

EXECUTIVE SUMMARY

The 2023 ad hoc visit to Serbia by the CPT focused on the treatment of persons deprived of their liberty by the police and the effectiveness of investigations carried out into allegations of ill-treatment by the police. The conditions of detention and treatment of remand prisoners in four pre-trial detention facilities and of juvenile offenders in the intensive care unit of the Kruševac Educational and Correctional Institution (VPD) were also examined. The lack of action by the Serbian authorities to implement the CPT recommendations to eradicate ill-treatment by the police represents a failure to cooperate fully with it and the Committee trusts concerted action will be taken to implement the recommendations contained in this report.

Establishments under the responsibility of the Ministry of Interior

A significant proportion of persons interviewed by the delegation stated that they had been treated correctly by the police. However, the delegation received numerous allegations of physical ill-treatment of criminal suspects by police officers, mainly in the Belgrade area. The alleged ill-treatment consisted of punches, slaps, kicks and blows with truncheons inflicted either at the time of arrest or during the initial interrogation, in order to extract a confession or information from the detained persons.

The report describes several cases of serious ill-treatment and torture, detailing practices such as placing a plastic bag over the head of criminal suspects and administering electric shocks from a hand-held device to extract a confession. Overall, the report concludes that the treatment of persons deprived of their liberty by the police, particularly in the Belgrade area, has not improved since the 2017 and 2021 visits. Regrettably, the Committee considers that the efforts made by the Serbian authorities to combat this phenomenon and to implement its previous recommendations have so far been partial and fragmentary. In the CPT's view, it is necessary for the Serbian authorities to adopt and implement a coherent strategy to eradicate ill-treatment. Such a strategy should include a zero-tolerance message on ill-treatment by the police from the highest political level and the implementation of mandatory training on investigative interviewing skills. It is also important to improve the system of the recording of injuries and the prompt transmission of this information to the prosecutorial authorities.

As regards the effectiveness of investigations into allegations of ill-treatment, the delegation examined a number of investigative files and found a number of shortcomings. These relate to issues such as: delays in the identification of cases and formation of the investigative files, lack of promptness and thoroughness in investigating episodes of alleged ill-treatment by law enforcement officials, and failure to apply appropriate investigative techniques by prosecutors. The work of the prosecutors should be reorganised and specialisation introduced, with designated prosecutors assigned to cases relating to Articles 136 and 137 of the Criminal Code. Further, the Internal Control Sector of the Ministry of Interior (SUKP) should develop a stronger interface with the relevant prosecutors. In addition, police officers against whom there is prima facie evidence that they have inflicted ill-treatment should be suspended pending the investigation of the alleged ill-treatment.

As regards safeguards against ill-treatment, the CPT calls on the Serbian authorities to take steps to ensure that the right of access to a lawyer is effectively applied from the outset of deprivation of liberty and to take active steps to ensure that police officers clearly communicate the legal status of persons summoned to a police station at all stages of their questioning.

The findings of the 2023 ad hoc visit indicate that the necessary paradigm shift in the interviewing of criminal suspects has not been implemented and that there is a need for the Serbian authorities to introduce systematic audio-video recording of all police interviews. Finally, certain material shortcomings with regard to police cells should be remedied and persons in police custody should be provided with food at regular intervals.

Establishments under the responsibility of the Ministry of Justice

The report notes a slight but steady increase in the number of persons in pre-trial detention in recent years, coupled with a decrease in the use of alternatives to detention (such as house arrest). Not surprisingly, the remand detention units visited by the delegation during the 2023 visit were severely overcrowded.

Few allegations of physical ill-treatment and excessive use of force were received at the remand sections of Novi Sad District Prison and Sremska Mitrovica Criminal Correctional Institution (KPZ) consisting of slaps, kicks and punches.

As regards the material conditions of detention, the report notes positively that since 2012 almost all remand detention blocks at the Belgrade District Prison have been renovated. The situation observed in the remand detention units of the three other prison establishments visited was less positive. Severe overcrowding was apparent with persons afforded less than 2m² of living space each (cells of 3.8 m² in Novi Sad District Prison accommodated two persons), as well as poor state of repair (old mattresses, rusty beds, crumbling and damp walls), and inadequate hygienic conditions (e.g. dilapidated sanitary facilities, insufficient showers, bed bug infestations). The combination of the serious overcrowding and the poor material conditions and neglect observed in the prisons visited could amount to inhuman and degrading treatment. The planned new facilities in Novi Sad and Subotica are to be welcomed.

The regime offered to persons in pre-trial detention continued to be very poor with persons locked in their cells for 22 hours or more every day. Access to the yard ranged from 30 minutes to two hours every day and only a handful of detained persons were offered general maintenance work.

The targeted visit to the Kruševac VPD focused on the treatment of juvenile offenders accommodated in the intensive care unit. The delegation received numerous allegations of ill-treatment consisting of slaps and blows with rubber truncheons to the thighs and buttocks of the juveniles inflicted by staff as a form of corporal punishment in connection with incidents of inter-prisoner violence, escape attempts or disobedient behaviour. The Serbian authorities should take concerted action to introduce a change of culture in this unit of the juvenile institution, moving away from a culture dominated by corporal punishment to one based on a juvenile-oriented educational approach supported by dynamic security.

The building of the intensive care unit was extremely carceral, resembling a high-security prison rather than a juvenile institution, with reinforced metal doors and metal bars on the windows, and grated gates at the entrance to the wing. A complete redesign of the intensive care unit to comply with international standards for the detention of juvenile offenders is envisaged and the CPT looks forward to receiving details on this project.

The regime in the unit was rather impoverished, with the juveniles spending most of their days in one of the common rooms watching television or playing board games. Very few organised activities of a purposeful nature were on offer which made their reintegration into the mainstream population rather arduous. The CPT looks forward to learning of the measures being taken to increase the level of purposeful activities offered in the intensive care unit.

The report also criticises the poor conditions in the unit's disciplinary cells, where juveniles can be segregated in pairs for several days without any activities being provided. The Committee stresses the need to reduce the measure of segregation, as it is detrimental to the physical and mental well-being of juveniles.