



**Follow-up report of the Icelandic Government in
response to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Iceland from 6 to 12 July 1993**

The Icelandic authorities have decided to publish this follow-up report. The CPT's report on its visit to Iceland (CPT/Inf (94) 8) and the interim response of the Icelandic Government (CPT/Inf (94) 16) were made public in, respectively, June 1994 and October 1994.

Strasbourg, 12 February 1996

**FOLLOW-UP REPORT OF
THE ICELANDIC GOVERNMENT IN RESPONSE
TO THE REPORT OF THE EUROPEAN COMMITTEE
FOR THE PREVENTION OF TORTURE AND INHUMAN
OR DEGRADING TREATMENT OR PUNISHMENT (CPT)
ON ITS VISIT TO ICELAND**

FROM 6 TO 12 JULY 1993

**(This follow-up report was submitted to the CPT
by letter of 15 January 1996)**

INTRODUCTION

With a letter dated 27 September 1994, the Icelandic Government sent the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) an interim report in reply to the report of the CPT prepared on the occasion of the CPT's visit to Iceland 6 - 12 July 1993.

In the present report, various points discussed in the interim report will be given further consideration. References to paragraphs in the present report are to paragraphs in the report of the CPT to the Icelandic Government. The order of presentation of the interim report is also followed here.

A. POLICE ESTABLISHMENTS

- **Review of the organization of the Icelandic police force (paragraph 9).**

It was stated in the interim report that a Police Act bill was to be submitted to the Althing again in the autumn of 1994. This was not done. The Minister of Justice decided to have the bill redrafted before submitting it again to the legislature. The revision of the bill is now in the final stages, and the plan is to submit the new bill to the Althing in January 1996.

- **A prohibition of torture in Icelandic law (paragraph 12).**

An express prohibition of torture was introduced into Icelandic law for the first time by amendments made to the Icelandic Constitution by Act No. 97/1995. The first paragraph of its Article 68 now reads as follows in translation:

"No one may be subjected to torture or any other inhuman or degrading treatment or punishment."

As one of the objectives of the constitutional amendments was to revise the Constitution with a view to Iceland's international human rights commitments, the wording of this provision is very similar to that of international instruments relating to prohibition of torture. There can be no doubt that the case law of international human rights organizations relating to the interpretation of similar provisions in Article 3 of the European Human Rights Convention and Article 7 of the International Covenant on Civil and Political Rights will be important for legal construction of this provision.

In December 1995 the Althing passed an amendment of the General Penal Code, which was necessary in order to make ratification possible of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly of the United Nations 10 December 1984. Ratification of the Convention is planned in the first half of this year.

- **The detention cells at the Keflavík Air Base Police Station (paragraph 27).**

It was stated in the interim report that the Ministry of Foreign Affairs had decided that the cells of the Keflavík Air Base Police Station would be enlarged, but for this funds were not available. The Ministry of Foreign Affairs has recommended to the District Commissioner at Keflavík Airport that his office use the detention cells of the District Commissioner of Keflavík until the cells at the Air Base have been improved. In 1995 the

police station cells were used 12 times to accommodate prisoners for periods exceeding four hours.

- **Daylight in the detention cells of the Reykjavík Police Headquarters (paragraph 19).**

The interim report stated that the Ministry of Justice had ordered the Chief of Police in Reykjavík to have the windows modified so that daylight were increased, but because of the cost involved the necessary modifications might have to be carried out in two stages over two years. Work on modifying the windows has not begun yet, and the Minister for Justice has reiterated to the Chief of Police in Reykjavík that modification of the windows is necessary and should not be further delayed.

- **Various points pertaining to the rights of arrested persons and the conditions of their detention, and general principles relating to police interrogations (paragraphs 31, 37, 39 and 43).**

The interim report stated that the Minister for Justice had decided to appoint a committee for making proposals on rules, etc, relating to the issues raised in the paragraphs mentioned. The committee in question was appointed by a letter of the Minister for Justice dated 8 December 1994. The committee delivered its proposals to the Minister for Justice 11 December 1995, and they are at present under consideration at the Ministry.

The interim report furthermore stated that the Code of Criminal Procedure (CCP) would have to be amended before such rules were issued. The plan is to submit a bill to the Althing for this purpose in January or February 1996.

- **Electronic recording of police interrogations and return to police custody of remand prisoners (paragraphs 40 and 42).**

In a letter dated 25 October 1995, the Minister for Justice notified the Committee on Legal Procedure of the proposals made in the above paragraphs of the CPT's report, and requested the committee's opinions of them. In the autumn of 1994 the Minister also requested the committee to perform a comprehensive revision of the CCP. The committee's proposals as regards revision of the CCP are expected to be available next autumn. A stand with respect to the proposals of the CPT will be taken in conjunction with the revision of the Code.

B. PRISONS

- **The programme of action for prisons (paragraph 53).**

An additional building at Litla-Hraun, accommodating 55 prisoners in single cells, was taken into use 24 October 1995.

The construction of a multi-purpose sports and work hall at Litla-Hraun has begun, and it is expected that this facility will be taken into use before the middle of 1996.

Preparations have begun for the construction of a prison in Reykjavík, which is intended to replace the Skólavörðustígur and Síðumúli prisons. It is planned that the new Reykjavík prison be taken into use at the end of 2001.

An examination is now being made of the possibility of taking the Síðumúli prison out of use in 1996, and the conclusions will be available within two or three months.

- **That any remand prisoner placed in solitary confinement for the purposes of the investigation be informed in writing of the existence of a right of appeal against that decision (paragraph 63).**

On 26 April 1995 regulations amending the Regulations on Detention on Remand (RDR) were issued. A provision was introduced in its Section 16.2 to the effect that a remand prisoner is to be notified, in a manner offering proof, of his right to refer a decision on solitary confinement to a judge for the purposes of an investigation.

- **Medical examination of a prisoner in solitary confinement (paragraph 65).**

One of the amendments made to the RDR 26 April 1995 was to Section 30, which in the amended form reads in translation:

"General medical service to remand prisoners is a responsibility of the prison's doctors.

A remand prisoner shall be examined by a prison doctor as soon as practicable after his arrival in prison. A prison doctor shall be summoned without undue delay if there is a reason to believe that a prisoner is sick on arrival or otherwise in need of a doctor's services, or if the prisoner so requests, provided he has not already been examined by a prison doctor.

In cases of urgency the public emergency medical services shall be summoned, or the prisoner brought to a hospital.

When a remand prisoner requests an interview with a prison doctor in other circumstances than specified in the first to third paragraphs above, the doctor shall be notified of the request without undue delay, and the doctor shall then decide when to examine the prisoner.

A prison doctor shall examine a prisoner without the presence of, and out of hearing of, the prison's staff, provided the doctor does not consider some other arrangement necessary."

Section 38 of the RDR was furthermore amended, and now specifies that when a doctor notifies the director of a prison that he considers the mental or physical health of a remand prisoner endangered by continued imprisonment or by particular conditions within the prison, such notification shall be in writing.

- **Activities available to prisoners in Kópavogur Prison (paragraph 80).**

The Minister for Justice has entrusted the Prison Development Committee with working towards the goal of expanding and diversifying employment and other activities in the prison. Employment within the prison, increased from the middle of November 1994. Work for the prisoners was made available with boxes, reflectors, etc, for three companies engaged in various printing services. The prison staff was given the task of making certain that idleness among the prisoners was prevented, either by work, study or leisure activities. One prison staff member is chiefly engaged in attending to the prisoners' employment affairs.

- **Additional activities for the inmates at the Síðumúli and Skólavörðustígur prisons in Reykjavík (paragraphs 86 and 91).**

The Minister for Justice instructed the Prison Administration to try to find work for the inmates of these two prisons. The Administration has notified the Ministry that this has been attempted, but without significant results. The chief reason for this lack of success is the lack of facilities available at the prisons.

- **Conditions for physical exercise in the outdoor yard at Síðumúli Prison in Reykjavík (paragraph 86).**

The Minister for Justice ordered the Prison Administration to have a shelter with a bench erected in the yard of Síðumúli Prison, and to provide facilities for sports in the yard. For security reasons and because of the poor possibilities for this in the yard this has not been done, but it should be noted that some physical exercise is possible in one of the prison's corridors.

- **Closure of cells 13 and 14 at Skólavörðustígur Prison (paragraph 89).**

The above cells were taken out of use in October 1995, when the additional building at Litla-Hraun was commissioned.

- **That someone qualified to provide first aid be always present on prison premises (paragraph 98).**

In addition to the reply provided in the interim report it should be noted that in the autumn of 1994 courses were held for prison wardens on security and other matters. First aid was among the subjects. About 70% of the prison staff attended these courses. Such training programmes will be continued with.

- **That medical examinations be performed out of the hearing of non-medical personnel (paragraph 129).**

A provision to this effect has been inserted into Section 30 of the RDR, as described above.

- **Detailed rules on the use of security cells and/or means of physical restraint vis-à-vis sentenced prisoners (paragraph 126).**

It is stated in the interim report that the Minister for Justice had decided that regulations will be issued on the use of means of physical restraint and security cells with respect to convicted prisoners. This has not yet been done, but the Minister has decided that until it is done the provisions of Chapter XIV of the RDR shall also apply, as applicable, when a sentenced prisoner is placed in a security cell or when means of physical restraint are applied to a sentenced prisoner.

- **Absence of natural light in the security cell of Síðumúli Prison (paragraph 132).**

The cell in question is in the middle of the building and can only be provided with natural light by rupturing the roof and inserting a window there. With a view to the facts that the possibility of removing the prison from service in 1996 is now being examined and that the cell is seldom used, and also in view of the cost of the necessary modification to the building, a decision as to whether to have the modification carried out has not been taken.

- **Registration of certain information concerning the use of security cells and means of physical restraint (paragraph 133).**

When the RDR was amended 26 April 1995 a provision was inserted into Section 97, 2nd paragraph, to the effect that a record shall be kept of the use of handcuffs, to include information on the identity of a prisoner handcuffed, the time of and the reason for so doing, and the time of their removal. A new paragraph was also added to Section 104, specifying that a separate record shall be kept of the use of security cells, to include information on the identity of the prisoner placed in such a cell and when and why this is done, whether means

of physical restraint have been applied and, if so, what means and for what period of time, and the time at which the prisoner is released from the cell.

- **Adding the President of the CPT to the list of authorities to which prisoners may send confidential correspondence (paragraph 122).**

On 26 April 1995 the first paragraph of Section 9 of the Regulations on Correspondence, et al. was amended to include the President of the CPT on the list of such authorities.

- **That staff be permanently present when means of physical restraint have been applied to a prisoner in a security cell (paragraph 128).**

Among the amendments to the RDR made 26 April 1995 was the insertion of a provision in Section 97, 2nd paragraph, to the effect that staff be permanently present when means of physical restraint are applied to a prisoner in a security cell, and when the condition of a prisoner or the situation in other respects recommends this.

- **Telephone conversations between a remand prisoner and certain other parties or persons (paragraph 121).**

A bill amending the CCP, scheduled to be submitted to Parliament in January or February 1996, contains a provision to the effect that remand prisoners are entitled to communicate with certain authorities in the fields of administration and justice and certain other parties in confidence.