbourg, 5 November 1999

Dear Sir,

Following to the paragraph 190 of the Report of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on the visit to Croatia (20-30 September 1998), as well your letter of 16 April 1999 I have the honour to transmit to you the Interim Report of the Republic of Croatia concerning the measures taken pursuant to the conclusions of the above said report of your Committee.

Interim Report consists of two parts, the first dealing with the measures taken in respect of the prison system, while the second one is focused on the measures taken in respect of the police institutions. The text of the Interim Report is enclosed in both Croatian original and English translation. The final Report will be made available to the Committee in the following six months period, as requested by the Committee in paragraph 190 of its Report.

Looking forward to the continuance of our co-operation, I remain,

Yours sincerely,

Vladimir Matek



Ambassador
Permanent Representative of
Croatia to the Council of Europe

Mr Ivan ZAKINE
Chairman
Committee for the Prevention of
Torture and Inhuman or Degrading
Treatment or Punishment
COUNCIL OF EUROPE
STRASBOURG

REPORT

Written in accordance with paragraph 190/I of the Report to the Government of the Republic of Croatia on the visit to Croatia of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, No.: CPT (99) 1.

A. Police Institutions

1. Preliminary Notes

Requested Information

We inform you that the expert groups of the Ministry of the Interior have prepared drafts of three legal regulations, which should regulate the area of internal affairs. These are draft laws on police powers, on internal affairs and on service in internal affairs. The next step is the adoption of the mentioned draft laws by the management of the Ministry of the Interior and its referring to the Government of the Republic of Croatia.

As regards the regulations, which are in the function of the implementation of the Criminal Procedure Act, we inform you that the expert groups are still preparing the draft of this act. Some issues are solved, but the whole regulation in this sense has still not been drafted. We expect the draft to be finished by the end of 1999. The regulation then has to be adopted by the management of the Ministry, and published in the Official Gazette of the Republic of Croatia.

2. Torture and Other Forms of Ill-treatment

Recommendations

Apart from legal regulations regulating the police use of means of coercion, the Ministry of Interior observes the situation in this field and gives instructions and guidelines with the aim of bringing its use to the smallest possible extent. It should be underlined that, on 16th September 1998, the Ministry sent to the Heads of all Police

Administrations an instruction, warning them of the increase of the use of means of coercion and drawing their attention to the necessity of analysing these cases and taking measures provided by law against police officials. The mentioned instruction was issued under the following number: 511-01-12-9493/98. The instruction mentioned in your Report as an instruction issued by the Head of the Police Administration Splitsko-Dalmatinska was actually the instruction issued by the Ministry of the Interior and forwarded by the Head of the PA Splitsko-Dalmatinska to heads of Police Stations in the area covered by the PA, with an enclosed letter (see Attachment 2).

The Ministry of the Interior also takes account of the legality of the police use of means of coercion in all cases where unlawful behaviour of police officers towards citizens is observed and takes necessary measures. Police Administrations' managing personnel are obliged to inform all police officers on negative occurrences and measures taken against the shortcomings observed. (In Attachments 2, 3, 4, we are sending copies of previous years' instructions).

Measures taken by the Republic of Croatia, aiming at creation of regular police work, are twofold. Firstly, one should mention the selection of candidates for police service. Apart from the tests of knowledge, psychological tests are carried out for each candidate, who achieved certain results in the general education system. Intellectual abilities and personality structure are measured within the psychological tests. In the measurements stated, certain departure is allowed, as defined in a special sub-legal act (see Attachment 5). If a candidate departs from the norms, either in intellectual or the personality structure, this leads to his/her elimination from further competition. The sub-legal act (see Attachment 5) contains the obligation of psychological tests during the service of police officers. However, these are not carried out due to many reasons. A great interest for police service, which is sometimes 10:1, makes high-quality selection of candidates possible. Course of lectures "Human Rights and Police Ethics" at the Police High School and Academy also significantly contribute to understanding and respecting human rights. We are aware of the fact that human rights always have to be discussed, which is the reason for considering the introduction of lectures and discussions on police ethics issues at police stations.

Interpersonal communication is a part of educational process in two ways. The first is within the psychology lectures in the fourth year of the High Police School. This subject is a continuation of "general" psychology, which is a part of the third year's grammar school programme. Within the fourth year's subject, theory is studied and exercises are carried out in the following subjects: the relationship of a police officer and public, relation towards suspects, expressing emotions, recognition of emotional states, control of emotions, etc. The subject is studied in 64 lessons. The other way is the introduction of communicology into additional forms of in-service training. The latter has been introduced last school year. It should also be underlined that within Police College in the first semester there is a one-semester subject of communicology.

We accept the recommendation that investigative judge should ask for forensic medical examination and inform the state attorney's office each time there is well-founded belief that an arrested person taken before the judge is a victim of ill-treatment. Such obligation exists *de lege lata* in the Republic of Croatia. The standpoint is based on the fact that ill-treatment is a criminal act, and investigative judge is obliged to inform state attorney's office on criminal act he learns of during the investigation (Art. 195. para. 2 of the Criminal Procedure Act). Investigative judge has the authority to request for forensic medical examination as an urgent investigative activity without informing the state attorney's office (Art. 186 Criminal Procedure Act). While making amendments to the Criminal Procedure Act, we may consider the introduction of explicit regulation of the obligation mentioned in the Criminal Procedure Act.

We accept the recommendation that we should take steps to ensure that all subjects, which will be used as evidence, are marked and stored in a specially designated place. The problem justifiably implied in paragraph 22, as there are still some shortcomings, has been found out by the Ministry already in 1994. After that, a letter has been sent to all police administrations, so that in 1996, clear obligations in this sense have been established (see Attachments 6, 7 and 8). After certain shortcomings were still being found during the controls of police administrations by the Ministry of the Interior, a meeting was held between 11th and 13th June 1998 with heads of criminal technique departments/divisions at police administrations on the

subject matters such as the manner of finding, packing, storing and recording material traces, and observing entering and exiting of corpus. The conclusions made at the meeting were sent to all police administrations under the number: 511-01-26/1-454/1998 dated 17th June 1998, in Attachment 8. In the controls, which took place afterwards, it was established that at police administrations and police stations facilities were provided for depositing material traces, which for certain reasons were not sent to judiciary bodies. It was also established that in the rooms of criminal police officers and interview rooms, material traces related to criminal acts were not kept. During the first quarter of 1999, uniformed manner of packing material traces was introduced for all police administrations and police stations, and the specifications of material traces were established. In this way, keeping material traces outside the place for their storage was prevented. We intend to continue carrying out measures to prevent that these items are kept outside facilities designed for this purpose. This especially refers to prevention of keeping items, which might terrify persons during interviews at police facilities.

Comments

As regards the relations between the Internal Control Office and the functions of police administrations, state attorney's office and courts in connection to ill-treatment, one should underline the following: the Internal Control Office is situated at the Minister's Cabinet. When a police officer uses a means of coercion, jeopardising life, health and property of a person, the Internal Control Office can take on the investigation of such case. As a rule, the Internal Control Office investigates the cases of use of means of coercion in co-operation with officers in the organisation unit where the means was used. Naturally, officers from the Internal Control Office are not the first to learn on the use of the means of coercion, likewise, they are not the first to take measures in the clarification of the case. One of the reasons for this is the fact that the Office does not have officers placed at police administrations. When the Office in any way receives an information on the use of the means of coercion, a decision may be made on investigating each case regardless of their seriousness. In investigating the legality of the use of means of coercion only those measures can be used, which are provided by the Criminal procedure Act. The Internal Control Office may request that police administrations take certain measures and bring charges in a certain case. As a rule, the Internal Control Office does not bring charges, but in a

certain cases it may request that a police administration or a lower level organisation does so. Normally, the Office does not keep direct contacts with State Attorney's Office and judiciary, but both institutions may require information from the Office (in such circumstances, the basis for the co-operation is the Criminal Procedure Act). The above mentioned implies that the Internal Control Office's activity is observing illegal actions and taking appropriate measures, but never deciding on procedure upon each use of means of coercion.

Searching for the information

The issue resulting from the Paragraph 14 relating to the link between the criminal acts from Article 126 (extortion of statement), Article 127 (abuse of office) and Article 176 (torture and other cruel, inhuman or degrading treatment) of the Penal Code is justified. The Republic of Croatia is the first state in the world that has included the criminal act from Article 176 in its penal legislation, in accordance with the United Nations Committee against Torture recommendations. Simultaneously with the inclusion of the aforementioned criminal act, the attitude towards the acts relating to the protection of the citizens from torture carried out by the officials (criminal acts from Articles 126 and 127 of the Penal Code) was not sufficiently defined. The *de lege lata* situation is such that at least two of the above mentioned incriminations are realised in practice in the cases of mentioned behaviour of the officials.

The case mentioned in Paragraph 14 took place in July 1998, only seven months after coming into force of the current Penal Code, so that the state attorney and judicial services took no stand on the relations between the mentioned criminal acts. It should be mentioned again that the qualification of the criminal act by the police does not oblige the state attorney, and he can change the police qualification of the criminal act depending on the collected evidence. It is certain that the overlapping of descriptions of activities in different criminal acts in the Penal Code is not the best solution, but in the described case there is a good side - a normative interdiction of a larger number of interventions into human rights.

Description of the mentioned case: On July 28, 1998, P. Z. filed a complaint with the Criminal Investigation Department of the Police Administration Istarska stating that on July 27, 1998 her minor son, J. B., born on January

25, 1982, was taken around 17:35h to the 1st police station Pula by the police officers from that station the after allegedly being caught when committing a crime. He was being held there for 20 hours under suspicion of committing a criminal act of grant theft, and beaten by the police officers, when he received light bodily injuries .

The aforementioned officials have not informed the parents or Social Work Center or Juvenile Delinquency Department of carrying out of the investigation of minor J. E. in accordance with the Act on Juvenile Courts.

On July 7, 1998, in accordance with decision of the Head of Police Administration Istarska, D. C. and I. M. were suspended from duty for serious violation of official duties from Article 82, paragraph 1, Item 3 of the Internal Affairs Act, and a request for instigation of disciplinary procedure for serious infringement of work discipline has been filed against the aforementioned persons.

On August 18 1998, after consultations with the Municipal State Attorney Office , officials of the 1st Police Station Pula filed a criminal report with the Municipal State Attorney Office against the suspects, I. M. and D. C. for reasonable suspicion of committing a criminal act of extortion of statement described in Article 126, paragraph 1 of the Penal Code of Republic of Croatia, committed in detriment of minor J. B. and not a criminal act described in Article 126, paragraph 1, or Article 176, paragraph 1.

Disciplinary Court of the Police Administration Istarska made a decision in the disciplinary procedure held in April 1999, by which both police officers were adjudged a disciplinary measure, a fine amounting to 20% of the salary paid in March 1999.

- The case of Riccardo Cetina

On September 1/2, 1998 between 22:30 and 01:30 near Zvečevo, Primošten municipality, in the course of intervention and suppression of resistance of the Italian citizen Riccardo Cetina (1954) carried out by the police officers from Police Administration Šibensko-Kninska J. B. (1977), N. G. (1969),

P. B. (1976); M. N. (1964), I. K. (1967), I. K. (1964) and D. B. (1968), it has come to the overstepping of authority while using the means of force. On that occasion Riccardo Cetina was seriously injured, and as a consequence of that he died on September 3, 1998 in Clinical Center Split.

The aforementioned police officers were arrested on September 5, 1998. After criminal investigation they were taken to the investigative judge of the County Court in Šibenik because of reasonable suspicion that they had committed a criminal act of torture while performing duty or authority as described in Article 127, paragraph 1, and of inflicting a serious bodily injuries, as described in Article 99, paragraph 1 of the Penal Code of the Republic of Croatia, committed in detriment of Riccardo Cetina.

On April 12, 1999 the municipal State Attorney in Šibenik brought charges in the Šibenik Municipal Court against J. B., D. B., P. B., N. G. and I. K. because for reasonable suspicion of committing the criminal acts described in Article 127, paragraph 1 and Article 99, paragraph 1 of the Croatian Penal Code, and against M. N. and I. K. for reasonable suspicion of committing a criminal act described in Article 127, paragraph 1 of the Croatian Penal Code.

The investigative actions of the Municipal State Attorney lasted from September 5, 1998 to April 12, 1999. the reported police officers spent at least 3 months and 1 day in the investigative prison, i.e. period from September 5, 1998 to November 1998, and from November 30, 1998 to December 29, 1998, from when they are out on pre-trial release.

Head of the Police Administration Šibensko-Kninska filed a request for instigation of the disciplinary procedure against the aforementioned police officers because of the reasonable suspicion of committing a serious violation of work discipline from Article 82, paragraph 1, Item 1 of the Internal Affairs Act, such as abuse of office and overstepping of official authority.

Disciplinary Court of the Police Administration Šibensko-Kninska reached the verdicts on cessation of employment for J. B., N. G., M. N., I. K., D. B. and P. B. For I. K. was sentenced to a fine amounting to 20% of a monthly advance payroll.

All of the police officers have filed a complaint with the Appellate Disciplinary Court of the Police Administration Šibensko-Kninska against a Disciplinary Court sentence, and the head of the Police Administration Šibensko-Kninska has also filed a complaint with the Appellate Disciplinary Court of the Ministry of Interior against a Disciplinary Court sentence against I. K. with a proposal to sentence him to a disciplinary measure of cessation of employment.

The Appellate Court of the Ministry of Interior has refused the complaints of the aforementioned police officers as unfounded, accepted the complaint of the head of Police Administration Šibensko-Kninska and pronounced a disciplinary measure of employment cessation for all of the police officers.

- In the Republic of Croatia generally speaking there are two ways of taking the preventive measures. The first one is a selection of candidates for employment, and the second is education. Education against stress is still not organised in the best manner, but the efforts in this direction are visible. We should stress that in the curriculum of the Police Academy "Stress and Stress Prevention", which is lectured at the third year (total of 30 lessons). Also special police members as well as pyrotechnicians attending the specialist courses undergo the systematic anti-stress training through the special lectures. We inform you that we have made a pilot-study on the impact of stress in the police, and the personnel of the Police Academy currently carries out a scientific project: "Stress in the Police". The goals of the research are 1) to research work and traumatic stress that are the most present ones and have the greatest impact; b) to find out what are the characteristics of the persons who are specially sensitive to stress; c) to establish the methods for identifying persons under stress. The practical use we expect from the research is: a) insight in the stress impact in order to carry out stress prevention in the police; b) knowledge that can enable better selection of officers for certain duties within the police force; c) creation of instruments for observing the psychological health; d) duly intervention

for persons under the influence of stress. The professors of the Police Academy have prepared a special booklet "Stress in the Police" which is going to be published until the end of this year, and we can send you a copy if you are interested in having one.

– The Case of M. P.

On May 29, 1998, at 00:15 am, in Šibenik, M. P., born on July 26, 1970 in Šibenik, and J. V., born on October 30, 1971, in Šibenik, committed a criminal act of aggravated theft by cutting and stealing 8 copper cables with the overall length of 140 m from the Light Metal Factory storage.

Having committed the criminal act, the said individuals were caught by surprise by the police patrol of the 1st Police Station Šibenik on the forest route in the vicinity of the place where they had committed the criminal act. Having detected the police patrol, the both suspects started running away in spite of the repeated warning by the patrol policemen to stop running. Soon after issuing the warning, police officer M. N. caught M. P. The latter put up a corporal resistance by pushing away the former trying to hit him. N. warned P. to stop resisting otherwise he would be forced to use the means of coercion. Since the latter ignored the warning, N. hit him several times with a rubber truncheon on the back after which P. stopped resisting and was taken to the premises of the 1st Police Station in view of criminal investigation. Pending the use of means of coercion, M. P. did not suffer any visible injury.

Taking advantage of the situation with M. P., J. V. escaped in the direction of Gornje Ražine where he was soon found, arrested without the use of means of coercion and taken to the 1st Police Station in view of criminal investigation.

Pending criminal enquiry, Mr M. P. stated to the crime police officers that during his arrest he had been hit several times with a rubber truncheon by the police officers. The stated police officers offered him medical help that he explicitly refused.

The magistrate of the County Court in Šibenik, Mr I. N. and municipal state attorney, Mrs I. S. were notified thereof. After performed criminal enquiry

and in co-operation with Mr N. and Mrs. S., criminal charges were brought against M. P. and J. V. who were brought in the Investigative Centre of the County Court in Šibenik, on the basis of a reasonable doubt of having committed a criminal act of aggravated theft as stated in Article 217, paragraph 1, item 1 of the Penal Code of the Republic of Croatia.

While handing over M. P. and J. V. to the County Prison in Šibenik, a justice policeman asked the suspects if they had any visible bodily injuries. M. P. replied affirmative stating that he was a drug abuser and that he needed drugs to prevent withdrawal symptoms. The justice policeman of the County Prison Šibenik thereupon refused to accept P. before the latter received medical help after which the latter was transported to the General Hospital Šibenik where he was diagnosed with minor injuries, bruises on the back, stomach and the leg (total of 5) inflicted by a rubber truncheon. He received a smaller quantity of sedatives from a neuropsychiatrist of the stated hospital following which he was handed over to the County Prison in Šibenik.

Pursuant to Article 174, paragraph 1 of the Temporary Rules of Service of the Ministry of the Interior of the Republic of Croatia, chief police officer of the Police Administration Šibenik-Knin has judged the use of means of coercion by the police officer M. N. in the case of M. P. as justified.

– The Case of E. S.

The Report states the case of E. S., a former prisoner of the County Prison in Split. Reviewing his prison medical record, the CPT delegation has ascertained that E. S. was imprisoned on August 15, 1998 and three days later, i.e. on August 18, went through a medical check discovering his injuries. He explained to the prison doctor that they were inflicted by the police in Makarska.

Having received information on the stated case, officers of the Crime Police Sector of the Police Administration Split-Dalmatia have performed numerous operative measures in view of clarifying the stated case and have identified the following:

E. S., born in 1968, Croat, with a place of residence in Bosnia and Herzegovina, spent the first half of August in Makarska. Lacking means of subsistence, he slept on the beach.

On August 14, 1998, at approx. 1:40 pm, in Makarska on Donja Luka promenade in the vicinity of the hotel "Meteor", the crime police officers of the Police Station Makarska came across E. S. and performed a regular ID papers check. External check of the clothing discovered a paper packet marked "joint" at the rear pocket of the trousers, containing 1.3 gr. of cannabis which is registered as a narcotic, following which the stated individual was taken to the Police Station Makarska in view of criminal investigation.

During criminal enquiry, E. S. confessed to having committed another two criminal acts in the first half of August in Makarska area.

Upon completion of criminal investigation on August 15, E. S. was charged on the basis of a reasonable doubt for having committed a criminal act of drug abuse and theft as described in Article 173. paragraph 1 and Article 216 paragraph 1 of the Penal Code of the Republic of Croatia and was taken to the Investigative Centre of the County Court in Split where a magistrate ordered his staying in custody on the premises of the County Court in Split.

Pending arrest and performance of criminal investigation at the Police Station Makarska, it has not been identified that E. S. has been subjected to any kind of coercion or physical force.

Pending procedure before the magistrate ordering his custody, E. S. did not complain about any police officer using physical force against him.

Furthermore, pending his arrival at the County Prison, E. S. did not complain to the officers on duty about any injuries.

Three days later, i.e. on August 18, 1998, during the first obligatory medical check at the County Prison in Split, a prison doctor identified that the prisoner E. S. had three haematomas on the left thigh, one on the left buttock and

one on the left forearm, qualified as minor injuries for which he claimed to have been inflicted by the police officers in Makarska.

Prison doctor did not specifically treat these injuries because the prisoner did not complain about any pain since the injuries were minor, nor did he notify the magistrate or anybody else thereof and the doctor found the prisoner's statement unconvincing.

On September 15, 1998, The County Court in Makarska found the defendant E. S. guilty of the stated criminal acts sentencing him to a unique eight months prison sentence, i.e. conditional three year sentence, as well as proscribing a security measure of expulsion for the term of 2 years. Furthermore, his custody was cancelled on September 15, 1998.

Collected information and the absence of E. S. has prevented the authorities to verify his statement that the injuries were inflicted by the police officers in Makarska, nor was it possible to determine the manner, time and place where the said injuries were inflicted.

On June 14, 1998, Municipal State Attorney Office in Makarska has been informed through a General-Special Report about the established material facts and all relevant circumstances regarding infliction of injuries of E. S. .

- Statistic data on complaints against police officers stemming from citizen abuse for 1998 (section 20): In the course of 1998, citizens filed the total of 82 complaints against police officers' procedures stemming from certain manners of abuse. Each case has been dealt individually and after examination 40 claims have been qualified as unjustified. In the remaining cases brought before competent state attorneys, criminal charges stemming from the criminal act of "abuse of authority" from Article 127 of the Penal Code have been brought against 27 police officers and criminal charges stemming from the criminal act of "aggravated bodily injury" from Article 99 of the Penal Code have been brought against 10 police officers. So far, criminal liability has been dropped in case of 3 police officers, criminal charges have been dropped against 3 police officers whereas other proceedings are still pending.

- On the basis of the stated citizen claims, disciplinary proceedings have been instituted against 53 police officers stemming from the serious abuse of work discipline, 31 police officers have been sanctioned with a fine, 3 police officers have been issued a public citation, 4 police officers have been acquitted from criminal liability on the basis of disciplinary court judgement and in case of 5 police officers, disciplinary proceeding is still pending (section 21)

- In co-operation with the Ministry of the Interior, especially with the Police Sector and the Internal Control Office, the Police School is carrying out a research entitled "Use of Means of Coercion by the Police". The purpose of the research is to establish the quality of normative regulation regarding the use of means of coercion by the police and the level of legality thereof.

The research consists of three parts:

1. Analysis of cases that include the use of means of coercion, that have been registered by the Ministry of the Interior or found out from arrested individuals and other persons.
2. Interviewing police officials on real and possible levels of the use of means of coercion and on the competence of normative and practical bases for the use thereof.
3. Analysis of normative regulation of the use of means of coercion by the police.

This research bound to last for three years, has been launched this year and the first results are expected in December this year. The research should clarify for the first time in Croatia normative and practical side of the use of means of coercion by the police. Research results are highly valuable for formulation of the training program regarding the use of means of coercion. If You are interested therein, we can already send You questionnaires used for gathering research data. Since the research has specific stages, upon Your request we can send You results gathered after each stage.

- The Republic of Croatia has been monitoring police officers regarding the PTSD from 1995. This monitoring consists of several levels. Firstly, senior police officers are obliged to implement corresponding measures when they detect suspicious behaviour or other elements implying the PTSD in order to have these individuals medically examined. Medical examinations are carried out in specialized institutions which are not only used for police health care. The final decision on the treatment of

the person diagnosed with the PTSD is reached by a special commission comprised of experts from the Ministry of the Interior and the Ministry of Health. From 1995, 339 cases of the PTSD have been identified. Of the total amount, 142 police officers have been sent into retirement, 18 police officers have been transferred to working posts that have no police authority whereas in 179 cases, corresponding medical and other measures are being performed that will ultimately result in retirement or transfer.

3. Guarantees Against Mistreatment of Detainees

Recommendations

The recommendation regarding obligatory immediate notification of the close relative or a third person of the arrested person regarding his/her arrest has been accepted. This right is guaranteed by Article 96, paragraph 5 of the Criminal Procedure Act. The stated article being a general regulation proscribes that the family has to be notified thereof within the period of twenty-four hours. By-law regulations will contain clarifications regarding immediate notification of the family and notification postponed up to twenty-four hours in exceptional cases if demanded by the circumstances that will also be exactly described. By the stated by-law the obligation to notify will also cover notification of persons stated by the arrested individual in question (paragraph 27). Furthermore, it is necessary to mention the Instruction no. 511-01-64-52393/94 (see appendix 9) proscribing certain obligations regarding retention of persons pursuant to the Internal Affairs Act.

- The recommendation on the right to attorney and the right to private counselling with the attorney pending police retention has also been accepted. As in the previous paragraph (30), this issue will elaborately be covered by a by-law currently under construction.

- Guarantees referred to in the paragraph 31 are proscribed by the Criminal Procedure Act. The stated Act in Article 170 paragraph 8 defines the arrested individual as "... a person subdued to any measure or act in view of deprivation of freedom thereof". Pursuant to this definition of the arrested individual, the right to attorney is guaranteed to every individual. It should again be reiterated that the normative situation will be clarified by the elaborated by-law that is to be finalised and enacted.

- All recommendations regarding the right of the arrested person to doctor (paragraph 32 and 33) have been accepted.
- The recommendation regarding elaboration of a multilanguage form explaining the rights of every person deprived of freedom has been accepted. It should be mentioned that this obligation will be covered by the already mentioned by-laws. This act proscribes in an elaborate manner all obligations and after entering into force thereof, it will be easy to apply these regulations on the special form (paragraph 35).
- Regarding Your proposal for elaboration of the code of conduct during police interviews (paragraph 37), we should notify You that beside the already mentioned by-laws, Ethical Code of Croatian Police is also being prepared. The purpose of this Code is to emphasise all ethical values necessary for legal performance of police duties. The Code stresses legal and humane aspects of behaviour more than it is proscribed by the law. After we enact the two stated acts, we see no obstacles to discuss with You the issue of elaboration of the special code You have suggested.

Comments

The recommendation from the paragraph 38 has been accepted. The Republic of Croatia will look into the possibility of permitting visits of independent organisations to police retention premises.

Requested information

- Offering legal aid to persons retained by the police is covered by general regulations of the Criminal Procedure Act. This issue will be further elaborated by means of the stated by-laws.

4. Retention conditions

Recommendations

- Recommendations contained in paragraphs 40, 42, 43 and 44 have been accepted. Regarding Your recommendations, we should mention that the majority of retention premises has been "inherited" from the previous state. During the Patriotic War, numerous premises have been destroyed. Thus, in this relatively short time span of existence of the Croatian state it has not been possible to carry out all necessary construction and adaptation works on the inspected premises. However, in all newly

built police stations, all retention premises comply with the standard conditions for the size and technical terms stated in paragraph 40 of Your Report.

- In Police Stations of Knin, Makarska, Split and Šibenik, all defects stated in paragraph 43 of the Report have been eliminated, except the size of the Police Station Šibenik that is to be adapted to standards during the incoming reconstruction of the overall structure.

- All retention premises in the Republic of Croatia that do not meet the most important standards are out of use. We should stress that the premises in the Police Station Sinj have been out of use for a longer period and premises of nearby police stations that comply with the standards are used for retention purpose.

- In the region of the Zagreb Police Administration which includes the Police Station Trešnjevka, retention of persons is carried out in the premises of the unit for retention and custody containing 9 rooms for the purpose in Đorđićeva Street no. 4

- Pending June 1998, chiefs of police of all police administration were instructed to eliminate all failures regarding conduct towards detainees, to check all premises for retention and especially to eliminate all failures regarding security and health conditions. (see appendix 7).

Request for Information

- Premises referred to in paragraph 45 situated in Zagreb, Đorđićeva Street 4, have been reconstructed following Your visit and thus meet all standards regarding the size and level of equipment thereof.

INTERIM REPORT

of the prison system of the Republic of Croatia in connection to the visit by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment (CPT)
September 20 – 30, 1998

Introduction

The European Committee for the prevention of torture and inhuman or degrading treatment (CPT) visited the prison system of the Republic of Croatia from 20 to 30 September 1998. This was Committee's first visit to the Republic of Croatia since it became the member of the Council of Europe.

We would like to express to the CPT our gratitude for the visit and for the recommendations related to the improvement of the prison system. They will help our state in its efforts to increase the quality of execution of prison sanctions and measures, while implementing accepted European standards and rules in this field.

In the following text, which is structured according to the table of contents, the outline and the instructions contained in the CPT's report, we shall present our comments on the remarks, provide the requested information, report on the actions undertaken in respect to the CPT's recommendations and provide the necessary attachments.

This interim report has been prepared by the Administration for the Execution of Sanctions of the Ministry of Justice in co-operation with the penal institutions visited by the CPT, to which the CPT's report relates.

In addition to its English translation, we are sending the Interim report also in Croatian language, which is its authorized version.

INTERIM REPORT

C. Prisons

4. Preliminary remarks

Requested information

We are unable to foresee the date on which the new Law on the Execution of Prison Sentences will be passed, but we expect that it may be passed by the end of 1999 (Section 47).

The court proceedings and the length of imprisonment on remand are within the exclusive competence of judicial authorities, and can not be influenced by the prison system. Regarding the CPT report, the Ministry of Justice sent a memorandum to the Supreme Court of the Republic of Croatia (Attachment 1) together with the list of all the remand prisoners who were imprisoned on remand for more than six months, so that the Supreme Court would, within its powers of the highest court in the Republic of Croatia, influence the efficiency of proceedings (Section 48).

The Administration for the Execution on Sanctions of the Ministry of Justice drafted the Regulation on Home Rules in Prisons in which Imprisonment on Remand is Executed, in accordance with Article 118 of the Code of Criminal Proceedings. The Regulation has just been given to the Minister of Justice for his signature. After the signing, the Regulation will be published in "Narodne novine" /"Official Gazzette"/ and it shall be binding for all prisons regarding their treatment of prisoners on remand. The prisoners on remand will in this way have equal treatment in the entire prison system (Section 48).

5. Ill-treatment

Recommendations

We accept the comments and recommendations of the CPT. A commission will be established, which will, within three to six months, examine the treatment of convicted prisoners accommodated in the unit for increased supervision in the Lepoglava State Prison and propose the criteria for accommodation in this unit and the manner of treatment. CPT will be informed about all that has been done in the final report (Section 52).

We accept CPT's opinion, and at the same time we report that the activities on the organization of the Training Center for Croatian Prison System Staff are currently under way. The Center is being organized in co-operation and with the assistance of OSCE and English Prison Administration and their Training Center. The organization of the Center and a permanent training of prison staff, especially for communication with prisoners, means that one of the main tasks of prison staff, i.e. the development and promotion of their positive attitude towards prisoners will be fulfilled (Section 53).

6. State Prison in Lepoglava

Recommendations

We accept CPT's opinion and we report that the completion of the renovation of the establishment in Lepoglava is one of the priorities of the prison system of Croatia. However, the realization of this project depends on financial resources which, although planned, were not provided in the 1999 State Budget (Section 58).

All the convicted prisoners are provided toiletries for maintaining personal hygiene and the means for maintaining their cells and communal sanitary facilities in clean and hygienic state. However, in this moment, due to insufficient financial resources, the supplies thereof are provided at a minimal necessary level. Therefore, for the purpose of the ensuring of quantities and types of toiletries necessary for the maintenance of personal hygiene and other means for maintaining the cells and communal sanitary facilities in clean and hygienic state, a reallocation of the available financial resources has been planned (Section 58).

We accept the opinion and the remark of the CPT regarding the need to decrease the number of prisoners in the Lepoglava prison. A commission has been established with the task to carry out a recategorization of criminal offences and reclassification of prisoners who are serving their sentences in Lepoglava for the purpose of their transfer, so that they would serve their sentences in appropriate conditions in other penal institutions. Until we began to write this report the number of prisoners in Lepoglava was decreased due to the fact that 87 inmates had been

transferred. The entire transfer proceedings will be completed by the end of this year (Section 59).

We accept CPT's opinion regarding the provision of an appropriate range of work and various forms of recreational activities. However, according to the Constitution of the Republic of Croatia, prisoners are not obliged to work, so work can not be prescribed as an obligation in prison, but it can only be a right of a prisoner. However, due to insufficient financial resources, it is not possible for now to make sure that all prisoners who want to work can work, and it is not possible to provide different educational, sport and other recreational activities for all the prisoners (Section 64).

We accept CPT's recommendation. In co-operation with the Lepoglava prison, a special commission will establish the criteria for the accommodation of prisoners in the unit for increased supervision. The prison must inform the prisoner about the reason for such an accommodation, develop an individual program of the execution of prison sentence and limit the length of the accommodation to a maximum of three months at a time, in compliance with the new Law on the Execution of Prison Sentences. We will report on the undertaken measures and the result in the final report (Section 67).

We accept CPT's recommendation. As previously described (ad Section 67), the prison is requested to inform the prisoners accommodated in the unit for increased supervision about the possibility to use the legally prescribed right to file complaints, statements and appeals against the decision on accommodation with the prison administration. The new Law on the Execution of Prison Sentence prescribes a special protection by executing judge in the case of the accommodation of prisoner in the unit for increased supervision (Section 68).

Two doctors are full time employees of the Lepoglava prison (one of them from November 1998, and the other from June 1999), as well as one dentist (from June 1999). Psychiatric treatment and assistance is provided once a week by a psychiatrist who is coming from the Hospital for Imprisoned Persons. The prisoners who need psychiatric hospital treatment are sent to the hospital for the treatment (Section 71).

We accept CPT's opinion. However, due to the impossibility to employ new staff members, we are planning to organize training in first aid for

the necessary number of staff members, in order to make sure that first aid can be provided at any time. It should also be mentioned that the custodial staff members are being trained at their initial training when they are employed to provide first aid, but the acquired knowledge has not been tested by now (Section 72).

We accept the opinion, and it has been ordered to organize the work of the medical services so that each prisoner is examined within 24 hours from his or her arrival to the Lepoglava prison by a doctor or another qualified staff member (Section 73).

Although we accept CPT's report, it is not possible at the moment to provide the sentenced prisoners with the right to appeal in a disciplinary proceedings, because the Law on the Execution of Prison Sentences and Misdemeanors which is in force does not grant such a right, and it does not envisage the disciplinary proceedings as such. The disciplinary proceedings, the measures and the legal protection of prisoners in disciplinary proceedings is regulated in the new Law on the Execution of Prison Sentences which is pending enactment procedure (Section 79).

Comments

We accept the suggestion. A special commission of the Administration for the Execution of Sanctions of the Ministry of Justice will establish the criteria for the accommodation of prisoners in the unit for increased supervision (Section 67).

The Croatian Law on the Execution of Sanctions Imposed for Criminal Offences, Economic Infractions and Misdemeanors which is in force, the new Law on the Execution of Prison Sentences which is pending enactment procedure, as well as the practice, respect the principle according to which a shorter prison sentence is served closer to the prisoner's place of residence in order to facilitate visits by family members. Longer prison sentences are impossible to be executed in prisons due to the fact that they are overloaded, so they are served in penitentiary institutions. Prisoners who are serving sentences in open or semi-open penitentiary institutions are using the opportunity of a leave, so the visits to them are less frequent. An inmate who is serving a longer prison sentence in closed units (as for example in Lepoglava) and who is not using the privilege of a leave has, according to the law, the right to two to four visits a month. The visits may last, as a rule, for two hours,

while free visits may last longer, which is more than provided in other European states. Since the length of the visits depends on the number of inmates, the possibility and the length of visits will increase following the transfer of a part of inmates from Lepoglava. Also, an inmate from Lepoglava who is not using the privilege of a leave has the legal possibility to be escorted, on his or her expense, to the prison which is closest to the place of his or her residence for the purpose of a visit by the family (Section 77).

We accept the proposal regarding the design and equipment of the rooms for visitors, and we will do this gradually, depending on financial possibilities (Section 77).

Requested information

Regarding the accommodation of inmates in the unit for increased supervision, the criteria for their accommodation will be established, with the obligation to reexamine the need of further accommodation every three months. However, the above-mentioned is a temporary solution, only until the new Law on Execution of Prison Sentences which prescribes the reasons for the accommodation of inmates in the unit for increased supervision, the length and the establishment of an individual program for the execution of prison sentence as well as the legal protection of inmates, i.e. the right to file a complaint to the executing judge, is passed (Section 68).

According to The Law on the Execution of the Sanctions Imposed for Criminal Offences, Economic Infractions and Misdemeanors, letters sent or received by prisoners to or from family members or other persons are not supervised, i.e. they are not read, if the sentence is served in open or semi-open units. According to the Law, the content of letters is supervised in closed units. However, independently of the degree of the security at the penitentiary institution or the prison in which the prisoner is serving his or her sentence, it is forbidden to read inmate's correspondence with the bodies of state authorities and Ombudsman (Section 78).

4. County Prisons

Recommendations

We accept the opinion about the need to remove the metal window screens from the windows of prisoners' cells and provide another architectural solution which would be more appropriate and would not cause the darkening of cells and prevent access to daily light (Paragraphs 82 and 84).

We accept the opinion regarding the overloading of the prison in Split (its optimal capacity is 90 persons, and occasionally 220 persons are accommodated in it). Building of an additional floor is planned, but for the time being this is not possible, due to the lack of financial resources. The transfer of prisoners on remand from the Split prison to other prisons is being used occasionally due to overcrowding. It is impossible to carry out a permanent transfer of prisoners on remand because of court proceedings and the legal right of a prisoner on remand to be present at the trial before the court. In most of the prisons in the country sanitary facilities are separated from the rest of the room. The same is planned to be done also in the Split prison, as soon as financial resources for this purpose are provided (Section 84).

We accept the opinion regarding the size of a cell for one person, but due to the lack of accommodation space a single bed cell must sometimes be used to accommodate two persons (Section 84).

Cells number 1 and 14 in Split prison are used for a temporary isolation for not more than 24 hours, or, in the case of lack of space, as regular rooms for the accommodation of prisoners. Psychiatric cases are not accommodated in these cells. The call bells in all cells in the Split prison have been repaired (Section 84).

We accept CPT's opinion regarding the number of persons who can be accommodated in the cells of the Šibenik prison. The aforementioned has been respected so far. However, in the case of overcrowding, a larger number of persons than planned will have to be accommodated in the cells (Section 86).

We are aware of the shortcomings of work activities as well as other activities for prisoners in prisons. The above-mentioned is partially a consequence of the lack of financial resources. The regime of life in prisons will be improved with the improvement of the financial situation. It is, however, necessary to say that the present position of prisoners is the result of the legal regulation according to which a prisoner on remand

is in exclusive jurisdiction of the court which decides on, i.e. approves every activity of the prisoner on remand. An amendment of these provisions as well as the provisions which relate to staff members working on the execution of penal measure of remand will be proposed together with the first amendment of the Code of Criminal Procedure, in accordance with the CPT's suggestions (Section 90).

We accept the suggestion on the necessity of a special training of prison staff who work with juvenile remand prisoners. Upon the organization of the Training Center all the staff members will be specially trained. The treatment of juvenile offenders is regulated in a special law, namely in the Law on Juvenile Courts. According to this Law, juveniles are accommodated separately from adult inmates. Only when it is necessary for the protection of health of juveniles, and on the basis of opinion of a medical doctor, subject to the approval of a juvenile judge, a juvenile is accommodated with an adult person. Although the available financial resources for the execution of all penal sanctions are not sufficient, greater attention and care is still given to juveniles, as well as greater financial resources for the organization of training, physical training and recreational activities of juveniles during the imprisonment on remand (Section 96).

In the Zagreb prison we tried to find a replacement for the absent psychiatrist, but we did not succeed. This is a consequence of a relatively low salary compared with the load and the demands of the job. We have therefore applied the only possible legal solution, according to which a psychiatrist from the Hospital for Imprisoned Persons comes to the prison, or the prisoners who need assistance of a psychiatrist are escorted to the Hospital for Imprisoned Persons (Section 97).

The following needs to be undertaken:

- in the prison in Split the number of nurses and technicians has been increased, from two to three,
- dentist services to prisoners in the prison in Split are provided in such a manner that they are escorted to the local dentist out-patient facility,
- the prison in Split has a doctor on staff – a specialist for internal medicine, while the psychiatric assistance and treatment is provided by a psychiatrist from the local medical institution (Section 98)

The following must be provided immediately:

- a medical doctor from the prison in Šibenik has just finished his specialization in general medicine and returned to his work;
 - the prison in Šibenik has a medical nurse on staff (Section 99);
- regarding the provision of first aid to prisoners, we are referring you to the planned treatment described ad Section72 (Section 101);
 - we accept the opinion that newly-arrived prisoners must be medically examined within 24 hours form their arrival. In Split and Zagreb prisons medical staff is on duty on weekends, while a doctor comes to Šibenik prison on weekends if called, or, if necessary, the prisoner is taken for examination to a medical institution (Section 102);
 - we accept the proposal that a medical doctor must keep a record containing a full account of statements of prisoners concerning allegations of ill-treatment, medical findings and conclusions, and a memorandum has been sent to all establishments (Attachment 2) in which their doctors are obliged to apply the said procedure (Article 104);
 - visits to prisoners are carried out in accordance with home rules and subject to approval of the court, as regulated in the Law on Criminal Procedure, and the length of a visit is conditioned by the number of prisoners in each prison, space available, and daily activities (Section 105).

Comments

- we accept the opinion, but the number of persons accommodated in a cell depends on the actual capacity of the prison in relation to the number of persons accommodated at a particular moment (Sections 82 and 86);
- The Administration for the Execution of Sanctions of the Ministry of Justice ordered the administration of Split prison to organize medical services in such a way that medical treatment is provided also on weekends (Section 101);
- prison doctor must examine the newly-arrived prisoner even when this person has been examined by another doctor, for example in a medical institution. The prison doctor need not agree with the opinion of the other doctor, and, if he or she deems it necessary, he or she may request additional examination and opinions by competent specialists.

In connection with the above-mentioned, a memorandum was sent to prisons and penitentiary institutions, with instructions how to proceed (Section 104);

- we accept the opinion regarding the visiting booths in Split prison, and we shall try to find another, more appropriate solution, when financial resources are provided. Regarding the opinion on the need to ensure more free visits to remand prisoners, we refer to what was mentioned before about the legislation according to which the approval of visits is within the jurisdiction of courts (Section 105).

Requested information

- 10 prisoners from Lepoglava prison were transferred to Šibenik prison, and 17 remand prisoners were temporarily transferred from Split prison, with the approval of the court, until the scheduling of the trial (Section 91);
- training of prison staff for the preparation of the program for the treatment of sexual offenders, especially of violent sentenced prisoners, junior adult sentenced prisoners between the age of 18 and 23 and of elderly and disabled is planned, as well as the preparation of the program before releasing prisoners from imprisonment (Section 93);
- necessary preparations for recategorization of criminal offences and classification of inmates by a special Commission of the Administration for the Execution of Sanctions of the Ministry of Justice in co-operation with the Center for Psycho-Social Diagnostics of the Zagreb Prison have been made (Section 93);
- The observation of personalities of sentenced prisoners is carried out in the Center for Psycho-Social Diagnostics in Zagreb, and an orientation (framework) program is being developed, which covers the main needs of the treatment with respect to the psycho-physical characteristics of sentenced prisoners. This program is being elaborated up to the level of implementation in the penal body to which the sentenced person is sent (implementation program) and it includes the exact title of the job, the type of training, free activities, encouragement group, the type of supervision, as well as inclusion in some of the special programs, for example, for addicts etc. We accept the opinion that keeping the sentenced prisoners in the reception area of the penal institution up to 30 days is too long. This time limit will be shortened in agreement with penal institutions. During the serving

of the sentence the sentenced prisoner is not accommodated at the reception unit any more, not even for the purpose of monthly evaluations (Paragraph 94);

- the contents of the correspondence between the sentenced prisoners and defense attorneys is not supervised, i.e. it is not read (106).

5. Complaints and Inspection Procedures

Recommendations

Every person who is imprisoned on the basis of the law has the right to correspond with the Ombudsman without restrictions or supervision of the content of the correspondence (Section 114);

The Minister of Justice sent an extract from the report and CPT's opinion on the contents and the manner in which the supervision tasks are carried out by the bodies of judicial authority to the county courts competent for the supervision over the treatment of remand prisoners (Attachment 3) (Section 115).

Comments

We expect that the new Law on the Execution of Prison Sentences might be enacted by the Croatian National Parliament by the end of 1999 (Section 111).

Requested Information

We confirm that all imprisoned persons, including the sentenced prisoners, have the right to unlimited and unsupervised (non-censored) correspondence with the Ombudsman (111);

The new Law on Execution of Prison Sentence regulates the role of executing judge, his or her competence and the manner in which he or she proceeds. According to that law he or she may, even in the absence of prisoner's complaint, conduct supervision in prison or in a penitentiary institution within his or her jurisdiction (112);

The filing of written complaints to competent courts is a right of prisoners on remand, and the insight into their contents is forbidden (Section 113).

D. Institution for Re-education of Minors, Turopolje

1. Ill-treatment

Recommendations

The uniformed staff of the Institution for Re-education of Minors Turopolje has been informed about the consequences of overstepping of authority in the use of means of coercion, including any type of ill-treatment of minors. The minors have also been informed of the duty to respect law and home rules, and about the possible disciplinary responsibility in the case of violation thereof (Section 119);

All prisons, penitentiary institutions and institutions for re-education of juveniles have been sent a memorandum in which doctors are requested to keep accurate and precise records, to record statements on ill-treatment, of medical findings in connection with necessary medical treatment, and to issue certificates of injuries. In the same memorandum, the doctor is ordered to immediately inform the director about his or her report, and the director is ordered to sent the report in the case of ill-treatment to the competent state's attorney (Section 121);

Upon the organization of the Training Center for Prison Staff the training and education for the work with juveniles will be carried out in a systematic manner, by means of a basic course and other forms of training (Section 122);

We accept the opinion that the custodial staff members should carry batons hidden from view in inside pockets (Section 123).

Comment

It is our estimate that it is necessary to carry batons for the purpose of personal safety of the staff members and other persons, but we do accept the opinion that the baton should be carried hidden from view (Section 123).

Requested Information

A new investigation carried out by the heads of the Institution for re-education of juveniles. Turopolje into the incident described in Section 120 confirmed that there was no ill-treatment of the juvenile (Section 120).

2. Conditions of detention

Recommendations

We accept CPT's opinion and report that the activities on the renovation of the premises for juveniles have already been commenced (Section 124).

Comments

An expert examination of the juvenile to whom this comment relates established that he is not suffering from a psychiatric illness, but that he is suffering the consequences of a psycho-organic syndrome, followed by serious psycho-social disturbances in the adaptation to an institutional way of life. He is suicidal and aggressive. So far he has been accommodated in all institutions of social protection, he was medically treated in civilian hospitals and in the Hospital for Prisoners. He has no contact with his family and it is not probable that he will make such contacts. He is fully dependent on the assistance of the bodies of state authority, and since he is not a psychiatric patient, and in addition to this, he continues to commit criminal offences, the accommodation in penal conditions is for the time being the only possible legal option (Section 129).

Requested Information

Vocational training for bricklayers and metalworkers has been verified by the Ministry of Education. This expanded the range of vocational training offered to juveniles. Introduction of additional training programs depends on further financial resources and in this moment it is not possible to plan them (Section 127).

In January 1999, training of Institution's staff was carried out with the purpose to enable them to perform their tasks regarding the treatment and education of juveniles on substance abuse problems (Section 130).

2. Other issues relevant for CPT's mandate

Recommendations

First aid training of sufficient number of staff will be organized in the Training Center (Section 131).

We accept CPT's opinion, but this question will be regulated in the new law on the execution of re-educational measures on juveniles. In this moment, in accordance with the existing Law on the Execution of Sanctions Imposed for Criminal Offences, Economic Infractions and Misdemeanors, a juvenile may lodge a complaint to the head of the Institution. If the juvenile is not satisfied with the decision on complaint, he or she may address the Administration for the Execution of Sanctions of the Ministry of Justice orally or in writing.

It is being considered how to increase the efficiency of the existing complaints procedures and how to stimulate them to lodge complaints. A survey has been carried out among the juveniles and it shows that they do not feel the need to use the boxes for complaints, because they solve their problems by means of talking to their educators and other staff (Section 141);

Juveniles have the right to correspondence with bodies of state authority without limitations and without control of the correspondence (Section 141).

Comments

~~We~~ We accept the recommendation. The conditions for medical screening procedure of newly-arrived juveniles within 24 hours have been ensured (Section 132);

We accept the opinion, and all the juveniles have the possibility to be medically examined according to their wishes or needs (Section 133);

We accept the opinion and want to report that the staff training for treatment of addicts has already started (Section 135).

According to the Law on Execution of Sanctions Imposed for Criminal Offences, Economic Infractions and Misdemeanors, and the Home Rules of the Institution for Re-education, isolation of a juvenile in a special cell may last up to seven days, at which an appropriate individual program for the treatment of the juvenile has to be made. In the contrary, the measure must not be executed (Section).

Requested Information

Medical examinations of juveniles are carried out in the infirmary in the presence of medical staff. Security officers are present at the examination only upon the request of medical staff (Section 133);

In 1998, the Institution for Re-education was visited once by juvenile judge of the Municipal Courts in Osijek, Bjelovar, Koprivnica and Varaždin, and twice by juvenile judge of the Municipal Court in Zagreb. The reports on the visits were sent by the juvenile judges of the Municipal Court in Zagreb and Bjelovar (Attachment 4). The representatives of the State's Attorney's Office did not visit the Institution for Re-education in 1998. The reports pointed to the need to renovate the premises for juveniles, to provide more working activities of juveniles and a more comprehensive organization of their free time. The renovation of premises for accommodation has started (Section 143).

D. Hospital for Imprisoned Persons

1. Preliminary Remarks

Requested Information

Hospital for Imprisoned Persons is a penal institution established for medical treatment of ill imprisoned persons. As a special body of state administration it is subject to general and administrative supervision carried out by the Ministry of Justice. Professional supervision of medical treatment of imprisoned persons and of professional and other conditions of work of medical staff is carried out by the Ministry of Health, in accordance with the rules of medical profession. Each ministry, on the basis of its respective competence, makes individual and team visits to the Hospital, and conducts on-sight supervision (examination of premises, documentation, interviews of staff and imprisoned persons) over the discharging of the affairs from their

respective competence. A report on supervision is than made, and measures for removing the established failures are ordered. The implementation of the ordered measures is checked in accordance with law and rules of medical ethics (Section 145).

2. Ill- treatment

Recommendations

The Hospital for Imprisoned Persons proceeds in accordance with the law and medical ethics (Section 148);

The Hospital for Imprisoned Persons accepted the opinion and started to keep an appropriate register (Section 149);

We accept the opinion, and truncheons, as a part of their uniform, will be hidden from view (Section 150).

Comments

All medical doctors employed at the Hospital for Imprisoned Persons have been informed of the CPT report and have been warned once again of their duty to proceed in accordance with the law and medical ethics (Section 151).

Requested Information

We accept the opinion, and accordingly a special training for Hospital staff who work at psychiatric ward will be organized at the Training Center (147).

3. Staff and medical facilities

Comments

The total of 129 employees are employed at the Hospital for Imprisoned Persons. Medical staff consists of 45 employees. 7 out of 15 doctors are women, and there are 19 women among other medical staff. 5 women and 42 men are employed as security staff (Section 154).

Requested Information

In the Hospital for Imprisoned Persons the Book of Rules on Internal Order envisages 136 employees. In this moment 129 persons are employed at the Hospital (Section 152);

There are four nurses trained to work with psychiatric patients in the Hospital (Section 152);

There is a permanent presence of two nurses and one doctor who are always on duty after working hours, on weekends and on holidays. Another doctor on duty will be hired, upon the permission of the Government of the Republic of Croatia (Section 153).

4. Patients' living conditions and treatment

Recommendations

- juvenile patients are accommodated with adult patients only upon doctor's recommendation or due to the lack of accommodation capacity;
- separation of patients is subject to doctor's opinion and limited by the lack of accommodation capacity (Section 157);
- the number of persons accommodated in rooms depends on the number of imprisoned persons who need accommodation;
- imprisoned persons may keep their permitted belongings in hospital rooms, if they do not jeopardize safety and do not violate home rules and if they are not contrary to health care standards and criteria applied to civilian hospitals;
- since the Hospital for Imprisoned Persons is nevertheless a hospital in which imprisoned persons are medically treated, equal health care criteria and standards must be applied in this hospital as in any other hospital, including wearing appropriate clothes and underwear (Section 157);
- communal sanitary facilities have partially been renovated, and there are plans to renovate the rest as well (Section 158);
- we accept the recommendation, but the activities of imprisoned persons treated at the psychiatric ward are limited with the available personnel, space and equipment (Section 160);
- we accept the recommendation, and we are planning to expand and remodel the space for outdoor activities, as soon as funds are provided for that purpose (Section 161).

Comments

- we agree with the recommendation, but the activities are limited by the condition of patients' health, available personnel, space and equipment (Section 160);
- patients of school age are visited and provided with educational activities by their educators from their original penal institutions (Section 160).

Requested Information

Contacts with the outside world are made in accordance with the provisions of the Home Rules of the Hospital for Imprisoned Persons and legal status of the person concerned. Monthly visits by the judges from the County Court in Zagreb, by the representatives of International Committee of Red Cross and the OCSE are regular. The hospital was once visited by the representatives of United Nations and by the representatives of Croatian Helsinki Committee. The judges from the County Court in Zagreb visit all the premises of the Hospital.

MINISTER

dr. Zvonimir Šeparović