

## EXECUTIVE SUMMARY

In the course of the visit, the CPT's delegation examined the treatment of persons deprived of their liberty by police agencies, notably in the Federation of BiH (FBiH), and it looked into the effectiveness of prosecutorial and administrative investigations into allegations of ill-treatment by the police. Further, the delegation examined the treatment of remand prisoners in four prison establishments under the FBiH and State Ministries of Justice.

The cooperation received by the authorities throughout the visit was excellent. However, cooperation also entails an obligation to take steps to address the deficiencies found by the Committee. In this respect, the CPT notes a lack of effective action and progress in relation to the recommendations previously formulated, most recently in the report on the 2019 visit. The continued lack of action to address the Committee's long-standing concerns may lead to the CPT considering to open the procedure under Article 10, paragraph 2 of the Convention.

### Police

In the course of the visit, the CPT's delegation once again received numerous allegations of physical ill-treatment of detained persons by police officers, notably concerning the Sarajevo Cantonal Police. These consisted of slaps, punches, kicks and blows with batons and service weapons inflicted by police officers against criminal suspects either at the time of their apprehension or during interrogation. The report describes several concrete cases supported by medical evidence. The CPT considers that police ill-treatment remains a serious problem requiring resolute action by the BiH authorities, including a formal statement at the highest political level on zero tolerance towards police misconduct, targeted training activities of police officers and the introduction of an investigative interviewing approach towards criminal suspects. Further, in numerous instances, persons met by the CPT's delegation alleged that they had spent several hours, and even overnight, handcuffed to a piece of furniture in a crime inspector's office or in a police detention cell without being offered food or water or access to a toilet.

A follow-up assessment of the prosecutorial and administrative investigations into allegations of ill-treatment revealed that in numerous instances such investigations cannot not be considered as effective, notably in the light of their lack of promptness and thoroughness. There is a lack of proactive action by prosecutors in using special investigative measures and a formalistic approach in their communication and cooperation with the police. The CPT recommends that a mandatory instruction on the methodology of investigations into cases of alleged police ill-treatment should be adopted by the High Judicial and Prosecutorial Council and the Ministries of the Interior. Thereafter, prosecutors and members of police oversight mechanisms should be trained on applying the methodology.

As regards safeguards against ill-treatment, action is required to guarantee the right of access to a lawyer as from the very outset of detention and to ensure that a lawyer is present during any interview of a suspect by police officers. Further, any waiver of legal assistance must be systematically signed by a detained person if he/she does not wish to exercise this right. Steps should also be taken to ensure that medical examinations of detained persons at hospitals are always conducted out of the hearing of police officers and that, during such examinations, detained persons are not handcuffed in the absence of an individual security risk assessment. In addition, all persons should be fully informed of their rights as from the very outset of their deprivation of liberty, custody records should be diligently filled out and police interviews subject to audio and video recording.

The CPT once again recommends that steps be taken to ensure that all police cells comply with minimum requirements in terms of size, state of repair, cleanliness and lighting. In addition, persons detained in police custody should be offered at least one hot meal per day.

## Persons held in prison on remand

The CPT's delegation received a few allegations of excessive use of force (punches and slaps) and verbal insults of persons on remand at Sarajevo and Zenica Prisons and at the BiH State Prison. The CPT recommends that the BiH authorities ensure that a clear message is delivered to all custodial staff at the FBiH and State level that excessive use of force, unjustified resort to means of restraint and verbal abuse of inmates are not acceptable. The CPT further recommends that every prison officer in BiH should be provided with regular training on the use of means of restraint, manual control techniques and de-escalation skills.

The material conditions of detention offered to remand prisoners were of a very good standard at the new BiH State Prison in terms of design, state of repair and equipment. At the other establishments visited (Bihać, Mostar, Sarajevo and Zenica Prisons) the conditions in the multi-occupancy cells were in general appropriate and efforts were made to maintain the accommodation and communal facilities in a satisfactory level of repair and hygiene.

The CPT notes once again that a regime of comprehensive out-of-cell activities for remand prisoners was still not in place at the time of its visit. The Committee is partially encouraged by the timid efforts invested at the State Prison where remand prisoners could spend at least two to three hours per day in a communal room or alternatively in a small gym in addition to their outdoor exercise entitlement. By contrast, in the other prisons visited, remand prisoners continued to be locked in their cells for more than 22 hours per day with no purposeful activity on offer. The authorities of BiH should take steps to improve radically the regime on offer to remand prisoners by ensuring a range of purposeful activities (group association activities; work, preferably with vocational value; education; sport). Further, a gender-specific approach should be put in place for women held in remand detention to compensate for the prolonged periods of de facto solitary confinement to which they are exposed.

As regards health care, little progress has been achieved by the BiH authorities since the Committee's previous visits. The FBiH Ministries of Justice and Health need to work together to improve the delivery of health care for persons in remand detention. To begin with, every newly admitted person to prison should undergo a prompt and thorough examination, including a screening for transmissible diseases. Urgent attention is also required to redress the financial shortages affecting the procurement of medication for persons on remand and to enable persons with drug-related problems to access substitution therapy.

The report also highlights the shortages of custodial staff in the prisons visited and the importance of promoting contacts with the outside world, through inter alia increasing visit entitlements for remand prisoners and promoting greater use of alternative means of communications, such as Voice-over-Internet Protocol. Further, the suspension of visits as a disciplinary punishment should be ended and the relevant legislation amended accordingly.

The CPT is critical of the current application of the measure of solitary confinement of persons on remand for investigation purposes and recommends that it should be limited to the strict minimum necessary and that there should be a rigorous supervision of its application. It also recommends that the competence for imposing disciplinary sanctions against remand prisoners be transferred from the judiciary to the relevant prison management as is the case for persons remanded in custody in the BiH State Prison