



CPT/Inf (2001) 22

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

**from 14 to 23 February 2000**

The Lithuanian Government has agreed to the publication of this report and of its interim and follow-up responses. The Government's responses are set out in document CPT/Inf (2001) 23.

Strasbourg, 18 October 2001

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**Copy of the letter transmitting the CPT's report**

Strasbourg, 4 August 2000

Dear Ms Bernotienė,

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 Lithuania drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visit to Lithuania from 14 to 23 February 2000. The report was adopted by the CPT at its 42nd meeting, held from 4 to 7 July 2000.

I would like to draw your attention to paragraph 148 of the report, in which the CPT requests the Lithuanian authorities to provide an interim and a follow-up report on action taken upon its report. The CPT would ask, in the event of the responses being forwarded in Lithuanian, that they be accompanied by an English or French translation. It would also be most helpful if the Lithuanian authorities could provide a copy of the responses in a computer-readable form.

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 sincerely,

Silvia CASALE  
President of the European Committee for  
the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment

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## PREFACE

The European Committee for the prevention of torture and inhuman or degrading treatment or punishment has 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 another Council of Europe supervisory body within the field of human rights: the European Court of Human Rights.

Unlike 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 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 Court of Human Rights are:

- i) the Court has the primary goal of ascertaining whether breaches of the European Convention on 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 Court has 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 its functions, the Court consists 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 Court only intervenes 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 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 composition of the delegation

1. In pursuance of 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 carried out a visit to Lithuania from 14 to 23 February 2000.

The visit formed part of the CPT’s programme of periodic visits for 2000. It was the CPT’s first visit to Lithuania.

2. The visit was carried out by the following members of the CPT:

- John OLDEN, Second Vice-President of the CPT (Head of the delegation)
- Emilia DRUMEVA
- Miklós MAGYAR
- Jagoda POLONCOVÁ
- Davor STRINOVIC.

They were assisted by:

- Enda DOOLEY, Director of Prison Medical Services, Department of Justice, Equality and Reform, Ireland (expert)
- Rod MORGAN, Professor of Criminology and Criminal Justice, University of Bristol, United Kingdom (expert)
- Juratė DVARIONAITĖ (interpreter)
- Daina PADOLEVIČIŪTĖ (interpreter) (from 15 to 21 February 2000)
- Liudas REMEIKA (interpreter)
- Rimantas REMEIKA (interpreter)
- Lina ŽUKAUSKAITĖ (interpreter)

and were accompanied by the following members of the CPT’s Secretariat:

- Jan MALINOWSKI
- Bojana URUMOVA.

**B. Establishments visited**

3. The delegation visited the following places:

**Police establishments**

- Eišiškės Police Station
- Kaišiadorys Police Detention Centre
- Kaunas Police Detention Centre
- Santaka Police Station, Kaunas
- Ukmergės Street Police Station, Kaunas
- Šalčininkai Police Detention Centre
- Švenčionys Police Detention Centre
- Vilnius Police Detention Centres at Kosciuškos street 1 and 8
- Sixth District Police Station, Šeškinės street, Vilnius
- Šeškinė Police Station, Vilnius

**Prisons**

- Pravieniškės Strengthened Regime Colony No. 2
- Prison Hospital, Vilnius
- Vilnius Prison

**Detention centres for foreigners**

- Foreigners Registration Centre, Pabradė

In addition, the delegation examined the conditions under which persons in police custody and prisoners are transported by the Convoy Division, a military unit under the authority of the Ministry of the Interior.

**C. Consultations held by the delegation**

4. The delegation held consultations with the national authorities and with representatives of non-governmental organisations and other persons active in areas of concern to the CPT. In addition, numerous meetings were held with local officials in charge of the places visited.

A list of the authorities and non-governmental organisations with which the delegation held talks is set out in Appendix II to this report.

**D. Cooperation between the CPT and the Lithuanian authorities**

5. The CPT wishes to underline that its delegation enjoyed excellent cooperation at all levels, both before and during the visit.

At the outset of the visit, the CPT's delegation was received by the Minister for Justice, Mr G. Balčiūnas, and by the Minister for the Interior, Mr Č. Blažys.

Further, in the course of the visit, the CPT's delegation held useful meetings with a number of senior officials from the Justice and Interior Ministries, as well as from the Ministries of Health, Social Affairs and Education. In particular, the delegation met Mr G. Švedas, Vice-Minister for Justice, Messrs J. Galginaitis and V. Markevičius, Vice-Ministers for the Interior, Mr V. Kriausa, Vice-Minister for Health, Ms G. Paliokienė, Vice-Minister for Education, as well as Mr J. Blaževičius, Director of the Prison Service, and Mr V. Račkauskas, General Commissioner of the Police.

Fruitful discussions were also held with Mr E. Zingeris, Chairman of the Seimas (Parliament) Committee of Human and Citizen's Rights, as well as with Ms Kuodienė, the Ombudsperson, and Mr V. Sabutis, Vilnius Chief Prosecutor.

6. It should be added that the delegation received a very satisfactory reception and swift access to all of the establishments visited, including places which had not been notified in advance of the CPT's intention to carry out a visit. Indeed, it would appear that the management of all of the places of detention visited had been informed of the possibility of a visit by the Committee and were reasonably knowledgeable about its mandate.

7. However, in certain of the police establishments visited (e.g. Kaišiadorys Police Detention Centre), evidence was gathered of attempts to intimidate detained persons and to persuade them not to talk to the CPT's delegation. Such an approach on the part of police officers is not in accordance with the principle of cooperation set out in Article 3 of the Convention.

8. Finally, the CPT wishes to express its sincere appreciation for the efforts made by the liaison officer appointed by the Lithuanian authorities, Ms A. Bernotienė, Deputy Director of the Department of International Law and European Integration of the Ministry of Justice, to facilitate the delegation's task.

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

### A. Police establishments

#### 1. Preliminary remarks

9. In Lithuania, a criminal suspect can remain in police custody for up to 48 hours on the authority of a police interrogator, a criminal investigator or a public prosecutor. The person concerned must be brought before a judge within the first 48 hours of detention<sup>1</sup>, who may remand him in police custody for a further 15 days.

While in police custody, suspects are held in designated police detention centres, but can be removed during the day for questioning or to attend legal proceedings. Further, persons who are remanded in a prison establishment can be returned to police custody for questioning or further investigation.

10. The police are also responsible for the custody of persons in administrative detention (mostly fine defaulters) and of persons whose detention has been ordered by a judge to ensure that they fulfil their obligation to act as witnesses in court proceedings.<sup>2</sup> Although a person may be required to serve up to three consecutive administrative detention sentences, it is unlikely that a period of more than three months would actually be spent in a police detention centre. It would appear that, when a longer period is involved, the persons concerned are offered some home leave after each three-month period.

11. In addition, a person can be detained by the police for identification for up to three hours (a period which can be extended to 48 hours under aliens law provisions), or for up to five hours while completing police proceedings concerning administrative offences. The police can also detain a person for sobering up or for the purpose of enforcing compulsory medical treatment or health care measures.

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<sup>1</sup> Cf. Article 20(3) of the Lithuanian Constitution, as well as Articles 97 (as amended in November 1999), 104 and 137 of the Code of Criminal Procedure.

<sup>2</sup> Cf. Articles 21 and 29 of the Administrative Code and Article 64-3 §5 of the Code of Criminal Procedure.

## 2. Ill-treatment

12. In the course of its visit, the CPT's delegation spoke to many persons who were or who recently had been detained by the police.

In the light of the information gathered during the delegation's interviews it would appear that there has been a marked improvement in the manner in which detained persons are treated by the police over recent years. Those interviews suggest that, in the past, instances of ill-treatment were more frequent, and the types of ill-treatment involved more severe (including electric shocks, beating on the soles of the feet with a baton, needles inserted under the nails).

13. Nevertheless, a significant proportion of the persons interviewed alleged that they had been ill-treated while in police custody. The majority of the allegations heard related to the period surrounding the initial investigation by the police. Ill-treatment was said to have taken place in the offices used by police interrogators or criminal investigators and in interview rooms, or while the persons concerned were being taken to such premises. Several persons claimed that they had been ill-treated before the beginning of questioning by officers enquiring whether a confession would be forthcoming, during breaks in the questioning if they had not provided the answers expected by the interrogator or investigator, or following questioning.

The forms of ill-treatment alleged consisted mostly of slaps, punches, kicks and blows with a variety of objects. In certain cases, the ill-treatment alleged - e.g. partial suffocation by placing a rubber gas mask over the person's face and severe beating - could be qualified as torture.

Moreover, there were frequent allegations about the use of excessive force (in particular, the infliction of blows with batons) by police officers at the time of arrest.

The number and consistency of the allegations lend them credibility.

14. Limited medical evidence consistent with the above-mentioned allegations was gathered directly by the delegation from the detained persons interviewed. However, given that many of the allegations related to periods some time before the CPT's visit, any marks which might have been caused by the forms of ill-treatment alleged would almost certainly have healed in the meantime.

One detainee interviewed in the Kaišiadorys Police Detention Centre alleged inter alia that, on the previous day, he had been slapped by police officers on the back of the head and on the chest and kicked on the legs. Upon examination by a medical member of the delegation, he was found to display pain upon palpation of the thighs and in the lower part of the breastbone. The absence of visible marks is not necessarily inconsistent with his allegations.

15. The best possible guarantee against ill-treatment is for its use to be unequivocally rejected by police officers. This implies strict selection criteria at the time of recruitment of police officers and the provision of adequate professional training. As regards the latter, the Lithuanian authorities should seek to integrate human rights concepts into practical professional training for high-risk situations, such as the apprehension and interrogation of suspects. This will prove more effective than separate courses on human rights.

Such training should be pursued at all levels of the police force, and should be ongoing. It should seek to put across and develop two points: firstly, that all forms of ill-treatment are an affront to human dignity and, as such, are incompatible with the values enshrined in the Lithuanian Constitution as well as in many international instruments ratified by and binding upon Lithuania; secondly, that resort to ill-treatment is a fundamentally-flawed method of obtaining reliable evidence for combating crime. More advanced interrogation and investigation techniques will lead to better results from the security standpoint.

Further, particular attention should be given to training in the art of handling, and more especially of speaking to, persons in police custody i.e. interpersonal communication skills. The possession of such skills will often enable officers to defuse situations which might otherwise become violent.

**The CPT recommends that:**

- a very high priority be given to professional training for police officers of all ranks and categories, taking into account the above remarks. Experts not belonging to the police force should be involved in this training;
- an aptitude for interpersonal communication be a major factor in the process of recruiting police officers and that, during the training of such officers, considerable emphasis be placed on acquiring and developing interpersonal communication skills.

16. **The CPT also recommends that the relevant national authorities as well as senior police officers make it clear to police officers that the ill-treatment of persons in their custody is not acceptable and will be dealt with severely.**

17. Later in this report, the CPT will recommend the strengthening of certain formal safeguards against the ill-treatment of persons detained by the police.

However, it wishes to indicate at this stage that, in the light of the delegation's findings, it is clear that public prosecutors and/or other relevant authorities should supervise more closely the activities of the police. They should be alert to any signs of ill-treatment and take appropriate action. Moreover, the absence of marks should not be regarded, in itself, as evidence that ill-treatment has not occurred; indeed, if carried out expertly, many of the forms of ill-treatment alleged would leave only ephemeral traces, if any. **The CPT recommends that whenever a public prosecutor or judge receives an allegation of ill-treatment by the police, or observes that a criminal suspect brought before him may have been a victim of ill-treatment, he/she should immediately request a medical examination of the person concerned and bring the matter to the attention of the relevant public prosecutor.<sup>3</sup>**

More generally, the CPT considers that regular and unannounced visits to police detention facilities by public prosecutors can make a significant contribution to preventing torture and ill-treatment. Such visits should be seen as an intrinsic part of their duty to control and direct the work of the police interrogators/investigators in criminal proceedings. **The CPT therefore recommends that the Lithuanian authorities encourage public prosecutors to undertake such on-the-spot supervision of police detention facilities.**

18. As regards the allegations heard of ill-treatment at the time of arrest, the CPT recognises that the apprehension of a suspect is often a hazardous task, in particular if the person concerned resists and/or is someone whom the police have good reason to believe may be armed and dangerous. The circumstances of an apprehension may be such that injuries are sustained by the person concerned (and by police officers), without this being the result of an intention to inflict ill-treatment. However, no more force than is strictly necessary should be used when effecting an apprehension. Furthermore, once apprehended persons have been brought under control, there can be no justification for them being struck by police officers.

**The CPT recommends that police officers be reminded of these precepts.**

19. Naturally, one of the most effective means of preventing ill-treatment by police officers lies in the diligent examination by the competent authorities of all complaints of such treatment brought before them and, where appropriate, the imposition of a suitable penalty. This will have a very strong dissuasive effect.

In this connection, **the CPT would like to receive the following information in respect of 1999 and 2000:**

- **the number of complaints of ill-treatment made against police officers and the number of criminal/disciplinary proceedings which were instituted as a result;**
- **an account of criminal/disciplinary sanctions imposed following complaints of ill-treatment by the police.**

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<sup>3</sup> As regards the medical examination of persons in police custody, cf. paragraph 47.

### 3. Conditions of detention

#### a. introduction

20. All police cells should be clean, 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 clean blankets.

Persons in police custody should be allowed to comply with the needs of nature in clean and decent conditions, and be offered adequate washing facilities. They should have ready access to drinking water and 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 (24 hours or more) should be provided with appropriate personal hygiene items and, as far as possible, be offered outdoor exercise every day.

21. In many countries visited by the CPT, persons are held for only a relatively short time on police premises. However, in Lithuania, a criminal suspect can be held for more than two weeks in a police detention centre. Further, other persons (e.g. fine defaulters) can also be held for prolonged periods in police detention centres. Persons held for such periods of time are entitled to expect conditions of detention which are better than the elementary requirements described above.

22. Before the CPT's visit, the Lithuanian authorities indicated that, in their view, conditions of detention in many police establishments were not satisfactory. Those authorities made clear that overcrowding was a major problem and that, in many respects, conditions fell short of both international and Lithuanian standards (e.g. in the light of applicable health and hygiene regulations). The delegation's findings fully confirmed this state of affairs.

It would appear that the limited resources available to the police service constitutes a major obstacle to improving conditions offered to persons detained by them. The CPT understands that measures are envisaged to secure the financial resources necessary to redress the situation, including from sources outside Lithuania; **it would like to be informed of any progress which has been made in this respect.**

b. situation in the establishments visited

23. **Kaišiadorys Police Detention Centre** had six multi-occupancy cells and one sobering-up cell, all of which had some access to natural light. However, the artificial lighting was poor, as was the ventilation. The cells measured between 7 and 10 m<sup>2</sup> and were equipped with two to six bunk beds or sleeping platforms; the larger cells were being used to accommodate up to six persons. With the exception of the sobering up cell, they were equipped with a washbasin and lavatory; however, the lavatories were not partitioned and, as was the case for the cells as a whole, were in an unhygienic state. Detained persons were not systematically provided with a mattress and blankets. A small grille-roofed outdoor exercise facility was available at the centre.

24. None of the 21 basement-level cells at **Kaunas Police Detention Centre** had access to natural light and, in most cells, artificial lighting left something to be desired. Ventilation grids had, in most cases, been blocked with paper by inmates, who complained that the cells otherwise became unbearably cold. Cells measured between 7 and 30 m<sup>2</sup>, half or more of their surface taking the form of a raised sleeping platform. Cell occupancy rates were once again too high, e.g. up to 10 persons in 20 m<sup>2</sup> and 12 in 30 m<sup>2</sup>. One of the cells measured a mere 4.5 m<sup>2</sup> and, at the time of the visit, was being used to hold three men overnight.

Most cells had integral sanitation: a washbasin and a lavatory provided with some partitioning. In the cells which were not equipped with sanitation, detainees were provided with a bucket to comply with their needs, and it appeared that access to sanitary facilities was not always granted to their occupants; further, hygiene was, on the whole, poor. No mattresses or other bedding were apparently provided to persons detained overnight in the Kaunas detention facility, and the centre had no outdoor exercise yard.

25. **Šalčininkai Police Detention Centre** had 7 cells at basement level. The cells measured between 5.7 and 15 m<sup>2</sup> and were equipped with bunks, sinks and partially partitioned lavatories. Access to natural light was poor, artificial lighting was dim and the cells were poorly ventilated. Neither mattresses nor blankets were provided. However, the centre did have a small outdoor exercise facility.

26. The situation was slightly better at **Švenčionys Police Detention Centre**. The 8 cells had some access to natural light and seemed to be adequately ventilated (the system was turned on from time to time during the day). However, as in some of the other facilities visited, cells were too small for their potential occupancy levels: e.g. 8.5 m<sup>2</sup> for four persons. Cells were equipped with bunk beds and fitted with washbasins and unscreened lavatories. The state of hygiene was generally poor. As for the detention centre's so-called "outdoor exercise area", it consisted of a 23 m<sup>2</sup> windowless indoor space.

27. The first unit of **Vilnius Police Detention Centre**, at Kosciuškos 1, had a capacity of 104 and the second unit, at Kosciuškos 8, of 48. Only the first unit was in service at the time of the visit. Despite a number of shortcomings, this centre offered far better conditions than the other police detention centres visited. All cells had access to natural light, although cell windows had been partially covered for security reasons; further, most windows could be partly opened to ventilate the cell. It is also noteworthy that mattresses and blankets were provided to detainees. Further, the centre possessed an outdoor exercise facility of an adequate size.

However, because of the number of beds in them, the cells were cramped. By way of example, cells measuring 16 to 25 m<sup>2</sup> were equipped with eight to ten beds. The delegation was told that the authorised occupancy level was lower.

Further, the state of cleanliness of the facilities left room for improvement, particularly as regards the lavatories. Nevertheless, in this establishment, the latter were provided with a modicum of partitioning.

\* \* \*

28. To sum up, the police cells seen by the delegation often had little or no access to natural light, had dim artificial lighting, and were dirty and poorly ventilated. In general, they offered insufficient space for the number of persons they could accommodate and, at the time of the visit, some of them were overcrowded. The situation was slightly better in the Vilnius detention facility, although the cells would also be overcrowded if all the available beds were to be occupied.

As regards, more particularly, the 4.5 m<sup>2</sup> cell at the Kaunas Police Detention Centre, **it should not accommodate more than one person overnight.**

29. Detained persons held overnight were not routinely provided with a mattress and blankets. Further, the mattresses and blankets which were being provided were not always clean.

It should be added that personal hygiene items (soap, towel, etc.) were rarely provided to detainees and, even in those cases where relatives/friends were in a position to supply such items, their delivery to detainees was not always authorised. Although detainees were said to be offered a shower once a week, complaints were heard that ten days or more could elapse between showers.

30. As for food, it was very meagre in quantity; in most cases, only bread and soup at midday and tea in the morning and evening. The CPT would also like to draw the attention of the Lithuanian authorities to the fact that in several of the establishments visited, the delegation found that only one cup was provided per cell from which all detainees had to drink. Many complaints were also heard concerning the cleanliness of the dishes and cups in which food and drinks were served.

31. At Kaišiadorys and Vilnius, outdoor exercise (15 to 30 minutes) was offered to persons kept in police custody beyond the initial period of 48 hours of detention under Article 137 of the Code of Criminal Procedure and to administrative detainees. However, outdoor exercise was not guaranteed on a daily basis and the facilities used were unattractive. Certain of the administrative detainees were offered some out of cell activities (work).

32. Moreover, information provided to the CPT by official sources suggests that the police detention centres which were not visited by the delegation share many of the shortcomings identified in paragraphs 23 to 31. In particular, the public health authorities, who inspected the existing 48 police detention centres, found that: in 33 centres, official capacities are too high<sup>4</sup>; 24 are located in basement or semi-basement premises; 14 have no access to natural light and, in 35, artificial lighting is poor; 9 centres have no ventilation system and, in 17, ventilation is poor; 22 are only equipped with collective plinths instead of beds, and 15 do not provide detainees with mattresses/bedding; 7 are not equipped with showers; 9 have no facilities for handling food and washing dishes; 20 have no outdoor exercise areas; and 20 have no facilities for visits.

33. In the other police establishments visited (cf. paragraph 3), the delegation saw a number of small holding cubicles, used to accommodate detainees for up to several hours while awaiting transport to a designated holding facility, to be brought to an investigator, or for so-called control reasons. Some of the cubicles measured less than 1 m<sup>2</sup> and, on occasion, were used to accommodate more than one person. Certain of them were dirty and most of them poorly lit. A similar facility, designed for the temporary placement of detainees, was seen at Vilnius Police Detention Centre.

34. Depriving someone of his/her liberty brings with it the responsibility to detain him/her under clean and decent conditions, which are consistent with the inherent dignity of the human person. The facts found in the course of the delegation's visit indicate that the Lithuanian authorities are not currently discharging that responsibility in police detention facilities. In some instances, conditions in the police detention centres visited could fairly be described as inhuman and degrading.

35. The CPT recognises that fundamental changes to the current situation will not be possible overnight. Nevertheless, a number of measures that would not require major financial outlay must be taken at once.<sup>5</sup>

**The CPT recommends that the Lithuanian authorities take immediate steps to:**

- **ensure that all persons held in police detention centres:**
  - **are provided at night with a mattress, blankets and sheets, which are cleaned at appropriate intervals;**
  - **have the necessary basic personal hygiene products (soap, toothbrush and toothpaste, towel, sanitary towels, etc.) at their disposal;**
  - **are allowed to take a hot shower at least once a week;**

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<sup>4</sup> Lithuanian public health standards require a minimum of 5 m<sup>2</sup> per person in police detention facilities.

<sup>5</sup> Several such measures were already identified in the official talks held between the delegation and the Lithuanian authorities at the end of the visit: steps to be taken without delay to provide clean mattresses and blankets to persons detained overnight by the police; hygiene to be improved; better use to be made of outdoor exercise facilities.

- receive the necessary materials to maintain their cells in a clean and hygienic state;
- improve cell lighting in police detention facilities (artificial lighting should be sufficient to enable detained persons to read, sleeping periods excluded and, as far as possible, there should be access to natural light) and to verify that cell ventilation and heating are adequate;
- properly partition all in-cell toilet facilities;
- increase substantially the amount of food provided to persons detained in police detention facilities and to ensure that they have ready access to drinking water in salubrious conditions.

**The CPT also recommends that steps be taken to ensure that, in those establishments currently equipped with exercise yards, all detained persons are offered at least one hour of outdoor exercise every day.**

Further, as regards facilities used for the temporary placement of detainees, **the CPT recommends that all holding cubicles measuring less than 1.5 m<sup>2</sup> be withdrawn from service**; by virtue of their size alone, such cubicles are unfit for even the shortest detention.

36. In addition to taking the measures of an urgent nature identified in paragraph 35, **the CPT trusts that the Lithuanian authorities will persist in their efforts to improve conditions in police detention facilities and, in particular, to respect the existing minimum requirement of 5 m<sup>2</sup> per person and to create outdoor exercise areas in those police detention centres which do not, at present, possess them. Further, as regards persons held for lengthy periods in police detention facilities (e.g. those in administrative detention), efforts should be made to offer them out-of-cell activities (in addition to outdoor exercise).**

#### **4. Safeguards against ill-treatment of persons detained by the police**

##### **a. introduction**

37. The CPT attaches particular importance to three rights for persons deprived of their liberty by the police:

- the right of those concerned to inform a close relative or another third party of their choice of their situation,
- the right of access to a lawyer,
- the right of access to a doctor.

The CPT considers that these three rights are fundamental safeguards against the ill-treatment of persons deprived of their liberty, which should apply from the very outset of custody (that is, from the moment when the persons concerned are obliged to remain with the police).

##### **b. notification of custody**

38. Persons who are obliged to remain with the police should have the right to inform immediately a close relative or third party of that fact. Of course, the exercise of this right could be made subject to certain exceptions designed to protect the interests of justice, provided those exceptions are clearly circumscribed and made subject to appropriate safeguards.

39. Under Article 107 of the Code of Criminal Procedure, the competent prosecutor is required to ensure that information about a person's detention is provided to a close relative of a detainee's choice. If the detainee does not make a request to this end, the prosecutor may, at his own discretion, inform the detainee's family. Further, the detainee may be allowed personally to inform his family. In the case of foreign nationals, at the detainee's request, the relevant diplomatic mission must also be informed.

Article 107 of the Code also provides that, giving the grounds therefor, the prosecutor may refuse to provide information to a detainee's relative if this "can pose a threat to the security of his/her family". **The CPT would like to be informed if the right to inform a close relative can be withheld on any other grounds.**

40. The delegation found that, on occasion, detained persons are offered the possibility to inform their family of their situation as from the moment when they are first obliged to remain with the police. Moreover, when criminal suspects are formally interrogated for the first time, they are informed of their right to inform a close relative of their detention, and any action taken upon a request to do so is recorded.

Nevertheless, it became apparent that some considerable time - several hours or more (i.e. until the time of the first interrogation) - could elapse before a detainee was offered such a possibility, and several of the persons interviewed during the visit claimed that they had not been informed of their right concerning notification of custody or that a request to inform their relatives had not been acted upon.

**The Committee recommends that legal provisions be adopted to ensure that all persons detained by the police, including those held for identification or under administrative law provisions, have a formally recognised right to inform a close relative or third party of their choice of their situation as from the very outset of their detention. Any possibility exceptionally to delay the exercise of this right should be clearly circumscribed, made subject to appropriate safeguards (e.g. any such delay to be recorded in writing together with the reasons therefor and to require the approval of a senior police officer or public prosecutor) and strictly limited in time.**

c. access to a lawyer

41. Persons detained by the police should have the right to have access to a lawyer; this right should include the right to contact and to be visited by the lawyer (in both cases under conditions guaranteeing the confidentiality of the discussions) and, in principle, the right to the lawyer's presence during questioning (whether this be during or after the initial period of detention).

42. Article 31(5) of the Lithuanian Constitution provides that, "from the moment of arrest or first interrogation, persons suspected or accused of a crime shall be guaranteed the right to defence and legal counsel." This right is reiterated and developed in Articles 52 et seq. of the Code of Criminal Procedure.

The CPT understands that, in principle, this right of access to a lawyer includes the right to have the lawyer present during interrogations. Moreover, a lawyer's presence is mandatory in certain situations (e.g. in the case of minors or as regards certain serious offences). Further, existing arrangements allow for the appointment of a lawyer for detained persons who are not in a position to choose one. The CPT welcomes this situation.

43. However, it became clear during the visit that the right of access to a lawyer is not yet entirely effective in practice; in particular, the right to private interviews between lawyer and client is not guaranteed. Such interviews were subject to prior authorisation by the relevant interrogator, investigator or prosecutor and tended to be rare. Further, state-appointed lawyers seemed to take little interest in the manner in which their clients were treated; for example, the delegation was told that such lawyers often do not attend interviews or other relevant procedures on police premises, especially during weekends.

**The Committee recommends that the Lithuanian authorities take the necessary steps to render the right of access to a lawyer fully effective in practice, as from the outset of custody.**

d. access to a doctor

44. The rules governing police detention centres provide that detainees have the right to health care. In the establishments visited, basic care was provided by "feldshers", who were either present or on call around the clock. Further, as regards more serious conditions, feldshers could refer patients to hospital.

However, the delegation heard many complaints from persons who were or who had been in police custody about the quality of care which they received. Moreover, certain prison doctors expressed concern that the combined effect of poor hygiene conditions in certain police detention centres and poor health care at that stage might have serious consequences as regards the spread of transmissible diseases. The delegation was also informed that 30 police detention centres do not have in-house health care services and that 37 do not have facilities which permit the segregation of patients suffering from infectious diseases.

45. The CPT considers that persons taken into police custody should have the right to be examined, if they so wish, by a doctor of their own choice, in addition to any medical examination carried out by a doctor employed by the police authorities. The CPT would add that it is not proposing that the right of access to a doctor of one's own choice should replace a medical examination by a doctor employed by the Ministry of the Interior; it is rather seen as an additional safeguard in case the person concerned feels that the examination carried out by the officially-appointed doctor should be supplemented by a second examination. Moreover, there would be no objection to such a second examination being carried out at the detained person's expense.

In this connection, the CPT's delegation was informed that, in principle, the Lithuanian authorities see no obstacle to detained persons being granted access to a doctor of their own choice.

46. The medical examination of persons detained by the police can make a significant contribution to the prevention of ill-treatment, through the systematic recording of injuries borne by detainees and, when appropriate, the provision of information to the relevant authorities.

The records of examinations of detained persons by police feldshers which were seen by the delegation were, at best, superficial. In addition, many of the persons interviewed indicated that the feldshers who examined them had paid little interest to their allegations of ill-treatment or had even suggested to them that it was unwise to pursue the matter. Moreover, it appeared that the examinations often took place in the presence of police officers.

47. **The CPT recommends that the needs of health care services in police detention centres be reviewed, in the light of the remarks made in paragraph 44.**

Further, it recommends that existing legal provisions concerning the right of persons in police custody to have access to a doctor be developed. Those provisions should stipulate inter alia that:

**a person taken into police custody has the right to be examined, if he so wishes, by a doctor of his own choice, in addition to any medical examination carried out by a doctor called by the police authorities;**

**all medical examinations of persons in custody are to be conducted out of the hearing and - unless the doctor concerned expressly requests otherwise in a given case - out of the sight of police officers;**

**the results of every examination, as well as any relevant statements by the person in custody and the doctor's conclusions, are to be recorded in writing by the doctor and made available to the person in custody and his lawyer;**

**the confidentiality of medical data is to be strictly observed.**

e. information on rights

48. Persons taken into police custody should be expressly informed, without delay and in a language which they understand, of all their rights, including those referred to above.

The information gathered by the delegation indicates that detained persons are informed, at different stages of their time in police custody, of at least certain of their rights. In particular, some such information is provided at the time of the first interrogation (cf. Article 138 of the Code of Criminal Procedure) and a notice setting out certain rights was displayed in cells in the detention centres visited. However, it is clear that such information is not systematically provided to all persons detained by the police at the outset of their custody. It also appears that no written information for detainees is available in a language other than Lithuanian.

In order to ensure that persons in police custody are duly informed of all of their rights, **the CPT recommends that a form setting out those rights in a straightforward manner be systematically given to such persons at the very outset of their deprivation of liberty. The form should be available in an appropriate range of languages. Further, the persons concerned should be asked to sign a statement attesting that they have been informed of their rights.**

f. conduct of interrogations

49. The art of questioning criminal suspects will always be based in large measure on experience. However, the CPT considers that formal guidelines should exist on a number of specific points; the existence of such guidelines will, *inter alia*, help to underpin the lessons taught during police training. As far as the delegation could ascertain, there are currently no such guidelines in Lithuania.

**Consequently, the CPT recommends that a code of conduct for interviews/questioning of suspects be drawn up. In addition to reiterating the total prohibition of ill-treatment, the code should deal, *inter alia*, with the following: the systematic informing of the detainee of the identity (name and/or number) of those present at the interview; the permissible length of an interview; rest periods between interviews and breaks during an interview; places in which interviews 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 or medicine, or who are in a state of shock. It should also be stipulated that a systematic record be kept of the times at which interviews start and end, the persons present during each interview and any request made by the detainee during the interview.**

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

g. custody records

50. The CPT's delegation saw a variety of different registers containing information about detained persons in the establishments visited.

**The Committee considers that the safeguards offered to persons in police custody would be reinforced if a single and comprehensive custody record were to be kept for each person detained, in which would be recorded all aspects of his/her custody and all the action taken in connection with it (time of and reason(s) for the arrest; when informed of rights; signs of injury, mental disorder, etc.; contact with and/or visits by a relative, lawyer, doctor or consular officer; when offered food; when questioned; when brought before a judge; when released, etc.). For certain matters (for example, the removal of personal effects, 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. The detainee's lawyer should have access to such a custody record.**

## B. Prisons

### 1. Preliminary remarks

51. The CPT's delegation visited Pravieniškės Strengthened Regime Colony No. 2<sup>6</sup> and Vilnius Prison, as well as the Prison Hospital in Vilnius.

52. **Pravieniškės Strengthened Regime Colony No. 2** was built in 1930 and is located amidst a wooded area in the Kaišiadorių region, some 80 km northwest of Vilnius. This prison has an official capacity of 1,850 and, on 18 February 2000, was holding 2,171 male prisoners, most of whom were serving long sentences.

53. **Vilnius Prison** is designated as both a remand establishment and closed prison. It was built in 1904 and is located in the city centre. With an official capacity of 1,200, on 15 February 2000 it was holding 1,712 prisoners, including 93 women and 21 male minors. Approximately two-thirds of the prisoners were on remand; the rest were sentenced prisoners, including 63 serving life sentences.

54. The **Prison Hospital** is situated within the Vilnius Prison compound. It has 310 beds, and receives patients from prisons throughout the country.

55. At the time of the visit, the penal system in Lithuania was under review. It is envisaged that responsibility for the prison service will be transferred from the Ministry of the Interior to the Ministry of Justice, and a draft law on the Prison Department is being considered. Other changes in progress include a number of measures designed to address overcrowding, which the Lithuanian authorities identified as the main challenge facing their prison system.

56. Prison overcrowding is an issue of direct concern to the CPT. An overcrowded prison entails cramped and unhygienic accommodation; a constant lack of privacy (even when using a sanitary facility); reduced out-of-cell activities, due to demand outstripping the staff and facilities available; overburdened health-care services; increased tension and hence more violence between prisoners and between prisoners and staff. The establishments visited by the CPT's delegation (and, in particular, Vilnius Prison) vividly illustrated these negative consequences of overcrowding, which were all present in varying degrees of severity.

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<sup>6</sup> Colonies are correctional labour establishments. For this reason, they have industrial and agricultural production facilities attached to them. They accommodate sentenced prisoners and have normal, strengthened or strict levels of security. In principle, judges determine in the sentence the type of establishment (closed prison or colony) in which the sentence is to be served and the security level which is required.

57. According to information provided to the CPT, on 1 February 2000, there were 14,057 prisoners in Lithuania, of whom 1,938 were on remand. This represents a rate of imprisonment of some 380 prisoners per 100,000 inhabitants, a high figure by any standards. The Lithuanian authorities themselves are persuaded of the need to reduce the number of persons held in prison in the country, and have tried to address this situation through a number of measures. In particular, between 1990 and 1998, four amnesty laws were adopted; as a result, some 1,000 prisoners were released and 10,000 saw their sentences reduced.

More recently, amendments to the Criminal Code and to the Code of Criminal Procedure have apparently resulted in shorter sentences being applied, less recourse being had to remand imprisonment and persons being remanded in prison for shorter periods (the remand population halved between 1996 and 2000 and, during January 2000 alone, it dropped by 350). The CPT's delegation was also told that the reform of the Criminal Code would entail a reduction in the sentences of about half of the country's prison population.

However, it is clear that the problem of prison overcrowding in Lithuania is far from being resolved. Further measures envisaged include a new amnesty law and additional changes to criminal policy. The declared objective is to halve the prison population within the next two to three years.

58. The CPT welcomes the multi-faceted approach to the problem of overcrowding adopted by the Lithuanian authorities, who have clearly understood that the solution to the problem of overcrowding is to be found not so much in developing the prison estate as in reconsidering current law and practice in relation to custody pending trial, as well as sentencing policies. **The CPT recommends that the Lithuanian authorities continue vigorously to pursue policies designed to reduce prison overcrowding and that, in this context, they draw inspiration from Committee of Ministers Recommendation No. R (99) 22 concerning prison overcrowding and prison population inflation<sup>7</sup>.**

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<sup>7</sup> Recommendation No. R (99) 22 sets out the following basic principles: "1. Deprivation of liberty should be regarded as a sanction or measure of last resort and should therefore be provided for only where the seriousness of the offence would make any other sanction or measure clearly inadequate. 2. The extension of the prison estate should rather be an exceptional measure, as it is generally unlikely to offer a lasting solution to the problem of overcrowding. Countries whose prison capacity may be sufficient in overall terms but poorly adapted to local needs should try to achieve a more rational distribution of prison capacity. 3. Provision should be made for an appropriate array of community sanctions and measures, possibly graded in terms of relative severity; prosecutors and judges should be prompted to use them as widely as possible. 4. Member states should consider the possibility of decriminalising certain types of offence or reclassifying them so that they do not attract penalties entailing the deprivation of liberty. 5. In order to devise a coherent strategy against prison overcrowding and prison population inflation a detailed analysis of the main contributing factors should be carried out, addressing in particular such matters as the types of offence which carry long prison sentences, priorities in crime control, public attitudes and concerns and existing sentencing practices." The recommendation also suggests a number of specific tools which can be used to reduce prison overcrowding or to control prison population inflation.

## 2. Ill-treatment

59. The CPT's delegation heard no allegations of torture of inmates by prison staff in Lithuania, nor did it gather any other evidence of such treatment. Further, relatively few allegations were heard of other forms of ill-treatment of inmates by staff in recent times.

60. However, the delegation received some allegations of physical ill-treatment of prisoners by staff at **Vilnius Prison**. Certain male inmates interviewed by the delegation alleged that they had been kicked by prison officers for resisting placement in an overcrowded cell in the quarantine section. Another male prisoner claimed that, on 28 December 1999, he had been struck with batons and kicked by prison officers who were allegedly under the influence of alcohol. Similar remarks were heard in respect of the women's section, where certain officers had allegedly slapped prisoners who refused to obey orders.

At **Pravieniškės Strengthened Regime Colony No. 2**, one inmate claimed that he had been struck by prison officers in an office. Further, a small number of inmates complained that they had been verbally abused by staff.

In general, staff-inmate relations at both establishments appeared to be of a rather formal and distant nature. For example, in the corridors of Vilnius Prison, the delegation observed prison staff instructing inmates to remain facing the wall with their hands clasped behind their backs and their heads bowed. Such an approach has no place in a modern prison system.

61. The best possible guarantee against the ill-treatment of prisoners is properly recruited and trained prison officers, who know how to adopt the appropriate attitude in their relations with inmates. Developed interpersonal communication skills are essential, since they will often enable prison staff to defuse a situation which could otherwise turn into violence. More generally, they will lead to a lowering of tension and raising the quality of life in an institution, to the benefit of all concerned.

**The Committee recommends that an aptitude for interpersonal communication be a major factor in the process of recruiting prison officers and that, during their induction and in-service training, considerable emphasis be placed on acquiring and developing interpersonal communication skills. Building positive relations with prisoners should be recognised as a key feature of a prison officer's vocation.**

Further, in the light of the information gathered during the visit, **it would be appropriate for the Directors of Pravieniškės and Vilnius Prisons to deliver to their staff the clear message that both physical ill-treatment and verbal abuse of inmates is not acceptable.**

62. In order to obtain a nationwide view of the situation, **the CPT would also like to receive the following information in respect of 1999 and 2000:**

- the number of complaints of ill-treatment lodged against custodial staff in all prisons in Lithuania and the number of disciplinary and/or criminal proceedings initiated as a result of those complaints;
- an account of disciplinary/criminal sanctions imposed on the grounds of ill-treatment by custodial staff.

63. The CPT's mandate is not limited to the prevention of ill-treatment inflicted by prison staff. The Committee is also very concerned when it discovers a culture which is conducive to inter-prisoner intimidation and violence.

64. The CPT received recurrent accounts of inter-prisoner violence relating to both Pravieniškės Strengthened Regime Colony No. 2 and Vilnius Prison. It appears that a significant number of prisoners lived in fear of physical violence (beatings) and were subjected to a host of indignities (being forced to clean for others, verbal abuse) by stronger prisoners.

An examination of the injury registers at each establishment lent credence to these allegations. At Vilnius Prison, 713 injuries had been recorded in 1999. At Pravieniškės Strengthened Regime Colony No. 2, 109 reports of various types of injury had been recorded during the same period. However, the registers examined by the delegation contained few details and, in particular, made no reference to prisoners' statements as to the manner in which the injuries had been sustained. Moreover, at Pravieniškės, the head doctor indicated that, in his view, the registers misrepresented the extent of the phenomenon, due to the under-reporting of violent inter-prisoner disputes.

65. It might be added that, at the Pravieniškės Colony, the CPT's delegation met several prisoners who were being held in the segregation unit who claimed that they risked being assaulted by fellow inmates if they were to be moved back to ordinary accommodation. It transpired that, seeking to protect themselves, some prisoners had committed disciplinary violations in order to be removed from ordinary accommodation. Certain of them indicated that they would remain in this situation until the end of their incarceration. The prison's management confirmed that some prisoners who could not "live with others" were accommodated in disciplinary cells.

The delegation also received allegations to the effect that prison staff were well aware of the de facto hierarchy and its accompanying abuses, but failed to intervene. Given the current level of staffing (e.g. 100 custodial staff for 2000 inmates at Pravieniškės), this is hardly surprising. Some prisoners summed up the situation by stating that "anything can happen in the cells."

66. The CPT wishes to emphasize that the duty of care which is owed by the prison authorities to prisoners in their charge includes the responsibility to protect them from other prisoners who might wish to cause them harm. The information gathered in the prisons visited suggests that much remains to be done in this respect.

Addressing the phenomenon of inter-prisoner violence requires that prison staff be alert to signs of trouble and both resolved and properly trained to intervene when necessary. The existence of positive relations between staff and prisoners, based on the notions of secure custody and care, is a decisive factor in this context; this will depend in large measure on staff possessing appropriate interpersonal communication skills (cf. paragraph 61). It is also obvious that an effective strategy to tackle inter-prisoner intimidation/violence should seek to ensure that prison staff are placed in a position to exercise their authority in an appropriate manner. Consequently, the level of staffing must be sufficient to enable prison officers adequately to supervise the activities of prisoners and support each other effectively in the exercise of their tasks. Both initial and ongoing training programmes for staff of all grades must address the issue of managing inter-prisoner violence.

**The CPT recommends that the Lithuanian authorities develop and implement a concrete strategy to address the problem of inter-prisoner violence, in the light of the above remarks.**

### 3. Conditions of detention

#### a. material conditions

67. The standard of accommodation is central to the quality of life within a prison. First and foremost, cells should offer sufficient living space for the number of persons accommodated, should benefit from good access to natural light and ventilation, and should be equipped with adequate artificial lighting and heating. Sanitary arrangements should be clean and properly separated from the rest of the living space; either a lavatory should be located in cellular accommodation (preferably in an annex) or means should exist to enable prisoners who need to use a lavatory to be released from their cells without undue delay at all times, including at night. It is desirable for running water to be available within cellular accommodation, and prisoners should have adequate access to shower or bathing facilities. Cells should be suitably furnished (bed, table, chair/stool, storage space), all facilities/equipment should be in a good state of repair, and prisoners should be placed in a position to keep their accommodation in an adequate state of cleanliness.

68. At Pravieniškės Strengthened Regime Colony No. 2, the vast majority of prisoners were accommodated in dormitories, all of which had access to natural light, and adequate ventilation and heating. However, artificial lighting was not always satisfactory.

A typical dormitory, measuring in the order of 50 to 55 m<sup>2</sup>, might accommodate between 20 and 30 prisoners; such an occupancy level is too high. However, the effects of overcrowding were somewhat mitigated by the “open doors” regime which prevailed during the day in ordinary accommodation units in the prison. All prisoners had a bunk bed and were provided with bedding. Otherwise, prisoners could procure furniture for their dormitories according to their means; in some dormitories, the delegation saw chests of drawers, wardrobes and television sets.

In certain parts of the establishment (e.g. in Units 3 and 4), the occupancy levels of dormitories were found to be even higher with up to 40 prisoners per dormitory and, in others (e.g. Unit 5), the detrimental effects of overcrowding were accentuated by the poor quality of the furniture provided and by shortcomings in the decoration. Moreover, in this part of the prison, the occupants - mostly elderly or somewhat disturbed prisoners - rarely left their dormitories.

69. As for sanitary arrangements, all of the prisoners' living quarters had separate facilities to which inmates had access during the day and at night. Sanitary facilities were in a reasonable state of repair and cleanliness and prisoners were allowed to take one hot shower per week.

70. At **Vilnius Prison**, most prisoners were accommodated in cells. Some recent improvements had taken place, including a complete renovation of Unit 1 and repainting of Unit 2. A measure which the CPT particularly welcomes is the removal of the metal screens which previously covered cell windows. Further, new rules have been adopted allowing radios and television sets in cells. In general, cells at the prison had adequate ventilation, heating, access to natural light and artificial lighting.

However, the beneficial impact of the above mentioned factors was marred by the effects of severe overcrowding: cells measuring in the order of 8 m<sup>2</sup>, including a lavatory with a waist-level partition were being used to accommodate up to six persons.

In many of the cells, there was little room for any furniture apart from two triple or three double bunk beds. Further, the waist-level partitions of the lavatories in most of the cells were not sufficient to provide any real privacy or to dispel the impression that prisoners were obliged to eat, sleep - indeed, to spend 23 hours of each day - in a space which also served as a lavatory. In several larger cells in Unit 1, the lavatories were not partitioned at all.

71. Adult male prisoners who had previously worked as police or prison officers, male minors and women prisoners were placed in Unit 3 of Vilnius Prison. In terms of available space per inmate, their conditions of detention were generally more favourable than those in the other parts of the prison. Former officers were accommodated in dormitories, each of which measured some 45 m<sup>2</sup> and contained 10 to 12 beds; such an occupancy level is acceptable. The minors, whose average stay at the prison was one week, were being held under similar conditions. However, conditions in the women's section were cramped; dormitories measuring between 15 and 55 m<sup>2</sup> contained 6 to 20 beds.

b. regime

72. A satisfactory programme of activities is of crucial importance for the well-being of both remand and sentenced prisoners. The provision of activities in remand prisons, where there is likely to be a fairly rapid turnover of inmates, poses particular challenges. While there can be no question of individualised treatment programmes for such prisoners, it is unacceptable for prisoners simply to be left languishing in their cells for weeks, months or even years.

The aim should be to ensure that all prisoners (including those on remand) spend a reasonable part of the day (i.e. eight hours or more) outside their cells, engaged in purposeful activities: work, preferably with vocational value, education, sport, recreation/association. Juvenile prisoners should be offered a full programme of educational, recreational and other purposeful activities; physical education should constitute an important part of that programme. Regimes in establishments for sentenced prisoners should be even more favourable.

Prisoners serving lengthy sentences should be able to exercise a degree of choice over the manner in which their time is spent, thus fostering a sense of autonomy and personal responsibility. Additional steps should be taken to lend meaning to their period of imprisonment; in particular, the provision of individualised custody plans and appropriate psychological support are important elements in assisting such prisoners to come to terms with their period of incarceration and, in due course, to prepare for release.

73. **Pravieniškės Strengthened Regime Colony No. 2** had the potential to provide work and other regime activities to a significant part of its inmate population. A furniture factory and sizeable industrial production facilities were attached to the prison. However, the industrial facilities had apparently become somewhat obsolete and production was not profitable. Further, a decision to renovate the facilities had not yet been implemented. Consequently, industrial production employed only a small number of Pravieniškės' inmates. In addition, a comparatively small number of prisoners worked in the prison's general services (maintenance, laundry). The delegation was informed that, in all, the prison provided work to about one tenth of its inmate population (i.e. some 200 out of 2000 prisoners).

According to Pravieniškės' Director, a large number of inmates had educational needs. However, the delegation was told that there had been no budget for educational activities in the prison for the last two years, and although the prison had three classrooms, they were seldom used. In all, only 28 inmates were receiving vocational training (in carpentry).

Some cultural activities were organised (concerts, conferences, films) and inmates could borrow books from the library. As for sport, prisoners had laid out makeshift workout facilities in the units' yards and a basketball court was marked in one of the outdoor exercise areas; however, prisoners complained that, in good weather, the space available out of doors was so crowded that no meaningful sport activity could be performed.

To sum up, the vast majority of prisoners were left to their own devices for most of the time over prolonged periods. Inmates particularly resented the lack of paid work (a circumstance which was also underlined by staff) because eligibility for early release depended, at least in part, upon the payment of compensation awarded by the court to the victim.

74. At **Vilnius Prison**, 94 prisoners sentenced for minor offences were employed full-time on maintenance work. Efforts were also being made to provide some activities to male minors held in the establishment. Other inmates, including life-sentenced prisoners, were not offered anything which remotely resembled a regime of activities. The only daily out-of-cell activity consisted of an hour of outdoor exercise (2 hours for women and for ill prisoners), which was itself a relatively recent development. The yards used for this purpose were of an insufficient size ( $23\text{ m}^2$ ) to allow prisoners to exert themselves physically, and were generally oppressive. As for prisoners held in the quarantine section, they had no entitlement to outdoor exercise.

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75. Bringing material conditions of detention in the establishments visited up to a satisfactory level is contingent upon the success of the policies designed to reduce prison overcrowding referred to in paragraph 57. As the impact of these policies makes itself felt, **the CPT recommends that reducing occupancy levels in the  $8\text{m}^2$  cells at Vilnius Prison be considered a priority. A cell of such a size should not be used to accommodate more than two inmates, and ideally should be used for single occupancy.**

Further, **current occupancy levels in dormitories should be progressively reduced; the objective should be to offer at least  $4\text{ m}^2$  per prisoner.**

In addition, **the CPT recommends that immediate steps be taken properly to partition in-cell toilet facilities.**

76. **The CPT recommends that, in step with the reduction of the prison population, efforts be made to develop the programmes of activities offered to prisoners. The aim should be ensure that all prisoners in the two establishments visited (and in all prisons in Lithuania) are able to spend a reasonable part of the day (i.e. eight hours or more) outside their cells engaged in purposeful activities of a varied nature (recreation/association; work, preferably with vocational value; education; sport).** The CPT wishes to stress in this connection that the provision of appropriate work to sentenced prisoners is a fundamental part of the rehabilitation process. Further, in the interests of their psychological well-being, remand prisoners should also, as far as possible, be offered work. It follows that the employment situation within the prison system should not be dictated exclusively by market forces.

**The CPT also recommends that immediate steps be taken to ensure that all prisoners at Vilnius Prison - including those held in the quarantine section - are allowed at least one hour of outdoor exercise every day; this is a fundamental requirement for the well-being of prisoners. Efforts should also be made to improve the outdoor exercise facilities at that establishment.**

#### 4. Health care services

##### a. introduction

77. At the time of the CPT's visit, health care services in the Lithuanian prison system were under the authority of the Ministry of the Interior. For its part, the Ministry of Health was responsible for public health issues arising in prison (hygiene control, epidemiological surveillance), and had the authority to issue directives to and inspect the facilities of prison health care services.

The CPT considers that a greater involvement of the Ministry of Health in this area, in particular as regards the organisation and assessment of prison health care services, would be highly beneficial. This approach is clearly reflected in Recommendation No. R (98) 7 of the Committee of Ministers of the Council of Europe concerning the ethical and organisational aspects of health care in prison. Such involvement would help to ensure optimum health care for prisoners, as well as implementation of the general principle of the equivalence of care in prison with that in the outside community, a principle which is reflected in the Lithuanian Prison Rules. Whatever institutional arrangements are made for the provision of health care in prisons, the CPT considers it essential for prison doctors' clinical decisions to be governed only by medical criteria and for the quality and effectiveness of their work to be assessed by a qualified medical authority.

**The CPT would like to receive the observations of the Lithuanian authorities on these issues.**

##### b. health care provided to prisoners

78. At **Pravieniškės Strengthened Regime Colony No. 2**, the health care team consisted of 17 persons occupying the equivalent of 15 full-time posts. They included a head doctor and a general practitioner, a psychiatrist, a dentist, a radiologist and 10 nurses. In addition, there was one laboratory and one X-ray technician. Nursing cover was provided on a 24-hour basis.

The establishment's medical centre included a number of consultation rooms, an X-ray facility, a treatment/dressing room, a dispensary room and a small operating theatre. The facilities were properly equipped and furnished; in general, the medical centre was well-maintained, clean, and presented a welcoming atmosphere.

79. The health care staff at **Vilnius Prison** consisted of 21 persons: six doctors (a head doctor and a general practitioner, a TB specialist, a dermatology and STD specialist, a psychiatrist and a dentist), five feldshers, eight nurses, a laboratory technician and a screening technician. There were regular visits to the prison by various other health care professionals and specialists (e.g. a pharmacist, a gynaecologist). Round-the-clock nursing presence was not ensured at Vilnius Prison, but the delegation was told that prison officers present at night and weekends had been trained in first aid.

Health care facilities consisted inter alia of an interview and examination room, a laboratory, two treatment and dressing rooms, a dental surgery, and an X-ray facility. Although modestly equipped, the area was clean and functional.

80. It should be added that health care services in both of the establishments visited could have recourse to the Prison Hospital (cf. paragraphs 87 et seq.) and to hospitals in the outside community for in-patient hospital care and specialist care. The situation as regards access to such care was satisfactory.

81. Nevertheless, the delegation heard many complaints, particularly at Pravieniškės, about the quality of health care and about significant delays in access to a doctor. Such problems were said to stem in part from a quota system which limited the number of patients a doctor could see on a given day; this was apparently linked to the insufficient presence of general practitioners in the establishment.

**The CPT considers that there is a need to review the staffing levels of health care services in the prisons visited; in particular, it recommends that the health care team at Pravieniškės be reinforced.**

c. screening on admission

82. In the prisons visited, newly admitted inmates were systematically examined by a member of the prison's health care service; they were held in quarantine until they were cleared for placement in general accommodation areas. In principle, quarantine lasted for up to 14 days, unless a transmissible disease was diagnosed; in such cases, quarantine could be extended for a further 14 days.

One of the duties of the health care services was to provide information on health care procedures to arriving prisoners. This was apparently only being provided orally.

The medical members of the delegation found that medical screening procedures for newly arrived prisoners were generally adequate at both Pravieniškės Strengthened Regime Colony No. 2 and Vilnius Prison; however, on occasion there appeared to be delays of up to a few days in screening.

83. The CPT considers that, save for in exceptional circumstances, an initial medical interview or examination should take place on the day of admission, especially insofar as remand establishments are concerned. This is of crucial importance for preventing the spread of transmissible diseases, the identification of prisoners who present a suicide risk, and the timely recording of injuries sustained prior to admission to the prison. **The CPT recommends that the Lithuanian authorities take steps to ensure that such screening on admission is performed without delay.**

**The CPT also recommends that written information on the prison's health care service and on related issues such as preventive measures and health promotion be provided systematically to inmates upon their admission to the establishment.**

d. prevention of violence

84. Prison health-care services can make a significant contribution to the prevention of violence against detained persons, through the systematic recording of injuries and, if appropriate, the provision of information to the relevant authorities. Any signs of violence observed when a prisoner is medically screened on admission should be fully recorded, together with any relevant statements by the prisoner and the doctor's conclusions. The same approach should be followed whenever a prisoner is medically examined following a violent episode within the prison.

The information gathered by the delegation indicated that there was room for improvement in this area at both prisons visited. In particular, injuries observed following the examination of inmates (whether newly arrived or not) were not always recorded in a sufficiently detailed manner. Further, none of the injury records examined contained any indication of the prisoner's account of the manner in which the injury was sustained.

**The CPT recommends that the record drawn up after a medical examination of a prisoner should contain:**

- (i) **a full account of statements made by the person concerned which are relevant to the medical examination, including any allegations of ill-treatment;**
- (ii) **a full account of objective medical findings based on a thorough examination;**
- (iii) **the doctor's conclusions in the light of (i) and (ii).**

Further, the CPT recommends that existing procedures be reviewed in order to ensure that whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a prisoner, the record is systematically brought to the attention of the relevant prosecutor.

e. HIV-positive patients

85. The Prison Rules provide that medical files are to be maintained in a confidential manner (section 13.3.6). However, confidentiality in respect of a prisoner who is HIV-positive or ill with AIDS may be limited "to the extent necessary" for the health and safety of others (section 13.3.7 of the Rules).

Further, pursuant to the Prison Rules, prisoners with HIV must be segregated if "they are known for unsafe or irresponsible behaviour" in the community at large or in the prison. Decisions in this regard are taken by the disciplinary commission of the prison or colony, upon the proposal of the head of the prison's medical service.

86. Medical staff at Vilnius Prison confirmed that HIV-positive prisoners were not routinely segregated and asserted that their identity was disclosed only to the AIDS Centre of Vilnius and not to the prison administration. However, the delegation's subsequent interviews with staff and patients would tend to indicate that confidentiality in such cases may be little more than a fiction.

**The CPT recommends that the Lithuanian authorities take appropriate steps to ensure that medical confidentiality vis-à-vis HIV-positive prisoners is respected in practice. Further, the CPT wishes to emphasise that there is no medical justification for the segregation of a prisoner solely on the grounds that he is HIV positive.**

## 5. The Prison Hospital

87. The premises occupied by the hospital were divided into two sections. The first included the administration, three units (general therapy, surgery, and TB) and the laboratory facilities. The second section contained a psychiatric unit and a general medical unit. A doctor was on duty on a 24-hour basis, and each of the five units had at least one nurse present at all times. In addition, two part-time psychologists were employed by the hospital, as were 32 orderlies.

The facility as a whole was overcrowded and in a poor state of repair; the only area which was modern and well maintained was the laboratory. Further, as the premises were not equipped with lifts, patients unable to walk had to be physically carried from one floor to another.

The tuberculosis and psychiatric units of the hospital call for separate comment.

88. Pharmacological treatment for tuberculosis patients appeared to be adequate. However, although patient accommodation in the tuberculosis unit had some access to natural light and ventilation, the unit was overcrowded and gave an impression of general gloom and dilapidation. By way of example, a 25 m<sup>2</sup> room contained eleven beds, a 14 m<sup>2</sup> room, seven, and a 12 m<sup>2</sup> room, six. Such space allotments are particularly detrimental to the situation of tuberculosis patients, for whom access to sufficiently spacious, properly lit and ventilated accommodation is essential from a medical point of view.

89. The psychiatric unit accommodated patients with substance abuse problems, organic brain diseases (including epilepsy), and reactive disorders. The unit was in a poor state of repair; the concrete floors were cracked and uneven, the decor was drab, and the area was draughty. Patients were locked in cells and there did not appear to be any routine association. No rehabilitative facilities were available; instead, staff relied principally on pharmacotherapy and, to a much more limited extent, psychotherapy. Due to the lack of an observation or seclusion room, suicidal patients were "managed" by placing them in a cell with other patients. The situation at the unit could fairly be described as antitherapeutic.

90. The hospital's director himself indicated that the top priorities were: better and more spacious premises, modern equipment and additional staff. The first of these was already being addressed; construction of a new facility had commenced close to a large hospital in a suburb of Vilnius. However, due to financial constraints, the project was falling behind schedule.

91. **The CPT recommends that the Lithuanian authorities accord a high priority to the completion of the new premises for the Prison Hospital. In the interim, it recommends that genuine efforts be made to reduce overcrowding in the existing facilities, in particular in the tuberculosis unit. The CPT also recommends that staffing levels at the hospital be reviewed.**

## 6. Other issues

### a. contact with the outside world

92. 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 safeguard their relations with their family and friends, and especially with their spouse or partner and their children. The continuation of such relations can be of critical importance for all concerned, particularly in terms of the social rehabilitation of prisoners. 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 line with a number of recommendations in the 1987 European Prison Rules, particularly Rule 43, sub-paragraph 1 and Rule 65, point c.

93. As regards sentenced prisoners, at Pravieniškės Strengthened Regime Colony No. 2 inmates were entitled to a basic allowance of four short (2 to 4 hours) and four long (1 to 2 days) visits per year. As an incentive for demonstrating good behaviour, four additional visits could be granted per year, as well as two visits for prisoners who had served one half of their sentence; further, prisoners had the right to one additional long visit if they married while in prison. The facilities, particularly those used for long visits, were quite adequate. The director indicated that overcrowding prevented him from granting as many additional visits as he would have liked.

Visiting arrangements for sentenced prisoners at Vilnius Prison were less liberal than those at Pravieniškės; they allowed only for the basic entitlement of one two-hour visit every quarter. Due to limited facilities, discretionary granting of additional visits did not occur. The visiting area consisted of six small booths with metal screens separating prisoners from their visitors. The delegation was not in a position to observe the area in use, because a flu epidemic had led to the imposition of a temporary moratorium on visits to prisoners.

The visiting entitlement for sentenced prisoners at Vilnius Prison is not sufficient to enable them to maintain relations with their families. **The Committee recommends that the Lithuanian authorities increase the number of visits for sentenced prisoners at Vilnius Prison and, in due course, revise the formal visiting entitlement.** In order to implement increased visiting entitlements, it will in all likelihood be necessary to expand the facilities available for this purpose at Vilnius Prison.

94. Inmates at Pravieniškės were allowed to make phone calls. The CPT welcomes this, although its delegation heard complaints about the manner in which access to the telephone was managed (frequency and duration of calls, restrictions as regards persons who could be called).

95. As for remand prisoners, visits may only take place with the authorisation of the relevant investigator or court. In order to obtain a nationwide picture, **the CPT would like to receive statistics on the percentage of remand prisoners in Lithuania who were actually granted visiting rights during the first half of 2000, as well as information on the permitted frequency and duration of such visits.**

Moreover, police investigators can restrict external contacts of prisoners during the first fifteen days of remand detention. The delegation was told that, beyond that period, the competent prosecutor may extend these restrictions for up to one month. **The CPT would like to be informed whether prisoners have the right to appeal against such decisions.**

96. The delegation received numerous complaints from remand prisoners at Vilnius Prison regarding delays in forwarding/distributing correspondence. From discussions with the prison censors (who read all incoming and outgoing correspondence of both sentenced and remand prisoners), it emerged that letters from remand prisoners deemed to contain suspicious information or material relevant to a particular case were brought to the attention of the relevant investigator or public prosecutor. Delays often occurred at this stage of the procedure and no information was given to the prisoner concerned in these circumstances.

**The CPT invites the Lithuanian authorities to examine whether the control of prisoners' correspondence is causing excessive delays and, if appropriate, to take remedial action. Consideration might usefully be given to ending the practice of systematically censoring all prisoner correspondence; such a practice almost certainly represents a wasteful use of limited staff resources.**

b. discipline and segregation

i. *regulatory framework*

97. Punishments for infractions of prison discipline include informal and written reprimands, additional cleaning duties, restrictions of the allowance for receiving parcels and, in the most serious cases, segregation.

Only the director of an establishment is authorised to impose the measure of disciplinary segregation. The maximum permitted time of application of this latter measure varies depending on the category of prisoner: 5 days for minors, 10 days for women and for adult male remand prisoners, and 15 days for adult male sentenced prisoners. Consecutive applications of the measure are prohibited.

Prisoners have the right to be heard on the subject of the offences it is alleged they have committed and to appeal to a higher authority - the Prison Board - against any sanctions imposed.

98. Prisoners can also be segregated - for administrative reasons - in accommodation which resembles an ordinary cell for up to six months, or transferred to a closed regime for up to three years. The delegation was told that the longer of these measures must be decided upon by a judge, following a hearing in which the prisoner concerned can be legally assisted.

ii. *segregation units at Pravieniškės and Vilnius*

99. Cells in the **Pravieniškės** segregation unit measured between approximately 7 and 15.5 m<sup>2</sup>. The smaller cells were equipped with two fold-up bunk beds and the larger with six; during the day, the bunk beds were folded away but a stool remained in place, and the cells were also furnished with a fixed table. All of them had a fully-partitioned lavatory and a washbasin. Cells had some access to natural light and ventilation, and were equipped with artificial lighting and heating.

Certain of the inmates interviewed by the delegation claimed that, before the delegation's visit, they had been up to 8 in a 15.5 m<sup>2</sup> cell. Even if their official capacities were respected, the cells in question would be overcrowded.

100. The regime applied varied somewhat, depending on the nature of the placement. Inmates undergoing disciplinary segregation were held in the smaller cells, often on their own; bedding was only provided during the night and prisoners were not allowed to smoke or read. Those placed in administrative segregation occupied the larger cells, and were allowed to smoke and to have reading matter.

101. The CPT recommends that measures be adopted to ensure that the official capacities of the cells in the segregation unit at Pravieniškės are not exceeded and that, in due course, those capacities are reduced.

**The CPT also recommends that all persons undergoing segregation - including for disciplinary reasons - be allowed access to reading matter. Moreover, the regime applied to those placed in administrative segregation for prolonged periods should be developed**

102. Prisoners held in the segregation unit were only allowed half an hour of outdoor exercise per day. Outdoor exercise was taken by all of the occupants of each cell at the same time. However, the facilities were not large enough to permit the inmates concerned to exert themselves physically.

**The CPT recommends that immediate steps be taken to ensure that prisoners held in the segregation unit at Pravieniškės are offered at least one hour of outdoor exercise every day. Further, steps should be taken to ensure that such prisoners have sufficient space to exert themselves physically during the exercise period.**

103. At Vilnius Prison, there were six single-occupancy segregation cells, each measuring 8 m<sup>2</sup>. The cells were clean and furnished with a fixed metal stool and table as well as a folding bed, which was padlocked in the upright position during the day (from 6 am to 10 pm). They were also equipped with sinks and lavatories. Inmates held in these cells were allowed newspapers and the entitlement for outdoor exercise was no different from that of other prisoners (cf. paragraph 74).

*iii. Unit 21 at Pravieniškės*

104. Particular reference should be made to Unit 21 of Pravieniškės Strengthened Regime Colony No. 2. At the time of the visit, it was accommodating 16 prisoners deemed to be difficult, who were segregated from the rest of the prison's population. The unit consisted of a comparatively spacious dormitory, two recreation/common rooms and a sizeable exercise yard. The dormitory and one of the recreation rooms adjacent to it had access to natural light, and the living quarters were adequately ventilated; however, complaints were heard that the facility was poorly heated. The dormitory and recreation rooms were adequately furnished (beds, tables and chairs, two fridges, television, etc.) including, in one of the recreation rooms, a billiards table. The unit's sanitary facilities were in a poor state of repair and badly ventilated; nonetheless, prisoners kept them in a reasonable state of cleanliness.

105. On the whole, material conditions were of a higher standard than in the rest of the prison, particularly as regards the living space available to prisoners. However, the Committee has concerns about certain other aspects of the situation of inmates accommodated in Unit 21: staff presence was lower, the regime was even less developed than in the rest of the prison, and complaints were heard about access to health care.

Concerning health care, it was alleged that doctors did not regularly visit the unit and, when called, took a long time to see inmates. Further, an inmate suffering from epilepsy was allegedly not receiving appropriate care during fits.

**The CPT recommends that the Lithuanian authorities examine the provision of health care to inmates held in Unit 21. The questions of staff presence and activities offered to prisoners held in Unit 21 should also be reviewed.**

c. complaints and inspection procedures

106. Effective complaints and inspection procedures are basic safeguards against ill-treatment in prisons. Prisoners should have avenues of complaint open to them, both within and outside the prison system, and be entitled to confidential access to an appropriate authority.

In the establishments visited in Lithuania, the delegation found that prisoners were generally aware of the avenues of complaint open to them. In addition to authorities or officials within the national criminal justice system (prison directors, courts, etc.), prisoners could address letters to the Seimas (Parliamentary) Ombudsperson. Prisoners were also knowledgeable about the opportunity to send applications to the European Court of Human Rights. **The CPT would like to receive confirmation that letters to the aforementioned persons and entities are not censored. Further, the Lithuanian authorities are invited to add the President of the CPT to the list of authorities with whom prisoners can communicate by confidential letter.**

107. The CPT attaches particular importance to regular visits to all prison establishments by an independent body (for example, a visiting committee or a judge with responsibility for carrying out inspections) with authority to receive - and, if necessary, take action on - prisoners' complaints and to visit the premises. Such visiting bodies should not limit their contacts to persons who have expressly requested to meet them; they should take the initiative by visiting the prison's detention areas and entering into contact with inmates.

In Lithuania, prosecutors and judges are entitled to carry out visits to prisons. However, it appeared that such visits were rare and rather limited in scope. Further, the Seimas Ombudsperson did on occasion visit prisons.

**The CPT recommends that the Lithuanian authorities review the current arrangements for visits to prisons by independent bodies, taking into account the above remarks.**

## C. The Convoy Division

### 1. Preliminary remarks

108. Apart from local escorts, the transfer of persons in police custody or held in prison is entrusted to the specialised Convoy Division, a military unit under the authority of the Ministry of the Interior.

There are regular road and rail transport services for prisoners, and ad hoc arrangements can be made in special cases, e.g. requiring reinforced security. The Convoy Division uses a fleet of vans and trucks and a specially-equipped wagon hired from the railway company.

109. As from the outset of the visit, the CPT's delegation received a large number of allegations about the conditions under which prisoners were transferred. In particular, complaints were heard about the poor material conditions which obtain in the vans/trucks and the railway wagon, the large number of prisoners who are placed in each compartment and the duration of journeys. A number of prisoners also complained that they had been brought to court after having travelled for many hours in dirty and uncomfortable conditions, without having been offered the possibility to wash and change into fresh clothes, and without having been provided with a meal. Some allegations of rough treatment and verbal abuse of prisoners by Convoy Division officers were also heard.

110. Given the number and consistency of the complaints received, the CPT's delegation decided to examine the conditions under which the transport of detainees/prisoners is carried out. For this purpose, it met the senior officers in charge of the transport service and visited the Convoy Division's railway wagon; further, both at the Division's headquarters and in several of the establishments visited, the delegation inspected vehicles used for the transport of prisoners by road.

### 2. Transport by rail

111. The railway wagon had nine compartments for prisoners. Five of them measured 3.5 m<sup>2</sup> (1.70 x 2.05 m) and four, 2 m<sup>2</sup> (1.0 x 2.05 m). They were equipped with wooden platforms by way of benches or bunks; the larger compartments were equipped with six such platforms, with one additional fold-up section, and the smaller compartments with three.

All compartments had a grille to the corridor, and the windows to the outside of the train could be opened to provide ventilation. A separate toilet facility was available for prisoners. At the time of the visit, the wagon was not holding prisoners and its state of cleanliness was acceptable.

The delegation was informed that the railway wagon could transport a maximum of 104 prisoners: each of the 3.5 m<sup>2</sup> compartments could accommodate up to 16 prisoners and those measuring 2 m<sup>2</sup> up to 6. The information gathered by the delegation shows that the maximum authorised occupancy levels were on occasion reached for at least part of the train's journey.

112. Transport by rail operated twice per week, between Vilnius and Klaipėda, servicing seven other locations, including Kaišiadorys and Kaunas. However, the train to which the prisoners' wagon was attached also called at a number of other stations. All journeys took place at night, with departure at about 10.20 pm, and lasted a total of some 8 ½ hours. For most prisoners, the journey would only involve a part of the train's itinerary.

Nonetheless, from conversations with both prisoners and officers, it emerged that prisoners were taken to the station well ahead of their departure time and that they might be required to stay in the wagon following arrival at the end-of-line siding for some considerable time before being taken to their final destination. As a result, the actual duration of the journey could be much longer; the CPT received allegations from prisoners to the effect that their journey had, in all, lasted some 16 hours and that, on occasion, they had been taken directly from the train to court.

### **3. Transport by road**

113. Journeys by road tended to be much shorter than those by train; on average, they lasted between two and four hours and, in principle, did not involve long waiting periods.

114. The vehicles inspected by the delegation had multi-occupancy and single-occupancy cubicles equipped with narrow benches. The single-occupancy cubicles measured as little as 0.4 m<sup>2</sup> (e.g. 55 x 73 cm). Most vehicles had a means of ventilation (a hatch on the roof) and prisoners' compartments were often grille-fronted. However, certain of the smaller cubicles had solid metal doors and had no effective means of ventilation. Further, they provided barely enough knee and shoulder room for an average person.

### **4. Safety arrangements**

115. The safety of prisoners - and of staff charged with their supervision - in the means of transport described in paragraphs 111 to 114 above gives rise to much concern.

The CPT's delegation was informed that the doors of cubicles/compartments in the vehicles currently used for the transport of prisoners in Lithuania were secured with padlocks. None of the vehicles seen had any device for opening automatically (and/or rapidly) the doors in case of emergency. In their current state, such vehicles could, in case of emergency (e.g. accident or fire), become death traps.

## 5. Assessment

116. In view of the allegations of rough treatment and verbal abuse heard, **the CPT recommends that Convoy Division officers be reminded that ill-treatment of prisoners is not acceptable and will not be tolerated.**

117. Further, the manner in which detainees/prisoners are transported by the Convoy Division is completely unacceptable, having regard inter alia to the physical conditions in which prisoners are conveyed and the duration of their journeys. Current arrangements are particularly detrimental for persons who are brought before a court immediately following a long journey without having been offered appropriate rest, food and the opportunity to wash and change clothes.

It should be added that the fact of depriving someone of their liberty brings with it the responsibility to take reasonable measures to ensure their safety. This is clearly not the case at present in Lithuania as regards the transport of prisoners. The vehicles used should be suitably designed for their purpose, taking due account of all relevant safety requirements in order to protect prisoners, as well as staff, as far as possible in the event of an emergency or accident (e.g. locking systems should be reviewed, fire extinguishing devices should be made available).

118. **The CPT recommends that arrangements for the transport of prisoners be reviewed as a matter of urgency, having regard to the remarks made in paragraphs 111 to 115 and 117. The review should address inter alia the conditions to be offered to prisoners during transport (e.g. space per prisoner, lighting, ventilation, access to sanitary facilities) and safety requirements.**

Certain urgent measures should be adopted without waiting for the outcome of that review; **the CPT recommends that:**

- **the maximum number of prisoners who can be held in each compartment in the wagon used for transport by rail be significantly reduced: the 3.5 m<sup>2</sup> compartments should never be used to transport more than six persons; compartments measuring 2 m<sup>2</sup> should not be used for more than three persons;**
- **the cubicles measuring 0.4 m<sup>2</sup> in vans or trucks no longer be used for the transport of prisoners;** such a confined space is unsuitable for custody purposes, no matter how short the duration.

**The CPT also recommends that steps be taken to ensure that detained persons are placed in a position to appear before a court under conditions which guarantee respect for their dignity.**

## D. **Foreigners Registration Centre, Pabradė**

### 1. Preliminary remarks

119. The Foreigners Registration Centre in Pabradė falls under the authority of the Border Police Department of the Ministry of the Interior. Its purpose is to accommodate foreigners requesting refugee status in Lithuania as well as foreigners who have entered the country illegally. The Centre has been operating since the beginning of 1997 and is located in a former military base. A new building intended for the separate accommodation of asylum seekers will be inaugurated at the complex in the course of 2000.

The Centre's official capacity is 400; at the time of the visit, it was holding 54 persons (including 8 women and 5 children), who constituted an ethnically heterogeneous group including families with small children and persons recently released from prison and awaiting deportation. The Centre's population had in the past reached over 900; the Centre's Director attributed the recent drop in the number of residents to improved border controls and shifts in the routes used by illegal migrants.

The average length of stay at the Centre was two and a half months; however, certain residents had been held for up to fourteen months.

### 2. Ill-treatment

120. The delegation received some allegations of physical ill-treatment of persons held at the Centre by custodial staff. The ill-treatment alleged consisted of kicks allegedly inflicted on those detainees who had attempted to escape or refused to obey orders. Moreover, there were allegations of verbal abuse of detainees by members of staff.

In the light of the information gathered during the visit, **the CPT recommends that the Director of the Foreigners Registration Centre at Pabradė inform his staff that no circumstances whatsoever can justify the physical ill-treatment or verbal abuse of persons held at the Centre.**

121. As in other custodial settings, the best possible guarantee against the ill-treatment of persons held in centres for immigration detainees is properly recruited and trained supervisory staff. The CPT recognises that the staff of such centres have a particularly onerous task. First, there will inevitably be communication difficulties caused by language barriers. Second, many detainees will not easily accept the fact that they have been deprived of their liberty when they are not suspected of any criminal offence. Third, there is a risk of tension between detainees of different nationalities or ethnic groups. Supervisory staff in centres for the detention of foreigners should be carefully selected and should receive appropriate training. As well as possessing well-developed interpersonal communication skills, they should have some familiarity with the different cultures of the detainees and, to the extent possible, with some of their languages. Further, they should be taught to recognise possible symptoms of stress reactions displayed by detained persons (whether post-traumatic or induced by socio-cultural changes) and to take appropriate action.

**The CPT recommends that the Lithuanian authorities ensure that supervisory staff working with detained foreigners are appropriately selected and trained, having regard to the above remarks.**

122. The information gathered by the delegation suggests that there is also scope to develop the contribution made by the institution's health care service to preventing ill-treatment. In this connection, **the CPT recommends that whenever a resident is medically examined following a conflictual incident (escape attempt or any violent episode) in the establishment, the medical record drawn up should contain:**

- i) **a full account of statements made by the person concerned which are relevant to the medical examination, including any allegations of ill-treatment;**
- ii) **a full account of objective medical findings based on a thorough examination;**
- iii) **the health care professional's conclusions in the light of i) and ii).**

### **3. Conditions of detention**

123. Centres for the detention of foreigners should provide accommodation which is adequately furnished, clean and in a good state of repair, and which offers sufficient living space for the numbers involved. Further, care should be taken in the design and layout of the premises to avoid as far as possible any impression of a carceral environment.

Regime activities in detention centres for foreigners should include outdoor exercise, access to a day room and to radio/television and newspapers/magazines, as well as other appropriate means of recreation (e.g. board games, table tennis). The specific needs of children should also be taken into account. The longer the period for which persons are detained, the more developed should be the activities which are offered to them.

Conditions of detention in the Foreigners Registration Centre at Pabradė in general met these requirements.

124. The Pabradė Centre comprised a complex of buildings surrounded by coniferous trees. At the time of the visit, a new three-level building was nearing completion.

Single male residents and families with children were accommodated in block 1, a three-level building. The third floor was out of use at the time of the visit. The families occupied separate dormitories, while the single men shared dormitories in groups of up to ten. Conditions of accommodation in the spacious, appropriately furnished dormitories were on the whole acceptable, even though the block was somewhat dilapidated. The sanitary facilities had been renovated recently (September 1999) and were clean; however, hot water appeared to be available only for short intervals in the early morning hours. The space had been rendered more inviting by residents themselves, who had the opportunity to personalise their rooms and the corridors with various decorations, pictures and murals.

At the time of the visit, single women were accommodated in a separate single-story building which, in most respects, offered similar conditions of accommodation to block 1; **however, the sanitary facilities were in a poor state of repair and lacked hot water.** The seven single women residing at the centre were sharing a large, 78 m<sup>2</sup> room.

125. The accommodation facilities in the new three-level building were of a high standard. Each of the top two floors had eleven four-person dormitories measuring almost 20 m<sup>2</sup>, containing appropriate furnishings and personal storage space. Apart from modern sanitary and shower facilities (separate for men and women), each of the floors contained kitchen/dining rooms equipped with new appliances. The director indicated that he was awaiting a further delivery of furniture before putting the building to use.

The CPT welcomes the construction of the new accommodation facilities at the Pabradė Centre and **would like to receive confirmation that they are now in service.**

126. As regards activities, according to the Rules on Foreigners Temporarily Accommodated at Pabradė Centre (May 1999), residents were expected to clean the dormitories and the communal areas (including the kitchen and dining hall). Further, since May 1999, the Lithuanian Red Cross Society had been actively involved in developing and sponsoring activities for the Centre's residents. With the Society's assistance, a library with reading matter in various languages was established at the Centre. Residents were assisted in organising certain sports activities, such as volleyball and tennis. Further, a teacher from the school system in Pabradė had been visiting the Centre since December 1999 and providing classes on different subjects to young children. Residents also had access to television, including to programmes broadcast in a variety of languages.

**The CPT trusts that efforts will continue to be made to offer a developed programme of activities to residents of the Pabradė Centre.**

#### 4. Other issues of relevance to the CPT's mandate

##### a. medical care

127. Arrangements for medical care at the Padrabė Centre were in principle adequate; in particular, the CPT is pleased to note that all detainees were being medically screened on arrival.

The health care staff included three nurses who provided continuous cover between 8 am and 6 pm each day. In addition, part-time assistance was available from a paediatrician, a dentist, and an ear-nose-throat specialist. However, the post of head doctor was vacant at the time of the visit, and the visiting paediatrician was obliged to assist with general medical needs. **The CPT would like to receive confirmation that this vacant post has now been filled.**

The Centre had new medical facilities located on the ground floor of the new building, consisting of a doctor's room, a nurse's room, a 2-bed medical isolation room with an annex, a small laboratory, a treatment room and a dispensary. In addition, there were two quarantine rooms, each containing two beds and a sanitary annex. These facilities were of a high standard.

##### b. contact with the outside world

128. Visits were arranged with the permission of the Centre's management, upon submission of a written application. The Centre's director indicated that he strove to the greatest extent possible to enable residents to maintain contact with their families.

Card telephones were also available for the use of residents, and phone cards could be purchased from the Centre's shop.

129. However, the delegation received a number of complaints from residents about their correspondence, which appeared to be subject to significant delays. **The CPT recommends that the Lithuanian authorities examine whether the control of residents' correspondence at the Padradė Centre is causing excessive delays and, if appropriate, take remedial action.**

c. discipline

130. The Internal Regulations of the Pabradė Centre, which are distributed to residents in various languages (Lithuanian, Russian, English), provide that the authorities of the Centre “will take strict measures... in case of violation of the Internal Regulations”. However, the document does not specify the types of measures which may be imposed.

In May 1999, the Director of the Centre issued a document entitled “Provisional Disciplinary Rules for Aliens Temporarily Placed in the Centre” (which apparently had not been translated and distributed to residents), stipulating that three types of sanctions may be imposed for disciplinary infractions: oral reprimand, suspension of the right to receive bank transfers and solitary confinement.

131. The Director of the Centre informed the delegation that he instructed custodial staff to employ, first and foremost, verbal persuasion when order needed to be restored. Solitary confinement was to be used as a measure of last resort, and three “quarantine cells” in block 1 served this purpose. However, no written record was kept of placement in the cells.

**The CPT recommends that clear rules be produced regarding disciplinary procedures at the Pabradė Centre. The rules should include a formal right for residents to be heard on the subject of the offence it is alleged they have committed and an entitlement to appeal to a higher body against any disciplinary sanctions imposed on them. Further, any instance of the imposition of a disciplinary measure and, in particular, the measure of solitary confinement, should be systematically recorded in a special register drawn up for that purpose.**

### III. RECAPITULATION AND CONCLUSIONS

#### A. Police establishments

132. It would appear from the information gathered in the course of the visit that, over recent years, there has been a marked improvement in the manner in which the Lithuanian police treat persons in their custody. Nevertheless, a significant proportion of the persons interviewed by the CPT's delegation who were or who had been detained by the police alleged that they had been ill-treated while in custody; the majority of the allegations related to the period surrounding the initial investigation by the police. The forms of ill-treatment alleged consisted mostly of slaps, punches, kicks and blows with a variety of objects. In certain cases, the ill-treatment alleged - e.g. partial suffocation by placing a rubber gas mask over the person's face and severe beating - could be qualified as torture. Frequent allegations were also heard about the use of excessive force by police officers at the time of arrest.

133. The CPT has stressed that the provision of adequate professional training, incorporating human rights principles, is an essential element of any strategy for the prevention of ill-treatment. In this respect, the Committee has recommended that a very high priority be given to ongoing professional training at all levels of the law enforcement hierarchy. The CPT has also recommended that the relevant national authorities as well as senior police officers make it clear to police officers that the ill-treatment of persons in their custody is not acceptable and will be dealt with severely.

The role of public prosecutors and judges is also important in this context. They should closely supervise the activities of the police, be alert to any signs of ill-treatment and, when necessary, take appropriate action.

134. As regards formal safeguards against ill-treatment for persons detained by the police, the CPT has welcomed the fact that, in principle, such persons have the right to inform a close relative of their situation, the right of access to a lawyer, and the right to health care. However, having regard to its delegation's findings, the Committee has recommended that measures be taken to ensure that these rights are rendered fully effective in practice. Further, the CPT has recommended that the needs in relation to health care services in police detention centres be reviewed. Existing provisions concerning the right of persons in police custody to have access to a doctor should be developed with a view to ensuring medical confidentiality, the adequate recording of the results of medical examinations and the right of detained persons to be examined, if they so wish, by a doctor of their choice.

135. A number of recommendations and comments have also been made by the CPT concerning other safeguards against ill-treatment, including as regards the provision of information on rights, the drawing up of a code of conduct for interrogations, and custody records.

136. The delegation's findings fully confirmed the Lithuanian authorities' own assessment that conditions of detention in many police establishments are not satisfactory. The cells seen by the CPT's delegation often had little or no access to natural light and dim artificial lighting, and were dirty and poorly ventilated. Potential and actual cell occupancy levels were frequently too high. Further, persons held overnight did not routinely receive a mattress or bedding, and the food provided to them was very meagre. Detained persons may be held for prolonged periods under these conditions, which, in some instances, could fairly be described as inhuman and degrading.

The CPT recognises that the Lithuanian authorities are attempting to redress the situation and that fundamental changes will not be possible overnight. However, the Committee has identified a number of specific measures not requiring major financial outlay which must be taken at once with a view to improving conditions in police detention centres.

## B. Prisons

137. The delegation received relatively few allegations of physical ill-treatment of inmates by prison staff in Lithuania. However, some allegations of kicks, slaps and blows with batons were heard at Vilnius Prison; further, a small number of inmates at Pravieniškės Strengthened Regime Colony N° 2 complained that they had been verbally abused by staff.

The CPT has recommended that prison officers at both of those establishments receive the clear message that the ill-treatment of prisoners is not acceptable and will be dealt with severely.

138. In both of the prisons visited, the CPT's delegation received recurrent accounts of inter-prisoner violence. It appears that a significant number of prisoners lived in fear of physical violence and were subjected to a host of indignities (being forced to clean for others, verbal abuse) by stronger prisoners. An examination of the injury registers at each establishment lent credence to these allegations.

The CPT has emphasised that the duty of care which is owed by the prison authorities to prisoners in their charge includes the responsibility to protect them from other inmates who might wish to cause them harm; the information gathered suggests that much remains to be done in this respect. The Committee has recommended that the Lithuanian authorities develop and implement a concrete strategy to address the problem of inter-prisoner violence.

139. Material conditions in the prisons visited were marked by varying degrees of overcrowding. At Pravieniškės Strengthened Regime Colony N° 2, the effects of overcrowding in dormitories (e.g. between 30 and 40 prisoners in 50 to 55 m<sup>2</sup>) were somewhat mitigated by the "open doors" regime which prevailed during the day. At Vilnius Prison, overcrowding was even worse: cells measuring around 8 m<sup>2</sup>, including a lavatory with a waist-level partition, were being used to accommodate up to six persons. The situation was exacerbated by the fact that prisoners spent 23 hours of each day in such cells.

The CPT has welcomed efforts being made to address the problem of overcrowding, which has been identified as the main challenge facing the prison system. The Committee has recommended that the Lithuanian authorities continue to pursue vigorously multi-faceted policies designed to reduce prison overcrowding. It has also recommended that, as the impact of these policies makes itself felt, reducing the occupancy levels in the 8 m<sup>2</sup> cells at Vilnius Prison be considered a priority; cells of such a size should not be used to accommodate more than 2 inmates. As for dormitory accommodation, the objective should be to offer at least 4 m<sup>2</sup> per prisoner.

140. In step with the reduction of the prison population, efforts should be made to develop the programmes of activities offered to prisoners. In both establishments visited, the vast majority of inmates were left to their own devices for most of the time. The aim should be to ensure that all prisoners are able to spend a reasonable part of the day (i.e. eight hours or more) outside their cells, engaged in purposeful activities of a varied nature (recreation/association; work, preferably with vocational value; education; sport).

141. The CPT's delegation heard many complaints, particularly at Pravieniškės, about the quality of health care and about significant delays in access to a doctor; these problems were apparently linked to the insufficient presence of general practitioners in the establishment. The CPT has recommended that the health care team at Pravieniškės be reinforced. Further, in both prisons visited, there was room for improvement as regards the recording of injuries observed on newly-arrived prisoners, or on prisoners following a violent episode within prison, and of relevant statements by the prisoners concerned.

142. The CPT has also recommended that the Lithuanian authorities accord a high priority to the completion of the new premises for the Prison Hospital. In the interim, genuine efforts should be made to reduce overcrowding in the existing facilities, in particular in the tuberculosis unit. Staffing levels at the hospital should also be reviewed.

143. Other issues addressed in the CPT's report concern contact with the outside world, discipline/segregation, and complaints and inspection procedures. The Committee has, in particular, recommended in relation to the Pravieniškės establishment that all prisoners undergoing segregation - including for disciplinary reasons - be allowed access to reading matter, and that the regime offered to persons undergoing administrative segregation for prolonged periods be developed.

### C. The Convoy Division

144. The manner in which detainees/prisoners are transported by the Convoy Division is completely unacceptable, having regard to the physical conditions in which prisoners are conveyed and the duration of their journeys. Current arrangements are particularly detrimental for persons who are brought before a court immediately following a long journey without having been offered appropriate rest, food and the opportunity to wash and change clothes. The CPT has recommended that arrangements for the transport of prisoners be reviewed as a matter of urgency; the review should address both the conditions to be offered to prisoners during transport and safety requirements.

**D. Foreigners Registration Centre, Pabradė**

145. The delegation received some allegations of physical ill-treatment and verbal abuse of persons held at the Foreigners Registration Centre. The CPT has recommended that the Director of the Centre inform his staff that no circumstances whatsoever can justify such acts.

At the same time, the CPT has recognised that the staff of centres for the detention of foreigners have a particularly onerous task. Consequently, it is essential to ensure that supervisory staff assigned to such centres are appropriately selected and trained.

146. Material conditions of detention at the Pabradė Centre were, on the whole, of an acceptable standard, and accommodation facilities in a new three-level building were of a high standard. Further, efforts have been made in recent times to develop activities for residents at the centre; the CPT has expressed the hope that those efforts will continue.

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

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

148. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the CPT requests the Lithuanian 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 (N.B. the Committee has indicated the urgency of certain of its recommendations);
- 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 Lithuanian 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. Ill-treatment**

###### recommendations

- a very high priority to be given to professional training for police officers of all ranks and categories, taking into account the remarks set out in paragraph 15. Experts not belonging to the police force to be involved in this training (paragraph 15);
- an aptitude for interpersonal communication to be a major factor in the process of recruiting police officers and, during the training of such officers, considerable emphasis to be placed on acquiring and developing interpersonal communication skills (paragraph 15);
- the relevant national authorities as well as senior police officers to make it clear to police officers that the ill-treatment of persons in their custody is not acceptable and will be dealt with severely (paragraph 16);
- whenever a public prosecutor or judge receives an allegation of ill-treatment by the police, or observes that a criminal suspect brought before him may have been a victim of ill-treatment, he/she should immediately request a medical examination of the person concerned and bring the matter to the attention of the relevant public prosecutor (paragraph 17);
- public prosecutors to be encouraged to undertake on-the-spot supervision of police detention facilities (paragraph 17);
- police officers to be reminded of that no more force than is strictly necessary is to be used when effecting an apprehension and that, once apprehended persons have been brought under control, there can be no justification for striking them (paragraph 18).

###### requests for information

- in respect of 1999 and 2000:
  - . the number of complaints of ill-treatment made against police officers and the number of criminal/disciplinary proceedings which were instituted as a result;
  - . an account of criminal/disciplinary sanctions imposed following complaints of ill-treatment by the police (paragraph 19).

## 2. Conditions of detention

### recommendations

- immediate steps to be taken to ensure that all persons held in police detention centres:
  - are provided at night with a mattress, blankets and sheets, which are cleaned at appropriate intervals;
  - have the necessary basic personal hygiene products (soap, toothbrush and toothpaste, towel, sanitary towels, etc.) at their disposal;
  - are allowed to take a hot shower at least once a week;
  - receive the necessary materials to maintain their cells in a clean and hygienic state (paragraph 35);
- immediate steps to be taken to:
  - improve cell lighting in police detention facilities (artificial lighting should be sufficient to enable detained persons to read, sleeping periods excluded and, as far as possible, there should be access to natural light) and to verify that cell ventilation and heating are adequate;
  - properly partition all in-cell toilet facilities;
  - increase substantially the amount of food provided to persons detained in police detention facilities and to ensure that they have ready access to drinking water in salubrious conditions (paragraph 35);
- steps to be taken to ensure that, in those establishments currently equipped with exercise yards, all detained persons are offered at least one hour of outdoor exercise every day (paragraph 35);
- all holding cubicles measuring less than 1.5 m<sup>2</sup> to be withdrawn from service (paragraph 35).

### comments

- the 4.5 m<sup>2</sup> cell at the Kaunas Police Detention Centre should not accommodate more than one person overnight (paragraph 28);
- the Lithuanian authorities should persist in their efforts to improve conditions in police detention facilities and, in particular, to respect the existing minimum requirement of 5 m<sup>2</sup> per person and to create outdoor exercise areas in those police detention centres which do not, at present, possess them (paragraph 36);

- efforts should be made to offer out-of-cell activities (in addition to outdoor exercise) to persons held for lengthy periods in police detention facilities (e.g. those in administrative detention) (paragraph 36).

requests for information

- the progress made in securing the financial resources necessary to improve conditions of detention in police establishments (paragraph 22).

**3. Safeguards against ill-treatment of persons detained by the police**

recommendations

- legal provisions to be adopted to ensure that all persons detained by the police, including those held for identification or under administrative law provisions, have a formally recognised right to inform a close relative or third party of their choice of their situation as from the very outset of their detention. Any possibility exceptionally to delay the exercise of this right to be clearly circumscribed, made subject to appropriate safeguards (e.g. any such delay to be recorded in writing together with the reasons therefor and to require the approval of a senior police officer or public prosecutor) and strictly limited in time (paragraph 40);
- steps to be taken to render the right of access to a lawyer fully effective in practice, as from the outset of custody (paragraph 43);
- the needs of health care services in police detention centres to be reviewed (paragraph 47);
- existing legal provisions concerning the right of persons in police custody to have access to a doctor to be developed. Those provisions should stipulate inter alia that:
  - a person taken into police custody has the right to be examined, if he so wishes, by a doctor of his own choice, in addition to any medical examination carried out by a doctor called by the police authorities;
  - all medical examinations of persons in custody are to be conducted out of the hearing and - unless the doctor concerned expressly requests otherwise in a given case - out of the sight of police officers;
  - the results of every examination, as well as any relevant statements by the person in custody and the doctor's conclusions, are to be recorded in writing by the doctor and made available to the person in custody and his lawyer;
  - the confidentiality of medical data is to be strictly observed (paragraph 47);

- a form setting out in a straightforward manner the rights of persons in police custody to be systematically given to such persons at the very outset of their deprivation of liberty. The form should be available in an appropriate range of languages. Further, the persons concerned should be asked to sign a statement attesting that they have been informed of their rights (paragraph 48);
- a code of conduct for interviews/questioning of suspects to be drawn up. In addition to reiterating the total prohibition of ill-treatment, the code should deal, inter alia, with the following: the systematic informing of the detainee of the identity (name and/or number) of those present at the interview; the permissible length of an interview; rest periods between interviews and breaks during an interview; places in which interviews 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 or medicine, or who are in a state of shock. It should also be stipulated that a systematic record be kept of the times at which interviews start and end, the persons present during each interview and any request made by the detainee during the interview. The position of specially vulnerable persons (for example, the young, those who are mentally disabled or mentally ill) should be subject to specific safeguards (paragraph 49).

comments

- the safeguards offered to persons in police custody would be reinforced if a single and comprehensive custody record were to be kept for each person detained, in which would be recorded all aspects of his/her custody and all the action taken in connection with it (time of and reason(s) for the arrest; when informed of rights; signs of injury, mental disorder, etc.; contact with and/or visits by a relative, lawyer, doctor or consular officer; when offered food; when questioned; when brought before a judge; when released, etc.). For certain matters (for example, the removal of personal effects, 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. The detainee's lawyer should have access to such a custody record (paragraph 50).

requests for information

- whether the right to inform a detained person's close relative can be withheld other than on the grounds that so doing can pose a threat to the security of his/her family (paragraph 39).

**B. Prisons**

**1. Preliminary remarks**

recommendations

- policies designed to reduce prison overcrowding to be pursued vigorously and, in this context, inspiration to be drawn from Committee of Ministers Recommendation No. R (99) 22 concerning prison overcrowding and prison population inflation (paragraph 58).

**2. Ill-treatment**

recommendations

- an aptitude for interpersonal communication to be a major factor in the process of recruiting prison officers and, during their induction and in-service training, considerable emphasis to be placed on acquiring and developing interpersonal communication skills. Building positive relations with prisoners to be recognised as a key feature of a prison officer's vocation (paragraph 61);
- a concrete strategy to address the problem of inter-prisoner violence to be developed and implemented (paragraph 66).

comments

- it would be appropriate for the Directors of Pravieniškės and Vilnius Prisons to deliver to their staff the clear message that both physical ill-treatment and verbal abuse of inmates is not acceptable (paragraph 61).

requests for information

- in respect of 1999 and 2000:
  - . the number of complaints of ill-treatment lodged against custodial staff in all prisons in Lithuania and the number of disciplinary and/or criminal proceedings initiated as a result of those complaints;
  - . an account of disciplinary/criminal sanctions imposed on the grounds of ill-treatment by custodial staff (paragraph 62).

### **3. Conditions of detention**

#### recommendations

- reducing occupancy levels in the 8m<sup>2</sup> cells at Vilnius Prison to be considered a priority. A cell of such a size should not be used to accommodate more than two inmates, and ideally should be used for single occupancy (paragraph 75);
- current occupancy levels in dormitories to be progressively reduced; the objective should be to offer at least 4 m<sup>2</sup> per prisoner (paragraph 75);
- immediate steps to be taken properly to partition in-cell toilet facilities (paragraph 75);
- in step with the reduction of the prison population, efforts to be made to develop the programmes of activities offered to prisoners. The aim should be ensure that all prisoners in the two establishments visited (and in all prisons in Lithuania) are able to spend a reasonable part of the day (i.e. eight hours or more) outside their cells engaged in purposeful activities of a varied nature (recreation/association; work, preferably with vocational value; education; sport) (paragraph 76);
- immediate steps to be taken to ensure that all prisoners at Vilnius Prison - including those held in the quarantine section - are allowed at least one hour of outdoor exercise every day. Efforts should also be made to improve the outdoor exercise facilities at that establishment (paragraph 76).

### **4. Health care services**

#### recommendations

- the health care team at Pravieniškės Strengthened Regime Colony No. 2 to be reinforced (paragraph 81);
- steps to be taken to ensure that screening on admission is performed without delay (paragraph 83);
- written information on the prison's health care service and on related issues such as preventive measures and health promotion to be provided systematically to inmates upon arrival in the prison (paragraph 83);

- the record drawn up after a medical examination of a prisoner to contain:
  - (i) a full account of statements made by the person concerned which are relevant to the medical examination, including any allegations of ill-treatment;
  - (ii) a full account of objective medical findings based on a thorough examination;
  - (iii) the doctor's conclusions in the light of (i) and (ii) (paragraph 84);
- existing procedures to be reviewed in order to ensure that whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a prisoner, the record is systematically brought to the attention of the relevant prosecutor (paragraph 84);
- steps to be taken to ensure that medical confidentiality vis-a-vis HIV-positive prisoners is respected in practice (paragraph 86).

comments

- there is a need to review the staffing levels of health care services in the prisons visited (paragraph 81);
- there is no medical justification for the segregation of a prisoner solely on the grounds that he is HIV positive (paragraph 86).

requests for information

- comments on the possibility of increasing the involvement of the Ministry of Health in prison health care (paragraph 77).

**1. The Prison Hospital**

recommendations

- a high priority to be accorded to the completion of the new premises for the Prison Hospital. In the interim, genuine efforts to be made to reduce overcrowding in the existing facilities, in particular in the tuberculosis unit (paragraph 91);
- staffing levels at the hospital to be reviewed (paragraph 91).

## 2. Other issues

### recommendations

- the number of visits for sentenced prisoners at Vilnius Prison to be increased and, in due course, the formal visiting entitlement to be revised (paragraph 93);
- measures to be adopted to ensure that the official capacities of the cells in the segregation unit at Pravieniškės Strengthened Regime Colony No. 2 are not exceeded and, in due course, those capacities to be reduced (paragraph 101);
- all persons undergoing segregation - including for disciplinary reasons - to be allowed access to reading matter (paragraph 101);
- the regime applied to prisoners placed in administrative segregation for prolonged periods to be developed (paragraph 101);
- immediate steps to be taken to ensure that persons held in the segregation unit at Pravieniškės Strengthened Regime Colony No. 2 are offered at least one hour of outdoor exercise every day. Further, steps to be taken to ensure that such prisoners have sufficient space to exert themselves physically during the exercise period (paragraph 102);
- the provision of health care to prisoners held in Unit 21 of Pravieniškės Strengthened Regime Colony No. 2 to be examined (paragraph 105);
- the questions of staff presence and activities offered to prisoners held in Unit 21 to be reviewed (paragraph 105);
- current arrangements for visits to prisons by independent bodies to be reviewed (paragraph 107).

### comments

- the Lithuanian authorities are invited to examine whether the control of prisoners' correspondence at Vilnius Prison is causing excessive delays and, if appropriate, take remedial action. Consideration might usefully be given to ending the practice of systematically censoring all prisoner correspondence (paragraph 96);
- the Lithuanian authorities are invited to add the President of the CPT to the list of authorities with whom prisoners can communicate by confidential letter (paragraph 106).

### requests for information

- the percentage of remand prisoners in Lithuania who were granted visiting rights during the first half of 2000, and the permitted frequency and duration of such visits (paragraph 95);

- whether prisoners have the right to appeal against decisions restricting their external contacts (paragraph 95);
- confirmation that letters to the persons and entities mentioned in paragraph 106 are not censored (paragraph 106).

### C. **The Convoy Division**

#### recommendations

- Convoy Division officers to be reminded that ill-treatment of prisoners is not acceptable and will not be tolerated (paragraph 116);
- arrangements for the transport of prisoners to be reviewed as a matter of urgency, having regard to the remarks made in paragraphs 111 to 115 and 117. The review to address inter alia the conditions to be offered to prisoners during transport (e.g. space per prisoner, lighting, ventilation, access to sanitary facilities) and safety requirements (paragraph 118);
- without waiting for the outcome of the above-mentioned review:
  - . the maximum number of prisoners who can be held in each compartment in the wagon used for transport by rail to be significantly reduced: the 3.5 m<sup>2</sup> compartments should never be used to transport more than six persons; compartments measuring 2 m<sup>2</sup> should not be used for more than three persons;
  - . the cubicles measuring 0.4 m<sup>2</sup> in vans or trucks no longer to be used for the transport of prisoners  
(paragraph 118);
- steps to be taken to ensure that detained persons are placed in a position to appear before a court under conditions which guarantee respect for their dignity (paragraph 118).

### D. **Foreigners Registration Centre, Pabradė**

#### **1. Ill-treatment**

#### recommendations

- the Director of the Foreigners Registration Centre to inform his staff that no circumstances whatsoever can justify the physical ill-treatment or verbal abuse of persons held at the Centre (paragraph 120);
- supervisory staff working with detained foreigners to be appropriately selected and trained (paragraph 121);

- whenever a resident is medically examined following a conflictual incident (escape attempt or any violent episode) in the establishment, the medical record drawn up to contain:
  - i) a full account of statements made by the person concerned which are relevant to the medical examination, including any allegations of ill-treatment;
  - ii) a full account of objective medical findings based on a thorough examination;
  - iii) the health care professional's conclusions in the light of i) and ii) (paragraph 122).

## **2. Conditions of detention**

### comments

- the sanitary facilities in the building accommodating single women at the Pabradė Centre were in a poor state of repair and lacked hot water (paragraph 124);
- efforts should continue to be made to offer a developed programme of activities to residents of the Pabradė Centre (paragraph 126).

### requests for information

- confirmation that the new accommodation facilities at the Pabradė Centre are now in service (paragraph 125).

## **3. Other issues of relevance to the CPT's mandate**

### recommendations

- the Lithuanian authorities to examine whether the control of residents' correspondence at the Pabradė Centre is causing excessive delays and, if appropriate, take remedial action (paragraph 129);
- clear rules to be produced regarding disciplinary procedures at the Pabradė Centre. The rules to include a formal right for residents to be heard on the subject of the offence it is alleged they have committed and an entitlement to appeal to a higher body against any disciplinary sanctions imposed on them. Further, any instance of the imposition of a disciplinary measure and, in particular, the measure of solitary confinement, to be systematically recorded in a special register drawn up for that purpose (paragraph 131).

### requests for information

- confirmation that the post of head doctor at the Pabradė Centre has now been filled (paragraph 127).

## APPENDIX II

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

#### **A. National authorities**

##### Ministry of Justice

Mr Gintaras BALČIŪNAS	Minister for Justice
Mr Gintaras ŠVEDAS	Vice-Minister for Justice
Ms Aušra BERNOTIENĖ	Deputy Director of International Law and European Integration

##### Ministry of the Interior

Mr Česlovas BLAŽYS	Minister for the Interior
Mr Juozas GALGINAITIS	Vice-Minister
Mr Vytautas MARKEVIČIUS	Vice-Minister
Mr Jonas BLAŽEVIČIUS	Director of the Prison Service
Mr Olegas SKINDERSKIS	Director of International Relations and European Integration
Mr Visvaldas RAČKAUSKAS	Commissar General of the Police
Mr Algimantas SONGAILA	Commissar General of the Border Police
Mr R.omualdas BUDGINAS	Chief Commissar, Deputy Commissar General of the Police
Mr Vytautas NAVICKAS	Chief Commissar, Organisational Division of the Police
Mr Viktoras BLINSTRUPAS	Senior Commissar, Criminal Police Interrogation Service
Mr Remigijus KALAŠNYKAS	Senior Commissar, Public Order and Licensing Service
Mr Gražvydas GRIGALIONIS	Commissar, Special Institutions and Escort Division, Public Order and Licensing Service
Mr Julius JASAITIS	Inspector General of the Ministry of Interior
Mr Janas VIDICKAS	Deputy Director, Migration Department
Mr Kęstutis PETRAUSKAS	Deputy Director, Health Care Services
Ms Elena MARTINONIENĖ	Press Officer

Ministry of Health

Mr Vytautas KRIAUZA	Vice-Minister for Health
Mr Juozapas Petras RADIKAS	Deputy Secretary of the Ministry
Mr Vytautas RADAVIDIŪS Mr Ramunė NAVICKIENĖ	Director of the Health Care Division Director of the Law Division
Mr Viktoras. MEIŽIS	Director of International Relations and European Integration
Mr Jelena MARCINKAUSKIENĖ	Deputy Director of the Forensic Psychiatry and Narcotics Agency
Ms Ona DAVIDONIENĖ	Director, Public Mental Health Centre
Mr Vytautas GAILIUS	Director of the Emergency Health Situations Centre

Ministry of Education

Ms Gražina PALIOKIENĖ	Vice-Minister of Education and Science
Ms Ligita VAICEKAUSKAITĖ	Chief Official, Section of Social Problems, Department of Social Policy

Ministry of Social Affairs and Labour

Mr. Vladimiras GRAŽULIS Mr Laurynas BIEKŠA	Chairman of the Secretariat of Refugee Matters Chief Official, Secretariat of Refugee Matters
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Other authorities

Mr Emanuelis ZINGERIS	Chairman of the Seimas (Parliament) Committee of Human and Citizens's Rights and Nationality Issues
Mr Algimantas SALAMAKINAS Mr Kęstutis ČILINSKAS	Vice-Chairman of the Committee Chief Counsellor of the Committee
Ms Leonarda KUODIENĖ	Seimas Ombudsman
Mr Virginijus SABUTIS	Chief Prosecutor of Vilnius

**B. Other bodies**

Lithuanian Section of the International Committee of the Red Cross

UNHCR

**C. Non-governmental organisations**

Lithuanian Human Rights Association

Lithuanian Prisoners' Aid Association