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**20th General Report  
of the European Committee for the Prevention  
of Torture and Inhuman or Degrading Treatment  
or Punishment (CPT)**

1 August 2009-31 July 2010



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for the Prevention of Torture  
and Inhuman or Degrading  
Treatment or Punishment (CPT)**

**(1 August 2009-31 July 2010)**

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The CPT is required to draw up every year a general report on its activities, which is published. This 20th General Report, as well as previous general reports and other information about the work of the CPT, may be obtained from the Committee's Secretariat or from its website: <http://www.cpt.coe.int/>.

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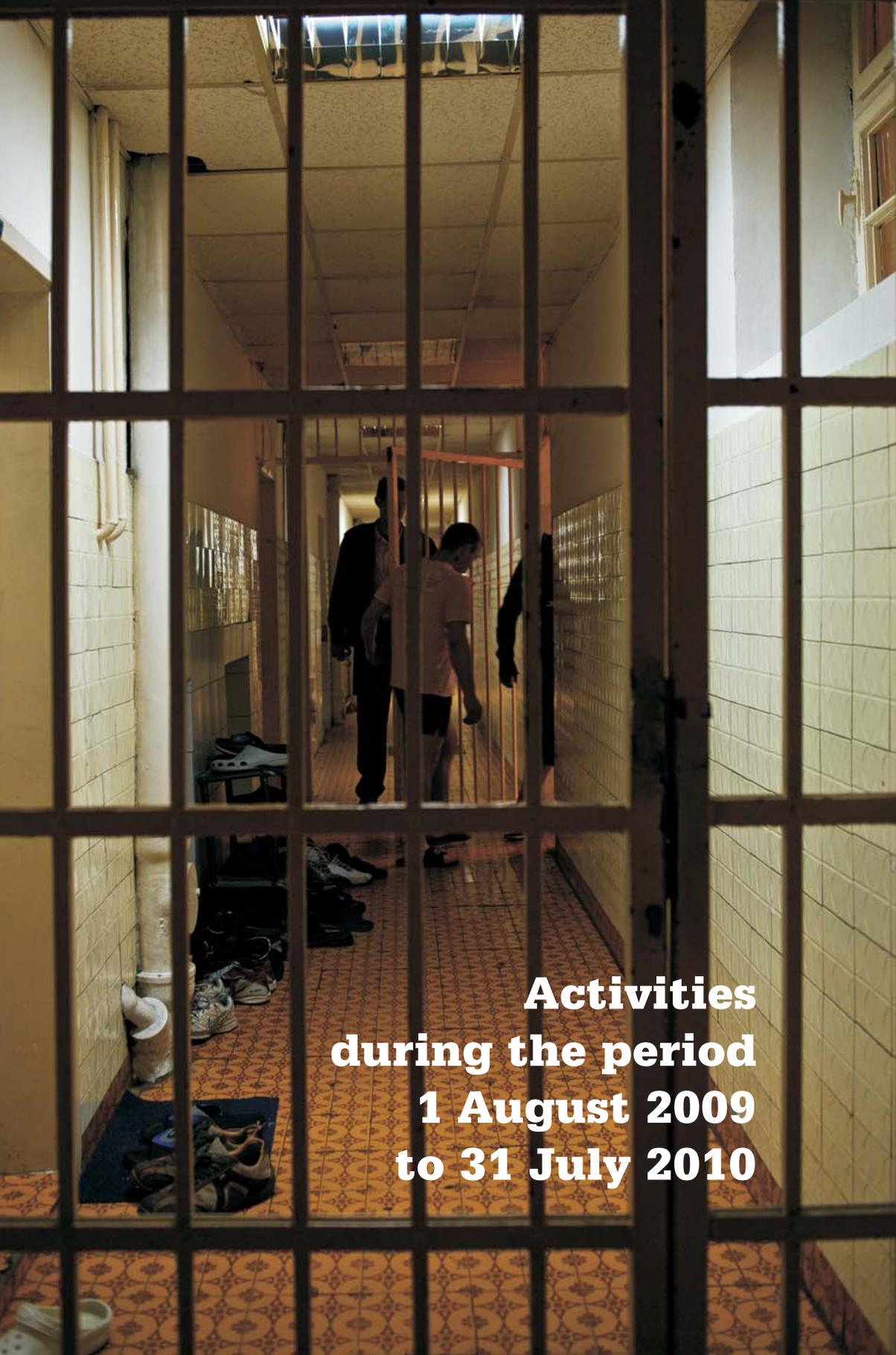
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**Activities  
during the period  
1 August 2009  
to 31 July 2010**



# Activities during the period 1 August 2009 to 31 July 2010

## Visits

1. The CPT organised twenty visits totalling 159 days during the twelve-month period covered by this General Report. Eight of the visits (totalling 96 days) formed part of the CPT's annual programme of periodic visits and ten (58 days) were ad hoc visits which the Committee considered were required by the circumstances. The remaining two visits were carried out under an arrangement for monitoring the treatment and conditions of detention of persons serving sentences imposed by the International Criminal Tribunal for the former Yugoslavia.

Basic details of all these visits (countries, dates, places of detention visited) are provided in Appendix 7.

2. The CPT intends to continue with an annual programme of some ten periodic visits, thereby ensuring that the overall situation in each Party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT) is examined by the Committee on average every four to five years. The somewhat lower number of periodic visits during the last twelve months is linked to the significant turnover in the CPT's membership at the end of 2009. It was decided that all new members should attend at least two plenary meetings before taking part in a visit, so as to make sure that they are properly acquainted with the Committee's working methods when they join a visiting delegation for the first time. This has led to a concentration of periodic visits in the second half of 2010; six such visits will be organised in the last four months of this year.

3. The volume of the annual visit programme as a whole – which has hovered around the 160-day mark since 2005 – remains insufficient to cope effectively with the workload generated by 47 Parties to the ECPT. Development of that programme continues to be hampered above all by an unfavourable staff situation (see paragraphs 95 to 98).

## Periodic visits

4. The eight periodic visits were organised to Albania, Armenia, Belgium, Georgia, Greece, Ireland, Poland and Ukraine.

The situation in a broad range of places of deprivation of liberty was examined in each of these countries (see Appendix 7). It should be noted that CPT visiting delegations are paying increased attention to social care facilities for the mentally and/or physically disabled; establishments of this kind were visited for the first time in Albania, Armenia, Georgia and Ukraine, and a follow-up visit to such a facility was carried out in Ireland. Further, the treatment of persons detained under aliens legislation was a focus of many of the visits, for example to Belgium, Greece, Poland and Ukraine. Particular attention was paid to the situation of life-sentenced prisoners during the visits to Armenia and Ukraine.

## Ad hoc visits

5. The ten ad hoc visits carried out by the CPT during the period covered by this General Report were to the Czech Republic, Italy, Latvia, Lithuania, Moldova (including the Transnistrian region), Romania, the Russian Federation, Turkey, the Channel Islands (Crown dependencies of the United Kingdom) and Kosovo.<sup>1</sup>

6. During the ad hoc visit to the **Czech Republic** in October 2009, the CPT's delegation reviewed action taken to bring an end to the application of testicular pulpectomy ("surgical castration") for the purpose of the treatment of detained sex offenders, in the light of the recommendations made on this issue after the Committee's visit in March/April 2008. The report on the October 2009 visit and the Czech authorities' response were made public on 21 July 2010.

Government Ministers and officials met by the CPT's delegation indicated that the Czech authorities did not intend to cease having resort to surgical castration. Moreover, it became apparent that no efforts had been made to examine the conditions under which it could be replaced by less invasive interventions, such as the administration of anti-androgens. In the visit report, the CPT reiterates its view that surgical castration in the context of the treatment of detained sex offenders amounts to degrading treatment and calls upon the Czech authorities to bring an immediate end to the application of this intervention in that context.

1. All references to Kosovo, whether the territory, institutions or population, in this General Report shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

In their response, the Czech authorities state that they do not share the CPT's view that surgical castration of detained sex offenders amounts to degrading treatment. Nevertheless, they point out that the application of this intervention vis-à-vis sex offenders is the subject of ongoing discussions by various advisory bodies to the Government. Further, to assist the process of reflection, an expert study is being prepared by the Ministry of Health in collaboration with the Government Commissioner for Human Rights. In addition to examining the medical, ethical and legal aspects of the application of surgical castration in relation to sex offenders, the study will include a comparison of the advantages and disadvantages of alternative methods for treating sex offenders.

The Czech authorities also refer in their response to measures taken to ensure that CPT visiting delegations have unrestricted access to medical records.

7. The ad hoc visit to **Italy** in June 2010 was in part of a follow-up nature, namely to review steps taken to implement recommendations aimed at improving the provision of health care in prisons which were made by the CPT in the report on its 2008 periodic visit. Particular attention was given to the effect of the recent transfer of responsibility for prison health care from the Prison Administration to the Regional Health Services.

The CPT's delegation also examined the action taken in response to the increased number of suicides and acts of self-harm in prison. Further, against the backdrop of some recent and well-known cases, the delegation considered the system in place to investigate allegations of ill-treatment of persons deprived of their liberty.

8. The purpose of the ad hoc visit to **Latvia** in December 2009 was to review progress as regards the treatment and conditions of detention of prisoners, in the light of the recommendations made by the CPT after its 2007 periodic visit. In the report on the 2007 visit, the Committee expressed serious concern about the situation found at Jēkabpils Prison (allegations of severe ill-treatment by prison officers, widespread violence among prisoners, poor conditions of detention). Major shortcomings were also found as regards the conditions of detention of prisoners sentenced to life imprisonment.

During the 2009 visit, the CPT's delegation re-examined the situation at Jēkabpils Prison. It also returned to the units for life-sentenced prisoners at Daugavgrīvas and Jelgava Prisons, which continued to hold all of the country's male lifers.

9. The ad hoc visit to **Lithuania** in June 2010 was also very much a follow-up visit, one of the main objectives being to re-examine the treatment of inmates at Kaunas Juvenile Remand Prison. During the periodic visit in 2008, it was found that the conditions of detention of juvenile remand prisoners at the Kaunas establishment left a great deal to be desired.

In addition to returning to Kaunas Juvenile Remand Prison, the delegation which carried out the 2010 visit took the opportunity to review the treatment of persons detained by the police, with particular emphasis on Klaipėda (a region which had not previously been visited by the Committee).

Another issue addressed by the CPT's delegation was the alleged existence some years ago on Lithuanian territory of secret detention facilities operated by the Central Intelligence Agency of the United States of America. The delegation had talks with the Chairman of the Lithuanian Parliament's Committee on National Security and Defence about the findings from the investigation recently undertaken by the Committee in relation to this matter. And it met members of the Prosecutor General's Office entrusted with the pre-trial investigation which had subsequently been launched. Further, the facilities referred to as "Project No. 1" and "Project No. 2" in the report of the Parliamentary Committee were visited by the delegation.

10. As regards the ad hoc visit to **Moldova** in July 2010, the CPT's intention was to review the treatment of persons deprived of their liberty in the Transnistrian region of the country. More than four years had elapsed since the CPT's last visit there, and reports recently received by the Committee indicated that a fresh look at the situation in police and prison establishments in the region was required.

From the initial consultations with the de facto authorities, it appeared that – as in the past – they would fully cooperate with the CPT's delegation. However, shortly after the delegation had commenced a visit to the remand section of Colony No. 3 in Tiraspol, it was informed that, unlike during the Committee's previous visits, it would not be allowed to interview remand prisoners in private. Subsequent discussions with the de facto authorities did not make it possible to resolve this problem. Such a restriction contradicts one of the fundamental characteristics of the preventive mechanism embodied by the CPT, namely the power to interview in private any person deprived of their liberty. Consequently, the Committee's delegation decided to interrupt its visit to the Transnistrian region.

Nevertheless, the delegation visited Penitentiary establishments Nos. 8 and 12 in Bender; these establishments are located in an area controlled by the de facto authorities of the Transnistrian region but form part of the prison system of the Republic of Moldova. The opportunity was also taken to review the treatment of persons detained by the Moldovan police.

The ambition of the CPT is to exercise its mandate in every corner of Europe; there should be no human rights vacuum in any part of the continent. However, the Committee is not prepared to give up its basic attributes in pursuit of that ambition. The CPT stands ready to resume its visit to the Transnistrian region as soon as its power to interview in private any person deprived of his or her liberty is guaranteed.

11. During the ad hoc visit to **Romania** in September/October 2009, the CPT's delegation reviewed the situation of patients at the Nucet Medico-Social Centre and the Oradea Hospital for Neurology and Psychiatry. These establishments had been visited by the Committee in the framework of the periodic visit organised in 2006 and were the subject of a considerable number of recommendations.

The report on the 2009 ad hoc visit as well as the Romanian authorities' response were made public on 26 August 2010. The report notes a number of improvements as regards living conditions, staff resources and patients' treatment in the two establishments, at the same time as highlighting areas where further progress is necessary. In their response, the Romanian authorities draw attention to various steps taken to address issues raised by the CPT, but also emphasise the difficulties arising from budgetary constraints.

12. The ad hoc visit to the **Russian Federation** in April 2010 was to a large extent focused on high-level talks with the authorities. After nineteen visits to Russia, the CPT considered it important to review the state of its dialogue with the Russian authorities and have an exchange of views on progress made towards implementation of the most important recommendations made by the Committee in the past. The talks had as their primary basis the last two CPT reports, concerning the periodic visit in 2008 and the ad hoc visit to the North Caucasian region in 2009, and the Russian authorities' responses to them. New developments in areas falling under the CPT's mandate, in particular the proposed reforms of the penitentiary system and the Ministry of Internal Affairs, were also examined.

In the course of the visit, the CPT's delegation went to various penitentiary and law enforcement establishments located in Moscow City.

13. The two-day ad hoc visit to **Turkey** in January 2010 related to the conditions of detention of Abdullah Öcalan. The report on this visit and the Turkish authorities' response were made public on 9 July 2010.

Ever since 2001, the CPT has been expressing concern about the situation of Abdullah Öcalan and, in particular, has repeatedly emphasised the potentially harmful effects of his detention as the sole inmate of the prison on Imralı island. The Committee has insisted that he should at the earliest opportunity be integrated into a setting where contacts with other inmates and a wider range of activities are possible. The difficulties frequently encountered by the relatives and lawyers of this prisoner as regards their access to Imralı island have been another bone of contention between the CPT and the Turkish authorities.

In June 2008, the Turkish authorities informed the CPT of their intention to construct a new detention facility on Imralı island and to transfer as soon as possible a limited number of prisoners to that facility. Construction of the new detention facility was completed in the summer of 2009 and, on 17 November 2009, five prisoners were transferred to it from other prisons in Turkey. At the same time, Abdullah Öcalan was transferred to the new facility.

The main objective of the 2010 visit was to verify on the spot whether and to what extent Abdullah Öcalan was effectively able to associate with other prisoners and whether he had been offered a wider range of activities. In accordance with the CPT's mandate, the Committee's delegation also examined the treatment of the other prisoners recently transferred to the new facility on Imralı island.

On the basis of the delegation's findings and of additional information provided by the Turkish authorities after the visit, the CPT reached the conclusion in its report that the conditions of detention of Abdullah Öcalan had improved as compared to the situation found during the Committee's previous visit to Imralı F-type High-Security Closed Prison in 2007. The prisoner's integration into a setting where contacts with other inmates and a wider range of activities are possible was now underway. In addition, the Committee noted that, since March 2008, there had been a marked improvement with regard to access to Imralı island for the prisoner's relatives and lawyers. Nevertheless, the CPT emphasises that it will continue to monitor closely the situation of Abdullah Öcalan as well as that of the other prisoners at Imralı Prison.

14. The CPT's ad hoc visit to the **Bailiwicks of Guernsey and Jersey** (the Channel Islands) in March 2010 was the first time that the Committee had examined the treatment of persons deprived of their liberty in these **Crown dependencies of the United Kingdom**.

The Bailiwicks are not part of the United Kingdom and they each have their own legislative assembly and a separate legal and administrative system. All domestic issues, including those relating to deprivation of liberty, are the responsibility of the Bailiwick authorities.

The CPT's delegation visited a wide range of places of deprivation of liberty and enjoyed excellent cooperation at all levels.

15. In June 2010, the CPT organised its second visit to **Kosovo**<sup>2</sup> (the first having taken place in March 2007). The visit was carried out on the basis of the Agreement signed in 2004 between the Council of Europe and the United Nations Interim Administration in Kosovo (UNMIK).

The CPT's delegation examined the treatment of detained persons in a variety of places of deprivation of liberty throughout Kosovo, including police stations, penitentiary establishments and psychiatric/social welfare institutions.

In the course of the visit, the delegation had consultations with the Special Representative of the Secretary-General of the United Nations in Kosovo, the Head of the OSCE Mission in Kosovo, and the Deputy Head of the European Union Rule of Law Mission (EULEX), as well as with senior officials of the relevant ministries.

The delegation also met the Commander of the international security presence in Kosovo (KFOR). It was informed that at present there are no KFOR-operated detention facilities.

## Monitoring on behalf of the International Criminal Tribunal for the former Yugoslavia (ICTY)

16. This specific monitoring activity is regulated by an exchange of letters between the ICTY and the Council of Europe dated 7 and 24 November 2000 (see Appendix 5 of the 11<sup>th</sup> General Report, CPT/Inf (2001) 16). At present, the CPT has agreed to monitor the treatment and conditions of detention of persons convicted by the ICTY and serving their sentences in Albania, Germany, Portugal, Ukraine and the United Kingdom. As already indicated, two visits were organised by the CPT under this arrangement during the period covered by this General Report, both of which were to the **United Kingdom**.

17. The first visit took place in March 2010, the CPT's delegation examining the situation of three persons convicted by the ICTY and who were serving their sentences, respectively, at Belmarsh, Shotts and Wakefield Prisons.

The second visit was organised in June 2010 and related to one of the three above-mentioned prisoners, namely Radislav Krstić. Six weeks after having been visited by the CPT, this prisoner was the subject of a serious assault by other inmates in his cell at Wakefield Prison. In the light of this event, the Committee considered it necessary to re-examine the treatment of this prisoner and to hold discussions with senior officials responsible for his care.

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2. See footnote 1 on page 8.

## High-level talks with national authorities

18. It is standard practice for CPT visiting delegations to hold talks with the national authorities, at both the outset and the end of the visit. The end-of-visit talks usually involve the participation of Ministers and are the occasion for the delegation to present its preliminary observations.

On occasion, high-level talks are very much the core of a visit, and this was the case during the ad hoc visits to the **Czech Republic** in October 2009 (paragraph 6) and to the **Russian Federation** in April 2010 (paragraph 12).

19. The CPT has also continued in appropriate cases to pursue its dialogue with Parties to the ECPT by organising high-level talks outside the framework of a given visit. During the period covered by this General Report, such talks were organised in **Greece**.

The main objective of the talks, which were held in Athens on 18 and 19 January 2010, was to gauge the commitment of the Greek authorities to combating impunity within the police, to improving the conditions of detention of irregular migrants, and to addressing long-standing problems in the prison system. In this context, the CPT was keen to learn about the measures already taken or being considered by the new Government to tackle the problems found by the Committee in the course of its visits in recent years. The talks were carried out in a spirit of openness and all parties expressed their desire to improve cooperation.

## Plenary meetings and activities of subgroups

20. The CPT held three one-week plenary meetings during the twelve months covered by this General Report – in November 2009, and in March and July 2010.

A total of 20 visit reports were adopted by the Committee at these meetings, eight of them having been drawn up under the expedited drafting procedure (according to which draft visit reports prepared by visiting delegations that are circulated at least two weeks before a plenary meeting are taken as approved without debate, save for paragraphs in respect of which a discussion has been specifically requested in advance).

In view of the influx of new members at the end of 2009 and in order to refresh the skills of all members, a half-day during each of the plenary meetings in March and July 2010 was devoted to training in the techniques of visiting places of deprivation of liberty and interviewing detained persons.

21. The two standing subgroups of the CPT, the Jurisprudence Group and the Medical Group, have continued to meet on the eve of each plenary meeting.

The Jurisprudence Group's terms of reference are to advise the CPT on developments, innovations and possible inconsistencies in the Committee's standards as reflected in visit reports and to identify areas where there is room for development of those standards. The Medical Group examines substantive issues of a medical nature related to the CPT's mandate and organises training sessions concerning the specific tasks that medical members of visiting delegations are required to perform.

22. Ad hoc working groups have been examining the topics of electrical discharge weapons and of prisoners' contacts with the outside world. The substantive section of this General Report (see paragraphs 65 to 84) is the initial outcome of the work of the first-mentioned group.

## **Contacts with other bodies**

23. The CPT's President took part in the second informal meeting of the Council of Europe's monitoring bodies held on 19 March 2010, with the Chair and Vice-Chair of the Ministers' Deputies and the Chairs of the GR-H and GR-J Rapporteur Groups, and the Committee fully subscribes to the conclusions from that meeting. The CPT remains firmly committed to promoting synergy with other bodies, both within and outside the Council of Europe.

24. The CPT's President was pleased to have been given the opportunity to address the 15<sup>th</sup> Council of Europe Conference of Directors of Prison Administration organised in Edinburgh in September 2009. Further, the CPT has been contributing to the work of Council of Europe committees examining subjects linked to its mandate, such as the Committee of Experts on Impunity. As indicated in its comments on Parliamentary Recommendation 1900 (2010), the CPT would also be ready to participate in the work of any expert committee entrusted with preparing European rules on minimum standards for conditions of detention of irregular migrants and asylum seekers.

As in previous years, regular contacts have been maintained with the Commissioner for Human Rights and members of his staff on matters of common interest.

25. The Committee's contacts with institutions of the European Union (EU) continue to grow. Particular mention might be made of the CPT President's participation at a Round Table on detention conditions in the EU, organised by the European Commission in December 2009, and at an exchange of views with the European Parliament's Subcommittee on Human Rights in June 2010. The CPT was also represented at the meeting held in Warsaw on 25 May 2010, on the occasion of the 5th anniversary of FRONTEX.

These contacts will no doubt be further intensified in the years to come, all the more so since the Stockholm Programme (laying down the strategic guidelines for future EU action in the area of freedom, security and justice) deals with several issues of relevance for the CPT. One such issue of immediate interest to the CPT is the current work on strengthening procedural rights of suspected and accused persons in criminal proceedings; the Committee is represented at the experts' meetings being organised by the European Commission on this subject.

The CPT believes that there is considerable scope for cooperation between the Committee and relevant bodies within the EU institutional framework and that, in due course, the question of accession of the Union to the ECPT might usefully be considered.

26. The CPT has continued to consolidate its relations with the United Nations Subcommittee on Prevention of Torture. The Conference referred to in the following section was part of that process. And the Committee is engaging with the national preventive mechanisms being set up, under the guidance of the Subcommittee, in European States that have ratified the Optional Protocol to the United Nations Convention against Torture.

27. The CPT's activities are generating interest beyond the boundaries of the Council of Europe. For example, in May 2010, a delegation of Chinese officials and academics visited Strasbourg for an exchange of views with CPT representatives. The following month, a high-level delegation of the Argentine National Public Defender's Office held detailed discussions on the working methods of preventive mechanisms with the Committee's Bureau and members of its Secretariat.

28. It should also be mentioned that there is an ever-increasing demand for CPT participation in training activities organised by the Council of Europe and other intergovernmental bodies (e.g. the EU, OSCE, UN and UNHCR) and by non-governmental organisations. The Committee strives to respond favourably to such requests, notwithstanding budgetary and workload constraints.

## **Conference on new partnerships for torture prevention in Europe**

29. On the occasion of the 20<sup>th</sup> anniversary of its inaugural meeting, the CPT organised in Strasbourg, on 6 November 2009, a conference on new partnerships for torture prevention in Europe. Universal machinery for the prevention of torture is now being implemented in many parts of the globe, including in Europe, bringing with it new actors possessed of powers similar to those enjoyed by the CPT – the UN Subcommittee on Prevention of Torture (the SPT), and national preventive mechanisms (NPMs). Already, 27 European States have ratified the treaty establishing this machinery, another 9 are signatories, and the process of establishing NPMs in these countries is underway.

The whole purpose of the 6 November Conference was to build synergies between the preventive bodies at national, regional and universal level. Provided they coordinate their efforts in order to maximise effectiveness, these bodies can together have a significant impact.

30. Three topics were explored; promoting the sharing of information between the preventive bodies, facilitating the coherence of standards, and ensuring the implementation of the preventive bodies' recommendations. Although the discussions often generated as many questions as they did answers, the Conference was successful in laying the first foundations of the cooperation and complementarity that everyone seeks. It is envisaged that more focused discussion groups will be organised in the future, to examine the concrete building blocks for developing a coherent and mutually reinforcing partnership among the different actors involved.

31. The Conference was jointly organised with the Association for the Prevention of Torture, and the CPT is extremely grateful to the APT for all the support it provided. The Conference Proceedings were published on 19 July 2010 and are obtainable from the CPT's website ([www.cpt.coe.int](http://www.cpt.coe.int)) or from the Committee's Secretariat ([cptdoc@coe.int](mailto:cptdoc@coe.int)).



# Publication of CPT visit reports





# Publication of CPT visit reports

## Preliminary remarks

32. The well-established trend towards States lifting the veil of confidentiality and publishing CPT visit reports was confirmed during the period covered by this General Report; reports on 19 visits were published by the Committee at the request of the governments concerned. At the time of writing, 243 of the 282 visit reports so far drawn up have been placed in the public domain. As was emphasised in the 19th General Report, authorising publication of visit reports can be seen as one of the most important means of cooperating with the CPT, in view of the increased impact it can give to the Committee's work.

33. A State-by-State table showing the current situation as regards publication of CPT visit reports is set out in Appendix 6. From that table it is clear that the Russian Federation continues to constitute an exception to the above-mentioned trend. This matter was raised with the Russian authorities during the CPT's ad hoc visit in April 2010, and the Committee remains hopeful that they will revise their position in due course. The CPT fully agrees with the recent comment by the Committee of Ministers that "...the publication of [CPT visit reports and the Russian authorities' responses] would be to the benefit of all levels of the Russian administration, non-governmental groups and the Russian society more generally in terms of promoting human rights protection".<sup>3</sup>

The CPT welcomes the publication in November 2009 of the report on the Committee's most recent visit to Azerbaijan, in 2008, and it hopes that the Azerbaijani authorities will also give favourable consideration to authorising publication of the reports on the three visits from 2004 to 2006.

Further, the CPT believes that the time is now more than ripe for publication of the Committee's report to NATO on its visit in 2007 to places of deprivation of liberty in Kosovo<sup>4</sup> under the authority of KFOR.

34. In most cases, the government's response to a visit report is published at the same time as the visit report. However, there is an increasing number of examples of governments deciding to publish CPT visit reports promptly, without awaiting the drawing up of their response. The Belgian, Moldovan and Swedish authorities authorised the publication of the reports on visits to their countries in 2009, before transmitting their response, and the Georgian authorities have very recently proceeded in the same manner as regards the report on the visit to their country in February 2010. Naturally, the CPT welcomes this approach.

3. Reply adopted on 16 September 2010 to Written Question No. 579 by Mrs Taktakishvili, member of the Parliamentary Assembly.

4. See footnote 1 on page 8.

35. Nevertheless, there will be exceptional situations when the rapid publication of a visit report can do more harm than good. A case in point is the publication on 23 December 2009, at the request of the Georgian authorities, of the report on the CPT's visit earlier the same year to the breakaway Georgian region of Abkhazia. This publication occurred only two weeks after a copy of the visit report had been delivered to the de facto authorities in Sukhumi.

The CPT considers that, from the standpoint of human rights protection, it would have been better to give the de facto authorities of the region of Abkhazia a reasonable period to react to the recommendations set out in the visit report before proceeding to publication. The premature publication of the visit report has not facilitated the CPT's dialogue with the *de facto* authorities.

## **Selected publications**

36. In this section, a closer look is taken at some of the visit reports and government responses published during the last twelve months.

### **Report on the periodic visit to Belgium in September/October 2009**

*(the state of the prison system, fundamental safeguards during police custody, and the situation in police and court detention facilities)*

37. The CPT's delegation found that the Belgian prison system continued to suffer from the problem of overcrowding, with certain establishments – such as Jamioulx Prison – having an average occupancy level of 150% or more. The Committee has welcomed the “2008-2012 Master Plan for a more humane prison infrastructure”, under which the capacity of the prison estate should be extended by more than 1,500 places. Nevertheless, the report stresses that providing additional accommodation is not likely, in itself, to offer a lasting solution to the problem of overcrowding; it needs to be accompanied by policies aimed at limiting and/or modulating the number of persons being sent to prison.

38. Strikes by prison staff and their negative consequences for prisoners is another major source of concern for the CPT. The report examines in detail the disorder that occurred at Forest and Lantin Prisons in 2009 during strikes at these establishments and which, at Forest, allegedly included acts of serious ill-treatment by police officers standing in for prison staff. Returning to a recommendation already made in 2005, the CPT calls upon the Belgian authorities to introduce without further delay a “guaranteed service” in the prisons sector.

39. The CPT has recommended that an independent inquiry be carried out into allegations received at Ittre Prison of ill-treatment of prisoners by staff and, more generally, that the Belgian authorities develop a strategy to address the continuing problem of inter-prisoner violence in penitentiary establishments.

Among other prison-related subjects addressed, the report welcomes improvements made to the physical layout of the psychiatric annexe at Lantin Prison, which had been criticised by the CPT during previous visits; it is recommended that similar changes be made to the psychiatric annexe at Jamioulx Prison. The report also notes the reinforcement of the medical teams, but stresses the need for further efforts in this regard.

40. As regards fundamental safeguards during police custody, the report makes it clear that the situation remains unsatisfactory. Despite recommendations made by the CPT since 1993, criminal suspects deprived of their liberty by the police still do not enjoy, as of the outset of their custody, the rights of access to a lawyer and a doctor and to inform a relative of their situation. As regards more specifically the right of access to a lawyer, this only becomes operative after the person concerned has been heard by the investigating judge. In the report, the CPT calls upon the Belgian authorities to introduce a corpus of fundamental safeguards for criminal suspects deprived of their liberty by law enforcement agencies, in line with the Committee's standards.

The situation of persons placed under administrative arrest has improved to some extent as a result of amendments to the Police Law introduced in 2007; in particular, they have been accorded the rights of access to a doctor and to inform a relative of their situation. However, as in the case of criminal suspects, such persons are still denied the right of access to a lawyer as of the outset of their custody.

41. The CPT has welcomed the adoption by Royal Decree of minimum standards as regards material conditions of detention in police establishments, and has recommended that similar standards be adopted for court detention facilities.

Material conditions of detention were globally acceptable in most of the police establishments visited. In contrast, conditions in the holding cells of the Portalis Court of Justice building in Brussels were far from satisfactory. The CPT has made recommendations addressing some of the most serious shortcomings in the Court's detention facility and has highlighted the need to carry out a fire safety audit of the premises.

**Report on the ad hoc visit to Bosnia and Herzegovina in May 2009 and response of the authorities of Bosnia and Herzegovina**  
*(treatment of prisoners and of forensic and acute psychiatric patients)*

42. The May 2009 visit was very much of a follow-up nature, aimed at assessing progress made by the authorities towards implementing recommendations made by the CPT after its periodic visit in 2007. The CPT's delegation focused on prison-related issues and the treatment of forensic and acute psychiatric patients.

43. Ill-treatment of prisoners by staff at Zenica Prison was found to have decreased significantly as compared to the situation observed in 2007. However, the information gathered indicated that a culture conducive to inter-prisoner intimidation and violence continued to reign at the establishment. It appeared that the prison was still not under the effective control of prison staff, due to a combination of large dormitories and extremely low staffing levels. The situation was further exacerbated by the continued overcrowding, which did not permit a careful assessment, classification and cell allocation of individual prisoners within the prison population.

In response to the report, the authorities highlight a series of measures taken at Zenica Prison to improve security and reduce violence, such as dividing the prison compound into ten separate areas, converting a disused accommodation block into a high-security unit and recruiting an additional fifty prison staff.

44. The report makes a number of recommendations to improve the provision of health care in prisons, and in respect of matters concerning discipline and complaints. Further, as regards juveniles deprived of their liberty, it is recommended that they be held not in institutions for adults but instead in specially designed facilities. If, exceptionally, juveniles are held in institutions for adults, they must be accommodated separately and offered an appropriate regime; these requirements were not being met in relation to juveniles held at Sarajevo Remand and Zenica Prisons.

In their response, the authorities enumerate various measures taken to improve the situation in the light of the recommendations made by the CPT. Particular emphasis is placed on a national strategy for combatting drug abuse, which includes the provision of assistance to prisoners with drug abuse problems. Reference is also made to the introduction of a legal provision to permit juveniles to serve their sentences in a dedicated juvenile facility located in another Entity of the State.

45. The CPT's delegation found that there had been little improvement to the living conditions of forensic and acute patients at the Sokolac Psychiatric Clinic, with the notable exception of the construction of a new hospital refectory. The report contains detailed recommendations aimed at remedying this problem. Emphasis is also placed on the need to take measures to reinforce staffing levels and introduce individual treatment plans for each patient. In response, the authorities provide information on the ongoing measures being taken to improve living conditions at the Clinic, and state that all patients do have an individual treatment plan.

On the day before the visit, patients at the Zenica Prison Forensic Psychiatric Annexe had been moved to a recently renovated facility located outside the main prison perimeter wall. Living conditions in this new facility were distinctly better than those that had prevailed in the Annexe's former location, in the prison's high-security unit. Nevertheless, they were still not ideal, and there had been no improvements as regards treatment and staffing levels in the Annexe.

Most significantly, the authorities' response provides information on an inter-Entity agreement for the setting up of a single forensic institution for the whole of the country, the Sokolac Special Hospital for Forensic Psychiatry, a reform that has long been advocated by the CPT.

*Report and response published March 2010, CPT/Inf (2010) 10 and CPT/Inf (2010) 11*

## **Report on the ad hoc visit to Italy in July 2009 and response of the Italian authorities**

*(interception of migrants at sea)*

46. The report addresses the policy of the Italian authorities to intercept, at sea, migrants approaching Italy's Southern Mediterranean maritime border and to send them back to Libya or other non-European States (frequently referred to as the "push-back" policy). The CPT's delegation focused on push-back operations that took place between May and the end of July 2009 and sought to examine the system of safeguards in place to ensure that no one is sent to a country where there are substantial grounds for believing that he/she would run a real risk of being subjected to torture or inhuman or degrading treatment or punishment. The delegation also examined the treatment afforded to migrants during the time that they were deprived of their liberty by the Italian authorities in the course of such operations.

47. In the report, the CPT expresses the view that, in its present form, Italy's policy of intercepting migrants at sea and obliging them to return to Libya or other non-European countries, violates the principle of non-refoulement. The Committee emphasises that Italy is bound by the principle of non-refoulement wherever it exercises its jurisdiction, which includes via its personnel and vessels engaged in border protection or rescue at sea, even when operating outside its territorial waters. Moreover, all persons coming within Italy's jurisdiction should be afforded an appropriate opportunity and facilities to seek international protection. The information available to the CPT indicates that no such opportunity or facilities were afforded to the migrants intercepted at sea by the Italian authorities during the period examined. On the contrary, the persons who were pushed back to Libya in the operations carried out from May to July 2009 were denied the right to obtain an individual assessment of their case and effective access to the refugee protection system.

48. The Committee adds that, in the light of the information available, Libya cannot be considered a place of safety, nor a safe country in terms of human rights and refugee law; the situation of persons arrested and detained in Libya, including that of migrants – who are also exposed to being deported to other countries by Libya – indicates that the persons pushed back to Libya are at risk of ill-treatment. Moreover, from the findings of the CPT's delegation, it appeared that the Italian authorities knowingly pushed back particularly vulnerable persons, and perhaps also persons who could attest to their status as refugees.

49. In their response, the Italian authorities refer to the above-mentioned operations as the “return of migrants, intercepted in international waters, upon request by Algeria and Libya” and as search and rescue operations. They state that in the course of such operations, during the period examined by the CPT, no migrant, once transferred onto an Italian ship, expressed his/her intention to apply for asylum. Further, it is affirmed that English- and French-speaking personnel are present aboard Italian vessels in order to provide adequate information to migrants in the event of an asylum request, and that when such a request is articulated the migrant is brought to mainland Italy. The Italian authorities also argue that Libya is bound by international conventions under which it must respect human rights, that it has ratified the 1969 Organisation of the African Union Refugee Convention, under which it must protect all persons who are persecuted and who originate from “areas at risk”, and that the United Nations Refugee Agency (UNHCR) has an office in Libya which can respond to the protection needs of those persons who are returned.

*Report and response published April 2010, CPT/Inf(2010) 14 and CPT/Inf(2010) 15*

**Report on the ad hoc visit to Moldova in July 2009 and response of the Moldovan authorities**

*(investigations into alleged police ill-treatment during post-election events in April 2009)*

50. The main purpose of this visit was to assess the investigations being carried out into cases possibly involving ill-treatment by the police during the post-election events in April 2009. The visit was also timed to coincide with the fresh elections that were held in July of that year.

51. The CPT's delegation heard a remarkably large number of credible and consistent allegations of police ill-treatment during the above-mentioned events. The delegation examined the overall investigative approach as well as a number of specific cases with a view to assessing the effectiveness of the action taken by the prosecuting authorities. The information gathered indicated that in many cases, prosecutors had not taken all reasonable steps in good time to secure evidence and had failed to make genuine efforts to identify those responsible.

In the report, the CPT recommends that the prosecuting authorities adopt a more proactive, co-ordinated and comprehensive approach in order to meet the criteria of an "effective" investigation as established by the European Court of Human Rights. It also recommends, in the medium term, the setting-up of an agency specialised in the investigation of cases possibly involving ill-treatment by law enforcement officials, which is fully independent of both law enforcement and prosecuting authorities. In parallel, the methods used by members of the "Fulger" Special-Purpose Police Force and other police forces involved in the apprehension of persons in the context of crowd-control situations should be subject to closer and more effective independent supervision.

52. In their response, the Moldovan authorities indicate that public announcements were made to encourage any victims of police ill-treatment in connection with the April events to report their cases to the prosecution service. A number of criminal proceedings have been opened against police officers, including members of the “Fulger” force. Further, a criminal investigation has been initiated against the persons who were serving as Minister of Internal Affairs and Head of the Chişinău General Police Directorate at the time of the events.

According to the response, the Moldovan Government is considering the setting up of an independent police complaints agency. At the same time, senior police officers have been instructed to establish the circumstances under which any person detained by the police has sustained injuries. Moreover, in order to ensure better identification, members of the “Fulger” force have been instructed to wear badges and an individual identification number during operations.

*Report published December 2009, CPT/Inf(2009) 37; response published March 2010, CPT/Inf(2010) 9*

## **Report on the periodic visit to Montenegro in September 2008 and response of the Montenegrin authorities**

*(treatment of persons in police custody, prison overcrowding and conditions in psychiatric/social care establishments)*

53. During this first CPT visit to Montenegro as an independent State, the Committee’s delegation received numerous allegations of deliberate physical ill-treatment of persons deprived of their liberty by the police and observed, in some cases, physical marks consistent with allegations made. Most of the allegations related to ill-treatment inflicted at the time of questioning. In the report, the CPT welcomes the instructions issued by the Montenegrin authorities shortly after the visit and aimed at remedying the situation found by the delegation; the Committee recommends that a clear and firm message of “zero tolerance” of ill-treatment be delivered from the highest level and through ongoing training to all police officers.

Particular attention was paid during the visit to the manner in which investigations were being carried out into cases involving allegations of ill-treatment, and the report concludes that the effectiveness of such investigations needs to be improved. Recommendations are also made aimed at strengthening legal safeguards against ill-treatment.

In their response, the Montenegrin authorities place particular emphasis on steps taken to improve training for police officers. Reference is also made to changes introduced to the police complaints and control procedures, including the introduction of external control mechanisms.

54. The number of remand prisoners in Montenegro had increased by 40% since 2004 (when the CPT carried out a visit to the State of Serbia and Montenegro) and the CPT's delegation found alarming levels of overcrowding at the Remand Prison, which is part of the Spuž Prison Complex near Podgorica. The poor material conditions in which remand prisoners were being held were exacerbated by the fact that remand prisoners remained for 23 hours or more a day inside their cells, in some cases for several years. The Committee has recommended that plans to amend the Code of Criminal Procedure be accorded a high priority, and that the aim be to shorten the length of court proceedings in criminal cases and to circumscribe more closely the circumstances in which recourse can be had to the preventive measure of remand in custody.

55. The majority of patients at the Dobrota Special Psychiatric Hospital spoke positively about the attitude of the staff and the atmosphere was relaxed. However, in the hospital's forensic psychiatric unit, the CPT's delegation heard a number of allegations of physical ill-treatment of patients by private security guards. In their response, the Montenegrin authorities indicate that they have established a protocol defining the rights and responsibilities of the security service and that special training is being provided to security staff.

As regards patients' living conditions at the Hospital, the delegation found that action had been taken to address many of the shortcomings highlighted in the report on the CPT's 2004 visit to that establishment; most of the wards had been refurbished, large-capacity dormitories had been replaced by smaller structures, the sanitary facilities had been improved, and the dining room had been reconstructed.

56. At the Komanski Most Institution for People with Special Needs, the CPT's delegation found that the extremely low number of staff was at the core of the Institution's inability to provide adequate protection, care, hygiene and regime for the residents. Material conditions were appalling, and residents were found fixated to beds or other furniture, mostly with torn strips of cloth but also by chains and padlocks. In the report, the Committee calls upon the Montenegrin authorities to carry out a comprehensive review of the situation and draw up a detailed action plan for reforming the Institution.

In their response, the Montenegrin authorities refer to the recruitment of additional staff, the separation of children from adult residents, and measures to improve the hygiene and to provide better living conditions for residents.

*Report and response published March 2010, CPT/Inf(2010) 3 and CPT/Inf(2010) 4*

## **Report on the periodic visit to Sweden in June 2009 and response of the Swedish authorities**

*(treatment of persons in police custody, restrictions on remand prisoners and the situation of immigration detainees)*

57. The information gathered by the CPT's delegation suggests that persons detained by the police in Sweden run relatively little risk of being physically ill-treated. Nevertheless, a few allegations of ill-treatment by the police were received, in particular as regards the time of apprehension; the CPT recommends that the Swedish authorities remain vigilant and continue to deliver the firm message, including through ongoing training activities, that all forms of ill-treatment of detained persons are not acceptable and will be the subject of severe sanctions.

The report reviews the legal safeguards against ill-treatment by the police (notification of custody, access to a lawyer and a doctor) and concludes that further action is required in order to bring the law and practice into line with the CPT's standards. The CPT also invites the Swedish authorities to further develop the system of investigating complaints of police ill-treatment, with a view to ensuring that it is, and is seen to be, independent and impartial.

In their response, the Swedish authorities express the view that the proposed new system, according to which internal investigation activities concerning complaints against the police are to be moved from the local police authorities to a separate unit within the National Police Board, will ensure the independence and impartiality of the process. It is also emphasised that all cases of alleged police misconduct are referred to a special unit for police cases directly under the Prosecutor General and consisting of high-ranking prosecutors; it is prosecutors from this unit who decide whether to open a preliminary investigation and which investigative measures should be taken.

58. In the report, the CPT once again expresses concern about the procedure for the application of restrictions to remand prisoners and the impact of such measures on their mental health. At the time of the visit to Gothenburg Remand Prison, restrictions were being applied to 46% of the prisoners, some of them having been subject to periods of isolation of up to 18 months. Further, the programme of activities for such inmates remained impoverished. The CPT makes a number of recommendations aimed at ensuring that the imposition of restrictions on remand prisoners is an exceptional measure.

In their response, the Swedish authorities indicate that the new Act on Treatment of Persons Arrested or Remanded in Custody, which should enter into force on 1 April 2011, includes the possibility to appeal a decision on specific restrictions to the Court of Appeal, and ultimately to the Supreme Court.

59. The report gives a largely positive assessment of the situation at the two Migration Board centres visited. Nevertheless, a number of recommendations are made aimed at improving the provision of health care to immigration detainees. Further, the CPT expresses concern about the continuing practice of holding certain immigration detainees on prison premises and, more specifically, in remand establishments. A prison is by definition not an appropriate place in which to detain someone who is neither suspected nor convicted of a criminal offence; this is all the more so when the prison in question is not in a position to provide the persons concerned with a suitable regime. In their response, the Swedish authorities indicate that the proposals of an inquiry commission reviewing the legal framework on detention under the Aliens Act are expected shortly, and that this commission will also address issues related to provision of health care to detained foreign nationals.

*Report published December 2009, CPT/Inf(2009) 34; response published July 2010, CPT/Inf(2010) 18*

### **Report on the periodic visit to Northern Ireland (United Kingdom) in November/December 2008 and response of the United Kingdom authorities**

*(treatment of persons in police custody and in prisons)*

60. The report notes the extensive changes in policing over the past decade, and highlights the fact that the CPT's delegation received no allegations of ill-treatment of persons detained by the Police Service for Northern Ireland (PSNI). However, it makes reference to the necessity to have strict criteria in place for the use of electroshock weapons, which should closely correspond to those governing the use of firearms. In their response, the authorities refer to the guidelines and training for police officers currently in place.

61. Formal safeguards against ill-treatment appeared to operate satisfactorily. However, concerns are raised in the report as to the availability of appropriate psychiatric care for persons detained by the police; for example, situations where police officers resort to tying detained persons naked to a chair in order to prevent acts of self-harm are not acceptable. The CPT also makes recommendations about medical confidentiality in police stations. The police stations visited were found to be generally well maintained and clean. Nevertheless, the practice of holding immigration detainees in police custody suites for up to seven days is criticised; the CPT recommends that more appropriate facilities be provided for the detention of such persons.

In its response, the PSNI highlights measures being taken to improve care afforded to persons with mental health problems held in police stations. It also states that a feasibility study for a short-term holding facility for immigration detainees is underway, but that funding is currently not available.

62. In its report, the CPT recommends that measures be taken to prevent overcrowding becoming a permanent feature of the prison system, and that cells of 7m<sup>2</sup> should not accommodate more than one prisoner. In their response, the authorities provide information on measures to increase the use of alternatives to custody and on the development of the prison estate. However, they state that current population levels mean that 7m<sup>2</sup> cells must continue to be used to accommodate two prisoners, while acknowledging that the cells of this size at Maghaberry Prison were not designed for this purpose.

63. The report refers to several allegations of ill-treatment by members of the Stand-by Search Team (SST) at Maghaberry Prison, and the CPT recommends that action be taken to ensure that the SST does not abuse its powers. More generally, the Committee stresses the importance of prison management following up on all complaints of ill-treatment. Further, in the light of complaints by prisoners, the Committee has recommended the authorities to ensure that all full-body searches are carried out in accordance with the relevant rules and respect the dignity of the prisoner concerned. Measures to reduce the incidence of inter-prisoner violence at Maghaberry Prison are also required.

In response, the Northern Ireland Prison Service argues that the very nature of the tasks assigned to the SST (searches, responding to incidents) means that it will always be vulnerable to accusations of ill-treatment. It is stated that every complaint is investigated but that, to date, none have been upheld. Nevertheless, the role of the SST is one of the issues the new management team at Maghaberry Prison will be considering. The Prison Service refutes allegations made by prisoners concerning inappropriate body searches but has reminded staff of the procedure to be followed. Further, it states that measures are being taken to reduce incidents of inter-prisoner violence at Maghaberry Prison, through increased surveillance, education of prisoners and seeking to reintroduce prison staff into the rooms used by prisoners for association.

64. The authorities also provide information on the measures being taken to enhance the provision of health care in prison, and respond to concerns raised in the report in relation to the safeguards in place governing discipline and segregation. In response to the CPT's recommendation that the complaints system offer appropriate guarantees of independence, impartiality and thoroughness, the authorities provide details on a new internal complaints procedure.

*Report and response published December 2009, CPT/Inf(2009) 30 and CPT/Inf(2009) 31*



**Electrical  
discharge  
weapons**



# Electrical discharge weapons

## Preliminary remarks

65. It is becoming increasingly common in countries visited by the CPT for police officers and other law enforcement officials to be issued with electrical discharge weapons (EDW), and the presence of such devices in places of detention (in particular prisons) has also been observed by the Committee in certain countries. There are various types of EDW, ranging from electric shock batons and other hand-held weapons requiring direct contact with the person who is the intended target to weapons capable of delivering dart-like projectiles which administer an electric shock to a person located at some distance.

66. The use of EDW by law enforcement and other public officials is a controversial subject. There are conflicting views as regards both the specific circumstances in which resort to such weapons can be justified and the potential negative effects on health that the weapons can cause. It is also a fact that by their very nature, EDW lend themselves to misuse. The CPT has on several occasions gathered credible evidence that such weapons have been exploited to inflict severe ill-treatment on persons deprived of their liberty, and the Committee has frequently received allegations that detained persons have been threatened with ill-treatment via the use of EDW.

67. The CPT has already addressed the issue of EDW in several of its visit reports. In the following paragraphs, the Committee wishes to highlight the positions it has adopted to date and indicate some areas of concern. The CPT would welcome comments on this section of its General Report, so as to help the Committee develop its standards in relation to this complex subject.

## General principles

68. The CPT understands the wish of national authorities to provide their law enforcement officials with means enabling them to give a more graduated response to dangerous situations with which they are confronted. There is no doubt that the possession of less lethal weapons such as EDW may in some cases make it possible to avoid recourse to firearms. However, electrical discharge weapons can cause acute pain and, as already indicated, they are open to abuse. Consequently, any decision to issue law enforcement officials or other public servants with EDW should be the result of a thorough debate at the level of the country's national executive and legislature. Further, the criteria for deploying EDW should be both defined by law and spelt out in specific regulations.

69. The CPT considers that the use of electric discharge weapons should be subject to the principles of necessity, subsidiarity, proportionality, advance warning (where feasible) and precaution. These principles entail, inter alia, that public officials to whom such weapons are issued must receive adequate training in their use. As regards more specifically EDW capable of discharging projectiles, the criteria governing their use should be directly inspired by those applicable to firearms.

70. In the CPT's view, the use of EDW should be limited to situations where there is a real and immediate threat to life or risk of serious injury. Recourse to such weapons for the sole purpose of securing compliance with an order is inadmissible. Furthermore, recourse to such weapons should only be authorised when other less coercive methods (negotiation and persuasion, manual control techniques, etc) have failed or are impracticable and where it is the only possible alternative to the use of a method presenting a greater risk of injury or death.

## **Application of these principles to specific situations**

71. Applying these principles to specific situations, the CPT has, for example, come out clearly against the issuing of EDW to members of units responsible for deportation operations vis-à-vis immigration detainees. Similarly, the Committee has expressed strong reservations about the use of electric discharge weapons in prison (and *a fortiori* closed psychiatric) settings. Only very exceptional circumstances (e.g. a hostage-taking situation) might justify the resort to EDW in such a secure setting, and this subject to the strict condition that the weapons concerned are used only by specially trained staff. There should be no question of any form of EDW being standard issue for staff working in direct contact with persons held in prisons or any other place of deprivation of liberty.

72. Electrical discharge weapons are increasingly being used when effecting arrests, and there have been well-publicised examples of their misuse in this context (e.g. the repeated administration of electric shocks to persons lying on the ground). Clearly, the resort to EDW in such situations must be strictly circumscribed. The guidance found by the CPT in some countries, to the effect that these weapons may be used when law enforcement officials are facing violence – or a threat of violence – of such a level that they would need to use force to protect themselves or others, is so broad as to leave the door open to a disproportionate response. If EDW gradually become the weapon of choice whenever faced with a recalcitrant attitude at the time of arrest, this could have a profoundly negative effect on the public's perception of law enforcement officials.

73. Having regard to the limits of its mandate, the CPT has been reluctant to adopt a firm position vis-à-vis the use of electrical discharge weapons in the context of operations for the maintenance or restoration of public order (e.g. control of demonstrations). That said, in the light of the principles set out in paragraph 70 above, the resort to EDW during such operations can be considered inappropriate unless there is a real and immediate threat to life or risk of serious injury. The law enforcement officials involved will (or should) have at their disposal other means of protection and action that are specifically adapted to the task in hand. It is noteworthy that some police forces in Europe have excluded the use of EDW in the course of operations to control public demonstrations.

74. Particular reference should be made to stun belts and similar devices. The CPT has made clear its opposition to the use of equipment of this kind for controlling the movements of detained persons, whether inside or outside places of deprivation of liberty. Such equipment is, in the Committee's opinion, inherently degrading for the person to whom it is applied, and the scope for misuse is particularly high. Alternative means of ensuring security during the movements of detained persons can and should be found.

## **Instructions and training**

75. Following any decision to issue EDW, the authorities concerned must ensure that detailed instructions are disseminated within the services which will have such weapons at their disposal. Further, the officials who may use the weapons must be specifically selected – taking into account their resistance to stress and faculty of discernment – and suitably trained. An in-service training programme should be put in place together with regular testing (see also paragraph 80).

## **Technical aspects**

76. As with any weapon system, before the EDW in question are made available they should be the subject of a technical authorisation procedure. This procedure should, in particular, ensure that the number, duration and intensity of the electrical discharges is limited to a safe level. The CPT knows of cases in which persons deprived of their liberty have been subjected to several electrical discharges in quick succession; such excessive, unnecessary use of force certainly qualifies as ill-treatment. In addition, provision should be made for a regular maintenance/servicing procedure.

77. EDW should be equipped with devices (generally a memory chip) that can be used for recording various items of information and conducting checks on the use of the weapon (such as the exact time of use; the number, duration and intensity of electrical discharges, etc). The information stored on these chips should be systematically read by the competent authorities at appropriate intervals (at least every three months). Further, the weapons should be provided with built-in laser aiming and video recording devices, making safe aiming possible and enabling the circumstances surrounding their use to be recorded.

78. Electrical discharge weapons issued to law enforcement officials commonly offer different modes of use, in particular a “firing” and a “contact” (drive-stun) mode. In the former, the weapon fires projectiles which attach to the person targeted at a short distance from each other, and an electrical discharge is generated. In the great majority of cases, this discharge provokes generalised muscular contraction which induces temporary paralysis and causes the person concerned to fall to the ground. In contrast, when the “contact” mode is used, electrodes on the end of the weapon produce an electrical arc and when they are brought into contact with the person targeted the electrodes cause very intense, localised pain, with the possibility of burns to the skin. The CPT has strong reservations concerning this latter mode of use. Indeed, properly trained law enforcement officials will have many other control techniques available to them when they are in touching distance of a person who has to be brought under control.

## Medical aspects

79. The potential effects of EDW on the physical and mental health of persons against whom they are used is the subject of much argument, a debate that has been fuelled in part by a number of cases of persons dying shortly after having been the target of such a weapon. Although the research on this matter remains for the time being largely inconclusive, it is undisputed that the use of EDW does present specific health risks, such as the possibility of injury on falling after being struck by projectiles or of burns in the event of prolonged use of such a weapon in the “contact” mode. In the absence of detailed research on the potential effects of EDW on particularly vulnerable persons (e.g. the elderly, pregnant women, young children, persons with a pre-existing heart condition), the CPT believes that their use vis-à-vis such persons should in any event be avoided. The use of EDW on people who are delirious or intoxicated is another sensitive issue; persons in this state of mind may well not understand the significance of an advance warning that the weapon will be used and could instead become ever more agitated in such a situation.

Deaths during arrest have been attributed to these medical conditions, in particular when EDW have been deployed. Therefore, particular caution is warranted and the use of EDW should be avoided in such a case and, in general, in situations where EDW might increase the risk of death or injury.

80. The training of officials to be issued with EDW should include information about when it is inappropriate, for medical reasons, to use them as well as concerning emergency care (in the event of a fall, burns, wounds from the projectiles, cardiac disturbances, agitated delirium, etc). Further, once brought under control, a person who has been the target of an EDW should be informed that the weapon has only a temporary effect.

81. The CPT considers that anyone against whom an EDW has been used should, in all cases, be seen by a doctor and, where necessary, taken to hospital. Doctors and accident/emergency services should be informed of the ways in which persons who have been the target of such weapons may be affected and of the relevant forms of treatment, from the standpoint of both physical and psychological health. Further, a medical certificate should be given to the persons concerned (and/or to their lawyer, upon request).

## **Post-incident procedure**

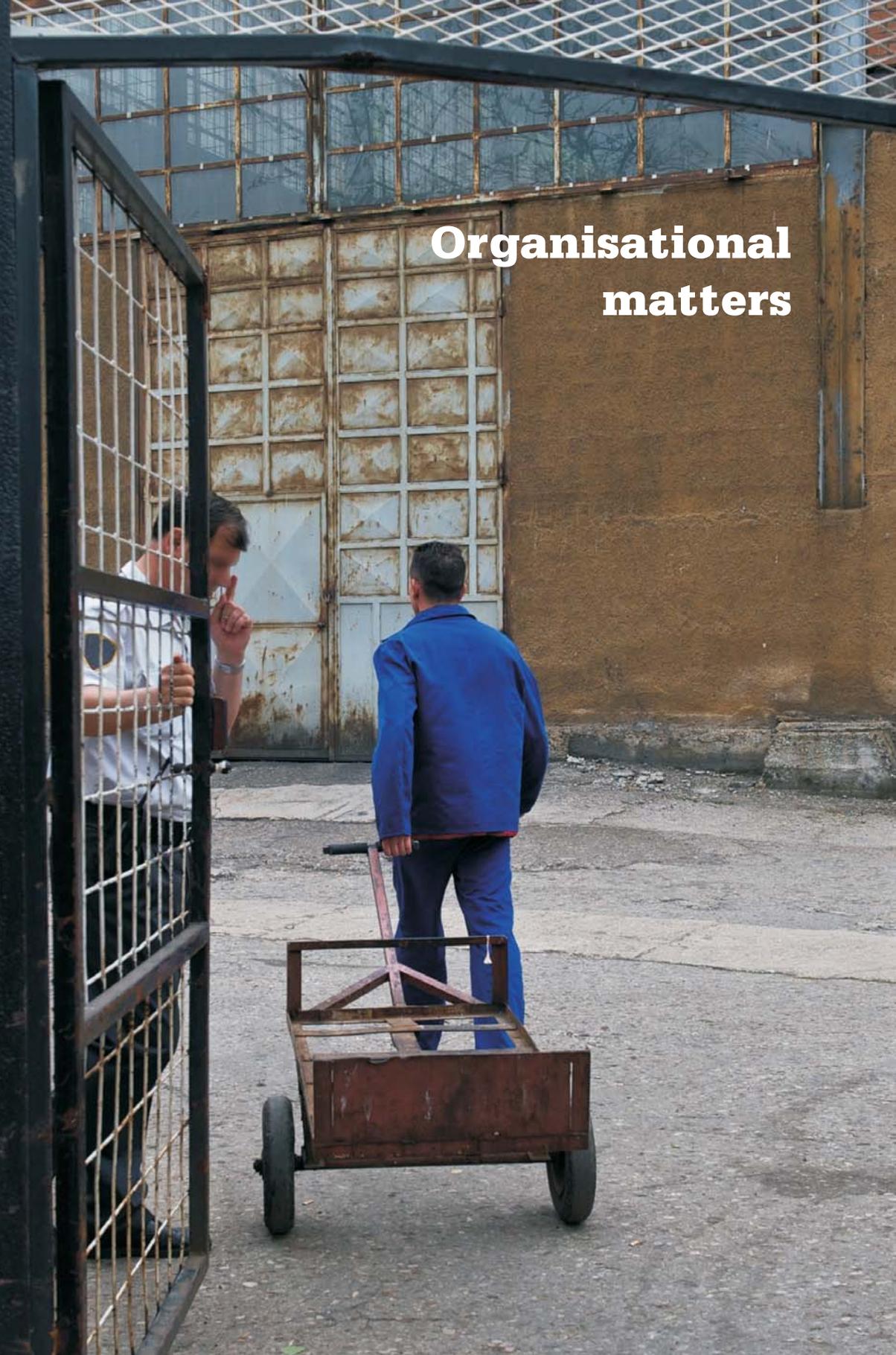
82. Following each use of an EDW, there should be a debriefing of the law enforcement official who had recourse to the weapon. Further, the incident should be the subject of a detailed report to a higher authority. This report should indicate the precise circumstances considered to justify resort to the weapon, the mode of use, as well as all other relevant information (presence of witnesses, whether other weapons were available, medical care given to the person targeted, etc). The technical information registered on the memory chip and the video recording of the use of the EDW should be included in the report.

83. This internal procedure should be accompanied by an external monitoring element. This could consist of systematically informing, at regular intervals, an independent body responsible for supervising law enforcement agencies of all cases of resort to EDW.

84. Whenever it transpires that the use of an EDW may not have been in accordance with the relevant laws or regulations, an appropriate investigation (disciplinary and/or criminal) should be set in motion.



# Organisational matters





# Organisational matters

## CPT membership

85. At the time of publication of this General Report, the CPT has 44 members. The seats in respect of Bosnia and Herzegovina, Moldova and Spain are vacant.

Some eight years after Bosnia and Herzegovina became a Party to the ECPT, there has still never been a member of the CPT in respect of that country. As for the seats in respect of Moldova and Spain, they have been vacant since 19 December 2009. The CPT hopes that all three of these seats will be filled in the near future.

86. The last twelve months have seen the departure from the CPT of several of its most experienced members; each of them spent more than a decade with the Committee and had a significant impact on its work. The CPT is deeply grateful to them for the part they played in the development of the Committee's activities.

87. Eleven *new CPT members* were elected during the period covered by this General Report: Régis Bergonzi (in respect of Monaco), Yakin Ertürk (Turkey), Mykola Gnatovskyy (Ukraine), Georg Høyer (Norway), Julia Kozma (Austria), James McManus (United Kingdom), Anna Molnár (Hungary), Nadia Polnareva (Bulgaria), Vincent Theis (Luxembourg), Marika Väli (Estonia) and Branka Zobec Hrastar (Slovenia).

Further, *the following members were re-elected*: Marija Definis Gojanović (in respect of Croatia), Wolfgang Heinz (Germany), Ivan Janković (Serbia), Isolde Kieber (Liechtenstein), Xavier Ronsin (France) and Antonius van Kalmthout (the Netherlands).

88. *The following members of the CPT left the Committee*, on the expiry of their terms of office: Ömer Atalar (in respect of Turkey), Aleš Butala (Slovenia), Silvia Casale (United Kingdom), Gergely Fliegau (Hungary), Anna Gavrilova-Ancheva (Bulgaria), Emilio Gines Santidrián (Spain), Renate Kicker (Austria), Andres Lehtmets (Estonia), Birgit Lie (Norway), Roland Marquet (Monaco), Tatiana Răducanu (Moldova) and Zoreslava Shkiryak-Nyzhnyk (Ukraine).

The CPT wishes to sincerely thank all the above persons for their contributions to the Committee's work.

89. The proportion of women among the CPT's membership currently stands at 18 out of 44. In other words, applying the less-than-40% standard applied by the Parliamentary Assembly when examining lists of candidates, neither of the sexes is at present under-represented on the Committee.

As for the spread of professional experience within the CPT, it remains on the whole satisfactory after the renewal of one half of the Committee's membership that occurred at the end of 2009. However, the Committee still requires more members with first-hand knowledge of the work of law enforcement agencies (police/gendarmerie).

90. The next biennial renewal of one half of the CPT's membership will occur at the end of 2011. The election procedure for the 22 seats concerned has already been set in motion, by a letter from the Secretary General of the Parliamentary Assembly to the relevant national delegations in the Assembly. Hopefully, this will make it possible for the elections in respect of all the seats to take place in good time before the term-of-office expiry date of 19 December 2011. This would greatly facilitate the planning of the Committee's visits for the following year.

91. The CPT hopes that those States that have not already done so will heed the Assembly's invitation, made in Resolution 1540 (2007), to review their national selection procedures and, inter alia, to introduce: public calls for candidatures; consultation on suitable candidates with relevant state and non-governmental bodies; interviews with shortlisted candidates to assess their qualifications, motivation and availability, as well as their language skills. This will ensure that the persons placed on lists of candidates forwarded by the national delegations in the Assembly are all capable of making an effective contribution to the Committee's activities.

92. The Committee also wishes to draw attention to the stipulation in Article 4, paragraph 4, of the ECPT, that CPT members shall be independent and impartial. As the Explanatory Report to the Convention makes clear, this implies that candidates who would have a conflict of interests or who otherwise might have difficulties in satisfying the requirements of independence and impartiality will not be proposed or elected. The CPT trusts that all the bodies involved in the election process will keep this in mind.

## Bureau of the CPT

93. During the CPT's March 2010 meeting, elections were held for the Bureau of the Committee. Mauro Palma, an Italian expert on prison issues, was re-elected as the CPT's President. Pétur Hauksson, an Icelandic psychiatrist and the outgoing 2<sup>nd</sup> Vice-President, was elected as the Committee's 1<sup>st</sup> Vice-President, and Haritini Dipla, a Greek professor of international law, was elected as the Committee's new 2<sup>nd</sup> Vice-President.

94. The term of office of Bureau members is in principle two years. However, as an exceptional measure, the CPT decided to limit the term of office of the Bureau members elected in March 2010 to one year. This change to the election cycle was considered desirable, having regard to the impact of the system of biennial renewal of one half of the Committee's membership introduced by Protocol No. 2 to the Convention.

The biennial renewal occurs on 19 December of odd-numbered years, and the elections of Bureau members have been organised at the first plenary meeting in even-numbered years. Consequently, to date, Bureau elections have taken place at the very moment when a not insignificant number of new CPT members participated in their first Committee meeting. As a result of the change to the election cycle, Bureau elections will in future be held during the first plenary meeting in odd-numbered years (i.e. March 2011; March 2013, etc.). In this way, all CPT members will have knowledge of their colleagues' profiles and be familiar with the Committee's functioning when they vote on who should be elected to the Bureau.

## **CPT secretariat**

95. In its 19<sup>th</sup> General Report, the CPT highlighted staff-related difficulties that had been acting as a brake on the development of the Committee's visit programme. Regrettably, there has been no improvement in the situation during the last twelve months.

96. Throughout the period covered by this General Report, one of the most experienced administrators in the CPT's Secretariat, Borys Wódz, has continued to be the Special Representative of the Secretary General to Georgia. It is expected that he will return to the Committee at the beginning of 2011. From February to August 2010, he was replaced by a staff member working on a temporary contract, Maria Korneeva. Although not qualified to assist CPT visiting delegations in the field, Ms Korneeva did valuable research work for the Committee. However, as of mid-August she was obliged to leave the Secretariat in view of the six-month rule that currently applies to temporary staff members. It is not feasible to organise another suitable replacement for the few remaining months of the year.

97. Further, in July 2010, the administrator occupying the one "position" in the Committee's Secretariat, Francesca Montagna, left after some 18 months with the CPT, following her appointment to a post in another part of the Organisation. As was stressed in the 19<sup>th</sup> General Report, to assign a position to the CPT's Secretariat involves the risk of making a considerable investment in training a staff member for work with the Committee, only to see the person concerned then leave because a post becomes available in another department. Attempts are now being made to fill once again the position. However, given the permanent nature of the CPT's activities, the Committee remains of the view that it would be far preferable for the position to be transformed into a post or exchanged with a post from elsewhere in the Council of Europe's Secretariat.

98. There has also been no progress towards providing the additional B4 officials required by Divisions 2 and 3 within the CPT's Secretariat. The Committee wishes to reiterate that these two officials would be able to perform a range of support tasks, thereby ensuring that optimal use is made of the existing complement of administrators.

99. The Head of Division 2, Petya Nestorova, is about to leave the CPT's Secretariat, to head the Secretariat of the Council of Europe Convention on action against trafficking in human beings. The CPT wishes to place on record its appreciation of Ms Nestorova's outstanding contribution to the Committee's activities during her more than 15 years of service in its Secretariat.



**Appendices**



# 1. The CPT's mandate and modus operandi

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment was set up under the 1987 Council of Europe Convention of the same name. According to Article 1 of the Convention:

“There shall be established a European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment... The Committee shall, by means of visits, examine the treatment of persons deprived of their liberty with a view to strengthening, if necessary, the protection of such persons from torture and from inhuman or degrading treatment or punishment.”

The work of the CPT is designed to be an integrated part of the Council of Europe system for the protection of human rights, placing a proactive non-judicial mechanism alongside the existing reactive judicial mechanism of the European Court of Human Rights.

The CPT implements its essentially preventive function through two kinds of visit – periodic and ad hoc. Periodic visits are carried out to all Parties to the Convention on a regular basis. Ad hoc visits are organised in these States when they appear to the Committee “to be required in the circumstances”.

When carrying out a visit, the CPT enjoys extensive powers under the Convention: access to the territory of the State concerned and the right to travel without restriction; unlimited access to any place where persons are deprived of their liberty, including the right to move inside such places without restriction; access to full information on places where persons deprived of their liberty are being held, as well as to other information available to the State which is necessary for the Committee to carry out its task.

The Committee is also entitled to interview in private persons deprived of their liberty and to communicate freely with anyone who it believes can supply relevant information.

Each Party to the Convention must permit visits to any place within its jurisdiction “where persons are deprived of their liberty by a public authority”. The CPT's mandate thus extends beyond prisons and police stations to encompass, for example, psychiatric institutions, detention areas at military barracks, holding centres for asylum seekers or other categories of foreigners, and places in which young persons may be deprived of their liberty by judicial or administrative order.

Two fundamental principles govern relations between the CPT and Parties to the Convention: co-operation and confidentiality. In this respect, it should be emphasised that the role of the Committee is not to condemn States, but rather to assist them to prevent the ill-treatment of persons deprived of their liberty.

After each visit, the CPT draws up a report which sets out its findings and includes, if necessary, recommendations and other advice, on the basis of which a dialogue is developed with the State concerned. The Committee's visit report is, in principle, confidential; however, almost all States have chosen to waive the rule of confidentiality and publish the report.

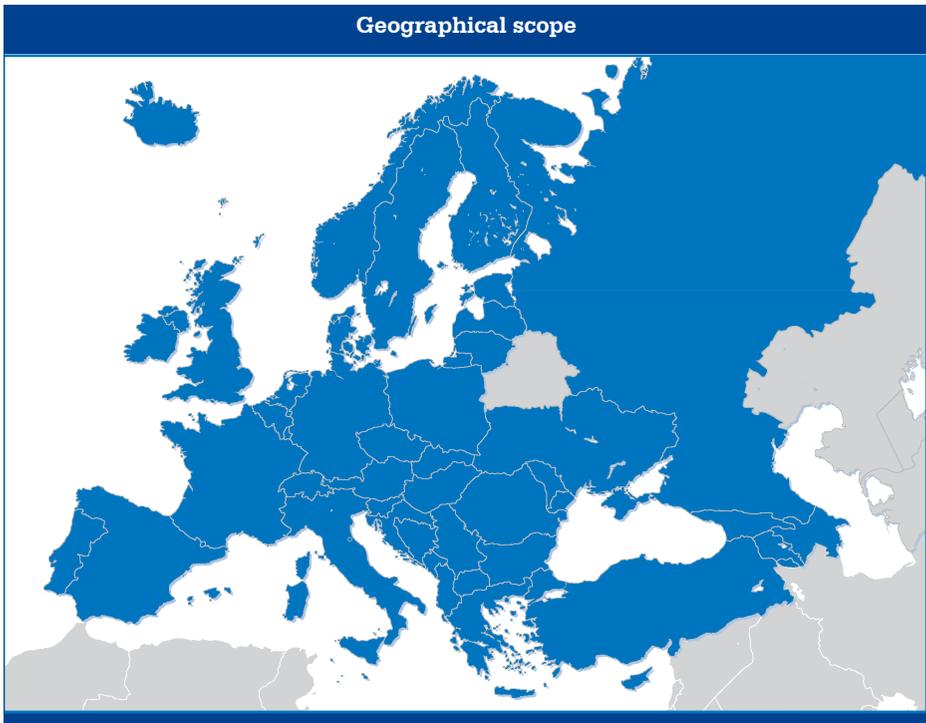
## 2. Signatures and ratifications of the Convention establishing the CPT<sup>1</sup>

Council of Europe member States	Date of signature	Date of ratification	Date of entry into force
Albania	02/10/1996	02/10/1996	01/02/1997
Andorra	10/09/1996	06/01/1997	01/05/1997
Armenia	11/05/2001	18/06/2002	01/10/2002
Austria	26/11/1987	06/01/1989	01/05/1989
Azerbaijan	21/12/2001	15/04/2002	01/08/2002
Belgium	26/11/1987	23/07/1991	01/11/1991
Bosnia and Herzegovina	12/07/2002	12/07/2002	01/11/2002
Bulgaria	30/09/1993	03/05/1994	01/09/1994
Croatia	06/11/1996	11/10/1997	01/02/1998
Cyprus	26/11/1987	03/04/1989	01/08/1989
Czech Republic	23/12/1992	07/09/1995	01/01/1996
Denmark	26/11/1987	02/05/1989	01/09/1989
Estonia	28/06/1996	06/11/1996	01/03/1997
Finland	16/11/1989	20/12/1990	01/04/1991
France	26/11/1987	09/01/1989	01/05/1989
Georgia	16/02/2000	20/06/2000	01/10/2000
Germany	26/11/1987	21/02/1990	01/06/1990
Greece	26/11/1987	02/08/1991	01/12/1991
Hungary	09/02/1993	04/11/1993	01/03/1994
Iceland	26/11/1987	19/06/1990	01/10/1990
Ireland	14/03/1988	14/03/1988	01/02/1989
Italy	26/11/1987	29/12/1988	01/04/1989
Latvia	11/09/1997	10/02/1998	01/06/1998
Liechtenstein	26/11/1987	12/09/1991	01/01/1992
Lithuania	14/09/1995	26/11/1998	01/03/1999
Luxembourg	26/11/1987	06/09/1988	01/02/1989
Malta	26/11/1987	07/03/1988	01/02/1989
Moldova	02/05/1996	02/10/1997	01/02/1998
Monaco	30/11/2005	30/11/2005	01/03/2006
Montenegro			06/06/2006 <sup>a</sup>
Netherlands	26/11/1987	12/10/1988	01/02/1989
Norway	26/11/1987	21/04/1989	01/08/1989
Poland	11/07/1994	10/10/1994	01/02/1995
Portugal	26/11/1987	29/03/1990	01/07/1990
Romania	04/11/1993	04/10/1994	01/02/1995
Russian Federation	28/02/1996	05/05/1998	01/09/1998
San Marino	16/11/1989	31/01/1990	01/05/1990
Serbia	03/03/2004	03/03/2004	01/07/2004
Slovakia	23/12/1992	11/05/1994	01/09/1994
Slovenia	04/11/1993	02/02/1994	01/06/1994
Spain	26/11/1987	02/05/1989	01/09/1989
Sweden	26/11/1987	21/06/1988	01/02/1989
Switzerland	26/11/1987	07/10/1988	01/02/1989
“The former Yugoslav Republic of Macedonia”	14/06/1996	06/06/1997	01/10/1997
Turkey	11/01/1988	26/02/1988	01/02/1989
Ukraine	02/05/1996	05/05/1997	01/09/1997
United Kingdom	26/11/1987	24/06/1988	01/02/1989

- a. On 14 June 2006 the Committee of Ministers of the Council of Europe agreed that the Republic of Montenegro was a Party to the Convention with effect from 6 June 2006, the date of the Republic's declaration of succession to the Council of Europe conventions of which Serbia and Montenegro was a signatory or party.

1. The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT) is open for signature by the member States of the Council of Europe. As from 1 March 2002, the Committee of Ministers of the Council of Europe has been able to invite any non-member State of the Council of Europe to accede to the Convention.

### 3. The CPT's field of operations



Note: This is an unofficial representation of States bound by the Convention. For technical reasons it has not been possible to show the entire territory of certain of the States.

States bound by the Convention			
Albania	Estonia	Luxembourg	Slovakia
Andorra	Finland	Malta	Slovenia
Armenia	France	Moldova	Spain
Austria	Georgia	Monaco	Sweden
Azerbaijan	Germany	Montenegro	Switzerland
Belgium	Greece	Netherlands	“The former Yugoslav
Bosnia and Herzegovina	Hungary	Norway	Republic of
Bulgaria	Iceland	Poland	Macedonia”
Croatia	Ireland	Portugal	Turkey
Cyprus	Italy	Romania	Ukraine
Czech Republic	Latvia	Russian Federation	United Kingdom
Denmark	Liechtenstein	San Marino	
	Lithuania	Serbia	

**47 States; prison population: 1 844 941 prisoners**

Main source: Council of Europe Annual Penal Statistics (SPACE I 2008.1); data as at 1 September 2008

It should be noted that, as well as prisons, the CPT's mandate covers all other categories of places where persons are deprived of their liberty: police establishments, detention centres for juveniles, military detention facilities, holding centres for aliens, psychiatric hospitals, homes for the elderly, etc.

## 4. CPT members

*in order of precedence – as at 15 October 2010<sup>a</sup>*

Name	Elected in respect of	Term of office expires
Mr Mauro PALMA, President	Italy	19/12/2011
Mr Pétur HAUSSON, 1st Vice-President	Iceland	19/12/2011
Ms Haritini DIPLA, 2nd Vice-President	Greece	19/12/2011
Mr Marc NÈVE	Belgium	19/12/2011
Mr Petros MICHAELIDES	Cyprus	19/12/2011
Mr Mario FELICE	Malta	19/12/2011
Mr Eugenijus GEFENAS	Lithuania	19/12/2011
Mr Jean-Pierre RESTELLINI	Switzerland	19/12/2013
Ms Marija DEFINIS GOJANOVIĆ	Croatia	19/12/2013
Ms Isolde KIEBER	Liechtenstein	19/12/2013
Mr Lətif HÜSEYNOV	Azerbaijan	19/12/2011
Mr Joan-Miquel RASCAGNERES	Andorra	19/12/2011
Mr Vladimir ORTAKOV	“the former Yugoslav Republic of Macedonia”	19/12/2011
Mr Celso José DAS NEVES MANATA	Portugal	19/12/2011
Mr Jørgen Worsaae RASMUSSEN	Denmark	19/12/2013
Mr Antonius Maria VAN KALMTHOUT	Netherlands	19/12/2013
Ms Elena SEREDA	Russian Federation	19/12/2011
Mr George TUGUSHI	Georgia	19/12/2013
Mr Wolfgang HEINZ	Germany	19/12/2013
Mr Tim DALTON	Ireland	19/12/2011
Mr Ivan JANKOVIĆ	Serbia	19/12/2013
Ms Olivera VULIĆ	Montenegro	19/12/2011
Mr Xavier RONSIN	France	19/12/2013
Ms Sonja KURTÉN-VARTIO	Finland	19/12/2011
Mr Dan DERMENGIU	Romania	19/12/2011
Ms Anna ŠABATOVÁ	Czech Republic	19/12/2011
Ms Maria Rita MORGANTI	San Marino	19/12/2011
Ms Ilvija PŪCE	Latvia	19/12/2011
Mr Arman VARDANYAN	Armenia	19/12/2011
Ms Dajena POLLO KUMBARO	Albania	19/12/2011
Ms Marzena KSEL	Poland	19/12/2011
Ms Anna LAMPEROVÁ	Slovak Republic	19/12/2011
Mr Stefan WEINBERG-KRAKOWSKI	Sweden	19/12/2013
Mr Vincent THEIS	Luxembourg	19/12/2013
Ms Yakin ERTÜRK	Turkey	19/12/2013
Mr Georg HØYER	Norway	19/12/2013
Mr James McMANUS	United Kingdom	19/12/2013
Ms Nadia POLNAREVA	Bulgaria	19/12/2013
Ms Anna MOLNÁR	Hungary	19/12/2013
Ms Marika VÄLI	Estonia	19/12/2013
Ms Branka ZOBEC HRASTAR	Slovenia	19/12/2013
Ms Julia KOZMA	Austria	19/12/2013
Mr Mykola GNATOVSKYY	Ukraine	19/12/2013
Mr Régis BERGONZI	Monaco	19/12/2013

a. At this date, the seats in respect of the following States were vacant: Bosnia and Herzegovina, Moldova, Spain.



Four members of the CPT do not appear in this photograph.

## 5. CPT secretariat

### Central section

Mr Trevor STEVENS, Executive Secretary  
Mr Fabrice KELLENS, Deputy Executive Secretary

#### Secretariat

Ms Antonella NASTASIE  
Ms Nadine SCHAEFFER

Mr Patrick MÜLLER, Research, information strategies and media contacts  
Ms Claire ASKIN, Archives, publications and documentary research  
Ms Morven TRAIN, Administrative, budgetary and staff questions

### Divisions responsible for visits<sup>2</sup>

#### Division 1

Mr Michael NEURAUTER, Head of Division	Albania	Lithuania
Ms Muriel ISELI	Austria	Luxembourg
Mr Elvin ALIYEV	Belgium	Monaco
Ms Stephanie MEGIES	Estonia	Norway
Ms Yvonne HARTLAND, Administrative Assistant	France	Romania
	Germany	Switzerland
	Latvia	Turkey
	Liechtenstein	
<i>Secretariat</i>		
Ms Nelly TASNADI		

#### Division 2

Ms Petya NESTOROVA, Head of Division	Armenia	Moldova
Mr Johan FRIESTEDT	Azerbaijan	Montenegro
Ms Isabelle SERVOZ-GALLUCCI	Bulgaria	Poland
Ms Maria KORNEEVA (until 15 August 2010)	Croatia	Russian Federation
	Finland	Serbia
	Georgia	Slovenia
	Hungary	Sweden
	Iceland	Ukraine
<i>Secretariat</i>		
Ms Natia MAMISTVALOVA		

#### Division 3

Mr Hugh CHETWYND, Head of Division	Andorra	Netherlands
Ms Caterina BOLOGNESE	Bosnia and Herzegovina	Portugal
Mr Marco LEIDEKKER	Cyprus	San Marino
Ms Francesca MONTAGNA (until 15 July 2010)	Czech Republic	Slovakia
	Denmark	Spain
	Greece	"The former Yugoslav Republic of Macedonia"
	Ireland	United Kingdom
	Italy	
	Malta	
<i>Secretariat</i>		
Ms Diane PÉNEAU		

2. The Executive and Deputy Executive Secretaries are directly involved in the operational activities of the divisions concerning certain countries.



Five members of the CPT's Secretariat do not appear in this photograph.

## 6. Publication of CPT visit reports

as at 15 October 2010

States	Visits	Reports sent	Reports published
Albania	9	8	8
Andorra	2	2	2
Armenia	5	4	4
Austria	5	5	5
Azerbaijan	5	5	2
Belgium	5	5	5
Bosnia and Herzegovina	4	4	3
Bulgaria	6	6	6
Croatia	3	3	3
Cyprus	5	5	4
Czech Republic	6	5	5
Denmark	4	4	4
Estonia	4	4	3
Finland	4	4	4
France	10	10	10
Georgia	5	5	5
Germany	5	5	5
Greece	9	9	8
Hungary	6	6	6
Iceland	3	3	3
Ireland	5	5	4
Italy	9	8	8
Latvia	5	5	4
Liechtenstein	3	3	3
Lithuania	4	3	3
Luxembourg	4	4	3
Malta	6	6	5
Moldova	12	10 <sup>a</sup>	8
Monaco	1	1	1
Montenegro	1	1	1
Netherlands	7	7	7
Norway	4	4	4
Poland	4	4	3
Portugal	7	7	7
Romania	9	7 <sup>b</sup>	7 <sup>b</sup>
Russian Federation	20	17 <sup>c</sup>	1
San Marino	3	3	3
Serbia	4 <sup>d</sup>	4 <sup>e</sup>	3
Slovakia	4	4	4
Slovenia	3	3	3
Spain	11	11	10
Sweden	5	5	5
Switzerland	5	5	5
“The former Yugoslav Republic of Macedonia”	9	8	8
Turkey	22	20 <sup>f</sup>	19 <sup>g</sup>
Ukraine	7	7	6
United Kingdom	15	18 <sup>h</sup>	13

a. Covering eleven visits.

b. Covering eight visits.

c. Covering the twenty visits.

d. Organised in September 2004 to Serbia and Montenegro, in March 2007 and in June 2010 to Kosovo and in November 2007 to Serbia.

e. Covering three visits. Including two reports on Kosovo (one addressed to UNMIK and the other to the Secretary General of NATO).

f. Covering the twenty-two visits.

g. Covering twenty-one visits.

h. Including three reports drawn up in pursuance of the Agreement between the United Nations and the Government of the United Kingdom of Great Britain and Northern Ireland on the Enforcement of Sentences of the International Criminal Tribunal for the former Yugoslavia (ICTY).

## 7. Countries and places of detention visited by CPT delegations; 2009-2010

### Periodic visits

#### Albania

10/05/2010-21/05/2010

##### Establishments under the Ministry of the Interior

- Police Directorate General, Tirana
- Police Station No. 3, Tirana
- Burrel Police Station
- Durres Police Station
- Elbasan Police Station
- Fushe Kruja Police Station
- Kukes Police Station
- Pogradec Police Station
- Shkodra Police Station

##### Establishments under the Ministry of Justice

- Prison No. 313, Tirana
- Prison Hospital, Tirana

- Burrel Prison
- Fushe Kruja Prison
- Korca Prison
- Durres Pre-Trial Detention Centre
- Kukes Pre-Trial Detention Centre
- Reintegration Centre for Minors, Kavaja

##### Establishments under the Ministry of Health

- Shkodra Psychiatric Hospital (including two “supported homes” for disabled patients)
- “Drita Supported Home” for disabled patients, Elbasan

#### Armenia

10/05/2010-21/05/2010

##### Law enforcement establishments

- Detention Centre of Yerevan City Police Department
- Kentron District Police Division, Yerevan
- Nor Nork District Police Division, Yerevan
- Shengavit District Police Division, Yerevan
- Abovyan Police Division
- Armavir Police Division
- Charentsavan Police Division
- Echmiatzin Police Division
- Gavar Police Division
- Martuni Police Division
- Sevan Police Division
- Vardenis Police Division

##### Military police establishments

- Isolator of the Military Police Headquarters, Yerevan
- Disciplinary Isolator of Yerevan Military Police Division
- Military Police Disciplinary Battalion, Hrazdan
- Disciplinary Isolator of Sevan Military Police Division, Martuni

##### National Security Service establishments

- Detention Facility of the National Security Service Headquarters, Yerevan

##### Prisons

- Kosh Prison
- Nubarashen Prison
- Prison Hospital (psychiatric ward)
- Vardashen Prison

- Yerevan-Kentron Prison (life-sentenced prisoners)

**Psychiatric establishments**

- Nubarashen Psychiatric Hospital (forensic psychiatric wards)

- Yerevan Nork Centre of Mental Health

**Social care homes**

- Vardenis Nursing Home (“Internat”)

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## Belgium

28/09/2009-07/10/2009

**Law enforcement establishments**

- Central Police Station, Charleroi (Boulevard Mayence)
- Central Police Station, Liège (Rue Natalis)
- Intervention Centre Brussels West, Molenbeek (Rue du Facteur)
- Border Control Services, Brussels National Airport
- Central and Eurostar Railway Police Station, Brussels-Midi Train Station
- Holding cells at the Portalis Court of Justice Building, Brussels (Rue des Quatre Bras)

**Immigration detention facilities**

- INAD Centre, Brussels National Airport

- Centre for Irregular Migrants, Vottem

**Prisons**

- Jamioulx Prison
- Ittre Prison
- Bruges Prison (in particular the “Quartier de Mesures de Sécurité Particulières et Individuelles” (QMSP))
- Lantin Prison (in particular the Psychiatric Annexe)

**Establishments for Juveniles**

- Boarding School “t Knipoogje”, Evergem

**Psychiatric establishments**

- “Fond’ Roy” Psychiatric Clinic, Uccle

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## Georgia

05/02/2010-15/02/2010

**Law enforcement establishments**

- Temporary detention isolator, Kutaisi
- Temporary detention isolator, Mtskheta
- Temporary detention isolator No. 1, Tbilisi
- Temporary detention isolator No. 2, Tbilisi
- Isani-Samgori District Division of Internal Affairs, Tbilisi
- 4th department of Didube-Chugureti District Division of Internal Affairs, Tbilisi

- Tbilisi Airport Border Police detention facility
- Temporary detention isolator, Zestaphoni

**Establishments under the authority of the Ministry of Corrections and Legal Assistance**

- Penitentiary establishment No. 7 in Ksani
- Penitentiary establishment No. 8 in Geguti
- Prison No. 7 in Tbilisi
- Prison No. 8 in Gldani (Tbilisi)

- Medical establishment for prisoners, Gldani (Tbilisi)

#### **Establishments under the Ministry of Labour, Health and Social Affairs**

- Asatiani Psychiatric Institute, Tbilisi
- Institution for mentally and physically disabled people, Dzevri

## **Greece**

17/09/2009-29/09/2009

### **Establishments under the authority of the Ministry of Interior**

#### *Achaea Prefecture*

- Patras Police Headquarters (Emrou Street)
- 1<sup>st</sup> Precinct Station of Patras (Panepistimiou Street)
- 3<sup>rd</sup> Precinct Station of Patras (Gounari Street)
- 5<sup>th</sup> Precinct Station of Patras (Mavromateon Street)
- Patras Transfer Centre

#### *Athens Prefecture*

- Omonia Police Station
- Petrou Ralli Alien holding facility
- Holding Areas at Athens Airport
- Moschatou Police Station, Piraeus
- Piraeus Alien holding facility

#### *Alexandroupolis Prefecture*

- Alexandroupolis Police Station
- Feres Border Guard Station
- Soufli Police and Border Guard Station

#### *Chios Prefecture*

- Chios Town Police Station

#### *Kavala Prefecture*

- Kavala Police Station
- Neo Karvali Border Guard Station

#### *Lesbos Prefecture*

- Mytilini Police Headquarters
- Mytilini (Pagani) Special holding facility for illegal immigrants

#### *Orestiada Prefecture*

- Filakio Special holding facility for illegal immigrants
- Neo Himonio Border Guard Station
- Orestiada Police Station

#### *Phocis Prefecture*

- Amfissa Police Transfer Centre

#### *Rodophi Prefecture*

- Venna Special Holding facility for illegal immigrants

#### *Serres Prefecture*

- Serres Police Station
- Siderokastro Police Station

#### *Thessaloniki Prefecture*

- Thessaloniki Airport Holding facilities
- Dodecanesis Street Police Station
- Kordello Border Guard Station
- Monasteriou Police Station

#### *Xanthi Prefecture*

- Xanthi Police and Border Guard Station

### **Ministry of Merchant Marine**

- Chios Port detention facility
- Mytilini Port detention facility
- Patras Port detention facility

### **Prisons**

- Amfissa Prison
- Chios Judicial Prison
- Korydallos Men's Prison
- Korydallos Women's Remand Prison
- Malandrino Prison
- Patras Prison
- Thessaloniki Prison
- Thiva Women's Prison

## Ireland

25/01/2010-05/10/2010

### **Establishments under the Ministry of Justice, Equality and Law Reform**

#### *An Garda Síochána*

- Bridewell Garda station, Cork
- Mayfield Garda Station, Cork
- Bridewell Garda station, Dublin
- Coolock Garda station, Dublin
- Finglas Garda station, Dublin
- Santry Garda station, Dublin
- Sundrive Road Garda Station, Dublin
- Tallaght Garda station, Dublin

#### *Prison Service*

- Cork Prison
- Limerick Prison (female section)
- Midlands Prison

- Mountjoy Prison
- Portlaoise Prison
- St Patrick's Institution

Targetted visits were paid to Cloverhill and Wheatfield Prisons and the Dóchas Women's Centre to examine care afforded to prisoners with a mental health disorder.

### **Establishments under the Ministry of Health and Children**

- Central Mental Hospital, Dundrum, Dublin
- St Brendan's Hospital, Dublin
- St Ita's Hospital, Portrane
- St Joseph's Intellectual Disabilities Services, Portrane

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## Poland

26/11/2009-08/12/2009

### **Establishments under the Ministry of Internal Affairs and Administration**

- Municipal Police Department, Biała Podlaska
- Municipal Police Department, Jaworzno
- Municipal Police Department, Leszno
- Police Department Nowe Miasto, Poznań
- Police Department Stare Miasto, Poznań
- District Police Department, Racibórz
- District Police Department, Rawicz
- Municipal Police Department, Rybnik
- Police establishment for children, Będzin
- Police establishment for children, Katowice
- Police establishment for children, Poznań

- Border Guard Centre for Foreigners, Biała Podlaska
- Border Guard Deportation Arrest Centre, Biała Podlaska
- Border Guard Centre for Foreigners, Lesznowola
- Border Guard Deportation Arrest Centre at Warsaw International Airport
- Holding facilities for foreign nationals at Warsaw International Airport (transit zone)

### **Establishments under the Ministry of Justice**

- Poznań Remand Prison and Prison Hospital
- Racibórz Prison
- Rawicz Prison

### **Establishment under the Ministry of Labour and Social Policy**

- Bytom Social Care Home for Adults with chronic mental illnesses

## Ukraine

09/09/2009-21/09/2009

### Establishments under the Ministry of Internal Affairs

- Darnitske District Directorate of Internal Affairs, Kyiv
- Shevchenkivske District Directorate of Internal Affairs, Kyiv
- Territorial Militia Sub-Division No. 1 (TVM-1) of the Obolonske District Directorate of Internal Affairs, Kyiv
- City Division of Internal Affairs, Boryspil
- City Division of Internal Affairs, Chernigiv
- Desnyanskyi District Division of Internal Affairs, Chernigiv
- Novozavodskyi District Division of Internal Affairs, Chernigiv
- Dniprovskyi District Division of Internal Affairs, Dniprodzerzhinsk
- Amur-Nizhnodniprovskyi District Division of Internal Affairs, Dnipropetrovsk
- Industrialnyi District Division of Internal Affairs, Dnipropetrovsk
- Zhovtnevyi District Division of Internal Affairs, Dnipropetrovsk
- Leninskyi District Division of Internal Affairs, Lugansk
- Zhovtnevyi District Division of Internal Affairs and Municipal Militia Sub-Division No. 1 (MVM-1), Lugansk
- City Division of Internal Affairs, Slavutich
- Temporary holding facilities (ITT) at:
  - Chernigiv
  - Dniprodzerzhinsk
  - Dnipropetrovsk

- Lugansk
- Slavutich
- Stakhanov

- Reception and Distribution Centre for vagrants, Lugansk
- Rozsudiv Temporary Accommodation Centre for illegal immigrants (PTP)

### Establishments under the State Department on Enforcement of Sentences

- Dnipropetrovsk pre-trial establishment (SIZO) (with emphasis on newly arrived and life-sentenced prisoners)
- Kyiv SIZO
- Bucha Colony No. 85, Gostomel
- Dnipropetrovsk Colony No. 89
- Slovyanoserbsk Colony No. 60, Lozivske

### Establishments under the State Border Service

- Kyiv International Airport Special Premises (SP)
- Temporary Detention Facility (PTT) at the Chernigiv Border Service Detachment

### Establishments under the Ministry of Health

- National High Security Psychiatric Hospital, Dnipropetrovsk

### Establishments under the Ministry of Labour and Social Policy

- Svyatoshinskyi Neuropsychiatric Institution ("Internat") for women, Kyiv

### Other establishments

- Secure ward at Kyiv Municipal Clinical Emergency Hospital

## Ad hoc visits

### Czech Republic

20/10/2009 - 23/10/2009

- Pankrác Prison Hospital

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### Italy

14/06/2010 - 18/06/2010

#### Law enforcement establishments

- Trionfale area Carabinieri Headquarters, Rome
- Monte Mario Carabinieri station, Rome
- Ponte Milvio Carabinieri station, Rome
- Courthouse detention cells, Rome

#### Prisons

- Castrogno Prison, Teramo (Abruzzo region)
- Mammagialla Prison, Viterbo (Lazio region)
- Prison Health Care Unit, Sandro Pertini Hospital, Rome

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### Latvia

03/12/2009 - 08/12/2009

#### Prisons

- Jēkabpils Prison

- Daugavgrīvas Prison (lifers' unit)
- Jelgava Prison (lifers' unit)

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### Lithuania

14/06/2010 - 18/06/2010

#### Law enforcement establishments

- Kaunas City Police Headquarters and Detention Centre, Vytauto Avenue
- Klaipėda City Police Headquarters and Detention Centre, Jūros Street
- Klaipėda City Police Department No. 1, Tilžes Street
- Klaipėda City Police Department No. 2, Priestočio Street
- Klaipėda City Police Department No. 4, Taikos Avenue

- Klaipėda Region Police Department, Gamyklos Street
- Vilnius City Police Headquarters, Birželio 23-osios Street
- Vilnius City Police Detention Centre, Kosciuškos Street
- Vilnius City Police Department No. 1, Kalvarijų Street

#### Prisons

- Kaunas Juvenile Remand Prison and Correction Home

## Moldova

21/07/2010 - 27/07/2010

### Law enforcement establishments

- Temporary detention isolator, Anenii Noi
- Temporary detention isolator, Bender
- Temporary detention isolator of the General Police Directorate, Chişinău

### Prisons

- Penitentiary establishment No. 8, Bender
- Penitentiary establishment No. 12, Bender
- Penitentiary establishment No. 13, Chişinău (newly-arrived remand prisoners)

## Romania

28/09/2009 - 02/10/2009

### Psychiatric and social welfare establishments

- Nucet Medico-Social Centre

- Oradea Hospital for Neurology and Psychiatry

## Russian Federation

13/04/2010 - 18/04/2010

### Establishments under the Ministry of Internal Affairs

- Temporary Detention Facility (IVS) of the Internal Affairs Directorate of the South-Western Administrative District
- Cheremushki District Division of Internal Affairs
- Obruchevskiy District Division of Internal Affairs

### Establishments under the Federal Service for the Execution of Sentences

- Pre-trial establishment (SIZO) No. 77/1 (“Matrosskaya Tishina”)
- SIZO No. 77/2 (“Butyrka”)
- Federal-purpose SIZO No. 1 (located on the territory of “Matrosskaya Tishina”)
- Federal-purpose SIZO No. 2 (“Lefortovo”)

## Turkey

26/01/2010 - 27/01/2010

### Prisons

- Imralı High-Security Closed Prison

## Channel Islands (Crown dependencies of the United Kingdom)

15/03/2010 - 22/03/2010

### Bailiwick of Guernsey

- Police Headquarters, St. Peter Port
- Les Nicolles Prison
- Perruque House Secure Unit for Juveniles
- Customs Vehicle Clearance Hall, White Rock, St. Peter Port
- Albecq Psychiatric Ward, Castel Hospital

### Bailiwick of Jersey

- Rouge Bouillon Police Headquarters, St. Helier
- Customs and Immigration custody rooms, St. Helier Harbour
- La Moye Prison
- Greenfields Secure Accommodation Unit for Juveniles
- Orchard House Acute Psychiatric Unit, St. Saviour's Hospital

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## Kosovo<sup>3</sup>

08/06/2010 - 15/06/2010

### Police stations

- Leposavić/Leposaviq Police Station
- Mitrovica/Mitrovicë North Police Station
- Pejë/Peć Police Station
- Prishtinë/Priština Police Station No. 1
- Prishtinë/Priština Police Station No. 2
- Prizren Police Station

### Penitentiary establishments

- Dubrava Prison
- Lipjan/Lipljan Correctional Centre
- Mitrovica/Mitrovicë Detention Centre

- Prishtinë/Priština Detention Centre
- Prizren Detention Centre

### Psychiatric/social welfare institutions

- Psychiatric Unit of Mitrovica/Mitrovicë Regional Hospital
- Psychiatric Clinic of Prishtinë/Priština University Hospital (Forensic Unit)
- Institution for persons with learning disabilities, Shtime/Štimlje
- Integration Centre for Mental Health, Shtime/Štimlje

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## Monitoring on behalf of the ICTY<sup>4</sup>

### United Kingdom

22/03/2010 - 25/03/2010 and 20/06/2010 - 21/06/2010

### Prisons

- Belmarsh Prison
- Shotts Prison
- Wakefield Prison

3. See footnote 1 on page 8.

4. International Criminal Tribunal for the former Yugoslavia.



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