

CPT/Inf (2023) 09

Response

of the Government of Bosnia and Herzegovina to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Bosnia and Herzegovina

from 17 to 27 September 2021

The Government of Bosnia and Herzegovina has requested the publication of this response. The CPT's report on the 2021 visit to Bosnia and Herzegovina is set out in document CPT/Inf (2023) 08.

Strasbourg, 11 May 2023

I N F O R M A T I O N

to the Authorities of Bosnia and Herzegovina on implementation of the recommendation of the European committee for prevention of torture, inhuman and humiliating acting, and punishment (CTP) for 2021.

The Ministry of Human Rights and Refugees of Bosnia and Herzegovina, after the completion of AD HOC visits by the delegation of the European Committee for the Prevention of Torture, Inhuman and humiliating treatment and punishment (CPT) in Bosnia and Herzegovina in the period September 17-27, 2021 and sent recommendations, began to review and analyze them, and continued the preparation meetings with competent institutions with the aim of their realization. On April 30, 2022, the authorities of Bosnia and Herzegovina were given recommendations, comments and requests for information by the CPT committee in the Report on the visit to Bosnia and Herzegovina, which the CPT adopted at its 107th session, held from February 28 to March 4, 2022.

In this regard, after the translation of the submitted report into BHS language, it was submitted to the competent institutions in Bosnia and Herzegovina for review, after which on June 14, 2022 a meeting was held with representatives of institutions at all levels of government in Bosnia and Herzegovina, with the aim of preparing a dynamic plan for the implementation of the recommendations from the CPT Report. In addition to the representatives of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, representatives of the State Investigation and Protection Agency (SIPA), the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Judicial Police of the Federation of Bosnia and Herzegovina, the Ministry of Internal Affairs of the Federation of Bosnia and Herzegovina also participated in the meeting. The meeting also participated the Ministry of Justice of the Republic of Srpska, the Ministry of the Internal Affairs of the Republic of Srpska, the Ministry of the Internal Affairs of the Sarajevo Canton, the Ministry of the Internal Affairs of the Zenica-Doboj Canton and the Ministry of the Internal Affairs of the Herzegovina-Neretva Canton.

Appreciating the fact that the deadline for submitting responses to the recommendations of the CPT committee is until the beginning of August 2022, the meeting specified further steps towards the preparation of the Information of the Bosnia and Herzegovina authorities on the recommendations of the CPT committee in a timely manner.

At the beforementioned meeting, it was agreed, among other things, that in the coming period, in order to better prepare the visit of the CPT delegation, as well as to facilitate the preparation of responses to submitted reports, a meeting will be organized with representatives of the Ministry of Justice of Bosnia and Herzegovina, entity ministries of justice and the Judicial Commission of Brčko District. Also, in order to prevent ambiguities and confusion during the visit of the CPT delegation, it is necessary to submit to the competent institutions a SPECIMEN, i.e., a copy of the accreditation that the members of the CPT delegation will possess.

Appreciating the fact that the Report of the CPT Committee contains 31 recommendation to the authorities of Bosnia and Herzegovina, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina submitted the CPT Report and a table in electronic form with the text of the recommendation from the report to all competent institutions, as well as to the institutions whose representatives were participants in the meeting, in which the representatives of the competent institutions will state the measures in accordance with their competences and the deadlines for their implementation.

In order to improve future cooperation between the Ministry of Human Rights and Refugees of Bosnia and Herzegovina and the competent institutions at all levels of government in Bosnia

and Herzegovina, it was agreed that the competent authorities in the following period will appoint a contact person, i.e. a LIAISON OFFICER and his replacement for the events of organizing and holding the visit of the CPT delegation and preparation of the responses to the submitted reports.

In relation to the beforementioned, and after the appointment of the contact person, training or education will be held with the appointee in terms of familiarization with the activities and cooperation with the CPT Committee in Bosnia and Herzegovina. The education will be carried out in cooperation with representatives of the Council of Europe in Bosnia and Herzegovina, representatives of the CPT, as well as representatives of the Ombudsman Institution, given that, like the CPT committee, according to its competences, it also has the right to unannounced visits to institutions.

Given that during its visit to Bosnia and Herzegovina in the period from 17 to 27 September 2021, the CPT delegation did not visit any of the penal and correctional institutions of the Republic of Srpska under the jurisdiction of the Ministry of Justice of the Republic of Srpska, the representative of this ministry stated that they consider that there is no need to give any response to the recommendations given in the Report on the visit from September 2021.

In order to fulfill the international obligation from Article 17 of the Optional Protocol to the Convention, a Working Group was appointed in 2021. to draft new amendments to the Law on the Ombudsman for Human Rights of Bosnia and Herzegovina. These amendments to the Law, among other things, envisage the responsibility of the Institution of the Ombudsman for Human Rights of Bosnia and Herzegovina for the preventive mechanism for preventing torture and ill-treatment, the proposed amendments also ensure the independence of the financing of this institution and the strengthening of the cooperation of the Institution of the Ombudsman with civil society, the academic community and international organizations in and outside Bosnia and Herzegovina. The text of amendments to this Law received positive opinions from the entity governments, the Government of the Brčko District of Bosnia and Herzegovina, as well as other competent institutions of Bosnia and Herzegovina, and it was submitted to the Council of Ministers of Bosnia and Herzegovina for adoption at the end of 2021, in the form of a draft, and after its adoption, the same should be referred to the parliamentary procedure for further action.

Within the Ombudsman Institution, the Department for monitoring the exercise of the rights of persons deprived of liberty has been operating since its foundation. Acting on the complaints of persons deprived of their liberty, but also on their official duty, representatives of the Institution visited numerous criminal correctional institutions, police stations/administrations, and other premises where persons deprived of their liberty are located every year. During these visits, representatives of the Institution conducted unhindered interviews with persons deprived of their liberty in special rooms, without the presence of other persons, reviewed relevant documentation and monitored the situation in the mentioned institutions.

Some institutions have informed the Ministry of Human Rights and Refugees of Bosnia and Herzegovina about current activities and adopted documents, with the aim of implementing the mentioned recommendations.

Accordingly, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina submitted a notice in which they stated that in relation to the recommendations for the implementation of which they are responsible, and with the aim of its implementation, the subject report of the

CPT will be submitted to all courts and prosecutor's offices for information and competent action, with a reminder of the importance of consistent application of the provisions of the current laws on criminal procedure.

In order to inform the Committee regarding recommendation no. 20, the Ministry of Internal Affairs of the Republic of Srpska submitted a letter in which it is stated that the Directive on the Treatment of Persons Deprived of Liberty, which is harmonized with the previous recommendations of the CPT, provides for protection measures for persons in police custody and in accordance with the Guidelines for dealing with persons deprived of their liberty, a measure is provided in the same that the police officers who carried out the deprivation of liberty cannot accompany the person to a medical institution, but that this action must be performed by other police officers. Also, beforementioned Instruction indicates that the confidentiality of medical documentation and health examination must be respected.

The Judicial Police of the Federation of Bosnia and Herzegovina stated that in the coming period, they will harmonize written procedures, i.e. the Rulebook on the manner of carrying out work and the application of the powers of the Judicial Police in the Federation of Bosnia and Herzegovina in the part that refers to dealing with persons who need a medical examination or who have medical documentation on the performed health examination, in such a way that it will prescribe that:

- escorting or taking a person to a medical examination, in all cases where the circumstances of the case permit, are conducted by judicial police officers who did not participate in the event in which the violations occurred.
- a copy of the medical documentation on the performed health examination will be submitted along with the information to the competent holder of the judicial function, who ordered the treatment of the person or his lawyer.

The Ministry of Internal Affairs of Sarajevo Canton emphasized that in the professional library of the Department for the Development of Principles, Procedures, Standards, Protection of Confidential and Personal Data and Protection at Work, Unit for Professional Standards, exist implementing (internal) regulations that regulate the use of force, treatment of persons deprived of their liberty, as well as a regulation prescribing rules of conduct that will prevent torture and inhuman or degrading treatment or punishment of suspects and other persons, namely:

- The Rulebook on method and procedures of the usage and justifying of the force ("Official Gazette of Sarajevo Canton", number: 50/19 and 5/21),
- Instructions on dealing with persons deprived of their liberty in the Police Department of the Ministry of Internal Affairs of the Sarajevo Canton ("Official Gazette of the Sarajevo Canton", no. 14/22 and 23/22), which fully incorporate the recommendations, i.e. the procedure from the "Procedural Guidelines with persons deprived of liberty" prepared by the Office of the Council of Europe in Sarajevo.
- Rulebook on the manner of conduct of police officers of the Police Department of the Ministry of Internal Affairs of Sarajevo Canton when performing police duties and applying police powers ("Official Gazette of Sarajevo Canton", number: 2/20),
- Manual "Human Rights of Persons Deprived of Liberty in Police Custody", issued by the Office of the Council of Europe in Bosnia and Herzegovina

With regard to recommendation number 42, the Ministry of Internal Affairs of the Republic of Srpska stated that in all situations of deprivation of liberty, a person must fill out a certificate

of the rights of the person deprived of liberty, where the person deprived of liberty confirms with his own handwritten signature that he is familiar with the rights and a personal statement regarding a certain right. However, experience shows that in the majority of cases, persons deprived of their liberty do not submit a request for a lawyer, a request for medical personnel, or a request to inform a member of the immediate family, friends and others, or they do not want to put any signature on the documents that are drawn up in connection with the deprivation of freedom. Most often, it is about reasons of a personal nature, such as condemnation of family members, members of the local community where he lives, poor financial situation, etc. Please note that the Law on Criminal Procedure of the Republic of Srpska ("Official Gazette of the RS", number: 53/12, 91/17 and 66/18) prescribes when the suspect or the accused must have a defense attorney or appoint a defense attorney due to the suspect's poor financial condition.

The Ministry of Internal Affairs of the Canton of Sarajevo states that when depriving their liberty all persons are fully informed of their rights, as prescribed by the Federation Bosnia and Herzegovina Criminal Procedure Law, and after the introduction of the form "Certificate of the Rights of a Person Deprived of Liberty", they must be given one copy of the Certificate. Persons deprived of liberty, after criminal processing, and until the final decision on dismissal from the official premises or handover to the further jurisdiction of the Cantonal Prosecutor's Office of Canton Sarajevo, are placed in the premises for the detention of persons deprived of liberty, where they are also provided with food. During the examination of each person, i.e., from the moment of his deprivation of liberty, due to the existence of grounds for suspicion that a criminal offense has been committed, he is given the right to engage his own defense counsel, and for this purpose a list of lawyers of the Sarajevo Regional Bar Association is offered. When interviewing and questioning a suspect, the questioning is conducted exclusively in accordance with the provisions of the Criminal Code of Bosnia and Herzegovina, i.e. the questions are formulated in accordance with the basic elements of the criminal offense for which the person deprived of liberty is charged, and then control questions are asked to check the truth of the allegations, while respecting the suspect's choice to answer or refuse to answer the questions, in consultation with his defense counsel. Persons deprived of their liberty shall be familiarized with Article 5 and Article 6 of the Law on Criminal Procedure of the Federation of Bosnia and Herzegovina, and they shall be issued with certificates of the rights of persons deprived of their liberty from the date of entry into force of the Instructions on Dealing with Persons Deprived of their Liberty in the Police Directorate of the Ministry of Internal Affairs of the Sarajevo Canton.

The Police Department of the Ministry of Internal Affairs of the Zenica-Doboj Canton is working on creating a single form with all the rights of persons deprived of their liberty, which, in addition to the listed rights, would include the personal data of the person deprived of liberty and his signature that he is aware of his rights. Until the above-mentioned form is drawn up, it is insisted that persons deprived of liberty are made aware of their rights, and by signing section 29 in the record of persons deprived of liberty, which prescribes the notification of rights and the signature of the person deprived of liberty.

The State Agency for Investigation and Protection of Bosnia and Herzegovina does not have premises for the detention of persons deprived of their liberty, but they note that in the building where the Agency is located there is a special room for interrogation of suspects, which is equipped with audio and video equipment for recording interviews, as well as office furniture and such is clearly and visibly marked, and there are no non-standard objects in the Agency that can be used for abuse (such as baseball bats). Regarding conducting interviews with suspected persons for the commission of criminal offenses, the legal and sub-legal procedure of

mandatory preparation of minutes on the questioning of the suspect is clearly prescribed, which all police officers of the Agency are obliged to comply with when undertaking such actions.

The report on the questioning of the suspect has prescribed mandatory parts concerning the course and content of the action taken, as well as the rights and obligations of the suspect, such as, among other things, the following: the number of the written report on the questioning of the suspect; place and date of making the minutes; number of the criminal case; suspected person/persons and for which criminal offense; who is present during the interview (police officer, recorder, suspect and defense attorney); when, i.e. at what time, the examination began; notifying the suspect that the hearing is being recorded on audio or video tape; informing the suspect that the Bosnian, Serbian and Croatian languages and the official Latin and Cyrillic scripts are in equal use, and that he has the right to use his mother tongue as well as the right to an oral translation if he does not understand the language in which the proceedings are conducted; that a copy of the minutes will be handed over to him after the examination; the grounds for suspicion that he has committed a criminal offense and its definition in law are presented; then he gets acquainted with his rights, namely: that he is not obliged to present his defense, nor to answer the questions asked; that he can have a lawyer of his choice who can be present at his examination, as well as the right to a lawyer without compensation if he cannot afford the costs of his defense due to his financial situation; he can testify about the crime he is accused of and present all the facts and evidence in his favor, and if he does so in the presence of a defense attorney, such a statement is allowed as evidence at the main trial and can be read and used without his consent at the main trial; the right to review the files and examine the acquired objects during the investigation, which are beneficial to him, unless it is about files and objects whose disclosure could endanger the goal of the investigation; that he can waive the right to a lawyer and that he can present his defense without the presence of a lawyer, which he will expressly decide on before giving the statement; acknowledges that the right to the presence of a defense attorney cannot be waived in case of mandatory defense; it is taught that if he waives the right to have a lawyer, and later during the interrogation or in the further course of the proceedings expresses a desire to have a lawyer, the interrogation will be stopped immediately and will continue again when he gets a lawyer or a lawyer is appointed or if he expresses a desire to continue to answer questions; if he waives the right not to present a defense and not to answer the questions, he will be allowed to state all the facts and evidence in his favor; stopping and resuming recording; that he has the right to read the record or request that it be read to him; whether he has objections to the minutes, whether he wants to sign the minutes; when the examination was completed and who made the recording on the audio or video tape and that the same is attached to the case file; signature of the suspect, recorder and police officer. In addition, they point out that in addition to the above-mentioned provisions and other legal and sub-legal regulations that police officers are obliged to comply with during the performance of their official duties, the Agency has in force the Code of Ethics for Police Officers of the State Agency for Investigation and Protection, which is in line with the standards of the European code of police ethics adopted by the Council of Europe. The code determines the ethical and legal guidelines for the professional performance of police officers' duties.

To inform the Committee regarding recommendation number 50, the Ministry of Internal Affairs of the Republic of Srpska states that as regards the area of the premises used for housing persons deprived of their liberty, none of them is smaller than the recommended size. Also, in accordance with the available budget funds, all activities are undertaken to eliminate the observed deficiencies and adequately equip the premises for the accommodation of persons deprived of their liberty (acquisition of audio and video equipment, call bells, ventilation equipment, beds, hygiene equipment, adequate lighting and heating, food, water, etc.). The new

premises for the accommodation of persons deprived of their liberty of the Department for the custody of persons deprived of their liberty of the Banja Luka Police Administration in the Training Center in Zalužani started operating on March 20, 2020. and they meet all the norms stipulated in the recommendation.

The Ministry of Internal Affairs of the Herzegovina-Neretva Canton in connection with recommendation number 50 states that the Mostar-Center Police Station continues to use detention rooms that do not meet the required minimum surface standard of 6 m². They will continue to be used because there is no possibility of modifying these rooms, nor are there any replacement rooms. In the future, it is planned to expand the building of the Mostar Police Administration, where the Mostar-Center Police Station is located, by extending part of this building. As part of the expansion project, the construction of new holding rooms will be planned in accordance with the recommendations of the CPT. They also note that all activities regarding the extension of the existing part of the Mostar Police Administration building, where the Mostar-Center Police Station is located, depend on the available budget funds that are planned on an annual basis.

The premises of the Ministry of Internal Affairs of the Sarajevo Canton for the detention of persons deprived of their liberty are typical and were made for this purpose in accordance with European standards (7 m² and more) and therefore meet all standards for the detention of persons deprived of their liberty - adequate lighting (enough for reading), ventilation, heating, means of rest (bed, sleeping platforms and blankets). Food for persons deprived of liberty is organized so that for persons deprived of liberty by the police officers on duty in the premises for the detention of persons deprived of liberty, an adequate meal can be ordered from the menu provided by the contracted food supplier. Depending on when the person is deprived of their liberty, and when they are brought and received in the premises for the detention of persons deprived of their liberty, they can be detained for a maximum of 24 hours. During the stay on the premises for the detention of persons deprived of their liberty, each person deprived of their liberty is provided with 3 (three) meals.

The Ministry of Internal Affairs of the Una-Sana Canton stated in its letter that, bearing in mind the need to implement the aforementioned recommendations from the CPT report, that is, to eliminate the shortcomings of the detention units in the Bihać Police Station, which are reflected in the inadequate and small space, the rooms do not have an influx of natural light, inadequate ventilation and dilapidated toilets, the following must be done:

construction of 3 (three) detention units, namely: 2 (two) detention units for the needs of the Bihać Police Station and one detention unit for the needs of the Criminal Police Sector with separate 3 (three) sanitary units, (detention unit 6m² x 3=18m², sanitary node 3m² x 3=9m²) financial construction approximately 30,000.00 KM + 10% additional costs (taking into account the enormous increase in the price of construction materials), total: approximately 35,000.00 KM

On this occasion, we would like to point out the condition of other detention units of the organizational units of the Police Administration, which were not inspected by the CPT, in order to have a complete picture of the condition of the detention units of the Police Administration, namely:

Organizational unit	good	acceptable	bad	Note
Police station Bosanska Krupa		acceptable		
Police station Bosanski Petrovac			bad	the procedure for the construction of a new PS building has been initiated
Police station Bužim	good			the completion of the work on the new building PS is in progress
Police station Cazin	good			
Police station Ključ	good			
Police station Sanski Most	good			
Police station Velika Kladuša			bad	the location for the construction of the new PS building was not approved by the local community

The Federal Ministry of Justice states that the Penitentiary - Correctional Institution Sarajevo, using EU IPA funds and through the budget of the Federation of Bosnia and Herzegovina, took new steps to build a new prison unit in the Igman location, which will have approximately 300 places with all accompanying segments and elements, with an accent on epidemiological and hygienic measures and the necessary standards, and that by putting the new facilities in Sarajevo and Mostar prisons into operation, the regime in working with detainees will be significantly improved in accordance with the legal criteria, and in the meantime, measures will be taken to offer all detained persons two hours outdoor exercises every day, in accordance with the provisions of the Law on Criminal Procedure of the Federation of Bosnia and Herzegovina.

Also, they state that the procurement and purchase of 24 (twenty-four) pieces of PVC doors was carried out in order to partition the sanitary facilities in all rooms, i.e., double-bed cells in detention in II Pavilion. The artificial lighting in the rooms has also been improved in accordance with the recommendations from point 54 (Detention conditions).

In order to inform the CPT regarding recommendation number 57, the Federal Ministry of Justice states that the provisions of the Law on Criminal Procedure of the Federation of BiH, the Law on the Execution of Criminal Sanctions of the Federation of BiH, as well as the Rulebook on House Rules in Institutions for Sustenance are applied in the treatment of women detainees custody measure, which regulates the manner of dealing with persons serving a detention measure. The approach to women detainees is entirely based on respect for their gender specificity, with full respect for their dignity. Their contact with family members and other people is under the jurisdiction of the court before which the criminal proceedings are conducted. Work with women detainees in custody is generally conducted by persons of the same sex, that is, female prison guards. Immediately after women are taken into custody, a medical examination is conducted. The health care of female detainees in the custody of Penitentiary Institution Zenica is entrusted to the institution's health service, a full-time prison doctor, a full-time specialist neuropsychiatrist, a full-time dentist and a full-time male and female psychologist. Any other recommended specialist examinations are immediately

conducted in public health institutions in such a way that the female detainee is taken out of custody, and the competent court is immediately informed about the removal.

All collected medical documentation is stored in their health record, and each medical examination is also recorded in the health record immediately after the examination for the history of the disease and the course of treatment. In the event that a female detainee is sent to a women's institution for the purpose of serving a prison sentence, her health certificate is submitted to the competent penitentiary institution.

Female detainees stay in the room and in the fresh air separately from male detainees, they are also provided with daily access to hot water and a bathroom. In order to realize the rights and opportunities of women in custody, there is continuous cooperation between the competent courts and the permanent social worker of the Penitentiary Institution Zenica with the Center for Social Work.

The number of women in the custody of the Penitentiary Institution Zenica in 2021 was 6 (six). The number of women in the custody of the Penitentiary Institution Zenica in 2022 was 3 (three).

The number of women in the custody of Penitentiary Institution on April 1, there were four women in custody, while the current situation is three women in custody.

Generally, regime that is carried out in custody towards women is more lenient, appreciating the fact that they belong to vulnerable category.

In accordance with recommendation number 69, the Federal Ministry of Justice has sent a draft amendment to the Law in such a way that a competition is announced for directors, deputy directors, assistants in order to provide a professional career path for managers in the prison system and to ensure that prison directors and senior managers are chosen in accordance with clear professional criteria.

For the purpose of informing the CPT regarding recommendation number 74, the Federal Ministry of Justice submitted information regarding the imposition of a measure on a Turkish citizen in the Zenica Correctional Institution, where they did not state that no disciplinary measures are imposed on detained persons who commit disciplinary offenses during their stay in detention sentencing to solitary confinement.

As for the detained person who is a Turkish citizen, the mentioned detained person was isolated in separate room and on fresh air from the rest of the other detained person in the period from June 13, 2021. until September 27, 2021. Disciplinary proceedings against the appointee were carried out before the court conducting the criminal proceedings. The named person did not stay in solitary confinement, but in a room in detention that has identical conditions for stay, which is the same as other rooms in detention where other detainees are assigned. During his separate stay, all daily activities, like all other detained persons, were fully provided (health care, food, hot drinks, unhindered connection with the lawyer and the outside world, TV programs, haircuts, shaving, being in the fresh air, recreation, visits, phone calls, books, daily press, etc.). The reason for his separation from other detained persons is his attempt to attack the prison guard and his plan to escape from custody.

The decision to separate him from other detained persons was made by a multidisciplinary team (Sector for Insurance Affairs, prison doctor, specialist neuropsychiatrist and psychologist) who

assessed the named person as a dangerous and high-risk detained person. The president of the Cantonal Court in Zenica, Snježana Čolaković, was informed about the decision of the multidisciplinary team to separate the named person from other detained persons by letter number: 01-08-4783/21 dated on June 14, 2021. and acting judge Hilmo Ahmetović by letter number: 01-08-4786/21 dated June 14, 2021. The decision was periodically reviewed.

The president of the Cantonal Court in Zenica, Snježana Čolaković, was informed about the decision of the multidisciplinary team to place the named persons with other detained persons by letter number: 01-08-7094/21 dated on September 28, 2021. and acting judge Ismar Jukić by letter number: 01-08-7094/21 dated on September 28, 2021.

The appointed person was regularly visited by a full-time employed psychologist for supportive discussions, and he was also provided by unhindered connection with a lawyer.

Considering the large number of recommendations and requests for information from the CPT Committee, the competent institutions have entered their planned measures for the implementation of the recommendations in the table attached to this information, for easier visibility and monitoring of their implementation.

APPENDIX

**RECOMMENDATIONS OF THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE, INHUMAN AND DEGRADING TREATMENT AND PUNISHMENT (CPT),
from September 17 to 27, 2021 WITH THE PROPOSAL OF THE AUTHORITIES OF BOSNIA AND HERZEGOVINA FOR ITS IMPLEMENTATION¹**

No.	TEXT OF RECOMMENDATION	INSTITUTION RESPONSIBLE FOR IMPLEMENTING THE RECOMMENDATION	PLAN OF PROPOSED MEASURES	DEADLINE
PREVENTIVE MECHANISM				
<p>1. Prep. 7.</p>	<p>The Committee once again calls on the authorities of Bosnia and Herzegovina to proceed with the adoption of amendments to the Law on the Ombudsman for Human Rights of Bosnia and Herzegovina and to fulfill the long-standing international obligations from Article 17 of the Protocol. Also, pending the establishment and start of work of the NPM, the Department for Monitoring the Obtaining of the Rights of Persons Deprived of Liberty of the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina should provide the necessary personnel and financial resources to carry out visits to places of deprivation of liberty at regular intervals and after that to make a detailed report for the public that will contain findings and recommendations.</p>	<p>-MHRR -OMBUDSMEN</p>	<p>In order to fulfill the international obligation from Article 17 of the Optional Protocol to the Convention, during 2021, the Minister for Human Rights and Refugees of Bosnia and Herzegovina appointed a Working Group that drafted new amendments to the Law on the Ombudsman for Human Rights of Bosnia and Herzegovina. The proposed amendments to the Law, among other things, envisage the responsibility of the Ombudsman Institution for a preventive mechanism for preventing torture and ill-treatment, and ensure the independence of financing of this institution, as well as strengthening cooperation with civil society, the academic community and international organizations in and outside Bosnia and Herzegovina. On the text of amendments to the aforementioned Law, positive opinions were received from entity governments, the Government of Brčko District of Bosnia and Herzegovina as well as other competent institutions of Bosnia and Herzegovina. The Council of Ministers of Bosnia and Herzegovina at its 55th session held on August 25, 2022.</p>	

¹ The CPT delegation made an AD HOC visit to Bosnia and Herzegovina from September 17 to 27, 2021. This was the Committee's ninth visit to Bosnia and Herzegovina. The report on the visit was adopted by the CPT at its 107th session held from February 28 to March 4, 2022.

			<p>adopted the submitted Draft Law, and it will be referred to the parliamentary procedure for further action.</p> <p>Within the Ombudsman Institution, there is a Department for monitoring the exercise of the rights of persons deprived of their liberty, which, acting on complaints of persons deprived of their liberty, but also on official duty, every year visits a large number of penal correctional institutions, police stations/administrations, and other premises where persons are deprived of liberty, and on that occasion representatives of the Institution conduct unhindered conversations with persons deprived of liberty in special rooms, without the presence of other persons, review relevant documentation and monitor the situation.</p>	
LAW ENFORCEMENT AGENCIES				
2. Prep. 19.	The Committee reiterates its recommendation that when judicial authorities are faced with direct allegations of physical abuse by police officers, they should take immediate action to record the allegations, order a forensic medical examination of the detained person and ensure that the allegations are promptly and thoroughly investigated.	-HJPC	<u>The High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC)</u> will submit the subject report to all courts and prosecutors' offices for information and competent action, while reminding of the importance of consistent application of the provisions of the current laws on criminal procedure.	
3. Prep. 20.	The committee reiterates its recommendation that the police officers responsible for escorting detained persons for medical examinations should not be the same ones against whom allegations of ill-treatment have been made. For this reason, in all of Bosnia and Herzegovina, the	-FPA - COURT POLICE OF BOSNIA AND HERZEGOVINA -MIA RS	<u>The Ministry of Internal Affairs of the Republic of Srpska (MIA RS)</u> : The directive on the treatment of persons deprived of liberty (which is harmonized with the previous recommendations of the CPT) provides protection measures for persons in police custody, and in accordance with the Guidelines for the treatment of persons deprived of liberty the	

	<p>task of escorting detained persons to the relevant health facility should be entrusted to the judicial police. Alternatively, the judicial police should invite a doctor to their premises to perform a medical examination of the person concerned. Moreover, the judicial police should always inform the judicial authorities whenever a person is handed over to them with injuries or claims to have been abused. The confidentiality of medical examinations should also be respected, and the results of the examination should be made available to the detained person and his lawyer.</p> <p>Finally, doctors working in hospital clinics, especially in large urban centers such as Sarajevo, should fully describe all injuries and state at the end of the traumatic injury report, as far as they are able to do so, any causal relationship between one or more objective medical findings and statements of the person concerned. If necessary, a safe room should be set aside in the hospital where such examinations can be conducted in a safe, secure and confidential manner.</p>		<p>foreseen measure is that the police officers who carried out the deprivation of liberty cannot accompany the person to the medical institution, but that this action must be carried out by other police officers. The mentioned Instruction also indicates that the confidentiality of medical documentation and health examinations must be respected.</p> <p>The Judicial Police of the Federation Bosnia and Herzegovina - The Judicial Police in the Federation of Bosnia and Herzegovina will harmonize written procedures, i.e. the Rulebook on the manner of carrying out work and the application of the powers of the Judicial Police in the Federation of Bosnia and Herzegovina in the part that refers to dealing with persons who need a medical examination or who have a medical certificate. Documentation on the performed health examination, in such a way that it will prescribe that:</p> <ul style="list-style-type: none"> - escorting or taking a person to a medical examination, in all cases where the circumstances of the case permit, are carried out by judicial police officers who did not participate in the event in which the injuries occurred. - a copy of the medical documentation on the performed health examination will be submitted along with the information to the competent holder of the judicial function, who ordered the treatment of the person or his lawyer. 	<p>By the end of 2023.</p>
<p>4. Prep. 23.</p>	<p>The committee calls on the BH authorities, especially the Ministries of interior affairs at the level of FBH and RS and at the cantonal level, as well as the Ministry of Security of BH, to adopt</p>	<p>-MS BH -FPA -MIA RS -MIA CS</p>	<p>RS MIA: The Minister of Internal Affairs of the RS and the Director of the RS Police sent several instructions to the field in which they stated that illegal behavior by police officers towards persons deprived of their liberty will not be tolerated,</p>	<p>Continually</p>

	<p>the Strategy for the decrease of abuse by the police, taking into account the detailed notes stated in point 22 of this report, and especially the necessity:</p> <ul style="list-style-type: none"> - that a clear statement at the highest political level to police officers from all police agencies across the country that there is zero tolerance for torture and other forms of ill-treatment and that such acts will be investigated and that those responsible will be prosecuted and sanctioned accordingly. - to integrate the techniques of professional interviewing into basic curricula and training programs for all police officers and into training programs for all criminal inspectors and operatives in charge of questioning suspects. - introduce systematic audio-video electronic recording of all police interviews, including initial questioning by operatives in the station. - to adopt mandatory instructions at the level of each police agency on the use of force and means of restraint, on the handling and basic measures of protection of persons in police custody and professional interrogation techniques, all in accordance with the 	<p>-MIA HNC -MIA ZHC</p>	<p>and that, in accordance with the possibilities, it is necessary to improve the conditions in the accommodation facilities for persons deprived of their liberty, as well as the fact that it is necessary to remove all objects that could cause a feeling of danger in persons deprived of their liberty, etc. In addition, inspections and controls are regularly carried out by the Police Administration, and in this sense, insight is gained into the cases in which persons are deprived of their liberty and the records that are filled out on that occasion, an inspection of the premises where statements are taken, or other actions are taken according to persons deprived of liberty.</p> <p>The annual training program for police officers includes educational units related to the training of police officers in charge of questioning suspects and other persons, in accordance with the Criminal Procedure Act and other laws related to the questioning of persons. Current legal regulations regulate audio-video recording of statements from persons, however, the same is not currently done in most police units of the Ministry of Internal Affairs of the Republic of Srpska. The Rulebook on the Use of Force foresees the methods of using force and means of restraint, while the Instruction on the Treatment of Persons Deprived of Liberty (which is harmonized with the previous recommendations of the CPT) foresees measures for the protection of persons in police custody, and in accordance with the Guidelines for treatment of persons deprived of liberty.</p> <p><u>Ministry of Internal Affairs of Sarajevo Canton (MIA CS):</u> The Department for Education of the Office of the Police Commissioner, with the aim of acting on the recommendation,</p>	<p>Continually</p>
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	<p>"Guidelines for dealing with persons deprived of their liberty" prepared by the Office of the Council of Europe in Sarajevo.</p>		<p>created the annual Plan and program of professional development of police officers of the Police Administration of the Ministry of Internal Affairs of Sarajevo Canton for the year 2022, number: 02/1-2-11/22 dated on January 12, 2022, which planned mandatory program activities of internal and external professional development on the topic:</p> <ul style="list-style-type: none"> - "Prevention of torture and inhuman or degrading treatment or punishment of persons deprived of their liberty", for which a special Plan and Program No. 02/1-2-224/22 of 06.06.2022 was adopted by the Police Commissioner of the Police Directorate", which will be implemented during 2022, - "Professional interrogation techniques for police officers, especially investigators of the Criminal Police Department, with an emphasis on modern, scientific methods of conducting criminal investigations", for which a special plan and program will be adopted in 2022 by the Police Commissioner of the Police Administration, which will be implemented during 2022. <p>The mentioned program activities of internal and external professional development of police officers of the Police Administration were realized during 2021 and in cooperation with Prof. Ph.D. Irma Deljković, full professor at the Department of Criminology at the Faculty of Criminology and Security Studies at the University of Sarajevo. In 2022, the aforementioned university professor, as a good practice, will conduct training in this area in police agencies in Bosnia and Herzegovina on the topic "Professional interrogation techniques for police officers, especially investigators of the Criminal Police Department, with an emphasis on modern, scientific methods of conducting criminal investigations",</p>	
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		<p>received the consent of the Police Commissioner of the Police Administration to present a special Plan and program of internal professional development on this topic in a scientific research paper and an international project in which several university professors in this field from several countries participate. In particular, we would like to highlight the fact that, in cooperation with the Council of Europe Office in Bosnia and Herzegovina, we have nominated one (1) representative of the Police Administration, who is undergoing planned professional development program activities for police officers in police agencies in Bosnia and Herzegovina through the program of holding sessions for accreditation lecturer of the Council of Europe on the topic "Protection of human rights of persons deprived of their liberty". The Department for Education of the Office of the Police Commissioner delivered to all organizational units of the Police Administration about 250 manuals "Human Rights of Persons Deprived of Liberty in Police Custody", issued by the Office of the Council of Europe in Bosnia and Herzegovina, with the aim of raising the awareness of police officers about the importance of legal, professional actions and respect for the human rights and freedoms of every citizen, i.e. person when applying police powers to persons deprived of their liberty, while they are in official premises or outside the premises. Considering the current epidemiological measures in Sarajevo Canton, in the past period training was conducted online in accordance with the recommendations of the competent services.</p> <p>There are no items suitable for torture, abuse or other inhuman treatment in the premises where interviews are conducted with people deprived of their liberty and suspects.</p>	
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			<p>Article 31 of the Rulebook on the Work of the JPS in the Police Directorate of the MIA of the Sarajevo Canton prescribes the procedure of the investigator of the Internal Control Department in the event of grounds for suspicion that a police officer has committed a criminal offense (and therefore a breach of official duty), which stipulates that the internal investigation, with the notification of the Public Complaints Committee of the Sarajevo Canton Assembly, is carried out in cooperation with other competent organizational units, primarily the Criminal Police Sector, under the supervision of the competent prosecutor.</p> <p>Ministry of Internal Affairs of Hercegovina-Neretva Canton (MIA HNC) - Respecting the Recommendations of the CPT, the adoption of the Strategy for eradicating abuse by the police in the Federation of Bosnia and Herzegovina (the same includes the federal and county-cantonal levels in accordance with their jurisdiction), the Republic of Srpska and the state level, it should be a synchronized process that will respect the specificities of the administrative arrangement and the constitutional and legal competences of individual levels of government and the specificities of police activity in general. Considering the above, the Ministry of Internal Affairs of HNC intends in the near future to take the necessary measures and actions to launch an initiative towards the Government of HNC in order to develop and adopt a Strategy for the increasement of abuse by the police in Herzegovina-Neretva Canton in accordance with the Recommendations of the CPT.</p>	
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		<p>facilities, the rights of persons during their stay in detention facilities, the manner of eating, medical assistance, actions of police officers, etc.</p> <p>In the organization of ICITAP and the Sarajevo Police Academy, a working group was formed to develop a "Manual on collaborating with persons detained in detention facilities", where a police officer from the Police Department of the MIA of TK took an active part, and the mentioned manual is being applied from December 2019. Also, the officers of the Police Administration/Education Department, in accordance with the annual plan and training program for police officers, during 2020 conducted the training of police officers who supervise persons held in detention facilities, with the aim of professional approach of police officers towards persons deprived of their liberty with respect of all human rights. Taking into account the guidelines and recommendations regarding respect for human rights, the Police Administration continued in 2021 and 2022 with the education of police officers using the manual "Human rights of persons deprived of their liberty in police custody", implemented by the Council of Europe with a tendency to raise awareness and professional relations police officers in relation to persons deprived of liberty and their rights during their stay in the premises of the police authority. In its instructional dispatches, the Police Directorate orders the application of the guidelines specified in the manual "Human Rights of Persons Deprived of Liberty in Police Custody", as well as the facilitation of visits by representatives of the Council of Europe and the Ombudsman with the aim of insight into the before mentioned situation. Furthermore, manuals and posters were distributed to all police administrations and stations at the level of the</p>	<p>By the end of 2023.</p>
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		<p>Police Administration, which were displayed in visible places in police stations, and on which the rights of persons deprived of their liberty were clearly specified. From September 2021, at the invitation of the representative of the Council of Europe, the police officer of the Police Department of the Ministry of Internal Affairs of the Republic of Turkey entered the process of accreditation as a lecturer at the office of the Council of Europe, and he was also engaged as a lecturer for police officers of the Police Department of the Ministry of Internal Affairs of the Republic of Turkey. In connection with the above, and with the aim of improving the conditions of the person's stay in detention facilities, by order of the director of the Police Directorate, a commission was formed with the task of conducting a tour of all detention facilities at the level of the Police Directorate of the MIA of TC, and preparing a report on the situation found, measures were proposed to improve the condition and equipment, which was implemented.</p> <p><u>Ministry of Internal Affairs of Zenica-Doboj Canton (MIAZDC): -</u> The manner and conditions of the use of force by police officers of the Police Department of the Ministry of Internal Affairs of Zenica-Doboj Canton are determined by the Rulebook on the use of force. The procedure of police officers of the Police Administration is determined by the Rulebook on the manner of treatment of police officers towards persons deprived of their liberty, number: 01-03-02-1-102 dated 10.09.2015. (Official Gazette of the Federation of BH No. 71/15). Also, all organizational units in the Police Directorate were provided with the Manuals on collaborating with persons detained in detention facilities adopted by ICITAP.</p>	
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			Regarding the issue of education of police officers on the topic of interrogation techniques without coercion, all police officers of the criminal police as well as police officers who perform stage activities as part of regular training in the months of September and October 2021 attended the training on the topic "Zero rate of tolerance on inhumane and inhuman treatment of persons deprived of liberty".	
5. Prep. 35.	The Committee recommends that the Bosnia and Herzegovina authorities, namely the HJPC and the relevant Ministries of Internal Affairs at the entity level and the Bosnia and Herzegovina Ministry of Security, take effective steps considering the above-mentioned remarks and inform the Committee of the measures taken to improve the effectiveness of prosecutorial and administrative investigations into allegations of abuse at the national level.	-HJPC -MS BH -FPA -MIA RS	<p>HJPC - In relation to the recommendations for the implementation of which the HJPC of Bosnia and Herzegovina is competent, and with the aim of their implementation, the HJPC of Bosnia and Herzegovina will submit the relevant report to all courts and prosecutors' offices for information and competent action, while reminding of the importance of consistent application of the provisions of current laws on criminal procedure.</p> <p>MIA of the RS - By inspecting the records maintained by the Service for the Protection of Integrity and Legality in Work, it was determined that in the Service, that is, in the Unit for Professional Standards in the period from 01/01/2021. until 12/31/2021. 20 complaints have been received from citizens and one report submitted by other organizational units of the Ministry of Internal Affairs of the Republic of Srpska or other institutions, which refer to abuse and inhumane treatment by police officers of the Ministry of Internal Affairs of the Republic of Srpska.</p> <p>In the same period, the Unit conducted internal procedures based on 21 citizens' petitions and one complaint (22 procedures), which were related to abuse and inhumane treatment by police officers of the MIA of the RS.</p>	

			<p>After the internal procedure, they were evaluated as follows:</p> <ul style="list-style-type: none"> - two - established for serious breach of duty, after which disciplinary proceedings were initiated against 6 police officers, - 11 unconfirmed, - 5 unfounded, - In four cases, it was decided not to conduct internal proceedings (due to the statute of limitations for initiating disciplinary proceedings or for other reasons stipulated in the Rulebook on disciplinary proceedings of the Ministry of Internal Affairs of the Republic of Srpska) <p>Disciplinary proceedings against two police officers are still ongoing, for one police officer it was made a Conclusion on the rejection of the request to initiate disciplinary proceedings, while for three police officers a disciplinary measure was imposed - a fine.</p>	
<p>6. Prep. 38.</p>	<p>CPT invites authorities of Bosnia and Herzegovina to ensure all persons deprived of their liberty by the police, for whatever reason, the right to inform close relative or third person on their own choice on their situation from the beginning of the deprivation of their liberty (i.e. from the moment they were taken into custody in police station). Police officers should always make note <u>in written form</u> whether the information was or was not given in every individual case, with notion on exact time of information and identity of the person that was contacted. Furthermore, detained persons</p>	<p>-FPA -MIA RS</p>	<p>MIA RS – In all situations of liberty deprivation of persons it is mandatory to fill in the form on the rights of the persons deprived of their liberty, where person deprived of its liberty confirms with their own handwritten signature that they are informed of their rights and personally stated attitude on particular rights. In most cases it is a matter of personal causes, such as fear of condemn of family members, local community members where the person lives, poor material situation and similar.</p> <p>MIA CS – On deprivation of the liberty without delay, a member of the family chosen by the person deprived of the liberty is informed, i.e. it was provided to the person deprived of liberty</p>	

	should get information on whether their close relative or other person was informed on their detention.		to inform member of the family or consular representative (if it is a foreign citizen), and then that is noted in a special field in 'form' of the persons deprived of their liberty', and optionally it is noted on 'Notes on interrogation of the person deprived of their liberty'	
7. Prep. 41.	The CPT once again calls on the authorities to adopt specific legal provisions on access to a doctor during police custody. Furthermore, the confidentiality of medical data must be guaranteed during the examination of detainees, as well as in the case of medical records. The time has come for the authorities of Bosnia and Herzegovina to ensure that these rights are effectively implemented throughout the country. Finally, the Committee considers that there is no justification in principle to search detained persons in handcuffs, especially in the absence of an individual security risk assessment.	-MJ BH -FMJ -MJ RS -MIA RS	<p>MIA RS - The instruction on the treatment of persons deprived of liberty (which is harmonized with the previous recommendations of the CPT) provides protection measures for persons in police custody, and in accordance with the Guidelines for the treatment of persons deprived of liberty, it is stated in the same that the confidentiality of medical documentation must be respected and health examination, whether it was carried out in the premises of the Ministry of Internal Affairs or a medical institution.</p> <p>MIA CS - Persons who are deprived of liberty and criminally processed by police officers of the Criminal Police Sector, in case of need for medical examinations are taken to health institutions, as a rule, by uniformed police officers, in the presence of police officers who did not participate in the deprivation of liberty.</p> <p>The Police Department of the Ministry of Internal Affairs of Sarajevo Canton is according to the health institutions CUC Sarajevo, P.I. General Hospital Prim.dr. Abdullah Nakaš and P.I. The Institute for Emergency Medical Assistance of the Canton of Sarajevo sent document number 02/1-64/20, dated 04/09/2020. in which they informed the mentioned health institutions about the recommendation of the CPT committee and at the same time proposed the possibility of equipping</p>	

			<p>special rooms for the health examination of persons deprived of their liberty.</p> <p>When performing a medical examination of a person deprived of liberty, police officers are not present in the room where the examination of a person deprived of liberty is performed by a doctor and professional medical staff, but they are in the immediate vicinity, in order to enable the adequate and unhindered work of the medical staff, given that, among others, it also refers to persons who have been deprived of their liberty due to the existence of grounds for suspicion that they have committed serious criminal offenses for which long-term prison sentences are prohibited.</p> <p>As a rule, persons deprived of their liberty are tied with restraints until the beginning of medical intervention, and then, in accordance with each specific assessment, the restraints are removed in order to enable the adequate and unhindered work of the medical staff. However, if there is an assessment of a high degree of threat to police officers and medical personnel, as well as the possibility of self-injury of a person deprived of liberty at the time of providing medical assistance or examination, the restraints are removed.</p>	
<p>8. Prep. 42.</p>	<p>The CPT reiterates its recommendation that the BH authorities take steps to ensure that all detained persons are informed, including in writing in an appropriate language they understand, of their rights from the very beginning of the detention process (i.e., from the moment they are obliged to remain in the police). The above should be ensured by</p>	<p>-FMJ -MJ RS -MIA RS</p>	<p>MIA RS - In all situations of deprivation of liberty, a person must fill out a certificate of rights of the person deprived of liberty, where the person deprived of liberty confirms familiarity with the rights and personal statement regarding a certain right with his own handwritten signature. However, experience shows that in most cases, persons deprived of their liberty do not submit a request for a lawyer, a request for medical personnel, or a request to inform a member of the immediate family,</p>	

	<p>providing clear oral information at the very beginning, which will be supplemented as soon as possible (that is, immediately after arriving at the police premises) by submitting a written form in which their rights are explicitly stated. Furthermore, the Committee also recommends that written information sheets are drawn up, with a clear reference to the detained person's right to inform a third party and to access a lawyer, as stated in Article 5 of the CPC, and that the sheets are available in the languages most commonly used.</p>		<p>friends and others, or they do not want to put any signature on the documents that are drawn up in connection with the deprivation of freedom. Most often, it is about reasons of a personal nature, such as condemnation of family members, members of the local community where they live, poor financial situation, etc. Please note that the Law on Criminal Procedure of the Republic of Srpska ("Official Gazette of the RS", number: 53/12, 91/17 and 66/18) prescribes when the suspect or the accused must have a defense attorney or appoint a defense attorney due to the suspect's poor financial condition.</p> <p>MIA CS - During deprivation of liberty, all persons shall be fully informed of their rights, as prescribed by the Law on Criminal Procedure of the FBH, and after the introduction of the form "Certificate of Rights of a Person Deprived of Liberty", they must be given one copy of the Certificate. Persons deprived of liberty, after criminal processing, and until the final decision on dismissal from the official premises or handover to the further jurisdiction of the Cantonal Prosecutor's Office of Canton Sarajevo, are placed in the premises for the detention of persons deprived of liberty, where they are also provided with food. During the examination of each person, i.e. from the moment of their deprivation of liberty, due to the existence of grounds for suspicion that a criminal offense has been committed, they are given the right to engage their own defense counsel, and for this purpose a list of lawyers of the Sarajevo Regional Bar Association is offered. When interviewing and questioning a suspect, the questioning is conducted exclusively in accordance with the provisions of the Criminal Code of Bosnia and Herzegovina, i.e. the questions are</p>	
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			<p>formulated in accordance with the basic elements of the criminal offense for which the person deprived of liberty is charged, and then control questions are asked to check the truth of the allegations, while respecting the suspect's choice to answer or refuse to answer the questions, in consultation with their defense counsel. Persons deprived of their liberty shall be familiarized with Article 5 and Article 6 of the Law on Criminal Procedure of the Federation of Bosnia and Herzegovina, and they shall be issued with certificates of the rights of persons deprived of their liberty from the date of entry into force of the Instructions on Dealing with Persons Deprived of their Liberty in the Police Directorate of the MIA Sarajevo Canton.</p>	
<p>9. Prep. 43</p>	<p>The CPT reiterates its recommendation that the BH authorities take measures to ensure that the records on the detention of persons deprived of their liberty in police stations provide a complete and accurate account of all significant events that occur during the period the detained person spends in police custody. In particular, care should be taken to accurately record the time of the official beginning of the deprivation of liberty, the time when the lawyer/defender is contacted on official duty or privately, the time when the appointed lawyer is officially appointed and the time/at which the lawyer actually arrives at the police station.</p>	<p>-SIPA -FPA -MIA RS</p>	<p>State Investigation and Protection Agency (SIPA): - The State Investigation and Protection Agency (hereinafter: the Agency) does not own premises for the detention of persons deprived of their liberty, but for the detention of persons deprived of their liberty the premises of other police agencies are used, which provide all the necessary assistance to the Agency during the detention of such persons within the period provided by law, and before the implementation to the prosecutor, which is regulated by Article 139, paragraph (1) and (2) of the Law on Criminal Procedure of Bosnia and Herzegovina. However, we would like to point out that the Agency properly keeps records in which all persons deprived of their liberty are recorded and with all significant events that occur during the deprivation of their liberty and the detention of mentioned persons within the prescribed legal term, and among other things, communication with the competent court and prosecutor's office, notification on the rights of the person deprived of liberty, request for a</p>	

		<p>defense attorney (date and time and signature of the person deprived of liberty), request for medical staff (date and time and signature of the person deprived of liberty), request for notification of close family members, friends and others (date and time and signature of a person deprived of liberty), Please note that during deprivation of liberty, each person is informed of their rights, which are prescribed in Article 5 of the Law on Criminal Procedure of Bosnia and Herzegovina.</p> <p><u>The Ministry of Internal Affairs of the RS</u> - Rulebook on the content, method of keeping and retention periods of records maintained by the Ministry of Internal Affairs ("Official Gazette of RS", number: 50/17) and Rulebook on amendments to the Rulebook on the content, manner of keeping and retention periods of records managed by the Ministry of Internal Affairs ("Official Gazette of RS", number: 102/18), Article 16 prescribes the way of keeping records of persons deprived of their liberty on any basis (records are kept electronically and permanently), which is followed by the individual file of the person which contains prescribed forms for exercising their rights. The records in question provide for the entry of detailed data related to data on the person deprived of liberty, data on the deprivation of liberty itself, data on the taking over of the person deprived of liberty, data on the taking over of the person deprived of liberty for criminal processing from police officers within the organizational unit that carried out the deprivation of freedom, data on communication with the competent court and prosecutor's office, and data on the method of transport - bringing or carrying out persons deprived of their liberty. The instruction on dealing with persons deprived of liberty (which is</p>	
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		<p>harmonized with the previous recommendations of the CPT), foresees the attachments that are an integral part of the instruction, which refer to the following forms: certificate of deprivation of liberty (legal basis of the RS CPC or the Law on Misdemeanors), rights of persons certificate of acceptance of a person deprived of liberty, certificate of surrender of a person deprived of liberty, record of examination of a person, record of a search, report of a search of a person without a warrant, certificate of temporary confiscation of objects, certificate of surrender of temporarily confiscated objects, certificate of release persons deprived of their liberty and a certificate of return of temporarily confiscated items.</p> <p>CS MIA - Official records "records of persons deprived of liberty" are kept within each organizational unit in the Criminal Police Department, on a form prescribed by law, which is very detailed in terms of all significant elements, with precise times when certain actions are taken against persons deprived of liberty (precisely time and place of deprivation of liberty, precise time of notifying the prosecutor's office, etc.), and especially data on the legal basis of deprivation, the manner of dealing with a person deprived of liberty, respect for their basic human rights and freedoms. The above-mentioned records are necessarily controlled by the immediate manager and are subject to internal controls and audits by competent organizational units within the Police Administration. Records on persons deprived of liberty are kept in an orderly and up-to-date manner, and the day, time, place, reason for deprivation of liberty and other data required by the prescribed records are entered.</p>	
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			<p>MIA ZDC - In the Police Directorate of this Ministry, the correct filling of all records of deprivation of liberty is ensured through regular training of all police officers by the Department for Education, and continuous control by the heads of organizational units, as well as control by employees of the Police Directorate authorized to perform their duties. control and supervision of the work of police officers.</p>	
<p>10. Prep. 45.</p>	<p>The CPT reiterates its recommendation that the authorities draw up a code of professional conduct during police interviews.</p> <p>The code should refer to, inter alia, the following aspects: systematic notification of detainees about the identity of the person present during the interview (name and/or number) as well as the right of the detainee to remain silent during the interview; approved interview duration; rest periods between sessions during the questions and breaks during the interview; places where interviews can be conducted; examination of persons who are under the influence of drugs, alcohol or medication or who are under the influence of recent stress or are shaken.</p> <p>The code should also specify the systematic audio and video recording from the beginning of the interview to its end, the identity of each person present during the interview, any requests made by the detained person and</p>	<p>-SIPA -FPA -MIA RS</p>	<p>SIPA - We emphasize that the Agency does not have facilities for the detention of persons deprived of their liberty. However, regarding conducting interviews with persons suspected of committing criminal acts, we would like to point out the clearly prescribed legal and by-law procedure for the mandatory preparation of records of the questioning of the suspect, which all police officers of the Agency are obliged to comply with when undertaking such actions. The report on the questioning of the suspect has prescribed mandatory parts concerning the course and content of the action taken, as well as the rights and obligations of the suspect, such as, among other things, the following: the number of the written report on the questioning of the suspect; place and date of making the minutes; number of the criminal case; suspected person/persons and for which criminal offense; who is present during the interview (police officer, recorder, suspect and defense attorney); when, i.e. at what time, the examination began; notifying the suspect that the hearing is being recorded on audio or video tape; informing the suspect that the Bosnian, Serbian and Croatian languages and the official Latin and Cyrillic scripts are in equal use, and that they have the right to use their mother tongue as well as</p>	

	<p>questions asked during the interview. The situation of particularly vulnerable people (e.g., with mental disorders) should have special mechanisms to protect the rights of those people. Finally, interviewees should not be forced to stand for long periods of time or be placed in stressful positions and must have direct access to water and be offered food at appropriate stages of the interview.</p> <p>The Committee wishes to be informed about whether the interrogation rooms inside the police station are equipped with audio-visual equipment and whether the questioning of suspects is conducted in such rooms.</p> <p>Finally, the CPT recommends that all non-standard objects that can be used for abuse (such as baseball bats) should be immediately removed from all police premises where persons are held or interrogated. All such items seized during criminal investigations should be entered in a special register, properly marked (name the case to which they relate) and kept in a dedicated room.</p>		<p>the right to an oral translation if they do not understand the language in which the proceedings are conducted; that a copy of the minutes will be handed over to him after the examination; the grounds for suspicion that they have committed a criminal offense and its definition in law are presented; then they get acquainted with their rights, namely: that they are not obliged to present their defense, nor to answer the questions asked; that they can have a lawyer of their own choice who can be present at their examination, as well as the right to a lawyer without compensation if they cannot afford the costs of their defense due to their financial situation; they can testify about the crime they are accused of and present all the facts and evidence in their favor, and if they do so in the presence of a defense attorney, such a statement is allowed as evidence at the main trial and can be read and used without their consent at the main trial; the right to review the files and examine the acquired objects during the investigation, which are beneficial to them, unless it is about files and objects whose disclosure could endanger the goal of the investigation; that they can waive the right to a lawyer and that they can present their defense without the presence of a lawyer, which they will expressly decide on before giving the statement; acknowledges that the right to the presence of a defense attorney cannot be waived in case of mandatory defense; it is taught that if they waive the right to have a lawyer, and later during the interrogation or in the further course of the proceedings expresses a desire to have a lawyer, the interrogation will be stopped immediately and will continue again when they get a lawyer or a lawyer is appointed or if they express a desire to continue to answer questions; if he waives the right not to</p>	
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		<p>present a defense and not to answer the questions, they will be allowed to state all the facts and evidence in their favor; stopping and resuming recording; that they have the right to read the record or request that it be read to them; whether they have objections to the minutes, whether they want to sign the minutes; when the examination was completed and who made the recording on the audio or video tape and that the same is attached to the case files; signature of the suspect, recorder and police officer. In addition, we point out that in addition to the above-mentioned provisions and other legal and sub-legal regulations that police officers are required to comply with during the performance of their official duties, the Agency has in force the Code of Ethics for Police Officers of the State Agency for Investigation and Protection, which is in line with the standards of the European of the code of police ethics adopted by the Council of Europe. The code determines the ethical and legal guidelines for the professional performance of police officers' duties. Also, please note that in the building where the Agency is located, there is a special room for questioning suspects, which is equipped with audio and video equipment for recording interviews, as well as office furniture and is clearly and visibly marked as such, and there are no non-standard items in the Agency that can be used for abuse (such as baseball bats).</p> <p><u>MIA RS</u> - The Ministry of Internal Affairs of Republic Srpska currently does not have a code of professional conduct during police interviews.</p>	
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		<p>MIA CS - Regarding audio-video recording of conversations, that is, questioning of persons deprived of their liberty, they are not conducted, because there are still no technical conditions for such a procedure. The criminal police sector in the Police Directorate of the Ministry of Internal Affairs of the Sarajevo Canton, with the aim of implementing the recommendation, created a Plan of preparatory activities with the aim of establishing rooms for conducting interviews with audio and video recording equipment in the Police Directorate number: 02/3-3-08/20 from 04 /14/2020.</p> <p>In the official premises where persons deprived of their liberty are located and against whom legal measures and actions are taken, and which are also the premises where witnesses are heard and suspects are interrogated, they may not keep or find any objects that are not part of official equipment and assets, i.e. which are not in charge and as such recorded with a serial number and which can be used by police officers for possible intimidation, abuse or torture. We emphasize that the Office of the Police Commissioner, Police Directorate of the Ministry of Internal Affairs of Sarajevo Canton did everything to clearly support and promote the CPT Recommendations related to intimidation, abuse or torture of persons deprived of their liberty. Any form of abuse of persons deprived of their liberty can represent a serious violation of the official duty of police officers and constitute a feature of the criminal offense Abuse in the service or Extortion of testimony for which, in accordance with the prescribed procedure, the procedure will be carried out in order to determine possible disciplinary and criminal liability.</p>	
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			MIA ZDC - In the coming period, it is planned to ensure the installation of video recording equipment in all detention rooms and rooms where interrogation is carried out. The reason for not being covered by video surveillance of all mentioned premises is purely financial in nature.	
CONDITIONS OF DETENTION				
11. Prep. 50.	<p>The CPT calls on the authorities to take the necessary steps to ensure that all police detention facilities on the territory of Bosnia and Herzegovina are clean and have adequate lighting (i.e., enough for reading, except during sleep periods) and ventilation; preferably, such objects should have natural light. When necessary, police detention rooms should be adequately heated. Furthermore, all cells used for overnight detention should be equipped with means of rest during such detention (e.g., a bed or sleeping platform) and blankets. In addition, it should be possible to offer all persons in custody in police stations food and water at appropriate intervals (at least one hot meal a day).</p> <p>The CPT also recommends that no cell has an area of less than 6m² if it is used for overnight detention. In fact, the Committee believes that it would be desirable for single cells in police custody used for overnight detention to have an area of 7m². In this regard, the CPT would like to receive confirmation that the two cells in the Center Mostar Police Station are no longer used for overnight detention.</p>	<ul style="list-style-type: none"> -FPA -MIA RS -MIA HNC -MIA USC -MIA CS -MIA ZDC 	<p>MIA RS - As for the area of the premises used for housing persons deprived of their liberty in the Ministry of Internal Affairs of the Republic of Srpska, not one of them is smaller than the recommended size. Also, in accordance with the available budget funds, all activities are undertaken to eliminate the observed deficiencies and adequately equip the premises for the accommodation of persons deprived of their liberty (acquisition of audio and video equipment, call bells, ventilation equipment, beds, hygiene equipment, adequate lighting and heating , food, water, etc.). The new premises for the accommodation of persons deprived of their liberty of the Department for the custody of persons deprived of their liberty of the Banja Luka Police Administration in the Training Center in Zalužani started operating on 03/20/2020 and they meet all the norms stipulated in the recommendation.</p> <p>MIA CS - Rooms for the detention of persons deprived of their liberty are typical and have been made for this purpose in accordance with European standards (7 m² and more) and therefore meet all standards for the detention of persons deprived of their liberty - adequate lighting (enough for reading), ventilation, heating, means of rest (bed, sleeping platforms and blankets). Food for persons deprived of liberty is organized so that for persons deprived of liberty by the police</p>	Continually

	<p>The CPT wishes to receive detailed information on the steps taken to ensure that the above-mentioned requirements are met in each police station visited during the 2021 visit. They also want to be informed when the new detention unit on the ground floor of the MIA building of the Una-Sana Canton will be put into operation.</p>		<p>officers on duty in the premises for the detention of persons deprived of liberty, an adequate meal can be ordered from the menu provided by the contracted food supplier. Depending on when the person is deprived of their liberty, and when they are brought and received in the premises for the detention of persons deprived of their liberty, they can be detained for a maximum of 24 hours. During the stay in the premises for the detention of persons deprived of their liberty, each person deprived of their liberty is provided with 03 (three) meals. As part of the planned measures with the aim of consistent action according to the recommendation, the Police Administration of the Ministry of Internal Affairs of the Canton of Sarajevo provided the reconstruction and equipping of the premises for the detention of persons deprived of liberty through the investment of certain material and technical means, which were confirmed by the Act of the Sector for Material and Financial Affairs No. 02/ 6-107/20 of 04/02/2020, by which the work were carried out: arrangement of walls in the premises, replacement and installation of adequate ventilation and air conditioning devices, air and water systems (for cooling and heating of rooms), replacement of beds, rehabilitation of concrete sink sanitary units and installation of new ones, replacement of existing light bulbs and installation of LED lighting, separation of toilet partitions in the cells of rooms for the detention of persons deprived of their liberty, i.e. installation of new sanitary cabins in accordance with European standards, procurement of new mattresses, pillows, pillowcases, and waterproof protective covers with a flap for mattresses. In addition, the instructional dispatch number 02/1-21/20, dated 04/06/2020, is being followed.</p>	
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			<p>MIA HNC - The Mostar-Center Police Station continues to use detention rooms that do not meet the required minimum surface standard of 6 m². They will continue to be used because there is no possibility of modifying these rooms, nor are there any replacement rooms. In the future, it is planned to expand the building of the Mostar Police Administration, where the Mostar-Center Police Station is located, by extending the existing part of this building. As part of the expansion project, the construction of new holding rooms will be planned in accordance with the recommendations of the CPT. Please note that all activities regarding the extension of the existing part of the building of PA Mostar, where PS Mostar-Center is located, depend on the available budget funds, which are planned on an annual basis.</p> <p>MIA ZDC - Conditions in detention are adequate and meet the recommended standards of the CPT. All persons deprived of their liberty are provided with a bed for staying overnight, as well as food and water, the rooms have an opening for natural light and, if necessary, ventilation. All detention rooms used for deprivation of persons during the night are equipped with means of rest (sleeping platforms and blankets).</p>	
PRISON INSTITUTIONS				
12. Prep. 52.	The CPT recommends that BH authorities send a clear message to prison staff at the state and FBH levels resorting to means of restraint and verbal abuse of prisoners, as well as other forms of disrespect or provocative behavior towards prisoners, are not acceptable and that	-MJ BH -FMJ -MJ RS	Federal Ministry of Justice (FMJ) - The Federal Ministry of Justice confirms that during the supervision as well as the meetings with the Institute's management, has warned that any use of force and means of restraint should be fully documented and subject to the supervision of the prison management. We state that during each use of means of coercion, the Institute is	

	appropriate sanctions will be applied. Furthermore, any use of force and restraints should be fully documented and subject to rigorous supervision by the prison administration. The Committee also recommends that every FBH and state-level prison officer is provided with regular training in the use of restraints, including manual control techniques and de-escalation skills, to ensure that all interventions to resolve prisoner problems are conducted professionally.		obliged to submit the FMJ for verification as to whether it was justified or not. If the use is not justified, it is subject to initiation of criminal and disciplinary proceedings. Every prison officer receives basic training in the use of restraints, including manual control techniques and de-escalation skills, to ensure that all interventions to resolve inmate problems are conducted professionally.	
13. Prep. 55.	The CPT recommends that the authorities of the Federation of Bosnia and Herzegovina take steps to ensure that the smaller cells located on the west side of the Sarajevo Penitentiary Building are renovated, that the sanitary installations and sanitary facilities are replaced and that they are completely separated from the rest of the cells because they are not adequate. Furthermore, these cells should only be used to house one person.	-FMP	FMP- Penitentiary - correctional institution Sarajevo, using EU IPA funds and through the budget of the Federation of Bosnia and Herzegovina, took new steps to build a new prison unit in the Igman location, which will have approximately 300 places with all the accompanying segments and elements, with an emphasis on epidemiological and hygienic measures and necessary standards.	2022-2023
14. Prep. 56.	The CPT calls on the authorities of Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina to radically improve the regime offered to detainees. The aim should be to ensure that all prisoners can spend a reasonable part of the day (i.e., 8 hours) outside their cells engaged in purposeful activities of a different nature (group activities; work, preferably of vocational value; education; sport). Exercise	-MJ BH -FMJ -MJ RS	FMJ - Putting into operation the new facilities in the Sarajevo PCI and the Mostar PCI will significantly improve the regime in working with detainees in accordance with the legal criteria, and in the meantime, measures will be taken to offer all detained persons two hours of outdoor exercise every day, in accordance with the provisions of the Law on the criminal procedure of the Federation of Bosnia and Herzegovina.	2022-2023

	<p>yards should be kept in good condition and clean, and weather shelter and fitness equipment should be installed, along with rest benches.</p> <p>Furthermore, measures should be taken immediately to ensure that all detained persons are offered two hours of outdoor exercise every day, in accordance with the provisions of the Law on Criminal Procedure of the Federation of Bosnia and Herzegovina.</p>			
<p>15. Prep. 57.</p>	<p>The CPT recommends that the authorities of the Federation of Bosnia and Herzegovina devise an approach based on respect for gender specificity for women prisoners, offering them more meaningful contact with people and psychological assistance to compensate for the extended periods of de facto solitary confinement to which they may occasionally be exposed. Furthermore, special arrangements should be put in place to mitigate the effects of any de facto imprisonment of women, including whether it is absolutely necessary, for the purposes of the investigation, to prevent the mother from seeing her children. The CPT would like to be informed about the number of women who are in Sarajevo and Zenica prisons on April 1 and June 1, 2022, and about the regime that is available to them.</p>	-FMJ	<p>FMJ - The provisions of the Law on Criminal Procedure of the Federation of BH, the LECS of the Federation of BH and the Rulebook on House Rules in Detention Institutions, which regulate the manner of dealing with persons undergoing detention, are applied in dealing with women in custody. The approach to women detainees is entirely based on respect for their gender specificity, with full respect for their dignity. Their contact with family members and other people is under the jurisdiction of the court before which the criminal proceedings are conducted.</p> <p>Work with women detainees in custody is generally conducted by persons of the same sex, that is, female prison guards. Immediately after women are taken into custody, a medical examination is conducted. The health care of female detainees in the custody of PCI ZT Zenica is entrusted to the institution's health service, a full-time prison doctor, a full-time specialist neuropsychiatrist, a full-time dentist and a full-time male and female psychologist. Any other recommended specialist examinations are immediately carried out in public health care institutions in such a way that the female detainee is taken out of custody, and the competent court is immediately informed</p>	

		<p>about the removal. All collected medical documentation is stored in their health record, and each medical examination is also recorded in the health record immediately after the examination for the history of the disease and the course of treatment. In the event that a female detainee is sent to a women's institution for the purpose of serving a prison sentence, her health certificate is submitted to the competent penitentiary institution.</p> <p>Female detainees stay in the room and in the fresh air separately from male detainees. Daily access to hot water and a bathroom is provided.</p> <p>We would like to point out the cooperation of the competent courts and the full-time social worker of the PCI ZT Zenica with the PI Center for Social Work, in order to exercise the rights and opportunities of women in custody.</p> <p>Their relationship with the lawyer is undisturbed.</p> <p>The number of women in the custody of the PCI ZT Zenica in 2021 was 6 (six).</p> <p>The number of women in the custody of the PCI ZT Zenica in 2022 was 3 (three).</p> <p>In principle, the regime that gives birth in detention is more lenient for women, appreciating the fact that they belong to a vulnerable category.</p> <p>Regarding the aforementioned, the Penitentiary - Correctional Institution Sarajevo has undertaken all measures and actions to fully comply with the required segments. However, please note that contact with people is regulated by the acting court, and that Sarajevo Penitentiary cannot influence that.</p>	
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			On April 1, there were 4 female detainees in PT KPZ, while the current situation is 3 female detainees.	
HEALTH CARE SERVICES				
16. Prep. 58.	The CPT invites the Ministry of Health and the Ministry of Justice of the Federation of Bosnia and Herzegovina to jointly take the necessary steps to improve health care, considering the recommendations contained in this report. Furthermore, the Committee believes that the findings from the field of health as well as the recommendations presented in this report will be delivered to the prison health staff in all prison institutions under the jurisdiction of the FBH Ministry of Justice.	-MINISTRY OF HEALTH -FMJ	FMJ - All the mentioned recommendations will be delivered to the prison health staff in all prison institutions under the jurisdiction of the FBH Ministry of Justice.	2022
17. Prep. 59.	The CPT recommends that the authorities of the Federation of Bosnia and Herzegovina increase the number of health personnel in the Sarajevo Penitentiary by ensuring the equivalent of a half-time general practitioner and in the Mostar Penitentiary by ensuring the presence of a general practitioner four times a week at regular intervals. The CPT recommends that both Mostar and Sarajevo prisons should be equipped with defibrillators and that the staff is trained in their use, and that the prison in Bihać is equipped with oxygen masks, and that the staff in both institutions is trained in their use.	-FMJ	FMJ - Sarajevo Penitentiary, by moving to new prison premises, will undertake the procurement of the most modern medical devices and aids. The new facility will be equipped with an X-ray machine in addition to all other emergency equipment. Competition procedures have been launched in order to fill the capacities with adequate medical personnel. The process of procuring a defibrillator is underway in Mostar Prison. The doctor of general practice comes 3 days regularly, and the other days he comes by invitation. Considering the expected completion of the new PCI-Mostar facility, the Medical Service will be equipped with modern and up-to-date equipment.	End 2022 and during 2023.

			CPI PT Bihać , in accordance with the given Recommendation and the budget for 2023, will plan and conduct the procurement of medical equipment and masks for medical oxygen treatment in the Institute's premises, and after that, conduct the necessary training of medical staff for handling and using them.	
18. Prep. 60.	<p>The CPT reiterates its recommendation that steps are taken to ensure that prison health services in Mostar and Sarajevo prisons, as well as other medical services in FBH prisons, fully fulfill their role in preventing abuse, ensuring that:</p> <ul style="list-style-type: none"> - doctors indicate at the end of their report on traumatic injuries, whenever they are able, any causal links between one or more objective medical findings and statements of the person concerned. - findings of traumatic injuries related to injuries that could probably have been caused by abuse (even in the absence of a statement) are automatically forwarded to the authority authorized to conduct an investigation, including a criminal one of the case, regardless of the wishes of the person concerned. - the doctor advises the prisoner in question that writing such a report falls within the framework 	-FMJ	<p>FMJ - From the submitted report, the Correctional Institution Sarajevo fully applies the indicated parameters and has records of the mentioned segments and acts according to the legal regulations governing the area in question.</p> <p>The Mostar Penitentiary has acquired two protocols for traumatic injuries, in which injuries are entered upon arrival at the Institute, as well as during the stay at the Institute after injuries sustained in the Institute, an official note is made and entered into the file.</p> <p>A system of procedures was established where the doctor submits all the paperwork to the director, and he submits it to the investigative bodies.</p> <p>The register of traumatic injuries is already in procedures.</p>	2022-2023

<p>of the system for preventing abuse, that this report must automatically be sent to a clearly specified investigative body and that such forwarding is not the same as filing a complaint in the correct form.</p> <p>- a register of traumatic injuries seen on prisoners in all prison institutions in FBH is introduced.</p> <p>Furthermore, in accordance with the recommendation stated in paragraph 19, the confidentiality of medical examinations should be respected and the result of the examination delivered to the detainee and, upon request, to her or his lawyer.² Finally, the health screening of female inmates upon admission should include screening for sexual abuse or other forms of gender-based violence committed prior to entering prison.³</p>			
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² See, for example, rule 6 of the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules) A/RES/65/229 of 16 March 2011.

³ In the State Prison, testing for communicable diseases upon admission has just been discontinued in June 2021 due to financial constraints.

19. Prep. 61.	The CPT reiterates its recommendation that the confidentiality of medical examinations is respected in all prisons.	-MJ BH -FMJ -MJ RS	FMJ will send a letter that all prisons respect the confidentiality of medical examinations.	2022
20. Prep. 62.	The CPT recommends that systematic screening or active search for tuberculosis cases, voluntary counseling and testing for blood-borne HIV and hepatitis B/C infections should be offered in FBH prisons. Furthermore, uniform availability of hepatitis C treatment and antiretroviral HIV treatment should be offered in all prisons.	-FMJ	FMJ - During the reception of the prisoner, a health examination is performed, after which all medical indications and needs are entered in the health record. Screening or active seeking of tuberculosis cases, voluntary counseling and testing for blood-borne infections of HIV and hepatitis B/C are carried out if there is a medical need or request of the inmate.	
21. Prep. 63.	The committee believes that in the context of the vaccination program against the Covid-19 virus, the basic principle must be to take all possible measures to protect the health and safety of all persons deprived of their liberty. Such action contributes to the preservation of the health and safety of the staff. Therefore, there is no justification for imposing restrictions and seeking the prior approval of judicial authorities in the context of the policy of vaccination of detained persons. The CPT reiterates its recommendation to suspend the involvement of courts in matters of health care for detainees.	-MJ BH -FMJ -MJ RS	FMJ - All prisoners in the FBH were given the opportunity to be vaccinated against the Covid-19 virus.	
22.	The CPT recommends that the FBH authorities check whether all prisoners are guaranteed the	-FMJ	FMJ - It issues a tender for the procurement of medicines for all Institutions in the Federation of Bosnia and Herzegovina, which	

<p>Prep. 64.</p>	<p>supply of medicines required by their health condition; this implies that the funds allocated to prisons should be sufficient to provide prisoners with free medication.</p>		<p>suppliers deliver to the Institutions, and according to the doctor's report, provides adequate therapy through medicines to all prisoners.</p>	
<p>23. Prep. 65.</p>	<p>The CPT calls on the FBH authorities to develop a comprehensive strategy for providing assistance to prisoners with drug use problems (as part of a broader state strategy to combat drugs) considering the above comments.</p>	<p>-FMJ</p>	<p>FMJ - In most prisons, it is possible to continue to provide assistance to inmates who have a problem with drug use. Successful cooperation with the Center for the Fight Against Addiction takes place in Zenica Penitentiary.</p>	
<p>24. Prep. 66.</p>	<p>The CPT recommends that the FBH authorities amend their laws accordingly and, pending the adoption of the amendments, issue clear instructions to all prisons on the role and function of health staff, considering the above comments. In the CPT's opinion, prisoners should be able to access health care staff in a confidential manner, for example by submitting a request sealed in an envelope or directly approaching a nurse. Furthermore, prison officials should not be required to screen requests for medical visits. The CPT recommends that the system of investment requests for visits to the health service in Mostar Penitentiary is analyzed in accordance with this.</p>	<p>-FMJ</p>	<p>FMJ - During the examination of a convicted person and a detained person, they are given privacy without the presence of the police. Convicted persons and detained persons come for examination alone, and the system of making requests for visits to the health service in Mostar Penitentiary will be analyzed in accordance with the above.</p>	<p>2022</p>

25. Prep. 67.	The CPT recommends that the Ministry of Justice of the FBH fill the positions in the prison institutions under its jurisdiction, ensuring that the number of employed prison staff is sufficient to guarantee the safety of the staff and the physical and psychological integrity of all prisoners. Such actions must be undertaken before the new prisons in Mostar and Sarajevo become operational.	-FMJ	FMJ - The Federal Ministry of Justice is taking all necessary measures to ensure the necessary number of prison staff, and special attention will be paid during the commissioning of new prisons in Mostar and Sarajevo.	2023
26. Prep. 68.	The CPT reiterates the recommendation that the FBH authorities, in agreement with the RS authorities, establish a comprehensive human resources policy in both entities, which includes initial training, regular refresher courses, specialized courses and ongoing support. Furthermore, special attention should be paid to modules related to manual control techniques and skills and cross-cultural communication, as well as managing challenging prisoners.	-FMJ -MJ RS	FMJ - At the FBH level, all prison police officers undergo basic six-month training, after which they take a professional exam for the title of prison police officer. In the coming period, the activities will be focused on refresher knowledge, courses and seminars, which are currently carried out partly through the projects of the Council of Europe. Special attention will be directed to the skills of intercultural communication, as well as work with prisoners who represent a challenge.	2022-2023
27. Prep. 69.	The CPT invites the authorities of the Federation of Bosnia and Herzegovina to introduce a professional career path for managers in the prison system and to ensure that prison directors and senior managers are selected in accordance with clear professional criteria, that they are given job security on the condition that they	-FMJ	FMJ - sent a draft amendment to the Law in such a way that a competition is announced for directors, deputy directors, assistants in order to provide a professional career path for managers in the prison system and to ensure that prison directors and senior managers are selected in accordance with clear professional criteria.	2022

	perform their work satisfactorily and to provide them with training in leadership skills to enable them to perform their tasks in a competent manner.			
28. Prep. 71.	<p>The CPT recommends that all prisoners, as a rule and regardless of their regime and classification, are offered the equivalent of one hour of visits per week, and preferably that they can receive one visit per week. Only in exceptional cases should the investigating judge impose a restriction on visits to the detainee.</p> <p>Furthermore, the metal nets that were placed in front of the glass in the visiting rooms of the Sarajevo Penitentiary Penitentiary should be removed as a matter of urgency. Furthermore, detainees should have open visits unless security reasons require otherwise. Furthermore, the CPT recommends that the authorities of Bosnia and Herzegovina consider the introduction of VoIP communication for foreign nationals to maintain contact with family abroad, as well as the possibility of free telephone calls for poor prisoners.</p> <p>Finally, any restrictions on contact with the outside world, including visits, should always be</p>	-FMJ	FMJ - The aforementioned recommendations will be implemented in the coming period with the continuation of the use of VoIP calls for prisoners. CPI PT Sarajevo will remove the metal nets placed in front of the glass in the visiting rooms.	2022

	compensated by increased access to alternative means of communication (such as telephone or VoIP communication). ⁴ The CPT encourages the BH authorities to maintain and further develop the possibility of VoIP calls for prisoners.			
29. Prep. 72.	The CPT recommends the authority to impose disciplinary sanctions on detainees are transferred from the judicial authorities to the competent prison management, as has been done at the state level. In this regard, the relevant provisions of the CPC of the Federation of Bosnia and Herzegovina should be amended accordingly. Furthermore, it recommends that the authorities of the Federation of Bosnia and Herzegovina no longer suspend the right to visit prisoners as a disciplinary measure in light of the above comments ⁵ .	-FMJ	FMJ - For this recommendation, it is necessary to amend the Law on Criminal Procedure as well as the Rulebook regarding detained persons.	
30. Prep. 74.	The committee wants to receive information about the individual justification of imposing solitary confinement on a Turkish citizen in Zenica Prison, the possibility of appealing the	-FMJ	FMJ - A person who is a Turkish citizen was detained in the period from June 13, 2021. until September 27, 2021. in a room in detention and in the fresh air. He stayed in a room separate from other detained persons. Disciplinary proceedings against the appointee were conducted before the court conducting the	

⁴ See, in particular, the "Statement of principles related to the treatment of persons deprived of liberty in the context of the corona virus disease pandemic (COVID-19)" issued by the CPT on March 20, 2020.

⁵ Article 159, paragraph 1 of the CPC

	<p>court decision in question, as well as the periodic review by the court of the necessity of imposing such a sanction.</p> <p>Furthermore, given the very harmful effects that solitary confinement can have on the prisoner in question, the CPT recommends that special arrangements are put in place to mitigate the effects of solitary confinement for investigative purposes. <u>These arrangements should consist of a structured program, purposeful and, preferably, extra-cellular activities, as well as meaningful human contact of at least two hours each day, and preferably more, with staff (including psychologists).</u></p>		<p>criminal proceedings. Detained persons who commit disciplinary offenses during their stay in detention are not subject to disciplinary penalties of being sent to solitary confinement.</p> <p>The named person did not stay in solitary confinement, but in a room in detention that has identical conditions for stay, which is the same as other rooms in detention where other detainees are assigned. During his stay in the room separated from other detainees, all daily activities were fully provided, as were for all other detained persons (health care, food, hot drinks, unhindered connection with the lawyer and the outside world, TV programs, haircuts, shaving, stay in the fresh air, recreation, visits, phone calls, books, daily press, etc.).</p> <p><i>The reason for his separation from other detained persons is his attempt to attack the prison guard and his plan to escape from custody.</i></p> <p>The decision to separate him from other detained persons was made by a multidisciplinary team (Sector for Insurance Affairs, prison doctor, specialist neuropsychiatrist and psychologist) who assessed the named person as a dangerous and high-risk detained person. The president of the Cantonal Court in Zenica, Snježana Čolaković, was informed about the decision of the multidisciplinary team to separate the named person from other detained persons by letter number: 01-08-4783/21 dated June 14, 2021. and acting judge Hilmo Ahmetović by letter number: 01-08-4786/21 dated June 14, 2021. <i>The decision was periodically reviewed.</i></p>	
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			<p>The president of the Cantonal Court in Zenica, Snježana Čolaković, was informed about the decision of the multidisciplinary team to place the named persons with other detained persons by letter number: 01-08-7094/21 dated September 28, 2021. and acting judge Ismar Jukić by letter number: 01-08-7094/21 dated September 28, 2021. The appointed person was regularly visited by a full-time psychologist for supportive discussions, and he was also assured of an unhindered connection with a lawyer.</p>	
<p>31. Prep. 75.</p>	<p>The Committee encourages the BH authorities and the HJPC to reiterate to all presidents of cantonal courts the importance of their supervisory role in light of the relevant provisions of the CPC and to continue their visits to investigative departments in Sarajevo, Mostar, Bihać and the State Prison as soon as possible.</p> <p>Similarly, the Committee wishes to be informed of the plans of the Office of the Ombudsman to continue to visit prisons, and in particular prisoners. Finally, the Committee requests information on the methodology of inspection and monitoring of prison facilities by the Independent Commission of the PS BH.</p>	<p>-HJPC -OMBUDSMEN -INDEPENDENT COMMISSION OF THE PARLIAMENTARY ASSEMBLY OF BH</p>	<p>HJPC - In relation to the recommendations for the implementation of which the HJPC of BH is competent, and with the aim of their implementation, the HJPC of BH will submit the subject report to all courts and prosecutors' offices for information and competent action, while reminding of the importance of consistent application of the provisions of the current laws on criminal procedure.</p> <p><u>INDEPENDENT COMMISSION OF THE PARLIAMENTARY ASSEMBLY OF BH</u> - The Independent Commission does not have inspection powers, and the exact powers are prescribed in Article 52 of the Law of Bosnia and Herzegovina on the Execution of Criminal Sanctions, Detention and Other Measures - Official Purified Text ("Official Gazette of BH", number 22/16) as well as the Rules of Procedure of the Independent Commission ("Official Gazette of Bosnia and Herzegovina", number 23/11). Also, all annual reports of the Independent Commission that were adopted by both houses of the Parliamentary Assembly of BH are published on the website of the Parliamentary Assembly of BH.</p>	