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

**from 27 June to 6 July 1993**

The Norwegian authorities have requested the publication of this report.

Strasbourg / Oslo, 21 September 1994

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Copy of the letter transmitting the CPT's report

Strasbourg, 18 March 1994

Dear Sirs,

In pursuance of Article 10, paragraph 1, of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment, I have the honour to enclose herewith the report to the Government of Norway drawn up by the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) after its visit to Norway from 27 June to 6 July 1993. The report was adopted by the CPT at its twentieth meeting, held from 28 February to 3 March 1994.

I would draw your attention in particular to paragraph 152 of the report, in which the CPT requests the Norwegian authorities to provide an interim and a follow-up report on action taken upon its report. The CPT would be grateful if it were possible, in the event of the reports forwarded being in Norwegian, for them to be accompanied by an English or French translation.

More generally, the CPT is keen to establish an ongoing dialogue with the Norwegian authorities on matters of mutual interest, in the spirit of the principle of co-operation set out in Article 3 of the Convention. Consequently, any other communication that the Norwegian authorities might wish to make would also be most welcome.

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

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

Yours faithfully,

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

First Legal Division  
Ministry of Foreign Affairs  
N - OSLO  
Norway

## Preface

As the European Committee for the prevention of torture and inhuman or degrading treatment or punishment is a new institution, knowledge of its mandate and functions is inevitably limited. The CPT has therefore deemed it appropriate to begin the first of its reports to each Party by setting out some of the Committee's salient features. This should prove particularly helpful in differentiating the basis and aims of the CPT from those of two other Council of Europe supervisory bodies within the field of human rights: the European Commission and European Court of Human Rights.

Unlike the Commission and the Court, the CPT is not a judicial body empowered to settle legal disputes concerning alleged violations of treaty obligations (i.e. to determine claims *ex post facto*).

The CPT is first and foremost a mechanism designed to **prevent ill-treatment from occurring**, although it may also in special cases intervene after the event.

Consequently, whereas the Commission's and Court's activities aim at "conflict solution" on the legal level, the CPT's activities aim at "conflict avoidance" on the practical level.

This being so, the guiding maxim for the CPT when performing its obligations must be to "extend the widest possible protection against abuses, whether physical or mental" (quotation from the 1979 UN Code of conduct for law enforcement officials as well as from the 1988 Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, both adopted by the General Assembly).

The CPT's activities are based on the concept of co-operation (Article 3 of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment). The CPT's task is not to publicly criticise States, but rather to assist them in finding ways to strengthen the "cordon sanitaire" that separates acceptable and unacceptable treatment or behaviour. In fulfilling this task the CPT is guided by the following three principles:

- i) that the prohibition of ill-treatment of persons deprived of their liberty is absolute,
- ii) that ill-treatment is repugnant to the principles of civilised conduct, even if used in milder forms, and
- iii) that ill-treatment is not only harmful to the victim but also degrading for the official who inflicts or authorises it and ultimately prejudicial to the national authorities in general.

The CPT first of all explores the prevailing factual situation in the countries it visits. In particular it:

- i) examines the general conditions in establishments visited;
- ii) observes the attitude of law enforcement officials and other staff towards persons deprived of their liberty;
- iii) interviews persons deprived of their liberty in order to understand how they perceive (i) and (ii) and hear any specific grievances they may have;
- iv) examines the legal and administrative framework on which the deprivation of liberty is based.

Subsequently, the CPT reports to the State concerned, giving its assessment of all the information gathered and providing its observations. In this regard, it should be recalled that the CPT does not have the power to confront persons expressing opposing views or to take evidence under oath. If necessary, it recommends measures designed to prevent the possible occurrence of treatment that is contrary to what reasonably could be considered as acceptable standards for dealing with persons deprived of their liberty.

In carrying out its functions, the CPT has the right to avail itself of legal standards contained in not only the European Convention on Human Rights but also in a number of other relevant human rights instruments (and the interpretation of them by the human rights organs concerned). At the same time, it is not bound by the case law of judicial or quasi-judicial bodies acting in the same field, but may use it as a point of departure or reference when assessing the treatment of persons deprived of their liberty in individual countries.

To sum up, the principal differences between the CPT and the European Commission and European Court of Human Rights are:

- i) the Commission and the Court have as their primary goal ascertaining whether breaches of the European Convention of Human Rights have occurred. By contrast, the CPT's task is to prevent abuses, whether physical or mental, of persons deprived of their liberty from occurring; it has its eyes on the future rather than the past;
- ii) the Commission and Court have substantive treaty provisions to apply and interpret. The CPT is not bound by substantive treaty provisions, although it may refer to a number of treaties, other international instruments and the case law formulated thereunder;
- iii) given the nature of their functions, the Commission and the Court consist of lawyers specialising in the field of human rights. The CPT consists not only of such lawyers but also of medical doctors, experts in penitentiary questions, criminologists, etc;
- iv) the Commission and Court only intervene after having been petitioned through applications from individuals or States. The CPT intervenes ex officio through periodic or ad hoc visits;
- v) the activities of the Commission and Court culminate in a legally binding finding as to whether a State has breached its obligations under a treaty. The CPT's findings result in a report, and, if necessary, recommendations and other advice, on the basis of which a dialogue can develop; in the event of a State failing to comply with the CPT's recommendations, the CPT may issue a public statement on the matter.

## **I. INTRODUCTION**

### **A. Dates of the visit and membership of the delegation**

1. In accordance with Article 7 of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment (hereinafter referred to as "the Convention"), a delegation of the CPT made a visit to Norway from 27 June to 6 July 1993. The visit formed part of the CPT's programme of periodic visits for 1993.

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

- Mr Love KELLBERG (Head of the delegation)
- Mr Jón BJARMAN
- Mr Günther KAISER
- Mrs Pirkko LAHTI
- Mr Stefan TERLEZKI.

It was assisted by:

- Mr James MacKEITH, Consultant Forensic Psychiatrist, The Bethlem Royal and Maudsley Hospitals, London (expert)
- Mr Rodney MORGAN, Professor of Criminal Justice, University of Bristol (expert)
- Mrs Gyrithe BORCH (interpreter)
- Mrs Anne Eitzen BRYN (interpreter)
- Mrs Karin HENDERSON (interpreter).

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

- Mr Fabrice KELLENS
- Mr Mark KELLY.



**B. Establishments visited**

3. The delegation visited the following places of detention:

ILA

- Ila Prison and Security Detention Institution;

LILLESTROM

- Romerike Police Headquarters;

OSLO

- Police Headquarters;
- Oslo Prison;

SANDVIKA

- Asker & Bærum Police Headquarters;
- Snarøya Holding Centre for Asylum Seekers;
- Fornebu International Airport police station;

ULLERSMO

- Ullersmo Prison.

**C. Consultations held by the delegation**

4. In addition to meetings with the local officials in charge of the places visited, the delegation held consultations with the national authorities and representatives of non-governmental organisations active in areas of concern to the CPT. A list of the authorities and organisations with which the delegation held talks is set out in Appendix II to this report.

**D. Co-operation encountered during the visit**

5. The talks with the national authorities, both at the beginning and at the end of the visit, took place in a spirit of close co-operation. Fruitful discussions were held with the Minister for Foreign Affairs, the Minister for Justice and Police, the Minister and Deputy Minister for Health and Social Affairs, numerous senior officials of these ministries, the Deputy State Prosecutor and the Ombudsman.

The CPT is most grateful for the assistance provided to the delegation by the government liaison officers, not only during but also before and after the CPT's visit to Norway. In this connection it would stress the effective co-ordination ensured and the quality of the information supplied by Mrs Ellen C. Bjercke and Mr Asbjørn Langås, officials of the Ministry of Justice and Police.

6. The delegation received a very satisfactory reception from management and staff in all the places of detention visited, including those which had not been notified in advance. It found that they were aware of the possibility of a CPT visit and had at least some knowledge of the Committee's terms of reference.

7. In conclusion, the CPT welcomes the excellent spirit of co-operation encountered before, during and after the delegation's visit to Norway, which was fully in accordance with Article 3 of the Convention.

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

### A. Police establishments

#### 1. General information

8. As stated above (cf. paragraph 3), the delegation visited four police establishments: the Police Headquarters in Oslo and three other police establishments on the outskirts of the city.

9. The general regulations governing the treatment of persons detained by the police are laid down, firstly, in Chapter 14 of Act No 25 on Criminal Procedure ("Straffeprosessloven", hereinafter "SPL") of 22 May 1981 and, secondly, in the Police Instructions issued by Royal Decree ("Politiinstruksen"). Some specific aspects are also covered in the Prosecution Guidelines ("Påtaleinstruksen") of 28 June 1985. Lastly, most Police Chiefs have drawn up local rules on the treatment of detainees.

10. Under Norwegian law, the power to arrest criminal suspects<sup>1</sup> is vested, in principle, in the prosecuting authority (and, in certain cases, a court). However, a policeman may make an arrest without a decision by the prosecuting authority or a court when someone is caught in flagrante delicto or in other cases of urgency.

When a person is arrested without a decision by the prosecuting authority or a court, the question of continuing the arrest shall be dealt with as soon as possible by the prosecuting authority (section 179 SPL). That authority must as soon as possible and, where practicable, not later than the day following that of arrest, bring the detainee before a court with a view to his remand in custody or release (section 183 SPL)<sup>2</sup>.

A person may be remanded in custody for a maximum of four weeks. Remand in custody may be renewed by the court for periods of up to four weeks at a time, the court having a discretion to fix a longer time between reviews if the circumstances indicate that a review after four weeks would be pointless (section 185 SPL).

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<sup>1</sup> Other types of detention are prescribed by Norwegian law, for example: Act of 13 May 1975 on extradition of criminals; Act of 3 March 1961 on extradition of criminals between the Nordic countries, Act of 31 May 1900 on vagrancy, begging and drunkenness; Act of 28 April 1961 on mental health treatment; Act of 1 February 1932 on prevention of alcohol abuse; Act of 24 June 1988 on foreigners, etc.

<sup>2</sup> "Section 149 of the Act relating to the Courts of Justice provides that when a time-limit expires on a Saturday, Sunday or holiday, it shall be extended to the following working day. Thus, a person who is arrested on a Friday will normally not be brought before a court until Monday. The reason for this amendment was that holding court procedures on Saturdays was found to be disproportionately expensive. However, in the large cities courts have continued to work on Saturdays after the amendment was passed." (Source: Third periodic report of Norway submitted under Article 40 of the International Covenant on civil and political rights - United Nations document CCPR/C/70/Add. 2, 26 March 1992, page 18, paragraph 94).

11. The detainee's family or another person of his choice will be informed of his detention by the prosecuting authorities, subject to his consent (section 182 SPL). However, such notification may be delayed where it is considered that it would jeopardise the investigation (cf. also paragraph 31).

Further, an arrested person has a right to unlimited communication with his public defence counsel (section 186.1 SPL).

The Criminal Procedure Act contains no provisions on the subject of access to a doctor for arrested persons (see, however, paragraphs 35 et seq.).

12. It should also be noted that Article 96 of the Norwegian Constitution expressly prohibits the use of torture during police interrogations. According to the Norwegian authorities, that prohibition applies both to physical and psychological torture.

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

13. The CPT delegation heard no allegations of torture of persons held in police establishments in Norway. Moreover, no other evidence of torture was found by the delegation.

Virtually no allegations of physical ill-treatment by the police were received. However, a number of allegations were heard regarding the use of coercive psychological techniques during questioning of detainees. These techniques consisted, in particular, of: the threat of surveillance ("kontroll") or refusal ("forbud") of contact with the outside world (visits, mail, etc.) while on remand (cf. paragraphs 57 et seq.); threatening to change the order of the waiting list for committal to prison (N.B. a convicted person may be provisionally released from custody pending a prison vacancy).

The use of such psychological pressure was acknowledged by a senior police officer whom the delegation met.

14. To sum up, the information obtained by the CPT delegation during its visit suggests that there is little likelihood of a person detained by the police in Norway being physically ill-treated.

Notwithstanding this positive finding, **the CPT wishes to receive the following information for 1992 and 1993:**

- **the number of complaints of ill-treatment lodged against police officers and the number of criminal/disciplinary proceedings initiated as a result of such complaints;**
- **an account of the criminal/disciplinary sanctions imposed during that period following complaints of ill-treatment.**

15. In respect of those allegations referred to in paragraph 13 above, **the CPT would stress that it is most important for senior police officers to make it quite plain to their subordinates that ill-treatment of persons in custody, whether of a physical or a psychological nature, is inadmissible and will be severely punished** (cf. also paragraph 65).

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

#### a. introduction

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

All police cells should be of a reasonable size for the number of persons they are used to accommodate, and have adequate lighting (i.e. sufficient to read by, sleeping periods excluded) and ventilation; preferably, cells should enjoy natural light. Further, cells should be equipped with a means of rest (e.g. a fixed chair or bench), and persons obliged to stay overnight in custody should be provided with a clean mattress and blankets.

Persons in custody should be allowed to comply with the needs of nature when necessary in clean and decent conditions, and be offered adequate washing facilities. They should be given food at appropriate times, including at least one full meal (i.e. something more substantial than a sandwich) every day. Persons held for extended periods should, as far as possible, be offered outdoor exercise every day.

17. As stated above (cf. paragraph 10), a person arrested by the police in Norway must be brought before the prosecuting authority as soon as possible for confirmation of the arrest, which must then be reviewed not later than the following day by the competent court. However, it emerged during the visit that it was quite common for persons remanded in custody to be kept for some time on police premises for want of places in remand prisons. This state of affairs was corroborated by an examination of police custody registers.

b. situation in the establishments visited

18. On the whole, the material conditions of detention observed by the delegation in police establishments in Norway were adequate and in certain cases could even be described as good.

19. The conditions of detention observed in the 11 newly constructed single cells of the **Romerike Police Headquarters at Lillestrom** were satisfactory.

The seven cells used for police custody/detention on remand were of an adequate size (over 6 m<sup>2</sup>). All cells were equipped with a lavatory, running water and underfloor heating; furthermore, the cell block had a shower. Mattresses were available, but the delegation observed that they were not systematically provided to persons who were not yet on remand. The cells had adequate lighting. They were not equipped with a call system, but were linked to the duty room by an audio monitor (although, according to the police officer in charge, the system was often turned off). It should also be noted that there was no outdoor exercise area. According to the police officers on duty, detainees received three meals a day.

The police station also had one cell for intoxicated and another for sick detainees, and two holding cells for persons awaiting questioning. The conditions of detention in these cells require no particular comment from the CPT. Nonetheless, **the CPT wishes to receive information on the use of the cell for sick detainees (number of instances of use in 1993; any regulations concerning the use of the cell).**

20. The delegation also noted that the police station was equipped with two strait-jackets and that in one of the ordinary cells (No. 1) a metal bar was fixed to the wall just above floor level. The police officers questioned about this stated that if a prisoner was, or became, highly agitated, he would be placed in a strait-jacket, fitted with a motorcycle helmet and, using handcuffs attached to a cord at the back of the garment, secured to the metal bar on the cell wall.

The CPT considers the procedure described above to be totally unsuitable. **It recommends that in cases where a detainee is, or becomes, highly agitated, the police should immediately contact a doctor and act in accordance with his opinion.**

21. The **Oslo Police Headquarters** had a hundred recently constructed single cells, 65 for police custody and 35 for remand. The cell block also contained a large collective holding cell. The Headquarters had no outdoor exercise area.

22. The police cells were of satisfactory size (about 7 m<sup>2</sup>) but contained no equipment except for a lavatory. Mattresses and blankets were not provided. Natural and artificial lighting were adequate, but **the ventilation (air conditioning) appeared to need improvement.** The cells were not equipped with a call system (detainees wishing to attract the staff's attention having to knock on the metal doors of the cells, a procedure which - the delegation observed - might have to be used for a considerable time before producing results).

23. The remand cells were also of an acceptable size (about 6 m<sup>2</sup>). Some had the same fittings as the police cells, while others were equipped with a mattress and others with a bed and all related equipment (mattress, sheets, pillow and washing facilities). The last-mentioned cells had a call system but no lavatory.

24. The Police Instructions stipulate that at least half-hourly inspections of cells are to be made by the custody officers and that the time and findings of the inspections are to be noted in the custody register (rule 9.4, paragraph 2). However, this did not appear to be done in practice<sup>3</sup> (cf. paragraph 42).

Further, although, according to the officer in charge of the premises, persons held in police custody, or on remand, received three meals a day, the delegation met persons in police custody who claimed to have received nothing to eat or drink until they had been detained for some 24 hours. The apparent absence of accurate recording of meal distribution prevented the delegation from verifying the veracity of these allegations.

**The CPT would like to receive the comments of the Norwegian authorities on the above matters.**

25. A disturbing scene witnessed by the delegation deserves to be highlighted. In a cell, two plainclothes officers of the drug squad were observed in the process of attempting, by administration of brine, to induce vomiting in a drug addict whom they had just brought in for questioning. When caught in the act of selling heroin he had apparently swallowed the wares in question. The officers' stated aim was to obtain material proof of the offence.

The delegation also observed the following items on a table nearby: a tube of ointment appropriate for intimate body search, a powder to reveal the presence of foreign bodies under X ray examination, and a glass of laxative. A "Pacto 500"<sup>4</sup> toilet was seen in an adjacent cell.

It should be emphasised that the procedure to be followed in respect of in corpore concealment of drugs should in all cases be decided by a medical authority. **The CPT recommends that precise instructions on this subject be issued to the police, in order to ensure that the necessary steps are taken solely under the responsibility of a medical authority, which should make a diagnosis and choose the appropriate treatment, staff and setting.**

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<sup>3</sup> It should be noted in this connection that the Norwegian police authorities themselves admitted to certain difficulties in enforcing the Instructions, even though non-compliance is subject to disciplinary action (Police Department memorandum of 24 June 1993, No. 6146/93 P).

<sup>4</sup> This type of equipment is routinely used in Norway to recover drugs ingested or inserted into body orifices.

26. The **Asker & Baerum Police Headquarters at Sandvika** had 10 single cells for detention and two for recovery from intoxication, all video monitored, plus interrogation rooms. There was a shower unit adjacent to the cell block.

The detention cells were of an adequate size (about 6 m<sup>2</sup>) and equipped with a lavatory, drinking fountain, underfloor heating, mattress and sheets. Natural light was absent from half the cells, and dim in the others (admitted through translucent glass blocks); although persons are only detained for short periods at the Headquarters, **it would be desirable for improvements to be made as regards access to natural light.** Artificial lighting was adequate.

27. The police at **Fornebu International Airport** had taken over new offices four months previously. There were four single detention cells, a waiting room, two interrogation rooms and a lawyers' consultation room.

The detention cells were of reasonable size (6-8 m<sup>2</sup>). All were equipped with a concrete bench, a drinking fountain, artificial lighting, an audio monitor system and air conditioning. Two had Asian style lavatories and call systems. Mattresses and blankets were not available. The officer in charge explained that the time spent by detainees in the cells was usually brief (no more than a few hours), and this was corroborated by examination of the custody registers.

The waiting room was used mainly for aliens in the process of being expelled and could hold up to 9 persons. Length of stay in this room did not exceed a few hours. Situated next to the duty room, it was comfortably furnished and video monitored. Fittings included a beverage dispenser and a call system.

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\* \*

28. Some further comments of a general nature are required. Firstly, in the view of the CPT, the routine practice of withholding mattresses and blankets from detainees held overnight until they have appeared in court is not acceptable (cf. paragraph 16 above). **The CPT recommends that any person required to spend the night in police custody be provided with a clean mattress and blankets.**

Further, many of the police cells seen by the CPT's delegation were not equipped with a means of rest (e.g. fixed chair or bench). **The CPT recommends that the Norwegian authorities take steps to ensure that, in this respect also, material conditions in police cells meet the requirements set out in paragraph 16 above.**



In addition, the almost complete absence of call systems in police cells is a matter of concern. This is even more disturbing in view of the apparently very variable application of the standing instructions on half-hourly visual checking of cells by the custody officers (cf. paragraph 24). The risk of leaving a prisoner in need of help without the necessary assistance would be significantly reduced by the presence of such a call system. **The CPT considers that it would be desirable for all police cells in Norway to be equipped with a call system.**

Finally, the CPT would stress that while the police cells visited were, in principle, adequate for short stays, the physical environment and the regime (including, for example, the absence of outdoor exercise facilities and reading matter) fell distinctly short of what a detainee held for a prolonged period is entitled to expect. In this respect, the delegation found that persons on remand could be held for a week or more at the Police Headquarters at Oslo and Romerike. **It accordingly recommends that the Norwegian authorities take steps to ensure that persons remanded in custody are not kept for prolonged periods in police establishments.**

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

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

- the right of those concerned to inform a close relative or third party of their choice of their detention,
- the right of access to a lawyer,
- the right to request a medical examination by a doctor of their choice.

The CPT considers that these rights constitute three fundamental safeguards against the ill-treatment of persons detained which should apply from the very outset of custody (that is, as soon as those concerned are obliged to stay with the police).

30. Moreover, it considers it equally fundamental that detained persons be informed without delay of all their rights, including those mentioned above.

- a. information to a close relative or third party

31. As already indicated, the prosecuting authorities must inform the family of an arrested person - or someone else designated by him - of the fact of his detention<sup>5</sup> (cf. paragraph 11).

In this connection, the delegation received a large number of allegations that detainees did not have the opportunity to have their family or a third party informed until after questioning by a detective, or even until after their appearance before the prosecutor. In addition, the great majority of the persons in custody interviewed by the delegation said that they had not been informed of the outcome of this notification.

**The CPT would like to receive the comments of the Norwegian authorities on this matter.**

- b. access to a lawyer

32. In Norway, the right of an arrested person to access to a lawyer at every stage of the proceedings, including during police interviews, is formally guaranteed by the SPL. In practice, detainees were informed of this right at the beginning of their first interview by the police.

33. In this connection, the CPT wishes to stress that the period immediately following deprivation of liberty is when the risk of intimidation and ill-treatment is greatest. The CPT therefore considers it essential that a detainee's right to have access to a lawyer be guaranteed from the very outset of his custody and not only when first interrogated - formally - by the police.

34. In the light of the foregoing, **the CPT recommends that persons held by the police be entitled to have access to a lawyer from the very outset of their detention. This right should include both the right to contact the lawyer and to be visited by him (in both cases under conditions guaranteeing the confidentiality of their discussions).**

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<sup>5</sup> It should also be noted that the Police Instructions contain somewhat more restrictive provisions regarding the informing of an arrested person's family of the fact of his detention by the police. If a detainee is under 18, his parents or guardian shall be informed ; in other cases, such information ought to be given, where there are "special reasons for doing so".

c. access to a doctor

35. Under current legislation, persons in police custody in Norway have no formal right to be examined by a doctor.

The Police Instructions nonetheless lay down various procedures on this subject (rules 9.2 and 9.4), under which any person taken into custody must be asked whether he is in need of medical care (alternatively, the police officer must use other means to establish whether care is required). If such care appears to be necessary, appropriate steps must be taken forthwith, and the detainee should not be locked in a cell until after the doctor's examination (except for overriding reasons of security). The time and results of the examination should be noted in the custody register.

36. Despite the above-mentioned provisions, the delegation observed that, in practice, persons held by the police were not usually asked questions concerning their state of health. If the detainee visibly displayed a need for care (signs of injuries, possession of medicines, etc), questions were asked and a doctor was called. The doctors concerned were local practitioners who provided a standby service on a rota basis (e.g. six doctors for the Oslo Police Headquarters).

**The CPT recommends that the right of persons detained by the police to be examined by a doctor be explicitly recognised. It further recommends:**

- **that a detained person be entitled, if he so wishes, to be examined by a doctor of his choice (in addition to any examination carried out by a doctor designated by the police authorities);**
- **that any medical examination be undertaken out of the hearing and, preferably, out of the sight of police officers (unless the doctor concerned requests otherwise);**
- **that the results of the medical examination as well as relevant statements by the detainee and the doctor's conclusions be formally recorded by the doctor and made available to the detainee and his lawyer.**

d. information on rights

37. The CPT has already stressed the importance which it attaches to people detained by the police being immediately informed of all their rights, including those referred to in paragraphs 29 to 36 above.

In this respect, the delegation found that, apart from the oral notification of the right to be assisted by a lawyer, given immediately before the first interrogation, no such measure appears to be taken.

To ensure that persons in police custody are duly informed of their rights, **the CPT recommends that a form setting out those rights be given systematically to such persons at the outset of their custody. The form should be available in different languages. The person concerned should also certify that he has been informed of his rights (cf. paragraph 42).**

e. conduct of interrogations

38. As already indicated, Article 96 of the Norwegian Constitution expressly prohibits the use of torture during police interrogations. Further, in terms of the Prosecution Instructions, threats, pressure, false information and promises may not be used by police officers during questioning (cf. paragraph 12).

The practice which police officers are expected to follow during interrogations is described in the Criminal Procedure Act (Chapter 18) and the Prosecution Instructions (rule 8). In particular: the detainee should be informed of the charges against him and told that he may remain silent and will not necessarily be released as a result of any admissions made; the police officer conducting the interrogation should remain calm and respectful to the person being questioned; the use of substances reducing the subject's level of awareness is prohibited; normal meals and necessary rest must be provided.

39. According to the Ministry of Justice Circular of 2 December 1985 concerning the Prosecution Instructions, "There are limits to what formal rules of police investigation can achieve as regards a proper balance between the respect due to persons questioned and the need to solve a case. This will also depend on other factors, in particular the training and proficiency of the police officers, their experience and their professional ethics". The CPT fully concurs with this viewpoint, but nevertheless feels that certain aspects should be covered by formal provisions. This would, in particular, help to underpin lessons taught during police training.

**The CPT therefore recommends that the Norwegian authorities draw up a code of practice for police interrogations.** The code should cover inter alia the following points: the systematic informing of the detainee of the identity (name and/or number) of those present at the interrogation; the permissible length of an interrogation; rest periods between interrogations and breaks during an interrogation; places in which interrogations may take place; whether the detainee may be required to remain standing while being questioned; the questioning of persons who are under the influence of drugs, alcohol, medicine, or who are in a state of shock. It should also be required that a record be systematically kept of the time at which interrogations start and end, of the persons present during each interrogation and of any request made by the detainee during the interrogation.

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

40. The CPT also considers that the electronic recording of interrogations represents a useful safeguard against ill-treatment, as well as having advantages for the police. The delegation was told that this was rarely used in practice although there is formal provision for it in the Prosecution Instructions (rule 8-13).

**It recommends that the Norwegian authorities examine the possibility of making electronic recording of interrogations a standard practice. The system to be introduced should offer all appropriate guarantees (for example, consent of the person in custody; use of two tapes, one of which would be sealed in the presence of the detainee and the other used as a working copy).**

41. In the course of its visit to Oslo Police Headquarters, the delegation observed a more or less constant movement of detectives within the cell complex. They appeared to have unrestricted access to detainees regardless of their status, no record being made in the custody register of their removal from, or return to, the cell area.

Moreover, even after remand prisoners had been placed in Oslo Prison, police officers retained free access to them for further questioning, the prisoners concerned often being returned to the Police Headquarters for this purpose.

The CPT considers that such a situation lends itself to abuse, particularly given the considerable influence of the police in relation to restrictions on persons placed on remand (cf. paragraph 60). **The CPT recommends that the return to police custody for questioning of a remand prisoner held in prison should be subject to the authorization of a judge or public prosecutor.**

f. custody registers

42. As regards the recording of facts, the CPT delegation noted that some aspects of police custody were reflected in the reports of police interrogations and others in the custody registers. It is for the Ministry of Justice to issue more detailed guidelines as to the content and supervision of custody registers (rule 9.6 of the Police Guidelines). Nevertheless, a thorough examination of the detention registers kept at the police stations visited showed that they contained only scant information.

In this respect, the CPT considers that the fundamental safeguards granted to persons in police custody would be reinforced if a single and comprehensive custody record were kept for each person detained, on which would be recorded all aspects of his custody and action taken regarding them (when apprehended/arrested and reasons for that measure; when told of rights; signs of injury, mental disorder, etc; when next of kin, consulate, doctor and lawyer contacted and when visited by them; when offered food; when interrogated; when taken before the competent court, transferred to a remand prison, etc). For certain matters (for example, personal items confiscated; the fact of being told of one's rights and of invoking or waiving them), the signature of the detainee should be obtained and, if necessary, the absence of a signature explained. Further, the detainee's lawyer should have access to such a custody record.

**The CPT recommends that the Norwegian authorities examine the possibility of establishing such an individualised custody record.**

g. complaints and inspection procedures

43. The existence of an independent mechanism for examination of complaints about treatment while in police custody is an important guarantee. It should be noted in this connection that specialised structures for examination of complaints against the police were introduced in 1989 with the establishment of eight Special Enquiry Boards ("saerskilt efterforskningsorgan"), each answerable to a district prosecutor. They are made up of three members (a qualified lawyer, usually a judge, as Chairman, a member of the local bar, and a police officer). They submit the findings of their investigations to the prosecutor with recommendations on subsequent legal action.

The CPT refers, in this connection, to the requests for information made in paragraph 14 of the report.

44. The CPT notes that police officers may take libel action against persons making accusations of ill-treatment. Police officers, like any citizen, should of course have legal remedies against persons who have made false accusations and, in so doing, exposed them to the risk of unwarranted prosecution. However, it is important that the existence of such possibilities should not unduly deter victims of ill-treatment from lodging complaints. In this matter, a proper balance must be struck between these legitimate yet conflicting interests.

**The CPT wishes to know how this balance is ensured in Norway.**

45. Lastly, the CPT considers that regular visits to places of police detention by the competent judicial authorities could have a significant impact in terms of prevention of ill-treatment.

**The CPT wishes to be informed whether the competent judicial authorities carry out such on-the-spot supervision of the execution of custodial measures.**

**B. Snarøya Holding Centre for Asylum Seekers**

46. The Snarøya Holding Centre for Asylum Seekers is located in the immediate vicinity of Fornebu International Airport. It provides 28 places and mainly receives asylum seekers waiting to be notified of the outcome of their asylum request or deportees. Movement within the Centre is unrestricted. It is under the control of the officer in charge of the airport police station (cf. paragraph 27) but kept under surveillance by a private security group. At the time of the visit, three persons were being held at the Centre, all pending deportation.

The maximum legal stay in the Centre is two months. However, consultation of the registers established that the period of stay was usually of brief duration, a few days at the most. Isolated cases of longer stays were observed (including one which lasted 73 days).

47. The Centre is housed in a recently erected prefabricated building surrounded by a metal perimeter fence. It has 12 bedrooms, each of which can accommodate between two and four persons. The bedrooms are equipped with all modern amenities. Inmates also have the use of a spacious common room/television lounge, a kitchen, a children's playroom, showers and an outdoor exercise area (albeit of rather bleak appearance). They can use the telephone subject to certain restrictions. The inmates whom the delegation met had no complaints regarding their material conditions of detention. However, it appeared that activities were limited to watching television and playing cards.

Conditions of detention at the Centre can be described as good; however, **the CPT invites the Norwegian authorities to explore the possibility of making additional activities available to persons staying there for other than a short period.**

48. No systematic medical screening is performed on arrival at the Centre. A doctor makes calls to the Centre only when summoned by the surveillance staff; according to the visiting register, such calls are infrequent (four during the past three months).

**The CPT recommends that the Norwegian authorities consider introducing medical screening - either by a doctor or by a qualified nurse reporting to a doctor - for each new arrival.**

49. **The CPT also recommends that an information booklet should be given to persons held in accordance with the legislation on aliens, in order to explain their rights, the procedure applicable to them and the rules of the Centre; this booklet should be made available in an appropriate range of languages.**

50. Lastly, the CPT notes that there are a range of formal safeguards in Norwegian law designed to ensure that foreign nationals are not returned to a country where they run a risk of being subjected to torture or to inhuman or degrading treatment or punishment<sup>6</sup>.

**The CPT would like to receive information on the arrangements made in practice to ensure compliance with those formal safeguards.**

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<sup>6</sup> Cf. sections 8, 16 and 27 of the Aliens Act

## C. Prisons

### 1. General information

51. The CPT delegation visited three prisons in Norway: Oslo and Ullersmo Prisons and Ila Prison and Security Detention Institution.

52. **Oslo Prison** was located in the city centre and comprised three separate blocks: A ("Botsen"), B ("Bayern") and C. Single cells were standard in Blocks A and B. In Block C, in addition to single cells, there were a few larger cells intended for multiple occupancy. Block A, which was built to a radial design, dated from 1860. It contained mainly convicted prisoners, together with a "drug-free unit" set up under a joint treatment scheme devised in conjunction with an outside drug addiction treatment centre. Block B, a former brewery, accommodated remand prisoners, some of whom were subject to restrictions on their contacts with other prisoners and with the outside world. Block C - formerly the site of the prison hospital - had recently been reopened temporarily for detention purposes, in order to shorten the "queue" of persons waiting to serve sentences.

The prison had a total capacity of 375 places, and there were 371 inmates on the day of the visit. The breakdown was as follows: 186 remand prisoners, 178 convicted prisoners and 7 persons detained for failure to pay fines. Approximately 30% of the prisoners were of foreign origin.

53. **Ullersmo Prison** was located at Klöfta, around 25 kilometres northeast of Oslo. It was the principal prison in the country for men serving long sentences. Opened in 1970, it comprised a number of two-story blocks linked by underground passageways. Prisoners were accommodated in two main blocks, one containing wings A to D and the other, wings E to H. In addition, a small block - unit U - previously used as a drug-free unit, accommodated 20 prisoners under similar conditions to those in the other two blocks.

The prison administration complex also included three custody units: M, S and V. Unit M acted as a reception unit and was also used to accommodate prisoners voluntarily requesting solitary confinement. Unit S was a high security unit and Unit V was the prison's solitary confinement/disciplinary unit.

The prison had a total capacity of 180 places, and 165 prisoners were held there on the day of the visit. The breakdown was as follows: 160 convicted prisoners and 5 remand prisoners.



54. **Ila Prison and Security Detention Institution** (Sikringsanstalt) was located in the Baerum district about 13 kilometres west of Oslo. Originally conceived as a prison for women, since 1951 it has been the only institution in Norway used to accommodate male prisoners held in security detention<sup>7</sup>. It was made up of three buildings: the main building ("A"), where the administrative and technical services were located, together with five detention sections (A to E) providing a total of 78 places; building B, which comprised five detention sections (G, H, I, K and L) designed to hold some 50 prisoners; and an annexe - originally designed for female prisoners suffering from tuberculosis - which had 12 single cells.

The prison had a total capacity of 132 places, and 131 prisoners were there on the day of the visit. The breakdown was as follows: 80 persons serving prison sentences, 45 persons held in security detention, 5 remand prisoners and one person imprisoned for failure to pay fines. No distinction was made between those serving prison sentences and those held in security detention, as regards either accommodation or regime.

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

55. The CPT's delegation heard no allegations of torture or other forms of physical ill-treatment of persons detained in the prisons which it visited in Norway, or in other prison establishments; nor was any other evidence of such treatment found during the visit.

Nonetheless, **the CPT wishes to receive information on:**

- **the number of complaints of ill-treatment lodged against prison officers during 1992 and 1993;**
- **the number of cases during 1992 and 1993 in which disciplinary/criminal proceedings were initiated as a result of complaints of ill-treatment, with an indication of any sanctions imposed.**

56. Although the delegation heard no allegations of physical ill-treatment during the visit, it received numerous complaints, before, during and after the visit, concerning solitary confinement of remand prisoners by court order. It also received a certain number of allegations concerning the regime applied in the high security unit at Ullersmo Prison. The delegation therefore paid particular attention to these two matters during its visit.

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<sup>7</sup> Cf. section 39.1 of the Penal Code

### **3. Solitary confinement of remand prisoners by court order**

57. The CPT pays particular attention to prisoners who - for whatever reason (disruptive behaviour or "dangerousness", the needs of a criminal investigation, disciplinary reasons, at their own request) - are held under conditions resembling solitary confinement.

The principle of proportionality calls for a balance to be struck between the requirements of the situation and the imposition of a solitary confinement-type regime, which can have very harmful consequences for the person concerned. Solitary confinement can, in certain circumstances, amount to inhuman and degrading treatment; in any event, all forms of solitary confinement should last for as short a time as possible.

58. Under section 186.2 of the Criminal Procedure Act, a court may, to the extent that the investigation of the case would be served thereby, rule that a person remanded in custody may not receive visitors or send or receive letters or other items of mail, or that visits or exchanges of letters may only take place under police supervision. This shall not apply to correspondence with, or visits from, a public authority, except as otherwise expressly specified in the ruling. The court may also rule that the person concerned shall not have access to newspapers or radio and television.

Further, under section 82.2 of the Prison Regulations, prisoners subject to such restrictions are only entitled to associate with other prisoners with the consent of the police<sup>8</sup>.

59. The CPT's delegation met a large number of remand prisoners held in conditions of virtual solitary confinement. Furthermore, it was told that this practice was routinely applied to prisoners on remand during their first four weeks of imprisonment.

60. These restrictions were subject to periodic review by the court (at least every four weeks, when the court would rule on the possible extension of remand custody), but could continue for a period of some months. The delegation met with a number of persons held under such a regime for extended periods (and a member of staff at Oslo Prison recalled a case where restrictions had been applied for fourteen months).

The application of restrictions would be requested by the police officer in charge of the investigation, who could subsequently recommend to the court their partial or total removal. In this connection, the delegation heard from prisoners, other persons consulted and from police officers themselves, that such recommendations were generally followed by the court.

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<sup>8</sup> Other types of voluntary or mandatory solitary confinement and restriction or withdrawal of the right to associate with other prisoners are set out in section 53.4 of the Prison Regulations. The procedures to be observed in this respect offer appropriate safeguards for prisoners.

The general impression gained was that the imposition of restrictions lay, in reality, in the hands of the police and that they made liberal use of this possibility. Many prisoners subject to restrictions experienced this regime as psychologically oppressive, an opinion shared by certain prison officers and health workers. Several persons met by the delegation advanced that the police tended not only to use restrictions to safeguard the interests of justice, but also exploited them as a means of exerting pressure on detainees with the aim of advancing their enquiries. In particular, certain prisoners spoken to in the establishments visited alleged that the police officers in charge of their investigations had explicitly stated that "forbud/kontroll" measures would be eased or lifted if they co-operated with the police.

The CPT would recall, in this respect, that the use of threats, pressure, false information and promises is expressly forbidden by the Prosecution Instructions (cf. paragraph 38). **The Committee would like to be informed of whether the exploitation of "forbud/kontroll" measures by the police in the manner described above would constitute a breach of the relevant provisions in the Prosecution Instructions** (see also paragraph 15).

61. At **Oslo Prison**, detainees subject to restrictions were kept on the top floor of D wing in B block. They spent up to 23 hours a day isolated in their cells and took outdoor exercise alone in concrete-walled enclosures (approx. 15 m<sup>2</sup>) covered by a metal grating, situated on the roof of the block.

62. At the time of the visit, detainees subjected to restrictions by court order held at **Ullersmo Prison** were located in Unit S, the prison's high security unit (cf. paragraphs 68 et seq.). The regime applied was in all respects similar to that in Oslo Prison. Outdoor exercise could be taken individually in five exercise yards (one of large dimensions, covered by a metal grating, and four smaller areas). None of the yards were shielded from inclement weather.

63. At **Ila Prison**, remand prisoners subject to restrictions were assigned to section G, which had eleven cells (this section was also used as the prison's admission unit). The establishment accommodated an average of 2-6 prisoners under restrictions at any one time (it was noted that two of the prisoners in question had jobs in communal workshops during the day). Since the beginning of 1993, 26 detainees subject to restrictions had been placed in the prison for periods which seldom exceeded one month. Again, the regime applied was similar to that at Oslo Prison. Prisoners had access to a large exercise area (about 200 m<sup>2</sup>).

64. In at least two cases, the delegation's psychiatric expert observed serious medical implications arising from solitary confinement by court order.

The first case involved a foreign prisoner who had been held at Oslo Prison for almost four weeks and claimed to be under considerable pressure from the police to corroborate certain statements. Having been subject to a total ban on communication ("forbud") since arrested by the police, the person concerned manifested a state of despair and a strong suicidal inclination. He also showed clear symptoms of psychosomatic disorders (severe occipital pains, vomiting, insomnia, fear of not waking in the morning, etc). He was severely depressed and was receiving counselling and psychiatric attention combined with appropriate medication.

The delegation's psychiatric expert came to the conclusion that the prisoner's state of mental health was seriously affected by the complete isolation imposed on him, and specifically by lack of contact with his family. An aggravating factor was his uncertainty as to the length of his placement under that regime. This depressive state could not be attributed simply to the fact that it was the first time that the person concerned had been imprisoned. This view was fully supported by the prison doctor's opinion on the person concerned.

The second case involved a seriously depressed prisoner who had been remanded to Ila Prison and had developed a psychosis after six weeks of solitary confinement by court order. The risk of suicide had been so great that the prison doctor had judged it necessary to contact the prisoner's lawyer and the investigating police officer<sup>9</sup>. The prisoner had been promptly transferred to a specialised psychiatric clinic after a final police interrogation.

65. The CPT recognises that it may be necessary, in certain cases, to impose restrictions on remand prisoners' contacts with others in order to safeguard the interests of justice. However, under no circumstances would it be acceptable to apply restrictive measures of this kind in order to exert psychological pressure on a detainee.

In this connection, **the CPT recommends that the Norwegian authorities take the necessary steps to ensure that:**

- **the imposition of restrictions on contacts between a remand prisoner and others, and the renewal of such restrictions, is applied only in cases where it is absolutely essential in order to protect the interests of justice;**
- **whenever a prisoner subject to measures restricting his contacts with others, or a prison officer acting on his behalf, so requests, a doctor is called forthwith to examine the prisoner. The findings of the examination, including an assessment of the prisoner's physical and mental health and, if appropriate, the foreseeable effects of continued isolation, should be set out in a written report to be sent to the competent judicial authorities;**
- **any prisoner subject to restrictions for an extended period is offered activities in addition to outside exercise and guaranteed appropriate human contact.**

With reference to the first indent above, **the CPT would add that it would not be acceptable for inmates to be held, as a matter of routine, in solitary confinement during their first four weeks on remand.**

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<sup>9</sup> Under section 82 of the Prison Regulations it is for the police to decide whether to act upon a medical opinion that a "forbud/kontroll" measure should be modified on the grounds of its effect on a person's physical or psychological health (cf. also section 53.7 of the Prison Regulations).

The CPT also wishes to be informed of whether:

- the decision to impose restrictions on contacts with others is appealable;
- the reasons for decisions to impose or extend restrictions are recorded in writing, and the person concerned informed of those reasons.

Furthermore, the CPT wishes to receive:

- statistics covering the last four years on the number of persons remanded into custody under section 171 of the Criminal Procedure Act on the ground of the prevention of the destruction of, or interference with, evidence, expressed as a percentage of the total number of persons remanded into custody;
- statistics covering the last four years concerning (i) the number of remand prisoners subjected to restrictions under section 186.2 of the Criminal Procedure Act, expressed as a percentage of the total number of persons remanded, and (ii) the length of time during which such restrictions were applied.

66. As regards the material conditions of detention of such detainees, **the CPT recommends that improvements be made to the exercise areas set aside for them at Oslo and Ullersmo Prisons, in order to give them adequate space to exert themselves physically, preferably with shelter from inclement weather.**

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67. More generally, the Committee would like to mention the question of the length of time spent on remand, a matter which can raise issues falling within the CPT's mandate. Although, the average length of time spent on remand in Norway did not appear to be excessive, the CPT noted that it was not subject to a legal maximum. The Committee understands that the Norwegian authorities have commissioned a study on the length of remand detention and **would like to receive in due course the results of that study.**

#### 4. Ullersmo Prison high security unit

68. Unit S at **Ullersmo Prison** was opened in May 1989 as a high security unit. It received prisoners from all over Norway, although, in each case, admission was decided by the Director of Ullersmo Prison. The length of initial detention was six months, renewable for further periods of six months, in principle, up to a limit of two years.

Unit S provided 12 places. Two convicted prisoners were being held there at the time of the visit, together with several remand prisoners subject to restrictions by a court.

69. According to the rules of admission to Unit S, issued by the Central Prison Administration on 7 April 1989, a prisoner could be detained there if sentenced to over 5 years of imprisonment and if regarded as:

- a. presenting a particular escape risk,
- b. having been involved in serious drug-related activities after beginning to serve a sentence,
- c. having a particularly negative influence on other prisoners' custodial conditions.

In addition, prisoners serving terms of over a year and a half who had committed recurrent acts of violence or repeatedly threatened prison staff could be sent to the Unit. Those sentenced to terms of 8 years or more for breaches of sections 162 and 162.A of the Penal Code (drug offences) could serve their sentence in the Unit from the outset.

70. The Unit occupied part of the ground floor of the prison's administrative complex. Each prisoner had a single cell appropriately equipped with a bed (complete with mattress, sheets, eiderdown and pillow), a desk, a chair, a set of shelves/bookcase, and a locker. The cells were fitted with a toilet and washbasin. Prisoners could have a television/radio set in their cells.

There were also several communal facilities for prisoners' use (fully equipped weight training room, computer room, lamp assembly and bookbinding workshops, lounge, an open room for family visits and a room for closed visits). All were well lit and ventilated.

71. Regarding regimes in such units, the CPT wishes to stress that prisoners regarded as presenting a particularly high security risk should, within the confines of their reinforced security unit, enjoy a relatively relaxed regime (able to mix freely with the small number of fellow-prisoners in the unit; allowed to move without restriction within it; granted a wide choice about activities, etc.) by way of compensation for their severe custodial situation.

Special efforts should be made to develop a good internal atmosphere within such units. The aim should be to build positive relations between staff and prisoners. This is in the interests not only of the humane treatment of the unit's occupants but also of the maintenance of effective control and security and of staff safety. Success in this area requires that the staff assigned to work in such units are very carefully chosen. They should be appropriately trained, possess highly developed communication skills and have a genuine commitment to the exercise of their skills in a more than usually challenging environment.

The existence of a satisfactory programme of activities is just as important - if not more so - in a special detention unit than on normal location. It can do much to counter the deleterious effects upon a prisoner's personality of living in the confined atmosphere of such a unit. The activities provided should be as diverse as possible (education, sport, work of vocational value, etc.). As regards, in particular, work activities, it is clear that security considerations may preclude many types of work activities which are found on normal prison location. Nevertheless, this should not mean that only work of a tedious nature is provided for prisoners.

72. As far as the delegation was able to ascertain, staff-inmate relations were good. The situation as regards the regime in operation and, more specifically, the activities made available to prisoners, was more ambiguous. The facilities provided and the formal rules governing life in the Unit would ostensibly make for a regime of the type recommended above. However, such a regime was not in operation at the time of the visit. It emerged that this was due chiefly to the fact that only two prisoners meeting the admission criteria set out in paragraph 69 were present. Furthermore, according to the staff members interviewed, one of these two prisoners refused any contact with the other.

73. **In order to improve the situation within the Unit, it would in the first place be advisable to discontinue using it to accommodate remand prisoners subject to solitary confinement by court order.** Indeed, the necessity of restricting such prisoners' contact with others is bound to impair the quality of life enjoyed by convicted prisoners assigned to the Unit because of their "dangerousness". The very presence of such prisoners is altogether incompatible with the application of a regime based upon prisoner association in the Unit.

Further, it is evident that it will not be possible to develop such a regime with a very small number of detainees. To overcome this impediment, it might be desirable to invite inmates from other units of the prison to take part on a voluntary basis in activities organised within Unit S. **The CPT requests the comments of the Norwegian authorities on this question.**

74. Detainees in Unit S took exercise in the exercise yards described in paragraph 62. In this respect, the CPT would recall its recommendation regarding the improvement of those facilities, as set out in paragraph 66.

75. It is axiomatic that placement in a high security unit should last no longer than is strictly necessary, which presupposes a regular review of the placement decision. Furthermore, prisoners should, as far as possible, be fully informed of the reasons for their placement under a high security regime and, where applicable, for the renewal of such a measure. This would enable them inter alia to make effective use of avenues for challenging that measure.

76. **The CPT recommends that the Norwegian authorities take appropriate steps to ensure that placement in a high security unit for an extended period is fully reviewed at least every three months, where appropriate, on the basis of a medico-social opinion.**

**The CPT would also like to be informed of:**

- **whether a prisoner placed in a high security unit, or in respect of whom such a placement is renewed, is informed in writing of the reasons for that measure (it being understood that the reasons given might not include details which security requirements reasonably justify withholding from the prisoner);**
- **whether the prisoner concerned can put his views to the competent authority before any final decision is taken on his placement/renewal of his placement in a high security unit;**
- **the avenues open to a prisoner for the purpose of challenging a decision to place him in a high security unit, or to renew such a placement.**

## **5. Conditions of detention in general**

### **a. material conditions of detention**

77. The material conditions of detention at **Oslo Prison** were, on the whole, satisfactory. The single cells in the various sections of the prison were an acceptable size (7-9 m<sup>2</sup>). The same applied to the multiple occupancy cells, located in Block C. Each cell was properly equipped, and had satisfactory ventilation and natural and artificial lighting.

78. The cells in Block B were fitted with lavatories. This was not the case in Block C; however, this created no particular problems for detainees as the cell doors were left open at all times. Block A also lacked lavatories in the cells. During the day, prisoners could go to the lavatories on their floor, but had to use pots once the cell doors were locked in the evening.

The CPT must stress that it does not like the practice whereby prisoners are obliged to satisfy the needs of nature in pots in their cells, which are later "slopped-out" at fixed times. Either a toilet facility should be installed in the cell (preferably in a sanitary annexe) or measures should be taken to enable prisoners to be released from their cells to use a lavatory without undue delay at all times (including at night).

**The CPT recommends that the Norwegian authorities take steps to ensure that the inmates of Block A in Oslo Prison (and in any other Norwegian prison where similar conditions apply) have ready access to toilet facilities at all times.**



79. The material conditions in the cells of the prison's reception wing, where new arrivals might spend 3-4 hours before allocation to a detention cell, left something to be desired. In particular, the cell windows were fitted with bars on the inside and in some cells the windows were broken. Furthermore, the cells had no call system.

The state of the cells in the reception wing of Oslo Prison could only aggravate the risk of suicide attempts taking place there. **In consequence, the CPT recommends that the reception cells at Oslo Prison be renovated in the light of the foregoing remarks.**

80. The material conditions of detention at **Ullersmo Prison** were good throughout the establishment. All cells were very well equipped: bed (with mattress, sheets, eiderdown and pillow); table, chair, desk and locker; intercom/radio unit. Lighting and ventilation were adequate. The dimensions of a standard cell, just over 6 m<sup>2</sup>, might be considered rather small, but this was offset by the well-designed furnishings and the considerable time spent outside the cells.

With regard to sanitary facilities, the cells were fitted with a washbasin but not lavatories (except in unit S). Nonetheless, prisoners had ready access to lavatories during the day. At night, a centrally controlled electronic locking and unlocking system operated.

81. The material conditions of detention at **Ila Prison** were good throughout. The delegation was impressed by the hospital-like cleanliness of the premises. In the main building ("A"), a typical cell was of adequate size (7.5 m<sup>2</sup>), and well lit and ventilated. It was equipped with all necessary fittings (bed, mattress, locker, shelves, desk, chair, washbasin, interphone/radio unit, fire alarm, window curtains). The cells were not equipped with a lavatory; however, inmates told the delegation that they had no significant problems in gaining access to the lavatories on their floor, even at night (nonetheless, the CPT recalls the recommendation made in paragraph 78). Each custody section had communal facilities (kitchen, recreation room, showers/toilets, etc) in an adequate state of cleanliness and repair. Similar material conditions applied in the more recently constructed B building and in the Annexe.

b. regime

82. Blocks A and C of **Oslo Prison**, holding mainly convicted prisoners, had a comparatively open regime. Prisoners could spend a reasonable amount of time outside their cells engaged in a variety of communal activities (outdoor exercise, work, association). The delegation nevertheless found the number of available work places for inmates of A block distinctly inadequate (42 places in all, divided among various workshops: carpentry, lamp assembly, ironwork, sewing, etc).

The regime in B block, principally containing persons on remand - many of them subject to restrictions by court order - was far more limited. There were few possibilities for mixing with other prisoners, and none whatsoever for detainees subject to restrictions. A number of work places were nonetheless available (48 in all, divided among various activities: laundry, store-room, work performed in the cells and under centralised arrangements, etc).

**The CPT recommends that the Norwegian authorities take steps to increase the number of work places available to the inmates of Blocks A and B at Oslo Prison.**

83. The programme of activities provided for inmates in the ordinary sections (A-H and U) at **Ullersmo Prison** could be described as suitable for prisoners serving long sentences. Various industrial-type work places (garment manufacture, 15 places; carpentry, 30 to 35 places; ironwork, 35 places) were in operation, together with a repair workshop. Some prisoners were also employed in the kitchens.

Primary and secondary education courses were available (with the possibility of sitting examinations) in co-operation with teachers from local schools. Certain prisoners were engaged in university studies, working on their own.

The establishment also had a leisure complex (meeting room, library and sauna). The sports facilities were impressive and included a very large outside playing field and a swimming pool.

84. The regimes in buildings A and B of **Ila Prison** were generally satisfactory. Prisoners were allowed to mix freely, except for those detained in section G (the non-voluntary - including disciplinary - solitary confinement unit) and section K (voluntary isolation unit). The majority of prisoners were allotted a work place. A large depot linked with A building by a tunnel housed workshops for carpentry (10 places), ironwork (10 places), painting (4 places) and motor mechanics (2 places). Other operations were located in A building: laundry (2 places), kitchen (6 places), technical services department (14 places). In B building, two small therapy workshops were set aside for prisoners unfit for work in a normal environment (12 places). Cleaning work in the various wings of the prison occupied 15 inmates. Up to 16 could be employed in growing plants and flowers and maintaining the prison gardens.

The establishment also had a library, a gymnasium, weight training and hobby rooms, plus the use of a large outside playing field complete with a running track.

Around thirty prisoners were able to carry on studies with the assistance of ten or more teachers on the staff of a nearby school (Rud secondary school).

The Annexe was separate from the main prison. Its purpose, since its creation in 1989, had been to offer a personalised treatment plan to prisoners who were unable to cope with a normal custodial regime. The staff/inmate ratio was accordingly very high (four officers per ten prisoners were normally in attendance during the day). The communal activities were designed to teach prisoners to acquire a certain degree of self-sufficiency (domestic duties, keeping the key to their cell). Participation in therapy sessions was compulsory for these prisoners. Some had regular spells in a psychiatric hospital. Escorted outings were also arranged for them.

## 6. Medical services

### a. general information

85. In 1988, responsibility for prisoners' health care was transferred from the Ministry of Justice to the Ministry of Health and Social Affairs. The main aim of the reform was to afford prisoners the same standard of care as the Norwegian population at large. Health care for prisoners has since been administered by local or district health authorities; the cost of primary care is defrayed by the State, and dental and psychiatric costs are subsidised.

As concerns, in particular, psychiatric treatment, emergency psychiatric services and outpatient care for prisoners are provided by the municipality where the prison is located; however, admission to a specialised hospital is arranged in the municipality of the patient's residence.

86. The Norwegian authorities informed the CPT that the budget allocated to prisoners' health care has increased by 3 ½ times over the past four years, and that medical authorities have observed a marked improvement in the quality of treatment. Another effect of the reform has been to give health care staff greater independence vis-à-vis the prison administration.

### b. staff and facilities

87. The delegation observed that staff numbers and the general standard of medical facilities in the three prisons visited were satisfactory.

For instance, at **Oslo Prison** the medical service consisted of two general practitioners assisted by 27 other nursing or auxiliary staff belonging to the health service, and a physiotherapist. Specialist treatment was provided by means of consultations with doctors from outside (internal medicine specialist, surgeon, etc) and by consultations in community hospitals. In addition, a psychiatric team operated within the prison; it consisted of two psychiatrists, two psychologists and two qualified psychiatric nurses. This team worked in close co-operation with the Dikemark psychiatric hospital. Finally, it should also be noted that a nurse was permanently on duty in the establishment.

As to the facilities provided, there was a medical surgery in each block of the prison, which also had an 11 bed infirmary. This was used for the treatment of minor complaints and for convalescence (prisoners requiring more extensive treatment were referred to local hospitals). These premises were well equipped.

c. screening on reception

88. Section 42.5 of the Prison Regulations provides that a newly arrived prisoner is to be examined by a doctor on reception, or immediately thereafter, "if anything indicates that he is ill or otherwise needs medical attention". In the "central institutions", such as Ullersmo and Ila Prisons, which were served by full-time practitioners, all new arrivals were in any case examined as a matter of course by a prison doctor.

The Prison Regulations do not appear to prescribe automatic medical examination on arrival in prison for remand prisoners. At Oslo Prison, the delegation was informed that such an examination was not made automatically.

89. The CPT considers that every newly arrived prisoner, whether convicted or on remand, should be seen on reception by a member of the prison health service, who should be either a doctor or a qualified nurse reporting to a doctor. This is important because, while most prisoners are young men, many will have medical and psychiatric problems to a greater extent than the population at large. **The CPT recommends that the Norwegian authorities take appropriate measures in this respect.**

d. general medical care

90. On the whole, the level of general medical care in the establishments visited could be considered as good. A nurse made daily rounds in each prison building in order to note requests for medical consultations and to issue medicines. No problems were reported concerning access to a general practitioner.

Prisoners could receive treatment from specialists, consulted either in the prison or in outside hospitals. Where the complexity of the treatment so required, they were transferred to a hospital outside. In particular, co-ordination between the prison medical service and the hospitals seemed to operate satisfactorily (see, however, paragraph 93). No complaints were received in these areas.

91. It should also be noted that prisoners' medical files were the sole responsibility of the medical staff and that the medical notes were kept to a satisfactory standard.

e. psychiatric care

i. *Ila Prison*

92. In addition to the prison medical service (one general practitioner, one psychologist, one physiotherapist and four and a half nursing posts, two of which were for those qualified in psychiatric care), the establishment was served by an "outpatient" psychiatric care facility, which had been introduced in January 1991. This specialist team from the Akershus psychiatric polyclinic at Sandvika consisted of three psychiatrists and two psychologists. A member of the team was on duty at the prison every weekday.

93. In 1992, some 60 prisoners at Ila Prison were dealt with by the psychiatric team for purposes of assessment and treatment, a quarter of whom were diagnosed as psychotic. Of the remaining patients, a number were found to have personality disorders.

Some of the prisoners considered to be mentally ill had been transferred to psychiatric institutions but for others it had not been possible to find a solution. In fact, the delegation's psychiatric expert met a number of detainees - chiefly in the Annexe - who, in his opinion, required hospitalisation on account of their state of mental health.

94. A mentally ill prisoner should be kept and cared for in a hospital facility which is adequately equipped and possesses appropriately trained staff. That facility could be a civil mental hospital or a specially equipped psychiatric facility within the prison system. Moreover, this is in line with the policy recommended by the Health Ministry, according to which: "in Norway it is both illegal and inconsistent with a sense of justice to confine psychotic patients in prison. It is the task of the psychiatric health service to examine and treat such cases outside prison"<sup>10</sup>. In this connection, the CPT would stress that, although Ila Prison was served by a specialist psychiatric team, it did not have the facilities of a psychiatric hospital.

**The CPT recommends that the Norwegian authorities take steps to ensure that mentally ill persons are not placed in Ila Prison and that any prisoner sent there who is subsequently diagnosed as mentally ill is transferred to a psychiatric hospital without delay.**

95. As regards prisoners suffering from personality disorders, the CPT was informed that the Norwegian Government had decided to set up within the prison administration a special institution catering for 30 prisoners.

**The CPT would like to receive information about this institution (planned date of entry into service, staff, regimes and therapeutic programmes, etc).**

*ii. other establishments*

96. At Oslo Prison, satisfactory coverage of psychiatric requirements (assessment and treatment) was provided by a specialised team (cf. paragraph 87). The delegation noted with satisfaction that one psychiatrist acted as a treating doctor while the other made assessments of criminal responsibility for the police. The first psychiatrist spent half a day per week at the prison and held a monthly consultation with the prison doctors. It should be noted that a qualified psychiatric nurse paid particular attention to prisoners under 18 years of age. The psychiatrists also had the use of a 6 bed observation unit at Dikemark psychiatric hospital. The CPT was informed that the hospital would be equipped with an additional 8 bed unit in 1993.

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<sup>10</sup> The Psychiatric Service Within the Norwegian Prison Health Service, Directorate of Health, 10 February 1993, p. 3

97. At Ullersmo Prison, the delegation's medical expert was not able to examine in depth the level of psychiatric care. **The CPT would like to receive information from the Norwegian authorities about the psychiatric services which are available to persons detained at Ullersmo Prison.**

f. drug addiction

98. The problem of drug addiction is one of the major challenges facing the Norwegian prison administration. According to information supplied to the CPT by the Norwegian authorities, some 35% of detainees have been imprisoned for offences under the narcotics legislation. Furthermore, the Central Prison Administration estimates that 40-60% of prisoners engage in drug abuse while in prison. To counter this phenomenon, the Norwegian authorities have initiated an extensive anti-drug programme in prisons.

Drug detection teams have been operating in prisons since 1982. These search operations are backed by urine tests. Regulatory steps were also taken in 1989, including, in particular, restrictions on correspondence, telephone calls, personal possessions kept in cells, prison leave, etc.

99. The CPT wishes to underline that, in the context of the prevention of drug abuse, a mainly repression-oriented approach is not sufficient. It would also be desirable to have suitable medical, psychological and welfare structures inside prisons, working, as appropriate, with external therapeutic associations, to avoid interrupting any treatment begun before imprisonment of a drug-addicted detainee. This would also assist preparations for the prisoner's release with a view to guarding against a relapse into addiction.

The delegation had the impression that the preventive aspects of the anti-drug programme implemented by the Norwegian authorities, (establishment of drug-free prisons and units with a contract system, introduction of training programmes, transfer of drug addicted prisoners to specialised treatment institutions, etc) could be further developed. In addition, the delegation was informed that enrolment in a treatment programme, organised in conjunction with an outside association ("Tyrilikollektiviteten") and being applied in unit C3 of Block A at Oslo Prison, was confined to Norwegian nationals. In the CPT's opinion, any such restriction would be unjustified.

**The CPT requests the comments of the Norwegian authorities on the above-mentioned subjects.**

g. issues relating to the Human Immuno-deficiency Virus (HIV)

100. The Ministry of Justice has issued instructions on HIV-related measures. Seropositive prisoners must receive proper treatment and are not to be the subjects of discrimination. Prisoners with AIDS should not normally be kept in prison. The Central Prison Administration reported that measures such as conditional release, transfer to clinics, etc. were to be studied in consultation with the public health authorities.

101. Officials and health care staff working in prisons have received HIV training. In addition, information booklets in several languages are supplied to prisoners, and condom distribution campaigns have been organised.

102. In short, the approach to prisoners with HIV/AIDS which has been adopted by the authorities seems appropriate, as does the information/means of prevention made available to staff and prisoners in general.

## 7. Other aspects of relevance to the CPT's mandate

### a. staff-inmate relations

103. The CPT observes carefully the prevailing climate within an establishment. The promotion of constructive relations between prisoners and staff will serve to lower the tension inherent in any prison environment and, by the same token, significantly reduce the likelihood of violent incidents and associated ill-treatment. In short, a spirit of communication and care should accompany measures of control and containment. Such an approach, far from undermining security, might well enhance it.

104. The CPT's delegation noted that female prison officers worked in all of the prisons visited in Norway; the Committee welcomes this situation. The CPT considers that the presence of female prison officers in male prisons is a factor which is capable of making a positive contribution to the maintenance of a good internal atmosphere in such establishments.

105. The atmosphere in **Oslo Prison** during the delegation's visit could, on the whole, be described as satisfactory.

The same was true of **Ullersmo Prison** although, shortly after the visit, the CPT received information according to which the atmosphere had deteriorated after the reinforcement of controls on prisoners in an attempt better to combat drug trafficking in the establishment. **The CPT would like to receive information from the Norwegian authorities on this subject.**

106. In **Ila Prison**, the climate could hardly be described as serene. Doubtless, this state of affairs may be connected with the fact that "the most difficult prisoners in Norway" were held there. The delegation nevertheless observed in situ that there was a power vacuum, as a result of the post of Director being vacant. Furthermore, the Deputy Director's availability was reduced by concurrent duties with the Central Prison Administration.

In the absence of effective management, an institution will tend to drift; such an environment is a propitious one for the growth of undesirable practices. **The CPT would like to receive confirmation from the Norwegian authorities that a new Director of Ila Prison has been appointed and has taken up his functions<sup>11</sup>.**

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<sup>11</sup> According to information supplied to the delegation by the Norwegian authorities at the end of the visit, a new Prison Director was to be appointed on 1 September 1993.

b. contact with the outside world

107. It is very important for prisoners to be able to maintain good contact with the outside world. Above all, they must be given the opportunity to preserve their relationships with their families and/or friends, and in particular with their spouse or partner and children. The maintenance of such relationships can be of critical significance for all concerned, particularly in the context of the prisoners' social rehabilitation. The guiding principle should be to promote contact with the outside world; any restrictions on such contacts should be based exclusively on security concerns of an appreciable nature or considerations linked to available resources. This is in the spirit of several recommendations made in the European Prison Rules, in particular those set out in paragraph 43, sub-paragraph 1 and paragraph 65, item c.

108. In Norway, all detainees were normally allowed a minimum visiting time of 1 hour per week, irrespective of their status (on remand or convicted) (section 23 of the Prisons Act and section 64 of the Prison Regulations). The frequency of visits was adequate. Furthermore, the physical conditions under which visits took place were generally satisfactory.

109. Allowing a detainee to receive extended visits in order to maintain relationships of a family and emotional nature (including sexual relations) is a constructive measure, provided such visits take place under conditions which respect human dignity. In this respect, the CPT noted that the principle of such visits was acknowledged in the establishments visited, even though there was no formal provision to that effect in the Prison Regulations.

The CPT would nevertheless draw the attention of the Norwegian authorities to the poor furnishing of the cells set aside for these visits in Block B of Oslo Prison. They were very small (5.6 m<sup>2</sup>), had only artificial lighting and were fitted with nothing more than a sofa and a washbasin.

**The CPT recommends that the conditions under which extended visits take place be substantially improved. The aim should be for these visits to take place under homelike conditions, thereby promoting stable relationships.**

110. As regards telephone contacts, the CPT noted that detainees, irrespective of their status, were entitled to 20 minutes of telephone conversation per week, whether as a single call or as a number of calls with the same aggregate duration (section 64.9 of the Prison Regulations). Telephone calls were subject to controls, except for conversations with lawyers and certain national bodies (Ombudsman) or international organisations (Council of Europe; UN).

111. Prisoners' incoming and outgoing mail could be censored for security reasons (section 24 of the Prisons Act and section 63.3 of the Prison Regulations). Censorship did not apply to letters addressed by prisoners to the Ministry of Justice, to the Chairman of the prison's Supervisory Board or to their lawyers. The same rule applied to letters sent to a lawyer in connection with an application to the human rights bodies of the Council of Europe, to UN bodies, to consular and diplomatic officials as well as to correspondence with doctors, psychologists or the Ombudsman.



112. In one establishment - Ullersmo Prison - there had been recent (1991) allegations that detainees' mail to the Council of Europe bodies was being held up and that telephone calls between prisoners and the lawyers handling the applications in question were monitored.

**The CPT wishes to receive from the Norwegian authorities the results of any enquiries which may have been conducted in response to these allegations and information on any measures taken as a result.**

c. means of restraint

113. The establishments visited each had security cells and beds ("sikkerhetscelle" and "sikkerhetsseng"), which formed part of the different types of means of restraint ("tvangsmidler") to which resort was permissible in certain cases. The use of those means of restraint was subject to stringent statutory and regulatory provisions<sup>12</sup>.

114. Only physical assault, serious damage to property or grave offences against internal order and security committed inside prisons could warrant a prisoner's confinement to a security cell (Article 5 of the Royal Decree of 22 April 1960, as amended by that of 22 January 1985). Likewise, security beds could only be used in the event of self-inflicted bodily harm (Article 6 of the aforementioned decree). The use of security cells for disciplinary purposes was expressly forbidden.

115. Resort to such means was subject to a series of safeguards (entry in a special register; placement order made by the Prison Director or, in emergencies, his representative; Central Prison Administration notified of periods exceeding 24 hours on a security bed or three days in a security cell; at least hourly visual checks on prisoners kept in a security cell; constant staff attendance during a detainee's confinement to a security bed; prior consultation of the doctor where possible, and medical examination every 24 hours; etc.).

The CPT welcomes these provisions and, in particular, the requirement of a constant staff presence during use of a security bed. However, **it considers that more frequent visual checks on prisoners confined to a security cell would be appropriate.**

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<sup>12</sup> The general principles are set out in section 31 of the Prisons Act of 12 December 1958 and section 38 of the Prison Regulations of 12 December 1961, both as amended. The Royal Decrees of 22 April 1960 and 25 January 1985 and various ministerial circulars specify implementing arrangements for the above.

116. At **Oslo Prison**, the four security cells were in the basement of Block B, some distance from any surveillance point.

Three of them (Nos. 1, 2 and 3) were of adequate size (over 7 m<sup>2</sup>) and had an observation and security corridor on two sides. They were equipped with a foam mattress and a blanket, an Asian style lavatory and underfloor heating. Natural lighting was very dim; the staff told the delegation that the artificial lighting in these cells remained on at all times.

**The CPT recommends that the natural lighting of these cells be improved substantially and that they be fitted with a call system (currently lacking). If it were not to prove possible to make these improvements, the cells should be taken out of service.**

The last cell (No. 4) was larger (17 m<sup>2</sup>) and equipped with a security bed fixed to the floor in the centre of the room, covered with a foam mattress and fitted with three sets of leather straps with which the detainee's wrists, ankles and body could be secured if necessary. The cell was adequately lit.

117. **Ullersmo Prison** had three security cells, one with a security bed, located in the administrative complex adjacent to the disciplinary unit (cf. paragraph 123). They were equipped in a similar way to the cells at Oslo, though they were smaller (+5 m<sup>2</sup>). Lighting, ventilation and heating were adequate.

118. **Ila Prison** had four security cells, one with a security bed, located in B building adjacent to section G (cf. paragraph 63). They were equipped in a manner comparable to the cells at Ullersmo, though were larger (9 m<sup>2</sup>). Lighting, ventilation and heating were adequate.

119. Both the custodial and medical staff of the establishments visited said that use of the security cells and beds had decreased in recent years. This was borne out by examination of the registers kept in those establishments. According to the security cells register at **Oslo Prison**, in 1992 the cells had been used on 27 occasions, normally for a maximum of 24 hours. The security bed, according to the register, had been used very infrequently and for very short periods.

At **Ullersmo Prison**, the 1992 register indicated that the security cells had been used on 28 occasions, usually for periods of 1-3 days. The security bed had been used for two periods of 3-6 hours.

The delegation noted, however, that in a few isolated cases longer stays in the security cells had occurred at Oslo and Ullersmo prisons in 1992 (one lasting 21 days). **The CPT requests the comments of the Norwegian authorities on this subject.**

An examination of **Ila Prison** security cells register from October 1992 to June 1993 showed that the security bed had been used on three occasions, never longer than overnight, and a security cell on 13 occasions, never for more than 24 hours.

120. The CPT would stress that, as regards resort to means of restraint in general, the following safeguards should be provided:

- any detainee in respect of whom means of restraint have been used should have the right to be examined and, if necessary, treated by a doctor without delay;
- that medical examination should be performed out of the hearing and, unless the doctor requests otherwise, out of sight of non-medical personnel;
- the results of the medical examination as well as any relevant statements by the detainee and the doctor's conclusions should be duly recorded in writing and made available to the detainee;
- each establishment should have a central register containing full particulars of each case in which means of restraint have been used.

**The CPT wishes to know whether all of these safeguards exist in Norway.**

d. discipline

121. The subject of discipline is regulated by sections 26 to 28 of the Prisons Act and sections 34 and 35 of the Prison Regulations. Any breach of order and discipline, or of other rules in force within prisons, is liable to disciplinary sanction. A scale of penalties is prescribed, ranging from a simple warning to disciplinary solitary confinement for a maximum of one month or an extra month of imprisonment.

The decision to apply a disciplinary sanction rests with the Prison Director, with the exception of the penalty of additional imprisonment, which is the prerogative of the Central Prison Administration ("Fengselsstyret").

122. Before a disciplinary sanction is ordered, the prisoner concerned is entitled to a hearing and, where the circumstances so require, an opinion from the prison doctor may be sought<sup>13</sup>. Likewise, disciplinary cases likely to incur severe penalties are first transmitted for opinion to the prison's Advisory Council ("Anstaltråd"), a local body present in establishments where sentences of over six months can be executed.

Disciplinary sanctions applied are recorded in a register which also indicates the circumstances of the case. They are notified in writing to the prisoner concerned, with a statement of grounds. All prisoners have the right to appeal against the ruling within 48 hours of notification (cf. section 17, paragraph 3 of the Prison Regulations). The appeal authorities are the Central Prison Administration for decisions taken by the Prison Director and the Crown for decisions taken by the Central Prison Administration. It should also be noted that the Central Prison Administration is informed of all major disciplinary sanctions applied in Norway and has authority to reverse decisions by the Prison Director concerned. Further, all decisions by public authorities in Norway (up to, and including, decisions of the Crown) can be the subject of judicial review.

To sum up, disciplinary procedures are subject to appropriate safeguards.

123. Material conditions in the disciplinary solitary confinement cells in section V at Ullersmo and section G at Ila were acceptable. At Oslo Prison, material conditions in the disciplinary cells located on the ground floor of Block B were very austere; in particular, their fittings amounted to a mattress laid on the floor, a blanket and an Asian style lavatory.

**The CPT recommends that the material conditions of detention in the disciplinary cells at Oslo Prison be improved. In this respect, it would be desirable for those cells to be equipped with a sleeping platform, and a table and chair, if necessary fixed to the floor.**

124. Finally, the delegation's consultations and inspection of the disciplinary registers of the establishments visited did not indicate excessive use of disciplinary sanctions.

e. complaints and inspection procedures

125. Effective complaints and inspection procedures are fundamental safeguards against ill-treatment in prisons. Prisoners should have avenues of complaint open to them both within and outside the context of the prison system, including the possibility of confidential access to an appropriate authority. The CPT attaches particular importance to regular visits to each prison establishment by an independent body (e.g. a board of visitors or supervisory judge) empowered to hear (and if necessary take action upon) complaints from prisoners and to inspect the premises.

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<sup>13</sup> However, the CPT was informed by the Norwegian authorities (in a note of 10 February 1993 from the Directorate of Health) that, in practice, for ethical reasons, prison doctors no longer give advice on whether an inmate is fit to undergo solitary confinement as a custodial punishment. Prison doctors only examine prisoners held in solitary confinement as a punishment when asked to do so by the inmate or a member of the prison staff.

126. The right to complain to higher authorities in Norway is recognised by section 25 of the Prisons Act and regulated in detail by section 17, paragraph 3 of the Prison Regulations. Furthermore, detainees are able to send sealed letters to the Ministry of Justice, the Central Prison Administration and the prison's Supervisory Board.

127. In Norway, each prison has a **Supervisory Board** or a **Supervising Officer**<sup>14</sup>, depending on its size (section 5 of the Prisons Act and sections 14 and 15 of the Prison Regulations).

The Board is made up of a judge and at least three other members with equitable representation of both sexes. Members are appointed by the Ministry of Justice for a term of two years, which is renewable twice. Its principal function is to inspect the prison and ascertain whether inmates are treated in accordance with laws, regulations and other instructions.

128. A Board member makes an unannounced visit to the prison at least every month and records his observations in a register kept in the prison. A group visit by the full Board takes place as required and at least every three months. Board members are entitled to inspect the prison and its outbuildings, and to interview detainees in private. They also have access to the records, in particular to those submitted to the prison's Advisory Council (cf. paragraph 122).

The Supervisory Board can hear prisoners' grievances, and in so doing arbitrates between the prisoner and the management. If no basis for conciliation is found, the case is referred to the competent authorities.

The Supervisory Board may also, of its own volition, raise issues with the Prison Director and, failing action by the latter, may decide to approach the Central Prison Administration.

Lastly, the Supervisory Board draws up an annual report which is forwarded to the Central Prison Administration through the Prison Director.

129. The composition and powers of the Supervisory Board appear to be such as to enable it to perform a significant role in preventing ill-treatment in prisons. The CPT was thus surprised to learn that Government Report No. 1988:37 suggested the abolition of prison Supervisory Boards and Supervising Officers on the grounds of their ineffectiveness.

**The CPT wishes to receive further information from the Norwegian authorities on this subject.**

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<sup>14</sup> This Officer's functions are in all respects identical to those of a Prison Supervisory Board.

f. treatment of foreign prisoners

130. Many of the foreign prisoners whom the delegation met spoke of the difficulties they had encountered in prison, on account of the fact that the prison rules and other documents were available only in Norwegian, as well as in English in a few cases<sup>15</sup>.

The CPT noted with interest the attention paid by the Norwegian authorities to the situation of prisoners of foreign origin (cf. memorandum from the Central Prison Administration to the CPT dated 13 February 1993). In this context, the CPT welcomes the various steps taken to resolve, as far as possible, the difficulties which these prisoners may experience owing to factors such as remoteness from their families and differences of language, culture, customs and religion.

**The CPT recommends that a booklet setting out the daily routine and the prison regime, the rights and obligations of inmates and staff, avenues for complaint and disciplinary procedures should be made available to inmates, not only in Norwegian and English, but also in the other languages commonly spoken by prisoners.**

131. The CPT also wishes to raise the question of the presence in prisons of persons held under the Aliens Act (sections 37 and 41)<sup>16</sup> for being without identification papers. Some of the persons concerned were also asylum seekers. This type of detention, served in remand prisons, must not exceed 12 weeks. These persons are not separated from other remand prisoners and have no specific regime.

**The CPT recommends that the Norwegian authorities take measures to separate persons held under the Aliens Act from remand prisoners, and to provide them with a regime in keeping with their situation.**

**It would be preferable not to hold such persons in prisons, but rather in premises specially designed to accommodate them.**

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<sup>15</sup> Examples of documents available in English were: "Information to prisoners detained in custody", "The prison health services in Oslo regional prison" and "Medical particulars" at the Oslo prison; "Regulations on the Operation of the High Security Unit" at Ullersmo Prison; "Information Digest" at Ila Prison.

<sup>16</sup> According to official information supplied, and as an example, on 10 February 1993 21 persons were being held in remand prisons under this law.

### **III. RECAPITULATION AND CONCLUSIONS**

#### **A. Police establishments**

132. The CPT's delegation heard no allegations of torture of persons held in police establishments in Norway. Moreover, no other evidence of torture was found by the delegation.

Further, virtually no allegations of physical ill-treatment by the police were received. However, a number of allegations were heard regarding the use of coercive psychological techniques during questioning of detainees. These techniques consisted, in particular, of: the threat of surveillance ("kontroll") or refusal ("forbud") of contact with the outside world while on remand and of threatening to change the order of the waiting list for committal to prison.

The CPT has concluded that there is little likelihood of persons deprived of their liberty by the police in Norway being physically ill-treated; however, the Committee has stressed that it is most important for senior police officers to make it quite plain to their subordinates that ill-treatment of persons in custody, whether of a physical or a psychological nature, is inadmissible and will be severely punished.

133. Material conditions of detention in the police establishments visited were adequate and in certain cases could even be described as good. That said, the CPT is concerned by the fact that mattresses and blankets are routinely withheld from detainees kept overnight in police stations until they appear in court and that many of the police cells seen by the CPT's delegation were not equipped with a means of rest (e.g. fixed chair or bench); the Committee has made recommendations on these two questions. Further, call systems were rarely found in police cells; the Committee has suggested that all police cells in Norway be equipped with such a system.

134. The CPT has also expressed concern about the practice observed of remand prisoners being held for a week or more in certain police establishments. Although the police cells in question were, in principle, adequate for short stays, the physical environment and regime offered fell distinctly short of what a detainee held for a prolonged period is entitled to expect.

135. The CPT has examined the safeguards against ill-treatment offered to those detained by the police and made a number of recommendations in this area: persons held by the police to be entitled to have access to a lawyer from the very outset of their detention; the right to be examined by a doctor to be explicitly recognised and a detained person to be entitled to be examined by a doctor of his choice (in addition to any examination carried out by a doctor designated by the police authorities); a form setting out the rights of detainees to be given systematically to such persons at the outset of their custody; a code of practice for police interrogations to be drawn up and the possibility of introducing electronic recording of such interrogations to be explored.

136. The CPT has noted that, with a view to further questioning, police officers retained free access to persons remanded in custody, the prisoners concerned often being returned to a police station for this purpose. Such a situation lends itself to abuse. The CPT has recommended that the return to police custody for questioning of a remand prisoner held in prison be subject to the authorization of a judge or public prosecutor.

137. The CPT has also made recommendations concerning the procedures to be followed by the police when dealing with highly agitated detainees or cases of the in corpore concealment of drugs.

## **B. Snarøya Holding Centre for Asylum Seekers**

138. The CPT's delegation examined carefully the material conditions and the activities offered to persons detained at the Snarøya Holding Centre for Asylum Seekers, near Fornebu International Airport. Conditions of detention at the Centre were good; however, the Committee has invited the Norwegian authorities to explore the possibility of making additional activities available to persons staying there for other than a short period.

139. As regards medical care, the CPT has noted that no systematic medical screening on arrival was performed at the Centre and has recommended that the Norwegian authorities consider introducing such a practice.

140. Finally, the Committee has recommended that an information booklet (in an appropriate range of languages) be given to persons detained, in order to explain their rights, the procedure applicable to them and the rules of the Centre.

## **C. Prisons**

141. The CPT's delegation heard no allegations of torture or other forms of physical ill-treatment of persons detained in the prisons which it visited in Norway or in other prison establishments; nor was any other evidence of such treatment found during the visit.

However, the delegation did receive numerous complaints - before, during and after the visit - concerning solitary confinement of remand prisoners ordered by a court in the interests of a criminal investigation, on the basis of section 186.2 of the Criminal Procedure Act.

142. On examining the operation in practice of the system of restrictions provided by section 186.2, the CPT's delegation gained the general impression that the imposition of restrictions lay, in reality, in the hands of the police and that they made liberal use of this possibility.



The delegation met a large number of remand prisoners held in conditions of virtual solitary confinement as a result of restrictions imposed, some of whom had been held under such a regime for extended periods. Many of the remand prisoners concerned experienced the regime applied to them as psychologically oppressive, an opinion shared by certain prison officers and health workers with whom the delegation spoke. Serious medical implications arising from solitary confinement by court order were observed by the delegation's psychiatric expert in two cases.

Several persons met by the delegation advanced that the police tended not only to use restrictions to safeguard the interests of justice, but also exploited them as a means of exerting pressure on detainees with the aim of advancing their enquiries. In particular, certain prisoners spoken to in the establishments visited alleged that the police officers in charge of their investigations had explicitly stated that "forbud/kontroll" measures would be eased or lifted if they co-operated with the police.

143. The CPT recognises that it may be necessary, in certain cases, to impose restrictions on remand prisoners' contacts with others in order to safeguard the interests of justice. However, under no circumstances would it be acceptable to apply restrictive measures of this kind in order to exert psychological pressure on a detainee. In this connection, the CPT has recommended that the Norwegian authorities take the necessary steps to ensure that the imposition of restrictions on contacts between a remand prisoner and others, and the renewal of such restrictions, is applied only in cases where it is absolutely essential in order to protect the interests of justice.

The Committee has also addressed the issue of the medical supervision of remand prisoners who are subject to restrictions on contacts with others, and has recommended that any prisoner subject to restrictions for an extended period be offered activities in addition to outdoor exercise and guaranteed appropriate human contact.

144. The in-cell material conditions of detention of remand prisoners subject to restrictions were quite satisfactory. However, the CPT has recommended that improvements be made to the exercise areas set aside for them at Oslo and Ullersmo Prisons, in order to give them adequate space to exert themselves physically, preferably with shelter from inclement weather.

145. Another subject in respect of which complaints were received by the CPT's delegation was the regime applied in the high security unit at Ullersmo Prison - Unit S.

Material conditions in the Unit were found to be of a high standard, and staff-inmate relations appeared to be good. Nevertheless, the overall quality of life of inmates held there left much to be desired.

This appeared to be due, at least in part, to the fact that, in addition to prisoners meeting the Unit's admission criteria, the Unit was also being used to hold prisoners who were subject to solitary confinement by court order. The presence of these latter prisoners acted as an impediment to the development of the sort of relatively relaxed regime - based inter alia on prisoner association - which is desirable in such units. Consequently, the CPT has in particular expressed the view that it would be advisable to discontinue using Unit S to accommodate remand prisoners subject to restrictions on their contacts with other prisoners.

More generally, the CPT has recommended that the Norwegian authorities take appropriate steps to ensure that placement in a high security unit for an extended period is fully reviewed at least every three months, where appropriate, on the basis of a medico-social opinion.

146. Material conditions of detention in the prisons visited were, in general, of a good standard. Conditions were satisfactory throughout Ila and Ullersmo Prisons, the CPT's delegation being particularly impressed by the hospital-like cleanliness of Ila Prison.

Material conditions were also satisfactory, on the whole, at Oslo Prison. However, the Committee has recommended that improvements be made in three specific parts of the establishment - the cells in the reception wing, the disciplinary cells on the ground floor of Block B and the security cells in the basement of that Block.

The Committee has also recommended that the Norwegian authorities take steps to ensure that the inmates of Block A in Oslo Prison (and of any other Norwegian prison where a "slopping-out" system is currently in use) have ready access to toilet facilities at all times.

147. Appropriate regimes were available to inmates at Ullersmo and Ila Prisons; however, it appeared to the CPT that there was an inadequate number of work places for the prisoners held in Blocks A and B at Oslo Prison. The Committee has recommended that steps be taken to remedy that shortcoming.

148. As regards medical services in the establishments visited, staffing levels and facilities were found to be satisfactory, and the general level of medical care can be described as good. However, the Committee has recommended that every newly arrived prisoner, whether convicted or on remand, should be seen on reception by a doctor or a qualified nurse reporting to a doctor; apparently at present there is no automatic medical examination on arrival in prison for remand prisoners.

As regards, more particularly, psychiatric care, the Committee was concerned to note the presence of a number of mentally ill persons in Ila Prison. Although that establishment was served by a specialist psychiatric team, it did not have the facilities of a psychiatric hospital. The CPT has recommended that steps be taken to ensure that mentally ill persons are not placed in Ila Prison and that any prisoner who is sent there and subsequently diagnosed as mentally ill is transferred to a psychiatric hospital without delay.

149. The CPT has made recommendations, comments and requests for information on various other matters related to its mandate, (staff-inmate relations, contact with the outside world, means of restraint, discipline, complaints and inspection procedures and the treatment of foreign prisoners). Of these, the Committee attaches particular importance to its recommendation that measures be taken to separate persons held under the Aliens Act from remand prisoners, and to provide them with a regime in keeping with their situation. The Committee has also expressed the view that it would be preferable not to hold such persons in prisons, but rather in premises specially designed to accommodate them.

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150. In conclusion, the CPT wishes once again to underline the general spirit of co-operation which obtained before, during and after the visit to Norway, at both national and local level.

**D. Action on the CPT's recommendations, comments and requests for information**

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

152. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the CPT requests the Norwegian authorities:

- i) to provide within six months an interim report giving details of how it is intended to implement the CPT's recommendations and, as the case may be, providing an account of action already taken;
- ii) to provide within twelve months a follow-up report providing a full account of action taken to implement the CPT's recommendations.

The CPT trusts that it will also be possible for the Norwegian authorities to provide in the above-mentioned interim report reactions to the comments formulated in this report which are summarised in Appendix I as well as replies to the requests for information made.

**APPENDIX I**

**SUMMARY OF THE CPT'S RECOMMENDATIONS, COMMENTS  
AND REQUESTS FOR INFORMATION**

**A. Police establishments**

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

comments

- it is most important for senior police officers to make it quite plain to their subordinates that ill-treatment of persons in custody, whether of a physical or a psychological nature, is inadmissible and will be severely punished (paragraph 15).

requests for information

- in respect of 1992 and 1993:
  - . the number of complaints of ill-treatment lodged against police officers and the number of criminal/disciplinary proceedings initiated as a result of such complaints;
  - . an account of the criminal/disciplinary sanctions imposed during that period following complaints of ill-treatment (paragraph 14).

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

recommendations

- in cases where a detainee is, or becomes, highly agitated, the police should immediately contact a doctor and act in accordance with his opinion (paragraph 20);
- precise instructions to be issued to the police in order to ensure that, in cases of in corpore concealment of drugs, the necessary steps are taken solely under the responsibility of a medical authority, which should make a diagnosis and choose the appropriate treatment, staff and setting (paragraph 25);

- any person required to spend the night in police custody in Norway to be provided with a clean mattress and blankets (paragraph 28);
- steps to be taken to ensure that material conditions in police cells meet the requirements set out in paragraph 16 of the report (paragraph 28);
- steps to be taken to ensure that persons remanded in custody in Norway are not kept for prolonged periods in police establishments (paragraph 28).

comments

- the ventilation (air conditioning) at Oslo Police Headquarters appeared to need improvement (paragraph 22);
- persons in police custody at Oslo Police Headquarters claimed to have received nothing to eat or drink until they had been detained for some 24 hours (paragraph 24);
- it would be desirable for improvements to be made as regards access to natural light in the detention cells at Asker & Baerum Police Headquarters at Sandvika (paragraph 26);
- it would be desirable for all police cells in Norway to be equipped with a call system (paragraph 28).

requests for information

- information on the use of the cell for sick detainees at Romerike Police Headquarters (number of instances of use in 1993; any regulations concerning the use of the cell) (paragraph 19);
- the comments of the Norwegian authorities on the inspection of cells and the provision of food to detainees at Oslo Police Headquarters (paragraph 24).

**3. Safeguards against ill-treatment of detainees**

recommendations

- persons held by the police to be entitled to have access to a lawyer from the very outset of their detention. This right should include both the right to contact the lawyer and to be visited by him (in both cases under conditions guaranteeing the confidentiality of their discussions) (paragraph 34);

- the right of persons detained by the police to be examined by a doctor to be explicitly recognised. Further:
  - . a detained person to be entitled, if he so wishes, to be examined by a doctor of his choice (in addition to any examination carried out by a doctor designated by the police authorities);
  - . any medical examination to be undertaken out of the hearing and, preferably, out of the sight of police officers (unless the doctor concerned requests otherwise);
  - . the results of the medical examination as well as relevant statements by the detainee and the doctor's conclusions to be formally recorded by the doctor and made available to the detainee and his lawyer (paragraph 36);
- a form setting out their rights to be given systematically to detained persons by the police at the outset of their custody. The form should be available in different languages. The person concerned should also certify that he has been informed of his rights (paragraph 37);
- a code of practice for police interrogations to be drawn up (paragraph 39);
- the possibility of making electronic recording of interrogations a standard practice to be examined. The system to be introduced should offer all appropriate guarantees (for example, consent of the person in custody; use of two tapes, one of which would be sealed in the presence of the detainee and the other used as a working copy) (paragraph 40);
- the return to police custody for questioning of a remand prisoner held in prison should be subject to the authorization of a judge or public prosecutor (paragraph 41);
- the possibility of establishing an individualised custody record to be examined (paragraph 42).

#### requests for information

- the comments of the Norwegian authorities on allegations that detainees did not have the opportunity to have their family or a third party informed of the fact of their detention until after questioning by a detective, or even until after their appearance before the prosecutor, and that detainees had not been informed of the outcome of the notification once it had been made (paragraph 31);
- the way in which a balance is ensured between, on the one hand, the legal remedies of police officers against persons who have made false accusations and, on the other hand, the need not to deter victims of ill-treatment by the police from lodging complaints (paragraph 44);
- whether the competent judicial authorities carry out on-the-spot supervision of the execution of custodial measures (paragraph 45).

**B. Snarøya Holding Centre for Asylum Seekers**

recommendations

- consideration to be given to introducing medical screening - either by a doctor or by a qualified nurse reporting to a doctor - for each new arrival at the Centre (paragraph 48);
- an information booklet to be given to persons held in accordance with the legislation on aliens, in order to explain their rights, the procedure applicable to them and the rules of the Centre; this booklet to be made available in an appropriate range of languages (paragraph 49).

comments

- the Norwegian authorities are invited to explore the possibility of making additional activities available to persons staying at the Centre for other than a short period (paragraph 47).

requests for information

- information on the arrangements made in practice to ensure compliance with the formal safeguards which exist to ensure that foreign nationals are not returned to a country where they run a risk of being subjected to torture or to inhuman or degrading treatment or punishment (paragraph 50).

**C. Prisons**

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

requests for information

- in respect of 1992 and 1993:
  - . the number of complaints of ill-treatment lodged against prison officers;
  - . the number of cases in which disciplinary/criminal proceedings were initiated as a result of complaints of ill-treatment, with an indication of any sanctions imposed (paragraph 55).

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

recommendations

- the necessary steps to be taken to ensure that:
  - . the imposition of restrictions on contacts between a remand prisoner and others, and the renewal of such restrictions, is applied only in cases where it is absolutely essential in order to protect the interests of justice;

- . whenever a prisoner subject to measures restricting his contacts with others, or a prison officer acting on his behalf, so requests, a doctor is called forthwith to examine the prisoner. The findings of the examination, including an assessment of the prisoner's physical and mental health and, if appropriate, the foreseeable effects of continued isolation, to be set out in a written report to be sent to the competent judicial authorities;
- . any prisoner subject to restrictions for an extended period is offered activities in addition to outside exercise and guaranteed appropriate human contact (paragraph 65);
- improvements to be made to the exercise areas set aside for remand prisoners held in solitary confinement by court order at Oslo and Ullersmo Prisons, in order to give them adequate space to exert themselves physically, preferably with shelter from inclement weather (paragraph 66).

#### comments

- it would not be acceptable for inmates to be held, as a matter of routine, in solitary confinement during their first four weeks on remand (paragraph 65).

#### requests for information

- whether the exploitation by the police of "forbud/kontroll" measures as a means of exerting pressure on detainees with the aim of advancing their enquiries would constitute a breach of the relevant provisions in the Prosecution Instructions (paragraph 60);
- whether the decision to impose restrictions on prisoners' contacts with others is appealable (paragraph 65);
- whether the reasons for decisions to impose or extend restrictions are recorded in writing and whether the person concerned is informed of those reasons (paragraph 65);
- in respect of the last four years:
  - . statistics on the number of persons remanded into custody under section 171 of the Criminal Procedure Act on the ground of the prevention of the destruction of, or interference with, evidence, expressed as a percentage of the total number of persons remanded into custody;
  - . statistics concerning (i) the number of remand prisoners subjected to restrictions under section 186.2 of the Criminal Procedure Act, expressed as a percentage of the total number of persons remanded, and (ii) the length of time during which such restrictions were applied (paragraph 65);
- the results of the study on the length of remand detention commissioned by the Norwegian authorities (paragraph 67).



### **3. Ullersmo Prison high security unit**

#### recommendations

- appropriate steps to be taken to ensure that placement in a high security unit for an extended period is fully reviewed at least every three months, where appropriate, on the basis of a medico-social opinion (paragraph 76).

#### comments

- in order to improve the situation within Unit S at Ullersmo, it would be advisable to discontinue using it to accommodate remand prisoners subject to solitary confinement by court order (paragraph 73).

#### requests for information

- the comments of the Norwegian authorities on the desirability of inviting inmates from other units of the prison to take part on a voluntary basis in activities organised within Unit S (paragraph 73);
- whether a prisoner placed in a high security unit, or in respect of whom such a placement is renewed, is informed in writing of the reasons for that measure (it being understood that the reasons given might not include details which security requirements reasonably justify withholding from the prisoner) (paragraph 76);
- whether the prisoner concerned can put his views to the competent authority before any final decision is taken on his placement/renewal of his placement in a high security unit (paragraph 76);
- the avenues open to a prisoner for the purpose of challenging a decision to place him in a high security unit, or to renew such a placement (paragraph 76).

### **4. Conditions of detention in general**

#### recommendations

- steps to be taken to ensure that the inmates of Block A in Oslo Prison (and in any other Norwegian prison where similar conditions apply) have ready access to toilet facilities at all times (paragraph 78);
- the reception cells at Oslo Prison to be renovated in the light of the remarks formulated in paragraph 79 of the report (paragraph 79);
- steps to be taken to increase the number of work places available to the inmates of blocks A and B at Oslo Prison (paragraph 82).

## **5. Medical services**

### recommendations

- appropriate measures to be taken to ensure that every newly arrived prisoner, whether convicted or on remand, is seen on reception by a member of the prison health service, who is either a doctor or a qualified nurse reporting to a doctor (paragraph 89);
- steps to be taken to ensure that mentally ill persons are not placed in Ila Prison and that any prisoner sent there who is subsequently diagnosed as mentally ill is transferred to a psychiatric hospital without delay (paragraph 94).

### requests for information

- information about the institution to be set up for prisoners suffering from personality disorders (planned date of entry into service, staff, regimes and therapeutic programmes, etc) (paragraph 95);
- information about the psychiatric services which are available to persons detained at Ullersmo Prison (paragraph 97);
- the comments of the Norwegian authorities on the possibility of developing the preventive aspects of the anti-drug programme, together with their comments on whether enrolment in the treatment programme, organised in conjunction with an outside association ("Tyrilikkollektiviteten") and applied in unit C3 of Block A at Oslo Prison, was confined to Norwegian nationals (paragraph 99).

## **6. Other aspects of relevance to the CPT's mandate**

### recommendations

- the conditions under which extended visits take place in Block B of Oslo Prison to be substantially improved. The aim should be for those visits to take place under homelike conditions, thereby promoting stable relationships (paragraph 109);
- the natural lighting in the security cells in the basement of Block B at Oslo Prison to be improved substantially and the cells to be fitted with a call system. If it were not to prove possible to make those improvements, the cells to be taken out of service (paragraph 116);
- the material conditions of detention in the disciplinary cells at Oslo Prison to be improved; preferably, they should be equipped with a sleeping platform, and a table and chair, if necessary fixed to the floor (paragraph 123);
- a booklet setting out the daily routine and the prison regime, the rights and obligations of inmates and staff, avenues for complaint and disciplinary procedures to be made available to inmates, not only in Norwegian and English, but also in the other languages commonly spoken by prisoners (paragraph 130);

- measures to be taken to separate persons held under the Aliens Act from remand prisoners, and to provide them with a regime in keeping with their situation (paragraph 131).

comments

- it would be appropriate to carry out more frequent visual checks on prisoners confined to a security cell (paragraph 115);
- it would be preferable not to hold persons detained under the Aliens Act in prisons, but rather in premises specially designed to accommodate them (paragraph 131).

requests for information

- information on controls at Ullersmo Prison designed to combat drug trafficking in the establishment, and their impact on staff-inmate relations (paragraph 105);
- confirmation that a new Director of Ila Prison has been appointed and taken up his functions (paragraph 106);
- the results of any enquiries which may have been conducted in response to allegations that detainees' mail to human rights bodies of the Council of Europe was being held up and that telephone calls between prisoners and the lawyers handling the applications in question were monitored, together with information on any measures which may have been taken as a result (paragraph 112);
- the comments of the Norwegian authorities on the fact that, in a few isolated cases in 1992, stays in security cells of longer than a few days had occurred at Oslo and Ullersmo prisons (paragraph 119);
- whether the following safeguards exist in Norway:
  - . the right, for any detainee in respect of whom means of restraint have been used, to be examined and, if necessary, treated by a doctor without delay;
  - . such medical examinations performed out of the hearing and, unless the doctor requests otherwise, out of sight of non-medical personnel;
  - . the recording in writing, and transmission to the detainee, of the results of the medical examination as well as any relevant statements by the detainee and the doctor's conclusions;
  - . the existence in each establishment of a central register containing full particulars of each case in which means of restraint have been used (paragraph 120);
- further information on the suggested abolition of prison Supervisory Boards and Supervising Officers (paragraph 129).

**APPENDIX II**

**LIST OF NATIONAL AUTHORITIES,  
NON-GOVERNMENTAL ORGANISATIONS AND OTHER PERSONS  
WITH WHICH THE CPT'S DELEGATION HELD CONSULTATIONS**

**I. National authorities**

Ministry of Foreign Affairs

Mr. Johan Jørgen Holst, Minister for Foreign Affairs

Mr. Peter Wille, Head of Division

Ministry of Justice and Police

Ms. Grete Faremo, Minister for Justice and Police

Mr. Erik Nadheim, Political Adviser

Mr. Leif Eldring, Secretary General

Mr. Erik Lund-Isaksen, Director General

Mr. Asbjørn Langås, Deputy Director General

Ms. Sissel Kofoed, Head of Division

Ms. Ellen C. Bjercke, Senior Executive Officer

Mr. Tor Andresen, Senior Executive Officer

Mr. Philip Niklas Jahn Hayes, Executive Officer

Ministry of Health and Social Affairs

Mr. Werner Christie, Minister for Health and Social Affairs

Ms. Ellen Strengehagen, State Secretary

Mr. Jo Flydal, Deputy Director General

Mr. Arne Victor Larssen, Deputy Director General

Ms. Kari Holst, Assistant Director General

Mr. Kåre Tønnesen, Head of Division

Mr. Roger Østbøl, Adviser

Ms. Brit Weisæth, Adviser

Mr. Per Wium, Adviser

Mr. Ole T. Andersen, Executive Officer

Ms. Siv Skagestad, Executive Officer

Ms. Kristin Utseth Njerve, Executive Officer

#### The Ombudsman's Office

Mr. Arne Fiflet, Ombudsman

Mr. Agnar Nilsen, Head of Division

Mr. Harald Gram, Adviser

Mr. Johan Øydegard, Adviser

#### Judicial authorities

Mr. Tor Aksel Busch, Deputy Attorney General

## **II. Non-governmental organisations and other persons met by the delegation**

Norsk Forening for Kriminalreform (KROM)

Norsk Organisasjon for Asylsøkere (NOAS)

Professor Thomas Mathiesen, University of Oslo