



# Guidelines for dealing with persons deprived of liberty in closed environment

Ensuring justice

Enhancing human rights protection  
for detained and sentenced persons  
in Bosnia and Herzegovina

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**GUIDELINES FOR DEALING WITH PERSONS  
DEPRIVED OF LIBERTY IN CLOSED  
ENVIRONMENT**

The original version of the manual was prepared within the first phase of the joint EU/CoE programme “Horizontal Facility for the Western Balkans and Turkey” and its action “Enhancing human rights protection for detained and sentenced persons in Bosnia and Herzegovina”, but this summary was prepared within the second phase of the joint EU/CoE programme “Horizontal Facility for the Western Balkans and Turkey 2019-2022” and its action “Strengthening human rights treatment of detained persons based on European standards and best practices in Bosnia and Herzegovina”.

This document has been prepared using funds of a joint programme between the European Union and the Council of Europe. The views expressed herein can in no way be taken to reflect the official opinion of the European Union or the Council of Europe.

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## Framework training programme for the law enforcement officers on human rights safeguards

Competence area	Module	Session title	Duration
Introduction to the closed environment	International standards and norms	International standards and norms	30min
		European Police Code of Ethics and European Code of Ethics for Prison Staff	
	Persons deprived of liberty and closed environment	Cultural similarities and differences	
Communication in the closed environment	Efficient communication and handling confidential data	Efficient communication	30 min
		Confidentiality of personal data	
Safety and security in the closed environment	Maintaining the level of security in detention	Search	3 h
		Escorting	
		Self-harm	
		Suicide	
		Control and restraint (use of force)	
	Emergency preparedness	Ill-treatment	3 h
		Impunity	
		Investigating allegations of ill-treatment	
		Investigating allegations of ill-treatment internally	
	Human rights in the closed environment and public safety	Treatment of persons deprived of liberty while respecting their human rights	Admission to the closed environment
Questionnaire on admission			
Informing a person deprived of liberty about his rights			
The right to inform a close relative or a third person of choice about deprivation of liberty			
The right to access a lawyer			
The right to access a medical doctor			
The right to an interpreter			
Maintaining security and respecting human rights of persons deprived of liberty		Violence between persons deprived of liberty	2 h
		Vulnerable categories	
		Juveniles deprived of liberty in custodial environment	

## Foreword

These Guidelines were prepared for the law enforcement officers in Bosnia and Herzegovina within the framework of the European Union/Council of Europe Horizontal Facility for Western Balkans and Turkey I project “Enhancing human rights protection for detained and sentenced persons in BiH”.

The purpose of Guidelines and human rights standards contained herein is not to replace the good existing local practices but to complement and enrich them with recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). The CoE, as the implementing partner in the project, believes that this material will directly contribute to upholding human rights of persons deprived of liberty and that it will also be a valuable complement to the institutional training framework on human rights of the law enforcement agencies in BiH.

Senior managers from the Ministry of Internal Affairs of Republika Srpska (Mišel Krajišnik), Federal Police Administration (Almir Sunulahpašić), Police of Brčko District of BiH (Petar Klarić), State Investigation and Protection Agency (Boris Knežević), Border Police (Semir Pašanbegović), Service for Foreigners’ Affairs (Muhamed Huskić), Court Police of Bosnia and Herzegovina (Franjo Dujko), Court Police of the Federation of BiH (Dženad Grošo and Edis Skopak), Court Police of Republika Srpska (Željko Dragojević and Veljko Spremo) and Court Police of Brčko District of BiH (Senad Hukić) made significant and highly appreciated contribution by commenting on the draft material and ensuring that it is aligned with the best current local practices and legal provisions. The drafting team benefited also from the expertise of the Working Group members appointed by the Ministry of Justice of BiH (Dragan Granzov) and Ministry of Justice of Republika Srpska (Nenad Mirkonj and Mile Mastilo).

Assistant Ministers of Justice for execution of criminal sanctions in Bosnia and Herzegovina, Mustafa Bisić, Pero Dunjić and Hidajet Trako, as well as international consultants Rod MacCowan and Jean-Pierre Devos contributed throughout the development of the Guidelines.

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## **Notes**

Some of the material used in these Guidelines is based on the earlier prepared Training manuals on core and advanced competencies for prison officers and Guidelines for developing treatment programmes for vulnerable categories of prisoners.

The languages in which the material is drafted are Bosnian, Croatian and Serbian, in accordance with the individual preference of the authors.

All references to law enforcement officers in this material refer equally to male and female officers.

The definitions offered in this material are not quotes from legal documents but definitions jointly agreed among the authors to serve the purposes of these Guidelines.

The competence assessment form developed for individual subjects can be used by managers when preparing annual performance evaluation reports for the law enforcement officers. The questions and answers developed for individual subjects can equally be used by managers when preparing annual performance evaluation reports for the law enforcement officers.

## Shared definitions

### The term law enforcement officer encompasses:

**Authorised officers** (BiH) are persons with relevant authorisations within police authorities, including the State Investigation and Protection Agency (SIPA), State Border Service, court and financial police, as well as customs, tax and military police authorities in Bosnia and Herzegovina. Authorised officers also include expert associates, i.e. investigators of the BiH Prosecutor's Office investigators acting upon the Prosecutor's authorisations.

**Police officers** (RS) are persons employed with the Ministry of Internal Affairs and authorised to enforce police authorisations prescribed by the law and act as authorised persons in accordance with the Criminal Procedure Codes of Republika Srpska and Bosnia and Herzegovina and other laws falling in the competence of the Ministry.

**Police officers** (FBiH) are members of police authorities, authorised to enforce police authorisations prescribed by the Law on Police Officers and act as authorised officers in accordance with the Criminal Procedure Codes in the Federation of BiH and Bosnia and Herzegovina.

**Investigation** is the term encompassing activities aimed at establishing facts related to an event, most frequently an illegal or unauthorised conduct. These activities are usually undertaken by the special investigation authorities or independent commissions (in case of allegations of ill-treatment among police officers: Internal Control Unit, Professional Standards Unit, disciplinary commissions, etc)

**Safety** encompasses measures and actions aimed at preventing infliction of injuries to the person deprived of liberty and/or to the law enforcement officer.

**Security** comprises measures and actions that prevent the person deprived of liberty from harming, threatening or damaging third persons, as well as causing damage to the facility holding the person.

**Deprivation of liberty in the criminal justice terminology** comprises any action or procedure aimed at preventing a person or a group of persons from moving freely, while exercising legally authorised means of control and restraint.

**Deprivation of liberty** is a legal action by which the competent authority restricts free movement for the person suspected beyond reasonable doubt of committing a criminal offence.

**Person deprived of liberty** is any individual who has been referred to a premise intended for deprivation of liberty by a competent body. Authorised law enforcement officer also restricts the right to free movement for such person.

**Closed environment** is the area holding a person deprived of liberty suspected beyond



reasonable doubt of having committed a criminal offence. For the purposes of this document, any place of deprivation of liberty shall be deemed detention, regardless if these are premises in which investigation takes place, premise or cell in the police station, holding premise in the Border Police unit, office space in SIPA, holding premises in the court police and pre-trial detention units in prison establishments.

**Ill-treatment comprises** any action or failure to act towards persons deprived of liberty, which can lead to torture, inhuman or degrading treatment with negative impact on their mental and physical integrity.

The purpose of Guidelines and human rights standards contained herein is not to replace the good existing local practices but to complement and enrich them with recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). The CoE, as the implementing partner in the project, believes that this material will directly contribute to upholding human rights of persons deprived of liberty and that it will also be a valuable complement to the institutional training framework on human rights of the law enforcement agencies in BiH.

This document has been prepared using funds of a joint programme between the European Union and the Council of Europe. The views expressed herein can in no way be taken to reflect the official opinion of the European Union or the Council of Europe.

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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The Member States of the European Union have decided to link together their know-how, resources and destinies. Together, they have built a zone of stability, democracy and sustainable development whilst maintaining cultural diversity, tolerance and individual freedoms. The European Union is committed to sharing its achievements and its values with countries and peoples beyond its borders.

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