

EXECUTIVE SUMMARY

The primary purpose of the CPT's 2017 ad hoc visit to Serbia was to examine the treatment of persons deprived of their liberty by the police and to look into the manner in which complaints of ill-treatment of detained persons by police officers were handled, as regards both disciplinary and criminal investigations and proceedings. Further, the treatment of remand prisoners and their conditions of detention were also examined, as were the material conditions in police stations.

The co-operation received by the delegation throughout the visit was, on the whole, excellent. However, the principle of co-operation set out in Article 3 of the Convention also requires that decisive steps be taken to improve the situation in the light of the Committee's key recommendations. In this context, the CPT trusts that the Serbian authorities will take concrete measures to address long-standing recommendations such as those concerning the use made of remand detention and tackling seriously the issue of ill-treatment by police officers.

Law enforcement agencies

The CPT's delegation received a significant number of allegations of physical ill-treatment of detained persons by police officers, notably in larger urban areas. The physical ill-treatment alleged consisted of slaps, punches, kicks and truncheon blows, strikes with various non-standard objects (such as baseball bats) and also several claims of criminal suspects being subjected to shocks from electrical discharge devices at the time of apprehension or during questioning. The intended purpose of the ill-treatment was apparently to coerce suspects to admit to certain offences or to punish them. The report refers to a number of cases where the CPT's delegation gathered medical evidence and other documentation which were consistent with the allegations of ill-treatment made by detained persons.

The Serbian authorities must recognise that the existence of ill-treatment by police officers is a fact; it is not the work of a few rogue officers but rather an accepted practice within the current police culture, notably among crime inspectors. Therefore, the competent authorities must promote a fundamentally different approach towards methods of police investigation, which is not based on confession evidence but upon obtaining accurate and reliable information in order to discover the truth about the matter under investigation. The Serbian authorities need to take determined action to combat police ill-treatment, which should include training for crime inspectors on appropriate interview and investigation techniques, and holding senior officers accountable for their line-management responsibilities. Further, the Serbian authorities should establish dedicated interview rooms with audio and/or video equipment for recording police interviews.

In order to counter the current culture of impunity that permeates parts of the various police forces within the country, it is essential that effective investigations into allegations of ill-treatment are undertaken and that criminal acts by the police are punished. Ideally, the Serbian authorities will establish an independent police complaints body. However, the CPT recognises that this is a longer-term objective and considers that, in the shorter term, the Serbian authorities should take action to reinforce the capabilities of the Sector of Internal Control of the Ministry of the Interior (SUKP) and to end the practice of senior officers from the same organisational unit investigating subordinate officers accused of acts of ill-treatment. To carry out effective investigations in a timely and thorough manner, the SUKP should be sufficiently resourced, including reinforcing its staffing levels, ensuring its investigators are properly trained and enhancing its investigative capabilities (such as by ordering forensic medical examinations of alleged victims of police ill-treatment).

As regards the effectiveness of prosecutorial investigations, the CPT found that preliminary criminal investigation activities frequently did not meet the requirements of thoroughness. Consequently, the CPT considers that prosecutors should always conduct investigative actions themselves, regardless of whether or not the “shortened procedure” applies, and such investigations should be conducted in a comprehensive manner. The CPT also examined a number of judicial decisions which revealed several problem areas such as the excessive length of proceedings, and the leniency of sentences. The CPT recalls the importance of ensuring that adequate sanctions are imposed on law enforcement officials found guilty of having ill-treated a person.

In respect of safeguards against ill-treatment of persons deprived of their liberty by the police, a number of shortcomings were observed in relation to the delayed notification of custody, access to and poor performance by *ex officio* lawyers in preventing ill-treatment, and the lack of confidentiality of medical examinations of detained persons. Further, steps should be taken to render custody records comprehensive and effective in recording a detained person’s time in police detention. In addition, a code of conduct for police interviews should be drawn up.

Material conditions in certain police stations, such as Pančevo District Police Station, were acceptable. However, the cells in many of the police stations visited were dilapidated and in a poor state of repair, with little or no access to natural light, poor artificial lighting and inadequate ventilation. Action also needs to be taken to ensure that all detained persons are offered water and food at appropriate intervals.

Prisons (Pre-trial sections)

In the pre-trial sections of the establishments visited, overcrowding remained a problem and concrete action should be taken to ensure that all remand prisoners are afforded a minimum of 4m² of living space each in multiple-occupancy cells, excluding the sanitary annexe. This is all the more important given that pre-trial detainees are locked in their cells for 22 or more hours a day for months on end, with no access to purposeful activities and numerous judicially-imposed restrictions throughout the pre-trial period. The CPT considers that such a regime is a relic of the past. The Serbian authorities should devise and implement a comprehensive regime of out-of-cell activities for remand prisoners. As for juveniles on remand, immediate steps should be taken to offer educational and recreation activities tailored to them. Likewise, female inmates on remand should be offered purposeful activities and appropriate human contact, particularly when they are held in conditions akin to solitary confinement.

Material conditions were satisfactory in the renovated sections of Belgrade and Prokuplje District Prisons. However, the remand sections in the other prisons visited had inadequate ventilation, insufficient lighting, poor hygienic conditions and signs of dilapidation. The Serbian authorities should pursue their efforts to improve the conditions of detention in prisons and remedy the specific issues highlighted in the report.

The important role of health care services in prisons is highlighted. It is essential that every newly admitted prisoner is properly interviewed and physically examined by a medical doctor within 24 hours of admission. Further, steps must be taken to ensure that there is systematic recording of all injuries and that the traumatic injury reports relating to injuries likely to have been caused by ill-treatment are automatically forwarded to the body empowered to conduct investigations. Such a procedure has been instituted recently at Belgrade and Novi Sad District Prisons, which is a positive development. Recommendations are also reiterated concerning the confidentiality of medical examinations and the development of a comprehensive strategy for the provision of assistance to prisoners with drug-related problems.

In order to further promote contact with the outside world, visiting arrangements at all remand detention units should be reviewed to ensure that prisoners receive at least three visits of one hour every month, as provided for in the 2014 Code of Criminal Procedure, and preferably the equivalent of one hour every week. Further, the Serbian authorities should institute a rule of open visits for all prisoners, with closed visits as the exception.