



*Helsinki Committee  
for Human Rights  
in Serbia*

# **Prisons in Serbia**

**April 2005 – April 2006**

**Belgrade, March 2006**

**Prisons in Serbia**  
**April 2005 – April 2006**

**Publisher:**  
**Helsinki Committee for Human Rights in Serbia**

**For Publisher:**  
**Sonja Biserko**

\*\*\*

**Authors:**  
**Marija Jelic**  
**M.D. Gordana Lukic Samardzija**  
**Marijana Obradovic**  
**Zorana Markovic**

**Translated by:**  
**Spomenka Grujicic**

**No. of copies: 80**

**Belgrade, March 2006**



**This publication is published thanks to the Assistance of the European Commission – European Initiative for Democracy and Human Rights and its support to the project "Prevention of Torture – Support for the Rehabilitation of Victims of Torture"**

## Contents:

INTRODUCTORY REMARKS .....	5
MONITORING AND METHODOLOGY .....	8
NIS PENITENTIARY-REFORMATORY .....	11
ZABELA PENITENTIARY-REFORMATORY – POZAREVAC .....	23
SREMSKA MITROVICA PENITENTIARY-REFORMATORY .....	34
CUPRIJA PENITENTIARY-REFORMATORY .....	45
WOMEN PENITENTIARY-REFORMATORY – POZAREVAC .....	54
VALJEVO JUVENILE PRISON .....	62
KRUSEVAC JUVENILE REFORMATORY .....	73
SPECIAL PRISON HOSPITAL .....	84
BELGRADE DISTRICT PRISON .....	91
NOVI SAD DISTRICT PRISON .....	100
LESKOVAC DISTRICT PRISON .....	108
PROKUPLJE DISTRICT PRISON .....	117
PANCEVO DISTRICT PRISON .....	126
SMEDEREVO DISTRICT PRISON .....	135
CONCLUSIONS AND RECOMMENDATIONS .....	143



## INTRODUCTORY REMARKS

This publication is the output of the Helsinki Committee for Human Rights in Serbia's activity over the third year of the implementation of the project "Prevention of Torture: Support to the Rehabilitation of Victims of Torture" realized with the assistance of the European Commission – European Initiative for Democracy and Human Rights.

Apart from the Helsinki Committee for Human Rights in Serbia, this three-year project includes Bulgarian, Hungarian, Macedonian, Polish and Russian Helsinki committees, as well as the International Helsinki Federation.

At regional level, the project aims at preventing torture, inhuman or degrading treatment or punishment in detention facilities (police stations, prisons, psychiatric institutions, etc.), encouraging non-governmental organizations to monitor overall conditions in these institutions and at exerting pressure on national governments to make it possible for the non-governmental sector to conduct these fact-finding missions.

The project's objectives, at national level, are as follows:

- To encourage a change in the adverse practice of ill-treatment of persons deprived of their liberty by the police, law-enforcement and prison officers;
- To support legislative reforms in terms of adjusting national legislations to relevant international standards and ratified conventions;
- To raise public awareness about torture and inhuman treatment by the police or other law-enforcement officers, as well as about the situation of persons deprived of their liberty.

The obligations the State Union of Serbia and Montenegro (SMG) took upon itself when admitted to the Council of Europe on April 3, 2003, are fully compatible with the goals guiding the Helsinki Committee for Human Rights in Serbia throughout the project's implementation.

As for the obligations deriving from the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment SMG ratified on July 1, 2004, the state authorities have informed the Committee for the Prevention of Torture about relevant governance bodies to be addressed in the matters of torture, and nominated a liaison officer.

In September 2004, a CPT delegation paid the first two-week visit to the institutions in Serbia-Montenegro, accommodating persons deprived of

their liberty. The CPT's report on this visit will be brought to the public eye. The report is supposed to be publicized in the months to come.

The Republic of Serbia has taken some measures with a view to reforming the penal system. Actually, some changes for the better have been made only in this domain of the Serbian judiciary. This progress is primarily evident in the fact that the Central Prison Administration has opened the door wider to contemporary penological trends and recognized standards.

A unique strategy for the reform of prison system developed by the Central Prison Administration figures as a major progress. The strategy includes several areas of concern the reform of which is entrusted to the groups of experts recruited from the Ministry of Justice, the Central Prison Administration, international organization, domestic NGOs and the ranks of outstanding specialists in specific domains.

Further, the Serbian legislature has passed the (new) Law on Execution of Criminal Sanctions and the Law on Juvenile Judiciary. The drafting of relevant bylaws and regulations is underway.

The new Law on the Execution of Criminal Sanctions was enacted on January 1, 2006.<sup>1</sup> By comparison with its predecessor, the Law provides better solutions and guarantees when it comes to the protection of prisoners' human rights, precisely defines the purpose of detention and corresponds to modern penological thought. In other words, the Law provides that the purpose of depriving people of their liberty is to remove them from the outside community so as to safeguard the latter, and, on the other hand, to capacitate them for the life in the outside community after release.

A section of the Law generally regulates the status of prisoners. The provisions of this section guarantee the respect for prisoners' dignity, protection of their fundamental rights in keeping with the Constitution and the tenets of international law, and ban torture and any form of discrimination. This section also provides legal procedure for individual cases related to prisoners' rights and duties throughout their confinement.

The Law lays down that the functioning of the Central Prison Administration and the entire penal system shall be open to public scrutiny and, in this context, domestic and international organizations and agencies concerned with human rights, the media and experts shall be entitled to visit the institutions accommodating the persons deprived of their liberty.

Itemizing prisoners' rights, the Law highlights the right to medical and nursing care, which, according to lawmakers, has not been adequately exercised. In this context, the Law lists a prison doctor's duties in terms of providing appropriate medical services and care. It explicitly prohibits that prisoners shall be medically treated or fed against their own free will, and

---

<sup>1</sup> *Official Gazette of the Republic of Serbia, No. 85/2005, October 6, 2005.*

underlines prisoners' medical files shall be available to both prisoners and their families (which the "old" law failed to guarantee).

As for the grievance system, the Law provides that the director of the Central Prison Administration shall respond to a prisoner's grievance within 15 days from the day the grievance was submitted.

Instead of privileges, the Law introduces the term "special rights" that can be granted to a prisoner during detention.

The Law is the first regulation of the type that provides the procedure of a prisoner's placement in a high-security ward (termed "intensified supervision ward), implying a relevant decision, the right to complain against it, and the maximal duration of such measure. Further, it clearly stipulates disciplinary measures against prisoners, defines grave disciplinary offenses and details disciplinary proceedings. Once again, the Law figures as the first regulation of the type that provides court protection against the decisions on disciplinary punishment and prisoners' right to legal aid in disciplinary proceedings.

A regulation on prisons and detention institutions – the drafting of which is underway – will elaborate the legal provisions referred to in the paragraphs above. All legislation to be adopted will have to correspond to international standards and the recommendations put forth by both domestic and international organizations familiar with the "old" rules and the overall situation in Serbian prisons.

On the other hand, day-to-day life in Serbian prisons indicate the road towards the treatment of the persons deprived of their liberty that fully meets minimal European standards in this domain is still long and thorny.

By providing a comprehensive overview of the situation of Serbian prison, this report is aimed at pinpointing shortcomings and incompatibilities in this domain, and recommending the measures to be taken so as to improve not only conditions and practices in individual institutions, but also the prison system as a whole.

The Helsinki Committee for Human Rights in Serbia hopes this report would spur attainment of common goals and help the country to join today's European mainstream.

The Helsinki Committee takes this opportunity to express acknowledgments to the Central Prison Administration, prison directors and staffs, and detainees, whose cooperativeness made this endeavor possible.

## MONITORING AND METHODOLOGY

In the period April 2005 – March 2006, the Helsinki Committee's team paid fact-finding missions to Serbia's three closed penitentiaries-reformatories (Nis, Pozarevac and Sremska Mitrovica), the women prison in Pozarevac, the juvenile prison in Valjevo, the juvenile reformatory in Krusevac and the Special Prison Hospital in Belgrade.

In the same period, the team paid visits to pre-trial and closed wards of seven district prisons in Serbia.

Since it was only as of recently that under the new Law on the Execution of Criminal Sentences non-governmental are allowed to monitor detention centers, the Helsinki Committee has conducted practically all fact-finding missions over three years of the project's implementation on the grounds on informal agreements with the Central Prison Administration as the authorized body working under the auspices of the Ministry of Justice. Under this "gentlemen's agreement" the Helsinki Committee had to submit a written request seven days before any of the planned visits and wait of the Central Prison Administration's written permit.

Each request quoted that the Helsinki Committee was intent to monitor an institution's facilities and premises of its choice, interview prisoners out of the hearing of prison staff, as well as conduct interviews with prison officers (prison administration, security officers, professionals, etc.).

The Central Prison Administration gave its assent to all requests without undue delay.

A team composed of two jurists, a special pedagogue and a pathologist carried out all the visits.

The visits were planned and carried out along the following schedule:

- The team's meetings with prison directors and heads of prison services;

- Team members' individual interviews with prison directors, heads of services and members of prison personnel;

- The team's tours of institutions and prison grounds;

- The team members' interviews with individual prisoners out of the hearing of prison staffs; as for the interviewees, they were either selected at random from prison registers, volunteered for interviews in the course of visits or explicitly asked to be interviewed – in writing or by phone – prior to a scheduled visit to a particular institution;



- The team's brief consultations on basic observations and findings;
- The team's final meetings with prison directors and institutional personnel.

The monitoring included 6 aspects of confinement: quality and conditions of life (buildings and grounds, equipment, ventilation and lighting, sanitary installations and hygiene; food; and medical service); security; legality of prison regime; social resettlement; contact with the outside world; and institutional personnel.

Each aspect was evaluated on the grounds of the team's observations and information gathered over interviews conducted with prison administrations, personnel (of all services) and prisoners, as well as from other sources such as prison records (whenever available).

Visits to district prisons, i.e. pre-trial wards (for persons standing trials) were planned and carried out in a manner that differed from the one applied to the institutions accommodating prisoners under sentence.

Firstly, a president of a district court with jurisdiction over a district prison, rather than the Central Prison Administration, is authorized to supervise untried prisoners and the execution of detention measures.

Secondly, domestic legislation provides that untried prisoners may contact persons in the outside community only with the consent of presiding judges.

Therefore, the team was in no position to interview untried prisoners. For, the team could not have known in advance the exact identities of untried prisoners or presiding judges, as well as whether or not these prisoners would agree to be interviewed.

The team draws attention to specificity of the information quoted throughout this report and obtained from some prisoners or members of prison staffs. This refers to pieces of information that was impossible to fully assess, verify and thus analyze. Therefore, some passages of the report may be ascribed to subjective evaluation and interpretation.

A standardized procedure enabling comparing of various institutions was applied. The procedure included standardized questionnaires focused on prison administrations, institutional personnel and prisoners, observation registers and standardized forms for entry of other relevant data

Once all information related to a specific institution was systematized and compiled in a report, the Helsinki Committee, in letters to the Central Prison Administration and a relevant prison administration, highlighted its basic findings and recommendations.

Quarterly reports – including overall findings and recommendations – were drawn up after several fact-finding missions and distributed to the above-mentioned authorities.

Having visited all institutions planned under the project, and then systematized and analyzed all information it gathered, the team drew up the summarized report presented in the sections bellow.

# NIS PENITENTIARY-REFORMATORY

Date of the visit: October 20, 2005

Type of institution: closed

Population: men/adults

Number of convicted prisoners: 1,022

Number of untried prisoners: 92

Composition of the monitoring team: two jurists, a physician and  
a special pedagogue

## Quality and Conditions of Life

### I

#### *a) Buildings and Grounds, Equipment, Ventilation and Lighting, Sanitary Installations and Hygiene*

It's been more than two years since the team's last visit to the Nis Penitentiary-Reformatory.<sup>2</sup> In the meantime, the administration has considerably invested in renovation of Pavilion A in the institution's closed section. The Pavilion A can now house some 270 prisoners. Its reconstruction implied major architectural changes made with a view to adjusting the facility to European standards. Due attention was paid to dormitories' size adequate for accommodating ten prisoners at most. Further, showers have been installed within every dormitory, apart from toilet bowls and washbasins. Lockers were provided to all prisoners. Living areas are available to them on each floor, while phone booths in the basement.

Further, the admission department has been renovated. This is where new arrivals are kept up to 30 days and then classified in pavilions. General hygiene in the department is adequately maintained. Excerpts from the house rules are visibly posted. However, the team takes that integral versions of the house rules and the Law on the Execution of Criminal Sentences should be available to all prisoners, and educators should make sure that they have properly understood their rights and duties.

---

<sup>2</sup> The Helsinki Committee's team visited the Nis prison on July 29, 2003 and reported its findings in the publication "Prisons in Serbia: April 2003 – April 2004," p. 6.

A section of the prison hospital accommodating elderly prisoners and those with walking problems has also been renovated. Presently, the prison school burnt down in 2000 is under reconstruction. Boilers are being replaced by new ones, which will certainly improve heating. On the other hand, funds have not been secured yet for solving the most pressing problem – the entire plumbing. Actually, unless this problem is solved, other investment made might turn to be a wasted effort.

Unfortunately, pavilions B and C are in the same or even in worse condition than they used to be at the time of the team's last visit. Dormitories are overcrowded, furniture is dilapidated, and sanitary installations are literally falling apart. As one of the two pavilions has no living area, prisoners have nowhere to spend their free time but in corridors. Since just few are engaged in prison work, the majority walks up and down corridors throughout the day. Each pavilion has an exercise area with basketball and football fields, and some gym accessories.

The entire building housing the high-security unit is humid. Solitaries in the basement smell of mould. Small rooms averaging some 6 square meters have triple bunk beds each, plus a toilet that is not properly partitioned off the sleeping area. Barred windows are so constructed that they do not allow sufficient entrance of natural light and fresh air. Prisoners spending 23 hours in such rooms are allowed to 1-hour exercise in the open. Twice a week they may spend this hour on sport activities.

Solitary cells are located in the basement and inadequate for disciplinary punishment. They are dark, the air is stale and they smell of mould. They have neither toilet bowls nor tap water. According to the interviewed officers, prisoners are accommodated in these cells only when all other rooms of the high-security unit are occupied. Nevertheless, the team underlines that their overall state is far beyond relevant European standards.

#### *b) Kitchen, Mass Hall and Food*

Pots and pans used for preparing the food and general hygiene in the kitchen look adequate. The furniture is old and should be replaced. Three cooks and a baker prepare meals for prisoners. Kitchen manager is in charge of menus. Special diets are prepared for the prisoners with medical conditions, as well as for those professing Islam. At the time of Ramadan the prison director allowed the latter to take their meals to their rooms and eat them after sunset. This is the only prison wherein the team saw that due respect was paid to Ramadan fast.

Some interviewed prisoners complained of both quantity and quality of meals. Fresh fruits and milk products are rarely on menus.

The prison canteen has been thoroughly renovated. It is so located that prisoners from all the three pavilions have access to it though three separate

counters. Prisoners from each of the pavilions have set days for making their shopping in the canteen. The administration has engaged civilians to sell goods instead of prisoners who had acted as salesmen at the time of the team's previous visit. Such arrangement had to be made because regardless of rigorous control prisoners always found means to manipulate both merchandize and money.

### *c) Medical Service*

By comparison with other prisons in Serbia, the Nis prison has the biggest medical service at prisoners' disposal. The number of full-time medical officers has not changed since the team's last visit (7 medical doctors and 9 technicians), while a neuropsychiatrist, a roentenologist and an ophthalmologist are engaged on contractual basis.

The out-patient ward and a section of the in-patient ward have been renovated. However, the floor in some rooms is so dilapidated that calls for replacement. Renovation of the other section of the in-patient ward is underway. As the three-channel EKG is out of order, the one with one channel is being used. Though all preparatory work for a functioning X-ray apparatus is over, the latter is still not in use, i.e. the administration has not obtained yet a permit from relevant medical authorities. The service also has an ultrasound apparatus.

As of last year, prisoners are no longer provided round the clock medical care. The team takes a decision as such a regress, the more so since the fully staffed medical service is capable of providing non-stop medical and nursing care.

Laboratory tests (blood and urine tests) are conducted in the institution on prisoners' admission, while more complex analyses (hepatitis, viruses, HIV, etc.) are performed at the town's medical center. Medical files are compiled for all prisoners without exception. The prisoners under sentences longer than 12 months are immunized for tetanus. According to the head of the service, medical officers inoculate prisoners for flu if their families bring vaccine.

Periodic medical examinations are conducted for the prisoners engaged in work, rather than for the entire prison population. The team takes such practice inadequate: all prisoners should be medically examined at least once in a year, the more so since the prisoners engaged in prison work are in the minority.

The prison has a well-equipped dental ward providing all sorts of services, prosthodontics included. In 2004, 2,662 dental services were provided - 575 checkups, 1,371 healings, 423 fillings, 429 tooth extractions, 16 dentures and 96 other interventions. As of beginning of 2005, the number of

services has been 2,189 - 545 checkups, 979 healings, 294 fillings, 361 tooth extractions, 10 dentures, and 38 other interventions.

As the medical technician in charge of keeping statistics of medical examinations was not on prison premises at the time of the team's visit, no other officer was capable of providing exact information. To all appearances, the manner in which the statistics kept is much too complicated and, therefore, calls for amendment. In order to compile relevant information, the team had to review three-monthly reports and the register of patients classified under the World Health Organization's rules. In the first trimester, the medical service conducted 5,580 examinations – 2,716 first examinations and 2,561 checkups. In the same period, 8 prisoners were diagnosed as diabetics, 55 with hepatitis C, 3 as alcoholics, 17 as drug addicts, 12 with schizophrenia, 122 as neurotics, 66 with other mental disorders, 92 with hypertension, etc. In the second trimester, the medical service conducted 5,494 examinations – 2,921 first examinations and 2,573 checkups. In this period, one prisoner was diagnosed as an alcoholic, 9 as drug addicts, 23 as neurotics, 3 with other mental disorders, 8 with hypertension, 3 with embolism, etc. As for the third trimester, the number of examinations amounted 5,108 – 2,641 prisoners were examined for the first time, while the rest were seen by specialists. One prisoner was diagnosed as alcoholic, 4 as schizophrenics, 16 as neurotics, 2 with other mental disorders, 1 as epileptic, 7 with hypertension, etc.

According to the head of the service, since the beginning of 2005, out of four prisoners with TB, three were diagnosed as such on admission. All TB patients are hospitalized in the Belgrade Penitentiary-Hospital. No prisoner is HIV infected, 55 are with hepatitis C, and 2 with hepatitis B.

Two hundred and forty-three prisoners were registered as drug addict, and 100 as alcoholics. So many prisoners dependent on psychoactive substance and those with various mental disorders justify the need to have a neuripsychiatrist engaged on full-time basis. This is what the prison administration plans to do in the period to come. What the prison also needs badly are psychotherapeutic programs and occupational therapies for mentally imbalanced prisoners, as well as pre-release programs that will help prisoners' social integration after release.

The medical service has a biochemical laboratory for blood, glucose and urine tests. The laboratory equipment is rather old. One medical technician performs all tests. The team takes that no matter how highly competent this technician might be, only specialists in biochemistry are those that can secure the adequacy of lab tests.

The service keeps the statistics of injuries. Out of 154 injuries registered since the beginning of 2005, 32 were occupational. Whenever a prisoner suffers an occupational injury the information is entered into a register. The injuries resulting from inter-prisoner violence are also recorded and reported

to the operational centre. As working hours were over, the team could not obtain the information about the number of such injuries. In the team's opinion, the medical service should keep the statistics of all injuries and their types, particularly of the injuries inflicted by the use of force against prisoners.

Further, medical officers should be encouraged to perceive prisoners as their patients, while the service itself should be independent and objective, overcome the deeply rooted belief about the linkup with security officers (white and blue uniforms) and realize it has nothing to do with collegial loyalty but with professional and ethical performance.

The prison director told the team that a couple of days before its visit a prisoner had committed suicide in the admission department. As of early 2005, two suicide attempts have been registered – one in investigation department and the other in the open unit. Out of seven prisoners who have died in the same period, two passed away while hospitalized in the outside community and has been killed in a car accident while on leave. Four prisoners have died in the institution – one of cancer, one diabetic died of cardiac arrest, one 80-year-old died a natural death and one, already referred to, committed suicide.

While examining the procedure applied when a prisoner is identified as suicidal risk, the team found that it differs. Any prisoner identified as a suicidal risk is examined by a neuropsychiatrist, and then some are hospitalized in the in-patient ward, some transported to the Gornja Toponica Psychiatric Clinic, and some fixed to their bed.

The team underlines that having the patients with mental problems fastened to their beds must be guided by the set procedure. A decision as such must be made by a competent doctor and only once other means such as tranquillizers are exhausted. Dosage of such medicaments must be strictly controlled, including the exact time when it became obvious a patient is still too agitated and must be restrained. Such patients should never be immobilized in the presence of other prisoners.

Since the team's last visit, the institution has not organized activities aimed at educating both the personnel and prisoners in health matters. The team takes that such education is necessary particularly when it deals with transmittable deceases and addictions.

Medical officers have attended several courses of in-service training (hepatitits, TB, AIDS, etc.). The team recommends that they should continue to improve their professional competence particularly in the domain of prison pathology.

According to the head of the service, charges for malpractice were pressed against one officer. A police inspector investigated the case, but indictment has not been raised so far.

Inspectors from the Ministry of Healthcare have visited the institution. The team hopes that the control of the medical service, as well as of those in other prisons, would continue as such scrutiny can only contribute to proper functioning of such vital services.

## II

### Recommendations

- The number of prisoners accommodated in the high-security unit should be reduced;
- The solitary cells in the basement should be used no more;
- If possible, pavilions B and C should be renovated in the manner the pavilion A was;
- The high-security unit should be renovated; special attention should be paid to the size and construction of windows, ventilation and entrance of natural light, as well as to sanitary installations' proper partitioning;
- The mass hall should be furnished with new tables and chairs;
- Fresh fruits and milk products should be on menus;
- Medical officers should work shifts so as to provide round the clock medical care to prisoners;
- The manner in which the statistics of injuries are kept should be simplified and understandable to all medical officers;
- Prisoners should be medically examined at least once a year;
- Lectures on transmittable deceases, addictions, venereal deceases, etc. should be organized in regular intervals;
- Medical officers should be educated in conducting psychotherapeutic, socio-therapeutic and social reintegration programs;
- A qualified specialist should be in charge of the biochemical laboratory;
- Clear-cut procedures should be developed for the prisoners identified as suicidal risks.

## Security

### I

According to the prison administration, no prisoner escaped or tried to over the past 12 months. Besides, neither prisoners nor the staff reported any major case of inter-prisoner or staff-prisoner violence. As referred to in the



paragraphs above, one prisoner committed suicide while staying in the admission department.

The interviewed prisoner did not complain of excessive use of the instruments of restraint. However, some said that security officers themselves often provoke inter-prisoner violence. For instance, officers deliberately leave the door connecting two pavilion's floors open, which results in fights and other conflicting situations, they said. Besides, officers intervene only when fights have been in full swing for some time. Romany prisoners complained that security officers exclusively pick them for hard and dirty jobs such as unloading coal.

The prison's biggest problem than cannot but affect its overall security are scanty funds, said the head of the security service.

The 1:5 ratio between security officers and prisoners, in the opinion of the head of the service, guarantees a relatively high level of security for both the staff and prisoners. The institution's size and specificity necessitate careful assignment of officers, he added.

The video surveillance system installed on walls and gate partially covers the institution, which is inadequate, said the head of the service. However, he takes the entire institution a safe place mostly due to officers' insight into all inter-prisoner developments.

According to him, there are attempts to smuggle in illegal objects, usually medicaments or syringes. The service manages to curb such attempts.

Prison premises are searched regularly and purposefully. These searches are strictly in keeping with the relevant procedure regulating officers' behavior and the equipment they are allowed to carry with them. The head of the service insists that everything should be put back in place and is himself often present during searches. He also says that he takes adequate measures whenever an improperly conducted search is reported to him.

The interviewed prisoners said they and the prison premises were searched frequently and in detail. Officers turn everything upside down and occasionally tear off soles of their sneakers under the pretext of looking for illegal objects.

## II

### Recommendations

- Security officers should prevent incidents and potentially threatening situations, and, therefore, should react promptly and efficiently;
- Security officers should stop discriminating the Romany prisoners by assigning them dirty jobs.

## Legality of Prison Regime

### I

The practice in this aspect has changed in some segments, while in other remained the same as it was at the time of the team's last visit. Namely, the team still insists on having integral copies of the house rules and the Law on the Execution of Criminal Sanctions available to prisoners at all times, rather than just excerpts from those regulations. Educators in the admission department should make sure that all new arrivals have properly understood their rights and duties during detention.

However, unlike on the previous occasion, the interviewed prisoners did not complain of excessive and arbitrary use of truncheons by security officers. Still, as referred to in the paragraphs above, some prisoners indicated that certain officers' behavior could hardly be labeled legal (inciting inter-prisoner violence and discrimination of the Romany prisoners).

Most interviewed prisoners said that corruption permeated all levels of the institution, except for the prison director. According to them, bribes are usually given for prisoners' reclassification to the open ward. The team once again underlines that the work of some officers should be subjected to better control.

Over the past 6 months, 216 disciplinary measures have been taken against prisoners – 43 have been suspended, 154 related to the punishment by solitary confinement, 19 have been reprimands and 3 deprivations of privileges. Out of 62 complaints, 21 were sustained. Prisoners have submitted 12 complaints to the prison administration and 15 to the director of the Central Prison Administration. They are still waiting for feedback. In the same period, instruments of force have been used on 12 occasions but not excessively.

A prisoner is transferred to the high-security ward whenever the prison administration takes it necessary. As a rule, such prisoner is not informed about the reasons for this measure or its duration. Judging by living conditions in the ward and the regime, a measure as such can be interpreted as punishment. However, it is the Ministry and other relevant governmental bodies that should solve the problem of high-security units through adequate laws and bylaws.

### II

#### Recommendations

- Some security officers' work should be subjected to more intense supervision;

- The administration should place mailboxes for prisoners' complaints and grievances, and only the prison director should have keys to them;
- Bylaws and other regulations detailing prisoners' transfer to high-security wards, duration of such measure and relevant regime should be passed so as to avoid any arbitrariness;
- The regime of the high-security ward should not deprive prisoners of their rights, given that the purpose of this measure is overall safety, rather than punishment.

## Social Resettlement

### I

The information obtained from the training and employment service indicates that no major changes have taken place in terms of prisoners' occupational capacitation. In other words, prisoners are still engaged and trained in machine engineering, printing, sewing, carpentry and catering. Technology is outdated, while the machines they work on are old. The number of the prisoners engaged in prison work is far from being optimal. According to the staff, this is to be ascribed to insufficient raw materials and scanty funds. Actually, 400 prisoners, including those doing chores, are engaged in prison work.

A positive novelty is that the prison has finally engaged a pedagogue and thus rounded off the admission team. Thanks to this fact the process of interviewing, observing and classifying prisoners has improved. Unfortunately, educational groups are still too big in spite of the fact that new educators have been added to the staff. The team takes that the prison administration should engage more specialists on full-time basis. Treatment programs for special categories of prisoners (drug addicts or those with mental disorders) have not been developed.

The prison population's educational profile indicates the necessity to make schooling available to prisoners. The building that used to be school was burnt down in the 2000 prison riot and cannot be used unless thoroughly renovated. The same refers to the cultural center wherein various activities could be organized at prisoners' free time. Few prisoners by comparison with the entire population are engaged in painting and literary clubs. The majority of them prefer sport activities.

The prison library has been finally put to work and presently offers some 8,000 books. Reconstruction of the church in the prison compound is underway.

## II

### Recommendations

- Arrangements should be made for prisoners' schooling, literacy in particular;
- Funds should be secured so as to enable production and have more prisoners included in prison work; modern technology should be introduced and jobs for prisoner diversified; more awards and privileges should be granted to the prisoners committed to work and vocational instruction;
- Educational groups should be smaller with a view to making prisoners' social rehabilitation more efficient.

### Contact with the Outside World

#### I

Two phone booths are available to prisoners in each of the three pavilions. Prisoners are allowed to place 10-minute calls twice a month. However, the prisoners engaged in the manufacturing facility complained they could hardly make phone calls as they returned from work at 5:00 p.m. while telephoning is scheduled from 3:00-5:00 p.m.

All letters sent or received by prisoners are censored. Here the team once again emphasizes that censorship in all institutions should be adjusted to individual cases. There is no need whatsoever to censor all letters without exception. Besides, the administration should take into account the recipients of prisoners' letters. If prisoners write to international or other organizations known for defending human rights, there is no need to have their letters opened and read.

The prison administration supplies several copies of daily newspapers to each pavilion. Prisoners may also subscribe to dailies and magazines of their own choice. Though its furniture is rather dilapidated, the hall wherein prisoners receive visitors seems adequate.

On the other hand, the rooms for spousal visits are in poor state and should be renovated as soon as possible.

No progress has been made in the institution's cooperation with social centers and other relevant institutions in the outside community. Pre-release preparations imply nothing but final interviews and imparting information to the relevant police authority and social center. According to the staff, meager funds are major obstacles to organizing pre-release activities and developing post-penal programs.

## II

### Recommendations

- The prisoners working in the manufacturing facility should be allowed to place their calls after 5:00 p.m.;
- Censorship should be guided by assessment of individual cases, rather than include all prisoners without exception;
- The furniture in the visitors' area should be replaced;
- The rooms for spousal visits should be completely renovated;
- Pre-release programs should be developed and implemented in this or other institution of the same type; the system of conditional release under supervision combined with efficient social support should be developed.

### Institutional Personnel

#### I

According to the questionnaires filled by the prison staff, the security service recruits 230 officers, which means that it is staffed by 96 percent. On the other hand, the information obtained from the prison director indicates that the service employs 216 officers. The team presupposes that different information is to be ascribed to the officers from Kosovo who have been reassigned to the Nis prison but are not officially registered as members of the staff.

Security officers are relatively young people with no more than 10-year lengths of service, which is not the best solution for the institution of this type. Eleven interns are about to be engaged on full-time basis. The great majority of officers (214) have finished secondary schools. Ten officers have graduated from higher schools, while 6 hold university diplomas.

No security officer has been fired. However, many are on long sick leaves. The head of the service ascribe their absence to exertion and the stress to which they are exposed.

According to the head of the service, officers are most interested in the courses of in-service training. Most are being trained in the Nis Training Center. Besides, security officers are obliged to attend 50 classes organized in the institution. The head of the service and some officers have attended the courses in non-violent communication organized by the OSCE Mission. As licensed trainers they presently organize trainings for the rest of the service staff.

Security officers who initially opposed any in-service training have visibly changed their attitudes towards prisoners once they finished courses,

said the head of the service. This is probably best mirrored in the fact that officers have not used truncheons against prisoners over the past 4 months.

In the past six months, 3 disciplinary proceedings have been instituted against security officers for minor breaches of duty. All of them were fined.

The head of the service takes that the service should be radically reformed. However, this is hardly possible because of the prison's layout (pavilions). As an officer with long experience, he underlines that such organizational arrangements are outdated and that, apart from the prison's layout, other prerequisites should be met to turn the service into a modern one. He is among those rare heads of security services who promotes correct and professional cooperation with other services, and regularly convenes informal meetings with educators.

The number of instructors working for the training and employment service is on downward curve. The service presently recruits 63 instructors, which totals 67 percent of the staff envisaged in the relevant job classification (114). On the other hand, this could have been hardly avoided when one bears in mind the small number of prisoners engaged in prison work and the stalled production. Interviewed officers mostly complained of the outdated technology and working conditions. Over the past 12 months, disciplinary proceedings have been instituted against two instructors who were eventually fined.

Since the team's last visit, the reeducation service has employed 7 officers (a pedagogue, an administrative officer, and educators). The service presently recruits 20 officers out of 24 planned in the job classification. In open and semi-open wards, two educators are in charge of 140 prisoners, while in the closed ward 14 educators deal with 860 prisoners. No disciplinary proceedings have been instituted against the service's staff over the past 6 months.

## II

### Recommendations

- Officers' their social and emotional competence for the work should be taken into account on recruitment;
- Either the prison officers should be educated in conducting programs for special categories of prisoners (drug addicts or those with mental disorders) or other specialists should be engaged for the purpose;
- All officers should be permanently encouraged to improve their knowledge and professional capacity by attending courses of in-service training and seminars, and to adopt the models of positive management, humane treatment of prisoners and commitment to their work;

## ZABELA PENITENTIARY-REFORMATORY – POZAREVAC

Date of the visit: November 23, 2005
Type of institution: strictly closed
Population: men/adults
Accommodation capacity: about 1,200 persons
Number of sentenced prisoners: 1,384
Number of untried prisoners: 54
Composition of the monitoring team: two jurists, a physician and a special pedagogue

### Quality and Conditions of Life

#### I

##### *a) Buildings and Grounds, Equipment, Ventilation and Lighting, Sanitary Installations and Hygiene*

The prison facility constructed within the Zabela Penitentiary-Reformatory in Pozarevac stands for the biggest investment in Serbia's prison in the past 20 years. This new facility will be accommodating the persons sentenced for organized crime and war crimes.

As for other prison facilities, accommodation arrangements have not much changed since the team's last visit<sup>3</sup> In 2005, the prison's central heating system was reconstructed. In 2004, the cultural center, the prison bakery, washing machine area and canteen were renovated. Further, the premises for family visits have been renovated and nicely decorated. The prison administration plans to renovate the kitchen and the mass hall in spring 2006. Once these works are over, the pavilions housing prisoners will be renovated according to the prison administration long-term plan.

This time the team underlines just some of the most pressing problems related to accommodation and general hygiene. Though triple bunks beds have been removed from pavilions III and IV, the problem of overcrowding is still alarming. As many as 40 or 50 beds are placed in the dormitories with 50 square meters of floor space. Most beds are covered with thorn sponge mattresses. Furniture is dilapidated, while sanitary installations are falling apart.

---

<sup>3</sup> See the Helsinki Committee's report "Prisons in Serbia: April 2003 – April 2004," and the publication "How to Attain European Standards: the Situation of Serbia's Prisons in 2002-2003."

Though pavilions I and II were renovated several years ago, their walls call for whitewashing, let alone floors, sanitary installations and furniture that should be replaced. However, the very fact that the rooms in these pavilions accommodate 10 prisoners on average indicates a by far better overall situation than in pavilions III and IV.

The Pavilion VII is set aside for the prisoners identified as security risks. Actually, almost all prisoners under 40-year sentences are classified to this high-security ward. The rooms 3 by 10 meters of size are inadequate for the accommodation of 4 prisoners, the more so since they resemble train compartments wherein prisoners stay almost round the clock. Toilets and washbasins occupy the back of the rooms. Artificial lighting is inadequate and prisoners cannot read by it. The same refers to windows' construction that does not allow entrance of natural light and fresh air.

The size of the solitary cell is adequate. However, artificial lighting is rather poor.

The pavilion has an exercise area of its own. As no shelter has been placed for security concerns, prisoners have to stay inside when it rains.

The Pavilion V shares the building with the prison school. As the pavilion has been recently renovated, its room is of adequate size with 6 beds each. The new facility has been erected in the site one occupied by the Pavilion VI that had been burnt down in the 2000 prison riot.

The Pavilion VIII is located outside the walled compound and accommodates the prisoners under open treatment regime.

#### ***b) Kitchen, Mass Hall and Food***

The prison kitchen is in poor shape, its walls are humid with water leaking all over the place, while the floor is worn out. According to the prison administration, the kitchen's renovation is on the priority list. The mass hall looks better than the kitchen, though its furniture is old and dilapidated.

According to the professional cook, special diets are prepared for the prisoners diagnosed with specific illnesses, as well as for those professing Islam. However, the interviewed prisoners complained that no special diets whatsoever were being prepared.

Milk, milk products and fresh fruits are never on menus. Apart from special diets, the interviewed prisoners did not generally complain of meals served to them.

The prison canteen is well-stocked and satisfies prisoners' needs.

#### ***c) Medical Service***

New additions to the medical staff have been made since the team's last visit. The service includes a neuropsychiatrist, a dentist and five medical



technicians who work shifts. Four specialists (an internist, a pneumo-physiologist, a surgeon and a neuropsychiatrist) are engaged on contractual basis. Except for the neuropsychiatrist who visits the institution 14 times a month, the rest come once a week at least.

In 2005, the dental service conducted some 3,500 examinations, averaging 15020 per day. The services provided to prisoners include tooth extractions, healing, fillings and occasional dentures.

In 2004, the internist examined 40 prisoners on average during each visit to the institution, which, in the team's view, hardly meets the needs of thorough and professional medical care. Besides, the team observed that the doctor-patient relationship in this institution – the same as in many other – was rather perceived as the one between a doctor and a criminal. When a doctor sees his patients from the angle of their offenses and even names them after these offenses, a proper medical care turns almost impossible. Actually, a doctor as such takes that his patients are better cared for than they deserve. In such cases, hardly any patient can count on getting objective and professional medical treatment, particularly when it comes to injuries or maltreatment by security officers.

The medical service does not keep the statistics of injuries inflicted in inter-prisoner violence, sport activities, the use of the instruments of restraint or occupational injuries. All injuries are classified as light or severe. In 2005, 12 light and 3 severe injuries were registered. The statistics of self-mutilation refer just to occupational injuries. So the team was informed that in 2005 16 injuries had been "manipulative" and 4 occupational. Further, according to official sources, no suicides or suicide attempts have ever taken place in the prison. The information itself is rather disputable, the more so since such cases are registered in by far smaller institutions. At the same time, the information indicates that prisons use double standards in classifying self-mutilations and suicides, which makes a comparative analysis hardly possible.

The institution smoothly cooperates with civilian hospitals where prisoners are being sent for specialist examinations and laboratory tests. In 2004, 104 prisoners were hospitalized in the Belgrade Penitentiary-Reformatory.

At the time of the team's visit, 5 prisoners were with diabetes and on insulin therapy, 5 diabetics were on medicaments, 20 prisoners were with cardiovascular deceases, 18 with hepatitis C and 2 were HIV infected. In 2005, 22 prisoners were diagnosed as TB patients, 260 as drug addicts and 13 as alcoholics. No psychotherapeutic programs have been developed for the prisoners dependent on psychoactive substances, who are usually treated with medicaments only. The team found 34 prisoners hospitalized in the in-patient ward and looked after by 6 inmates.

According to the interviewed doctor, security officers are present only when the prisoners from the high-security ward are being medically

examined. On the other hand, the interviewed prisoners said the officers were present at all examinations, without exceptions. The team once again points out that medical examinations should be conducted out of the hearing and out of the sight of prison officers are crucial for the establishment of doctor-patient confidentiality.

The doctor and one of medical technicians have attended courses of in-service training dealing with TB, drug addiction and AIDS. Neither prison officers nor prisoners have been instructed in the basics of preventive medicine. The team hopes the prison administration would take appropriate steps in this domain through engaging, for instance, extra part-time doctors.

## II

### Recommendations

- Pavilions III and IV should be renovated so as to solve the problem of overcrowding in larger dormitories;
- Sponge mattresses should be replaced by proper ones, which should be made available to all prisoners without exception;
- Kitchen should be renovated and adequately furnished;
- The problem of artificial lighting should be solved in the Pavilion VII;
- Two prisoners at most should be accommodated in the rooms in the Pavilion VII that presently accommodate four prisoners;
- A shelter should be constructed in the exercise area of the Pavilion VII;
- Special diets should be prepared for sick prisoners and those professing Islam;
  - Milk, milk products and fresh fruits should be regularly on menus;
  - One full-time physician at least should be engaged in the medical service;
- The statistics of injuries should be kept in detail, periodically analyzed and presented for the attention of the prison administration so as to provide objective overviews of the situation of the prison population;
  - Unless a doctor requests otherwise, all medical examinations should be conducted out of the hearing and out of the sight of prison officers and other prisoners;
  - Programs of in-service training in prison pathology should be developed for all officers;
  - Lectures on major medical problems affecting prison population such as TB, hepatitis C, AIDS, addictions, etc. should be organized.

## Security Service

### I

Like in other similar institutions accommodating prisoners under longer sentences, the number of security officers is insufficient to guarantee an optimal level of security. However, due to security officers' experience and rather strict discipline, the prison is a relatively safe place. The statistics of incidents to be presented in the paragraphs below will probably best illustrate this statement. A video surveillance system – outdated and calling for new investment - is installed on the wall surrounding the entire compound. Only one camera that covers sports terrains (a swimming pool and a gym) and a part of the prison wall can hardly meet security requirements. The Pavilion VII is still not covered by video surveillance system. Actually, necessary funds are secured but not yet approved by relevant authorities. Only security officers watch the prison compound, which not only figures as a security risk for the entire institution but also makes the officers' job even more stressful.

Security officers work three shifts. They are tasked with internal and external security, workshops and the production facility, and prisoners' transfer. Since the number of daily transfers averages 20, only 2-3 officers watch the pavilions during daylight, while 2 work night shifts. According to the head of the service, this is a minimal number of officers that can guarantee adequate security to both the staff and prisoners bearing in mind that the overall atmosphere is presently under control. The prison administration plans to introduce a new job classification according to which the service will recruit 360 officers and thus have 10 officers per shift.

The fact that security officers are left on their own among a large number of prisoners makes their job even more stressful. On the other hand, not many of them have quit or taken long sick leaves.

Though the ratio between security officers and prisoners is 1:6, the officers are kept posted about inter-prisoner developments, which is justified by the fact that inter-prisoner violence is on downward curve. Actually, well-informed officers are able to prevent self-mutilations, physical assaults against them and other incidents.

The atmosphere of relative peace, discipline and order is mirrored in the statistics of prisoners' offenses. Ten-twelve breaches of the house rules that are weekly reported cannot be taken as security concern when one bears in mind the total number of prisoners, said the head of the service. Prisoners are usually disciplinary punished for fights, thefts, possession of narcotics and, in the semi-open ward, consumption of alcohol. Many habitual offenders are among the prisoners that are being disciplinary punished. Disciplinary

measures taken against prisoners mostly include punishment by solitary confinement and, in the semi-open ward, deprivation of privileges.

However, the interviewed prisoners said they were disciplinary punished even for minor breaches of the house rules for which security officers beat them with truncheons, while their inmates punished by solitary confinement for more than ten days were later on placed under stricter regimes for a year. Generally, both prisoners and the staff take that all sorts of illegal objects such as narcotics, medicaments, cell phones, etc. are being smuggled in. Security officers do their utmost to curb smuggling. Further, prisoners and officers alike say that corruption is not widespread, unlike favoritism. According to the head of the service, some officers receive bribes for particular services to prisoners. The administration endeavors to combat this negative phenomenon that is, as a rule, hard to prove.

Occasional searches of dormitories are conducted by the book – no prisoner complained of them. Prisoners are daily searched when entering or exiting their pavilions.

One escape attempt over the past 12 months testifies of the prison's adequate security. Prison gangs do not seriously threaten the overall security as the administration promptly reacts at their actions.

## II

### Recommendations

- Extra hands should be urgently added to the security service so as to secure smooth functioning of the institution;
- The video surveillance system should be modernized;
- Security officers' attitude towards prisoners in all pavilions should be guided by the same criteria.

## Legality of Prison Regime

### I

Since the Helsinki Committee's team visited the Zabela prison before the new Law on the Execution of Criminal Sanctions was enforced, it found the situation in this aspect unchanged by comparison with 2004.

Therefore, the team cannot but reiterate that the detention system lacks efficient control over both disciplinary punishment and prisoners' reclassification. It also lacks a clear-cut and efficient grievance procedure.

A change for the better that should be singled out as a model of improving prisoners' rights relates to prisoners' classification to the Pavilion

VII, i.e. the high-security ward. Every prisoner is now informed about the reasons for and the duration of his stay in the ward.

In 2005, 439 disciplinary measures, including 78 suspended punishments, were taken against prisoners: 292 were punished by solitary confinement, 31 reprimanded and 38 deprived of privileges. Out of 17 complaints lodged, 3 were sustained. Prisoners expressed 20 grievances for the attention of the prison administration.

The instruments of restraint were used against prisoners on 6 occasions, including one registered as excessive. All cases refer to the use of rubber truncheons.

## II

### Recommendations

- The Central Prison Administration should pass new house rules, as well as regulations providing disciplinary punishment and the use of the instruments of restraint;
- All new regulations should be available to all prisoners without exception.

### Social Resettlement

#### I

Organizational arrangements and functioning of the training and employment service have not changed significantly since the team's last visit. The service is divided into machine engineering, carpentry, agricultural and catering sectors. All sectors are coping with outdated technologies and deficient raw materials. This affects the overall demand for some products and consequently results in minimal engagement in prison work, said the staff. Only 40 percent of prisoners are engaged in prison work, in spite of the fact that by far more of them are capable of work.

For its part, the reeducation service copes with inadequate number of competent officers. The fact that a psychologist has not yet been engaged questions the quality of observation, classification and reeducation of prisoners. The admission department's team composed of a social worker and a pedagogue puts forward a treatment program for each prisoner. Educators provide individual treatments only, since none of them has been educated in conducting other forms of therapies. On the other hand, educational groups are too large for quality individual treatments. One educator is in charge of a group that often includes as many as 100 or 170 prisoners.

The prisoners dependent on psychoactive substances pose a major problem for the institution. Recreational activities include sports in summertime only, since the prison has no covered area to be used for the purpose. Other recreational activities such as cultural or artistic are minor. Just a handful of prisoners have joined a wood carving club, which actually stands for their workplace. Deficiency in competent staff and facilities that would make it possible for the prisoners to engage in purposeful work outside their overcrowded rooms brings about tension and both inter-prisoner and prisoner-staff violence.

The facility supposed to be the prison school is still out of use. Thus, no schooling whatsoever is provided to prisoners within the institution. However, the team commends the institution's cooperation with the Technical Center in Pozarevac that organizes courses of training for prisoners in metal engineering trades. Presently, the majority of the prison population have finished elementary and secondary schools.

The interviewed prisoners did not complain of the prison library, i.e. the quality and quantity of the books.

The prison administration plans to have a small church constructed within the compound. Religious ceremonies are presently organized in an appropriately decorated chapel.

## II

### Recommendations

- Educational groups should be smaller so as to provide better conditions for prisoners' reeducation;
- Funds should be secured with a view to increasing production and thus the number of prisoners engaged in prison work;
- More attention should be paid to the methods that encourage prisoners to get instructed in lucrative trades;
- Modern technologies should be introduced, a better choice of trades offered to prisoners and more benefits planned for their conscientious work;
- Prisoners' sense of independence and personal responsibility should be encouraged by allowing them to choose their engagement in the prison more freely.

### Contact with the Outside World

#### I

This segment of prison life is in keeping with relevant regulations. The interviewed prisoners did not complain of their right to be in contact with the outside community. The number of phone booths is sufficient and prisoners

are allowed to place four 5-minute calls on monthly basis. Their letters are not censored, including those addressed to governmental bodies and international and non-governmental organizations.

Neither did the interviewed prisoners complain of the manner in which the packages sent to them are treated.

The rooms for family visits have been recently renovated. The premises wherein prisoners meet with their lawyers are also adequate.

The only problem relates to prisoners' post-penal integration into society. The team has repeatedly underlined the necessity of better cooperation between prisons and relevant authorities in the outside community.

## II

### Recommendations

- All avenues for prisoners' gradual integration into outside community should be explored, including pre-release programs to be realized either in this or in some other institution and supervised conditional releases.
- Social care center should be reorganized and capacitated to help the institution's staff in admission, observation and re-socialization procedures, particularly in maintenance of family contacts and relevant institutions.

### Institutional Personnel

#### I

The training and employment service recruits 113 instructors, which means that it is still short-handed in terms of the relevant job classification (149 instructors). However, given that the number of the prisoners engaged in prison work has been considerably reduced, the staff of 113 is sufficient. Eighteen instructors hold university diplomas, 4 have finished higher schools, while the rest are with secondary education. The instructors are qualified in metal works, machine engineering and carpentry. All officers meet the recruitment criteria laid down in the Law on the Execution of Criminal Sanctions and the Law on Employment in Governmental Bodies.

In 2005, 5 disciplinary proceedings were instituted against the service's instructors for major breaches of orders – consumption of alcohol and over 3-day unjustified absence from their work. All officers on the carpet were fined. While neither of them complained of the cooperation with other services and the prison administration, they criticized the outdated technology, working conditions and the non-existent investment in production.

Out of 27 officers planned in the job classification, the reeducation service recruits 16. To all appearances the bias about women unsuitable for the service is being gradually overcome. Recently a women officer has been engaged on full-time basis. The service staff takes that a psychologist should be engaged, while the criteria for his/her recruitment should be based on personal suitability for the job, rather than on professional competence only.

On average, one educator deals with 120 prisoners. This makes direct communication between educators and prisoners hardly viable and hinders the development of positive relations and the atmosphere of safety. As the service is short-handed, educators often work overtime and are more exposed to stressful situations.

Educators are interested in attending courses of in-service training. However, as they put it, such opportunities are not available to all without exception. They take that systematic cooperation with their colleagues from other institutions should be enhanced, particularly when it comes to the criteria and methods in the work with prison populations.

The security service employs 260 officers. Ten officers about to be recruited will make the service fully staffed. The security staff includes 6 women. Six officers have graduated from high schools, while the rest have finished secondary schools. Officers are relatively young and the great majority of them have been working for 10 years. By the end of 2005, 18 officers will retire. The head of the service has a 36-year working experience, including 10 years in the institution. The prison administration plans to include extra 10 posts for security officers in a new job classification.

Though all officers attend in-service courses of training, the very level and frequency of trainings are inadequate. Security officers are obliged to attend the program developed by the Ministry of Justice, i.e. the Central Prison Administration, and focused on rules and regulations, and practical training in arms handling and martial arts. The institution has a martial arts club the members of which have won many competitions.

Judging by the relevant statistics for 2005, 18 disciplinary proceedings were instituted against security officers for major breaches of orders (2 under Article 343, para 2, of the Law on the Execution of Criminal Sanctions and 16 under Article 59, para 1, of the Law on Employment in Governmental Bodies. Five officers were fined. Besides, 10 disciplinary proceedings were instituted for minor breaches of orders – one officer was eventually fined. Criminal proceedings were instituted against two officers – both were sentenced to 3-month imprisonment conditionally suspended for the period of one year.



## II Recommendations

- All officers should be permanently encouraged to improve their knowledge and professional capacity by attending courses of in-service training and seminars; models of positive management should be insisted on, the same as humane treatment of prisoners and full commitment to work;
  - Either officers should be trained in dealing with special categories of prisoners or specialists should be engaged for the purpose;
  - The reeducation service should be staffed in line with the relevant job classification, which above all relates to the engagement of a full-time psychologist.

## SREMSKA MITROVICA PENITENTIARY-REFORMATORY

Date of the visit: December 15, 2005
Type of institution: closed
Population: men/adults
Accommodation capacity: about 1,100 persons
Number of prisoners: 1,350
Composition of the monitoring team: two jurists, a physician and a special pedagogue

### Quality and Conditions of Life

#### I

##### *a) Buildings and Grounds, Equipment, Ventilation and Lighting, Sanitary Installations and Hygiene*

Given that the Helsinki Committee's team paid several visits to the institution (last time in March 2004), this time it wanted to double-check its findings. The team planned to examine whether or not any changes have taken place in the meantime. The overall situation in the prison was described in detail in the team's previous reports.<sup>4</sup>

The prison's very layout determines accommodation and general hygiene which is rather poor particularly in the Pavilion I. The pavilion presently accommodates 640 prisoners in its several rooms. Each room is fully occupied – the number of prisoners averaging 80. Furniture is almost falling apart. As many prisoners are not provided with locker, they keep their belongings under their beds or all over the room. They pile shoes, pots and plates are piled onto the same place. This is where they spend their free time, eat and sleep. One of the rooms has no radiators and is heated through pipes only. The rooms are heated for an hour, three times a day. The team found them rather chilly, particularly those in the Pavilion I.

Two toilets are available to the prisoners sharing a room, which means that 40 people on average use one toilet. Prisoners smoke and cook in the part of the bathroom with washbasins.

---

<sup>4</sup> See the Helsinki Committee's report "Prisons in Serbia: April 2003 – April 2004" and the publication "How To Attain European Standards: The Situation of Serbia's Prisons in 2002-2003."

The Pavilion II accommodates the prisoners who are assigned there for the sake of their own safety and those classified as high-security risks. At the time of the team's visit some 100 prisoners were housed in it. Actually, all prisoners under 40-year sentences are accommodated in the high-security ward.

The situation in the Pavilion II looks somewhat better in terms of accommodation and hygiene. Two or four beds are placed in each room. And yet, overall hygiene and living conditions leave a very bad impression, which becomes even worse when one takes into account bedclothes and mattresses. The prison administration provides each prisoner with one set of bedclothes, which they have to wash themselves. Those who do not have sets of their own sleep on bare mattresses until the prison bedclothes are dried. The uniforms prisoners are obliged to wear outside pavilions make the situation even worse, since each prisoner is given one winter uniform only.

Solitary cells are located in the Pavilion II. They have adequate in terms of cubic meters of space and furniture. The team takes that artificial lighting in those cells should be better.

Renovation of the Pavilion III is underway. Each room will have two beds and a bathroom. Apart from "ordinary" prisoners, this pavilion will house the persons sentenced for organized crime and war crimes, who, for some specific reasons, are not assigned to the special ward of the Zabela Penitentiary-Reformatory. This category of prisoners will be physically separated from the rest.

The ward accommodating elderly or physically disabled prisoners has been renovated too. Its accommodation capacity is about 30 persons. The team found just several elderly prisoners in this ward, while the others were doing chores and taking care of them. According to the prison administration, shortly before the team's visit some elderly and disabled prisoners were reclassified to the semi-open ward. In the room used by the prisoners looking after their elderly inmates the team found stocks of cleansers and juice packs – the room practically looked like a canteen. This once again testified that the prisoners in charge of their elderly inmates and maintenance are highly privileged, particularly by comparison with those in the Pavilion I.

#### ***b) Kitchen, Mass Hall and Food***

In March 2004, the kitchen and the mass hall were under construction. This time the team saw that it was only a matter of time before they would be operational. The makeshift premises used as kitchen and mass hall do not meet the standards in this domain.

Apart from regular meals, a professional cook prepares special diets for the prisoners with health problems. Due attention is paid to the diets for the prisoners professing Islam.

Cheese, yoghurt and, occasionally, fresh fruits are on menus.

The interviewed prisoners did not complain of the meals served to them.

The canteen located in the closed ward is poorly stocked. According to the interviewed prisoners, the one in the open unit is rather well-stocked.

### *c) Medical Service*

No visible changes for the better have taken place in the domain of medical treatment and nursing care. Only one specialist in blood transfusion and one dentist, plus ten medical technicians make the medical service. Specialists in psychiatry, internal medicine, surgery, otolaryngology, ophthalmology and orthopedics are engaged on contractual basis.

One physician, no matter how hard he tries, can hardly look after over one thousand prisoners. Though specialists visiting the institution provide relevant services, the role of a prison doctor is irreplaceable when it comes to an insight into the state of health of prison population. In this specific case, the prison doctor can hardly meet these requirements.

As full-time specialists are deficient, lectures on healthcare and other medical topics are not organized for both prisoners and the staff. Lectures on transmittable diseases and addictions would be most welcome. In the past period, only the OSCE Mission to Serbia-Montenegro has organized lectures on drug and alcohol addiction.

Further, only one doctor engaged on full-time basis cannot conduct regular examinations of the entire prison population or pay more attention to the food and general hygiene.

The statistics of injuries is kept partially. Actually, all injuries are entered into prisoners' medical files, while occupational injuries and the cases of self-mutilation entered into a special register. The team finds such method inadequate, since properly kept statistics of injuries are most indicative of tendencies among the prison population. Therefore, properly kept statistics – including all types of injuries (occupational, sports, inter-prisoner violence, self-mutilation, instruments of restraint) - should be analyzed and periodically submitted for the attention of the prison administration.

In the period March-December 2005, 11,630 medical services were provided to prisoners. Emergency treatments average one per month. Further, 6-7 prisoners are seen by specialists in civilian hospitals on monthly basis. Every time he visits the institution the psychiatrist examines 10-20 prisoners. Given that drug addicts amount to one-fourth of the prison population, the psychiatrist can only treat them with medicaments. So far, psychotherapeutic programs have not been developed for this category of prisoners. The dentist daily examines 10-12 prisoners. Oral surgery is available to prisoners in the local medical center.

At the time of the team's visit, two prisoners were with diabetes and on insulin therapy, while 5 were on medicaments. As for cardiovascular patients, 3 were recovering from cardiac arrests and a number of them were hypertensive. Two prisoners were HIV infected – one was in the institution, while the other had been transferred to the Belgrade Penitentiary-Hospital. The medical service estimates that about 100 prisoners are with hepatitis C. Twenty prisoners were hospitalized in the in-patient ward. Three prisoners on duty in the ward take care of its hygiene.

Since it is not properly isolated, the prison's X-ray apparatus is only used for teeth radiography. The medical service still provides only elementary diagnostic and therapeutic procedures such as ECG and laboratory tests. The cases of self-mutilation are frequent. Relevant data are entered in computer files so that the exact information was not available to the team. In 2005, two prisoners committed suicide, and 5 died natural deaths. Medical examiners from Novi Sad perform all autopsies.

As interviewed prisoners and medical officers provided contradictory information when it came to the privacy of examinations, the team once again emphasizes that the examinations conducted out of the hearing and out of the sight of prison officers and other prisoners precondition the confidentiality of doctor-patient relationship and, consequently, adequate medical treatment. Only the situations in which a doctor himself is exposed to risk of being assaulted by a prisoner can be taken as the exception to the rule. Admittedly, such situations are not that frequent.

Medical files are not available to prisoners. The regulations about to be passed should overcome the problem and guarantee prisoners' right to be informed about the state of their health unless regulated otherwise by general medical rules.

## II

### Recommendations

- The problem of overcrowding in the Pavilion I should be urgently solved; one of possible solutions is to have the pavilion thoroughly reconstructed;
  - New pieces of furniture, particularly lockers, should be purchased;
  - Each prisoner should be supplied with a proper mattress and two sets of bedclothes at least;
  - Toilets and bathrooms should be renovated;
  - The central heating system should operate throughout a day in wintertime;
  - Artificial lighting in the high-security ward and in solitary cells should be improved;
  - The canteen in the closed section should be better stocked;

- Several full-time physicians should be added to the medical service;
- Lectures on transmittable diseases and addictions should be organized for both prisoners and the prison staff;
- Periodical medical examinations should be conducted;
- Psychotherapeutic and socio-therapeutic programs should be developed and implemented;
- The statistics of all injuries should be kept and periodic reports should be submitted for the attention of the prison administration;
- Medical examinations should be conducted out of the hearing and out of the sight of prison officers and other prisoners, unless the doctor requests otherwise.

## Security

### I

The pavilions accommodating prisoners are surrounded by a 5-meter wall with watchtowers and the video surveillance system covering the pavilions' facades and the so-called housing, i.e. pavilions I and II.

According to the head of the service, the actual 1:6 ratio between officers and prisoners cannot secure an adequate level of security for both the staff and prisoners. Regardless of the institution's size, its large population and the number of daily transfers (averaging 15-20), only four security officers work daily shifts per a pavilion. A new job classification plans 320 security officers, which is considered optimal.

Security officers work four 12-hour shifts and are off duty in next 24, i.e. 48 hours. Security officers tasked with prisoners' transfers, prison facilities and administration have regular working hours, from 7:00 a.m. to 3:00 p.m.

Having interviewed both officers and prisoners, the team left under the impression that the head of the service, no matter how hard he tries, has no insight into the service's functioning and fails to efficiently control officers' conduct. The fact that prisoners are obviously afraid of reporting against officers' misconduct additionally confirms such impression.

As it seems, the atmosphere of peace in the institution is a product of strict discipline and fear, rather than of positive prisoner-staff relations. What the team observed while touring the Pavilion II probably best illustrates this statement. Namely, the prisoners punished by solitary confinement were walking circles in the exercise area with the heads hung and arms behind their shoulders. Asked to explain why they do not stroll but practically run, an officer said, "That's how they like it."

Premises are searched by the book – regularly and whenever there is reasonable doubt that some illegal objects have been smuggled in. The head of the service said that these searches are conducted in the presence of prisoners and authorized officers using metal detectors. Prisoners are obliged to take out all their belongings, which are thoroughly searched and then put back in their place. The head of the service is present during “extraordinary” searches. On the other hand, the interviewed prisoners told a different story. Officers burst into their rooms, make a mess and even break some pieces of furniture, they said. The team cannot but conclude that existence of the house rules in itself hardly guarantees that each and every officer will obey them, and that the head of the service and the prison administration should pay more attention to the staff’s conduct.

In 2005, 7 thefts and 2 suicides were registered. No case of self-mutilation has taken place over the past six months (this piece of information contradicts the one obtained from the medical service).

Prisoners usually smuggle in narcotics and cell phones. Various sharp objects they make in production facilities are mostly detected in searches. The number of such objects has dwindled, however. Some 10-15 were detected in 2005.

Prison gangs are formed by “territorial” standards, said the head of the service. Affluent prisoners have their “men” who do the smuggling job and provide them other services. The security service watches over these groups and often spilt them by transferring prisoners to Zabela and Nis prisons.

In 2005, 43 prisoners failed to duly present themselves after leaves. No prisoner tried to escape.

## II

### Recommendations

- The security service should engage extra hands on full-time basis;
- The control over security officers’ work should be intensified;
- The practice of imposing rigid discipline on prisoners should be abandoned;

## Legality of Prison Regime

### I

Though this is the only institution in Serbia that detains foreign nationals, the team found copies of the house rules in Serbian only. The prison administration plans to have the house rules translated into Rumanian,

Hungarian and Bulgarian languages once the Central Prison Administration adopts a uniform version, said the prison director. The interviewed prisoners did not complain of unavailability of the house rules or unawareness of their provisions.

The team takes the occasion to once again point out to the problem of non-existent criteria for prisoners' reclassification to the high-security ward. This critical remark relates to all institutions. Actually, all prisoners under 40-year sentences are, as a rule, accommodated in such wards.

Out of 520 disciplinary measures taken against prisoners in 2005, 134 were suspended. As for the rest, 485 prisoners were punished by solitary confinement, 24 were reprimanded, and 46 deprived of privileges. Out of just 19 complaints lodged, 5 were sustained. No prisoner addressed his grievance to the prison director. The prison director takes that keeping the statistics of complaints and grievances is time consuming bureaucratization. Though a mailbox for grievances is available to prisoners, the director admitted there was no precise procedure for handling them.

In 2005, instruments of restraint were used against prisoners on 25 occasions. Three prisoners have complained to the director against excessive use of force (two of them were isolated, and one handcuffed to his bed). Other cases related to the use of physical force and rubber truncheons.

The interviewed prisoners had no major complaints when it came to security officers' attitude towards them. All they said was that the security service insisted on rather harsh discipline and was most influential in the matter of reclassification. The head of the service and wardens are not fully aware of security officers' conduct, they added.

## II

### Recommendations

- The house rules and the Law on the Execution of Criminal Sanctions should be translated into Rumanian, Hungarian and Bulgarian languages, and relevant copies should be available to foreign nationals at all times;
- The regulation providing disciplinary punishment and the use of the instruments of restraint should be adopted;
- The procedure and criteria for prisoners' classification to the high-security ward and the duration of such measure should be laid down in black and white;
- Treatment programs should be developed for all prisoners under long sentences, particularly for those sentenced to 40-year imprisonment, instead of allocating them, without exception, to the high-security ward;
- An efficient grievance procedure should be developed;



- Prisoners should be tied up with special belts and only when required so by a doctor; statistics indicating the beginning, duration and termination of such measure should be kept;
- Security officers should treat all prisoners in the same manner.

## **Social Resettlement**

### **I**

Prisoners' engagement in prison work and vocational training is the same as described in previous reports. Prison work is organized in the domains of machine engineering, metal works, agriculture and carpentry. Technology is outdated and meager resources for the purchase of raw materials stand in the way of higher employment. Out of the total number of the prisoners in the closed ward (950), only one in four is engaged in prison work. The prisoners in open and semi-open wards (400) and maximally engaged in work. Commitment to work figures as a major criterion for prisoners' reclassification.

In some aspects, the situation of the reeducation service has taken a turn for the better. On the other hand other problems the team has already noted have not been solved so far. New specialists have been added to the admission team, which presupposes better and more comprehensive evaluation and classification of prisoners. Educators provide only individual treatments to prisoners. They keep underlining the problem of the large population of drug addicts. However, all these years they have done nothing to have it solved.

Educational groups are much too large (80-100 prisoners), which cannot but negatively affect the quality of reeducation. Though the prison administration has engaged a maximal number of educators, the high turnover of prisoners stands in the way of efficient work.

Though educators' offices have been renovated, each educator does not have an office of his/her own.

Educators are rather focused on recreational activities. They have organized new clubs such as woodcarving and painting clubs, as well as the workshops for interpreters and journalists. The newly decorated cultural center has been equipped with one PC. True, just a handful of prisoners are computer literate. The prisoners' engagement in woodcarving and painting clubs is treated as their prison work. Their products are regularly offered for sale at various exhibitions organized in the "Srem" hotel that makes a part of the prison compound. Prisoners are mostly interested in partaking in the sports club.

The prison and the international organizations it cooperates with have signed agreements on renovation of the prison school and engagement of teachers. The project still waits to be implemented since Serbia's institutions cannot provide guarantees that the school will continue working once international grants are exhausted.

According to various sources, the prison library functions smoothly. The same refers to religious culture.

## II

### Recommendations

- Educational groups should be smaller so as to enable quality reeducation;
- Funds for launching production should be secured so as to make it possible for more prisoners to be engaged in prison work;
- Technology should be modernized and more options for vocational training should be offered to prisoners, including benefits for their conscientious work;
- The project planning schooling should be realized;
- Prisoners should be encouraged to master the skills in lucrative trades;
- The good practice in recreational activities should be pursued;

## Contact with the Outside World

### I

Prisoners are allowed to place 10-minutes calls three times a month and are obliged to apply for telephoning. All phone booths in the Pavilion I are installed in one room. Since phone calls are scheduled at daytime only, they are lined up in front of that room. And this is what the interviewed prisoners mostly complained of.

All letters are opened and handed over to a prisoner on duty who distributes them to recipients. Educators censor the letter sent or received by the prisoners in the closed ward.

The rooms for family visits are adequate. However, prisoners meet their lawyers in the room wherein packages are stored. In the team's view, this room can hardly meet the requirements of the client-lawyer confidentiality.

The prison's cooperation with social care centers and other relevant institutions has improved, said the prison director.

Pre-release programs or the staff's activities aimed at preparing prisoners for the life in the outside community are still non-existent.

## II

### Recommendations

- The phoning schedule should be amended so as to avoid unnecessary crowds in front of the room with phones;
- A prisoner on duty should not have access to unsealed letters sent to his inmates;
- Letters should be censored on the grounds of individual assessments, rather than without exception; the letter addressed to international and other human rights organizations should not be censored;
- The administration should set aside an adequate room for prisoners' meetings with their lawyers;
- The prison staff and social centers' employees should be encouraged to cooperate and, whenever possible, apply both direct and indirect treatment programs with a view to maximally prepare prisoners for the life in the outside community, and help them to maintain family ties and relations with other persons and institutions;
- All avenues should be explored so as to secure prisoners' gradual integration into society; pre-release programs can be implemented either in the same or some other institution, and include, among other things, conditional release programs under efficient control and social support.

### Institutional Personnel

#### I

The training and employment service recruits 248 officers – the staff provided by the relevant job classification. Thirty-seven instructors are university graduates, 15 have finished high schools, while the rest secondary schools. The instructors are assigned the same workplaces as they were at the time of the team's last visit, though the number of the prisoners engaged in prison work is hardly comparable to the size of the staff. In 2005, disciplinary proceedings were instituted against 3 instructors for the offenses provided under Article 59 of the Law on Employment in Governmental Bodies. Two were found guilty and eventually fined, while the third officer was acquitted.

With its 26 full-timers, the reeducation service is officially properly staffed. Certain changes in their assignments have been made since the team's last visit. Presently, five officers – three psychologists, a social worker and a

special pedagogue - work for the personality testing department. Twelve officers are dealing with prisoners in the closed ward, and 4 in open and semi-open wards. The staff lists 25 university graduates and one officer who has finished high school. The fact that the service is short-handed and inappropriately organized leads to long-term stress and officers' premature burnout. Sizes of educational groups are planned as major criteria of the draft job classification that plans one educator in charge of 50 prisoners. The team underlines that this is the only closed prison in Serbia wherein the bias about women working for the detention institutions for men has been overcome. According to the interviewed officers, having women of the staff has not negatively affected the overall atmosphere. Educators are most interested in attending courses of in-service training and eager to learn about new methods in dealing with prison population. Over the past 12 months, no disciplinary proceedings have been instituted against any officer.

The security service totals 236 officers and is practically fully staffed. Nine officers are women. As for their qualifications, 2 officers hold university diplomas, 6 have graduated from high schools, 125 from secondary schools, 99 are skilled workers and 2 manual workers. The majority of the staff have lengths of service over 10 years. Twenty officers will retire by June 2006. Only two officers are presently on long sick leaves (up to two years). The service has called an open competition for 20 vacancies.

Overtime is frequent and remunerated.

The head of the service holds regular morning meetings with wardens and, occasionally, with all officers on the staff. He convenes extraordinary meetings to place major problems on the agenda.

In 2005, disciplinary proceedings were instituted against 22 security officers – 13 were accused of minor breaches of orders. Eight officers were fined and 5 acquitted. One of the accused officers was fired. One security officer is presently standing trial (details were not available to the team).

## II

### Recommendations

- Conditions of life and work for all officers should be improved through better salaries and other benefits for their conscientious work;
- All officers should be permanently encouraged to improve their knowledge and professional capacity by attending courses of in-service training and seminars on the models of positive and efficient management;
- Either prison officers should be instructed in dealing with special categories of prisoners such as those dependent on psychoactive substances, or specialist should be engaged for the purpose.

# CUPRIJA PENITENTIARY-REFORMATORY

Date of the visit: October 14, 2005
Type of institution: open
Population: men/adults
Number of convicted prisoners: 171
Number of untried prisoners: 41 (one in police detention)
Number of prisoners punished for misdemeanor: 3
Composition of the monitoring team: two jurists, a physician and a special pedagogue

## Quality and Conditions of Life

### I

#### *a) Buildings and Grounds, Equipment, Ventilation and Lighting, Sanitary Installations and Hygiene*

The prison's capacity in terms of material resources and accommodation is adequate. In its previous report the team stated that all the premises in the closed unit accommodating convicted prisoners and those awaiting trial have been thoroughly renovated.<sup>5</sup> The problem of the unit's overcrowding has been solved. On earlier occasions as many as 38 beds have occupied a room with 80 square meters of floor space. This time the team saw that 18 prisoners were accommodated in the same room. In the meantime, other prisoners have been transferred to a new open facility in Ada. As soon as the prison administration obtains an operational permit from relevant authorities, the rest from the closed unit will be accommodated in this new facility. The downtown facility will house the administration department, the pre-trial unit and the admission department.

The pre-trial unit is not overcrowded. Apart from the improvements the team referred to in its previous report, toilets have been reconstructed and showers mounted in almost all pre-trial dormitories. For the time being, showers are also available to all untried prisoners in the common bathroom. Once showers are mounted in all dormitories, the common bathroom, located outside the prison building, will no more be in use. All rooms in the pre-trial

---

<sup>5</sup> The Helsinki Committee's team visited the Cuprija Penitentiary-Reformatory on December 15, 2005 and reported its findings in the publication "Prisons in Serbia: April 2004 – April 2005," p. 109.

unit have TV sets and prisoners are allowed to bring in their own DVD players. Security officers supervise the movies the prisoners watch on DVDs.

The exercise area available to the prisoners awaiting trial seems rather barren. The atmosphere wherein concrete and wire predominate can hardly produce any positive effect whatsoever on prisoners taking exercise.

The room accommodating the prisoners allocated to the closed regime and their living area are connected by toilets with one shower. In the team's view, this bathroom calls for renovation.

In its previous report the team referred to the water supply problem plaguing the entire municipality of Cuprija. Namely, the tap water was insalubrious and, therefore, not fit for drinking. This time the team was informed that the water supply problem has been solved and the tap water drinkable. Nothing has been changed in the closed unit's exercise area. It is still domed with a wire net.

Though solitary cells have been whitewashed and are now properly maintained, sanitary installations have not been partitioned off the sleeping area. Solitary cells are furnished with beds only.

The accommodation in the new facility in Ada will correspond to that in better European prisons. Should the administration adapt the facility's attic so that it prisoners can use it for recreational activities, the entire facility will be even better adjusted to European standards.

#### *b) Kitchen, Mass Hall and Food*

Food is prepared in the Ada facility's kitchen that is brand new and fully equipped. The kitchen and the mass hall are divided by a screened fridge and a self-service counter. Both the size and hygiene of the open unit's mass hall are adequate.

Professional cooks prepare the food. Fresh fruits and milk products are regularly on menus. Some interviewed prisoners said meals were tasteless and insufficient, while the others were quite satisfied with the quality and quantity of the food served to them.

A medical technician controls the food's quality and preparation.

#### *c) Medical Service*

The quality of the medical care provided to the prisoners has not changed much since the team's last visit, let alone that the out-patient ward and basic medical equipment have become even more dilapidated. The team takes that medical supplies necessitate little investment, particularly when it comes to minor items such as bands for wrist glycol-meters that will enable regular control of the prisoners with diabetes. A PC in the out-patient ward is inoperable. The team again underlines its concern with the fact that

medicaments are kept in an unlocked cabinet and thus practically available to the prisoners who work there. Further, those prisoners have free access to their inmates' medical files and thus to confidential information.

A specialist in general medicine, engaged on contractual basis, and a medical technician formally assigned to the education service are in charge of prisoners' health. The team welcomes the administration's intention to engage this doctor on the full-time basis.

The same as the last time, the team observed that the prisoners from the closed unit are medically examined in the presence of security guards, a practice contrary to the prisoner-doctor confidentiality and negatively affecting the independence of the medical service. Security officers should be present during examinations only in exceptional cases and when justifiably requested so by the doctor, rather than as a rule. One room with 6-8 beds labeled in-patient ward is used for medical isolation of sick prisoners.

Since the beginning of 2005, 1,809 convicted and 640 untried prisoners have been medically examined in the institution. Statistics of emergency treatments provided to prisoners are not kept. According to the medical technician, such treatments have been provided on some 50 occasions. This mostly refers to cardiac troubles, injuries and loss of consciousness. About 200 specialist examinations, mostly neuropsychiatric cases, have been conducted in civilian hospitals. One in four prisoners sent to see a specialist was with neuropsychiatric troubles, while the rest needed cardiologic examinations or surgeries, said the medical technician. Some 7 prisoners have been hospitalized in civilian institutions, and 10-odd transported to the Belgrade Penitentiary-Hospital.

The team once again perceived that dental services provided to prisoners were problematic in spite of the fact that by comparison with 2004 (60) the number of dental examinations increased (87). According to the medical technician, the main reason for such shortcoming was that prisoners had to wait too long to be seen by a dentist in the local medical center.

At the time of the team's visit, two prisoners were with diabetes and on insulin therapy, 3 diabetics were taking pills, 25 prisoners were cardiovascular patients, mostly suffering from high blood pressure, and 5 were with hepatitis C.

Statistics of all sorts of injuries (occupational, sport, inter-prisoner violence, use of force, etc.) are still not kept. Injuries are just entered in individual medical files. As far as the medical technician remembered, there have been 2 occupational injuries, 10-odd inflicted over recreational activities, 3-4 resulting from the use of the instruments of restraint, 2 from inter-prisoner violence and 1 from self-mutilation. In the same period, no cases of suicide or suicide attempts have been registered.

Further, the institution has not organized lectures on medical topics for both the staff and prisoners. The medical technician has attended a seminar

on TB in Belgrade. According to the medical staff, the number of prisoners dependent on psychoactive substances is on the upward curve. They have to cope with some 35 prisoners in this category.

As of the beginning of 2005, three prisoners have submitted their grievances related to the medical service to the prison administration. The team inspected medical documents but did not notice any major failures in the medical care provided to those prisoners. On the other hand, the documents evidenced that a prisoner had to wait two months to have a dental X-ray, due to which his tooth had to be pulled out eventually. Another grievance could have been avoided had the medical service controlled a patient's blood sugar at regular intervals.

A new out-patient ward was not blueprinted in the recently constructed facility, but will be in the one to be constructed in the period to come, said the prison administration.

## II

### Recommendations

- Sanitary installations in the solitary cell should be partitioned off the sleeping area, while the cell itself should be furnished with a table and a chair;
- Toilet/bathroom in the closed unit that will be turned into an admission department should be renovated;
- The new facility's attic should be adapted for a workshop or a recreational area;
- All medical examinations should be conducted out of the sight and out of the hearing of other prisoners and prison officers, unless the doctor requests otherwise for justifiable reasons;
- Medical officers should be trained in psychotherapeutic and socio-therapeutic programs, and occupational therapies so as to conduct them in the institution later on;
- Lectures on transmittable diseases, additions, etc. should be organized for both prisoners and the staff in regular intervals;
- Statistics of injuries should be kept and relevant periodic reports should be submitted for the attention of the prison administration.

### Security

#### I

The statistics of escapes or attempts to escape indicates a high level of security in the prison. Thanks to the service's organization and efficiency, and



other service's coordinated efforts, say security officers, no prisoner escaped or tried to in 2005. Moreover, none of them failed to duly report after prison leaves. "This is all about proper discipline," said the prison director. The entire staff is proud of such tradition. In its previous report the team warned of the institution's harsh discipline and rigidity more suitable for other types of institutions.

This time no prisoner complained of excessive use of force by security officers. Actually, they did not complain of officers' general attitude towards them. However, the team cannot but observe that in an officer's presence prisoners must stand in place with their hands behind their backs. Even the prisoners on their way from one facility to another had to stay put when the team's car was passing by them and either look ahead or bend their heads. In the team's view, such regime is most degrading. The impression is even stronger when one bears in mind that the prisoners are obliged to wear gray uniforms. The fact that prisoners do not even try to escape from an open institution indicates the staff's professional competence, though can be hardly taken as a major trait to boast about. The law provides that the open prisons shall not pose physical obstacles to escape or that the staff's major responsibility shall be to prevent them from escaping. Such institutions shall be focused on vocational training and well-organized and various recreational activities, rather than on maintaining order and discipline. Such regime will be even more obsolete if the regulation providing that only persons that do not pose security risk shall be allocated to this institution is enforced.

## II

### Recommendations

- The security service should change its attitude towards prisoners with a view to creating a more relaxed atmosphere of staff-prisoner trust, and respect of prisoners' dignity;
- The regulation providing that the prisoners who do not pose security risks shall be accommodated in this institution should be implemented.

### Legality of Prison Regime

#### I

As for the availability of the house rules, the information obtained from the prisoners differed. It goes without saying that the house rules are available in the admission department and that all prisoners can learn about their rights and duties on admission. However, some elderly prisoners told

the team they had not understood their rights and duties, while the officers in charge had failed to provide comprehensible explanation. Though the prison personnel claimed that was not true, it remained questionable whether or how much officers tried to ascertain that the house rules were clearly understood by all prisoners without exception. True, copies of the house rules should be available to prisoners at all times, but it is also the staff's duty to be aware whether all prisoners are capable of understanding their provisions. In other words, prison officers should constantly encourage prisoners to learn their rights and duties, and even, if necessary, double-check whether or not the latter are fully aware of how they are expected to behave during detention and what they are entitled to.

Generally speaking, the interviewed prisoners did not complain of the administration's fairness in the matter of disciplinary measures and privileges. Their only criticism related to the rigorous procedure of granting privileges.

Over the past 12 months, 18 disciplinary measures have been taken against prisoners – 8 have been punished by solitary confinement, 2 reprimanded and 8 deprived of privileges. Deprivation of privileges has been suspended in one case, while solitary confinement in three. Only one complaint against a disciplinary measure has been sustained. Out of 25 complaints lodged, 21 plaintiffs received answers.

## II

### Recommendations

- Copies of the house rules should be available to all prisoners, i.e. prison officers should make sure that the prisoners have properly understood their rights and duties, and, if necessary, clarify them to the prisoners who are incapable of comprehending them.

### Social Resettlement

#### I

The aspect of prisoners' social rehabilitation remained about the same as it was at the time of the team's last visit. A team for admission and observation of new arrivals has not been formed so far, and these duties are performed by the officers tasked with prisoners' rehabilitation. The ratio between educators and prisoners is inadequate, i.e. one educator deals with about 50 prisoners. As it seems, treatment of the prisoners dependent on psychoactive substances stands for the institution's key problem. At the time of the team's visit, about 20 prisoners, mostly under long sentences and

mostly transferred from the closed prisons were accommodated in the closed unit. The staff underlines the problem of having too many habitual offenders and prisoners sentenced for brutal crimes allocated to the institution.

The great majority of prisoners have finished elementary schools.

The prison has a new, modern library. Almost the entire prison work is done at the prison commune. The prisoners classified under the closed regime, though by far fewer than those under the open, are given no opportunity to engage in recreational or other organized activities.

Only 50 percent of the prison population is engaged in prison work. The team has not observed any change in the domain of vocational training. Prisoners are exclusively trained in carpentry. The prisoners working in the outside community are usually engaged as manual workers. Their inmates from the closed unit do chores and, therefore, lack the opportunities offered to their inmates in open/semi-open units.

## II

### Recommendations

- Recreational and entertaining activities should be organized with a view to maintaining prisoners' mental and physical health;
- Notwithstanding the external/internal classification problems, treatment regimes should be adjusted to each prisoner's personal traits.

## Contact with the Outside World

### I

In the closed unit the prisoners can use two phone booths to place weekly 5-minute calls. Security officers supervise all calls. The interviewed prisoners said they were allowed to communicate with their families by phone more frequently in exceptional situations, though no longer than five minutes.

One phone booth is available to the prisoners in the open unit. They are allowed to place weekly calls the duration of which is not restricted. However, as too many prisoners are waiting to make their calls, another booth should be placed in this section of the institution.

The prison does not supply daily newspapers either to convicted or untried prisoners. Papers are delivered only to the prisoners who have subscribed to them.

Educators control the contents of all letters without exception.

The prisoners in the closed unit receive family visits in a corridor. A room with a wire partition is set aside for the visits received by the prisoners

awaiting trials. The administration plans to replace the wire partition with a glass one. This is also where prisoners meet with their lawyers.

The open unit has an adequate hall for family visits. Once all convicted prisoners are transferred to the new facility in Ada, untried prisoners will be using this hall for family visits instead of the corridor.

## II

### Recommendations

- If possible, another phone booth should be installed in the Ada facility;
- The prison should supply both convicted and untried prisoners with at least several copies of daily newspapers;
- Phone calls and letters should be controlled on the grounds of individualized assessments, rather than without exception.

### Institutional Personnel

#### I

The security service recruits 30 officers, plus 12 officers who used to work for the prisons in Kosovo. The ratio between officers and prisoners (averaging one officer per 4 prisoners) actually depends on seasons (turnover of prisoners in summertime grows by 20 percent) but is quite adequate in spite of the fact that the service has to deal with two separate facilities. Security officers work shifts (4 shifts with 7 officers each). Eight officers are on duty during regular working hours (from 7:00 a.m. to 3:00 p.m.).

The prison administration has submitted to the Ministry a new job classification planning 49 security officers, which, in its view, would guarantee safety to both the staff and prisoners.

Out of the total security staff, one officer holds a university diploma (the head of the service), 2 have graduated from high schools and the rest have finished secondary schools. Their length of service averages 5-10 years. The head of the service has been working for the institution for 15 years now. No officers has quit his job, or been fired or on long sick leave. There are no women on the staff.

Security officers are interested in attending courses of in-service training. All are included in the in-house training program organized by the Ministry. The head of the service and wardens have also attended the seminars organized by the OSCE Mission.

According to the head of the service, officers' attitude towards prisoners has visibly changed once they acquired new skills over the trainings

they had initially objected. Past years proved that more liberal relations have not jeopardized the institution's security, on the contrary. The head of the service says younger officers willing to adopt new patterns of behavior were those who mostly contributed to the better atmosphere and prisoner-staff relationship.

The statistics presented to the team shows that security officers have not breached orders or misbehaved over the past 6 months.

This time the team obtained more precise information about the training and employment service. The director himself acts as the head of this service since no other officer holds a university diploma. No disciplinary proceedings have been instituted against the service's officers.

The reeducation service employs 6 full-time officers instead of 7 envisaged in the relevant job classification. The prison has not yet engaged a psychologist or formed a team that would admit and observe newly arrived prisoners. Over the past 12 months, no disciplinary proceedings have been instituted against the officers working for the service. In the same period the service staff has not attended in-service courses of training or seminars aimed at improving their professional capacity.

Here the team draws attention to, so to speak, an argument it had with the service's educators. Namely, in its previous report the team observed, "...all this makes the prisoners perceive illegality and corruption at some higher level of authority." The staff's feeling that this phrase called them to account makes no sense. Firstly, they do not stand for any higher level of authority. Secondly, the team's reports are nothing but interpretations of the things observed and told by various sources. In this particular case, the team just interpreted some sources' perception. Whether such perception is right or wrong is not on the team to judge. However, the staff's angry reaction at this particular phrase might indicate where a clue should be sought, which is not the monitoring team's task.

## II

### Recommendations

- All officers should be permanently encouraged to improve their knowledge and professional capacity by attending courses of in-service training and seminars, and to adopt the models of positive management, humane treatment of prisoners and commitment to their work;
- Either the prison staff should be educated in the treatment of special categories of prisoners or specialist should be engaged for the purpose;
- The reeducation service should be staffed in keeping with the relevant job classification, which particularly refers to engagement of a full-time psychologist;

## WOMEN PENITENTIARY-REFORMATORY – POZAREVAC

Date of the visit: November 15, 2005

Type of institution: semi-open

Population: women (adults, juveniles, punished for misdemeanor)

Accommodation capacity: about 220 persons

Number of prisoners: 136 (except for those punished for misdemeanor)

Composition of the monitoring team: two jurists, a physician and  
a special pedagogue

### Quality and Conditions of Life

#### I

##### *a) Buildings and Grounds, Equipment, Ventilation and Lighting, Sanitary Installations and Hygiene*

This was the Helsinki Committee team's third visit to the institution. It firstly visited it in 2002 and then again on October 31, 2003. Since the team has already detailed all prison premises in its previous reports, this report will only highlight the changes observed.<sup>6</sup>

The Women Prison in Pozarevac has never received any subsidies for renovation or adaptation. All repairs and works undertaken so far have been financed from the funds given to the institution for running costs. Every year the prison administration has to find ways and means to improve the overall conditions in the institution. Since the team's last visit in 2003, the admission department and the "misdemeanor" ward have been renovated. The latter made it possible to have first offenders separated from habitual offenders. Further, the studio apartment for spousal visits has been thoroughly reconstructed and furnished, and new mattresses have been bought for all dormitories.

The floors are dilapidated and can be hardly properly maintained. Sanitary installations are falling apart in some bathrooms such as the one in the Pavilion I. The bathroom in the Pavilion III has been partially renovated.

In the team's view, one of the rooms accommodating prisoners sentenced for misdemeanor corresponds neither to domestic nor international standards. Namely, as many as 12 beds are placed in the room of some 12-18

---

<sup>6</sup> See the Helsinki Committee's report "Prisons in Serbia: April 2003 – April 2004" and the one carried in the book "How To Attain European Standards: The Situation of Serbia's Prisons in 2002-2003."

square meters, which, moreover, has no direct access to natural light and fresh air.

Solitary cells are furnished with beds only. Toilets are not partitioned off the sleeping area.

### *b) Kitchen, Mass Hall and Food*

The institution still waits for subsidies necessary to build and equip a kitchen that has been blueprinted. The food is prepared in the Zabela Penitentiary-Reformatory and served to prisoners in a mass hall. The administration plans to request a subsidy for the mass hall's renovation in 2007.

The prison canteen is rather well-stocked.

### *c) Medical Care*

No major changes have been made in the medical service's equipment, premises or personnel (a specialist in epidemiology and two nurses) since the team's last visit.

As of early 2005, the service has conducted 4,302 medical examinations. Emergency treatments average 2-3 per month. On average, 20 prisoners are seen by specialists every month, mostly by internists, ophthalmologists and gynecologists. General gynecologic examinations are conducted twice a month when a gynecologist engaged on contractual basis visits the institutions.

A psychiatrist also pays regular visits to the institution and on each visit examines 5-7 prisoners. For the time being patients are, as a rule, given medicaments only. The team takes that the institution should consider the possibility of psychotherapeutic programs, the more so since the psychiatrist does not have to conduct too many examinations.

Dental services provided to prisoners are inadequate. Purchase of basic equipment and a dentist engaged on contractual basis might solve the problem.

In 2005, two prisoners were hospitalized in civilian institutions – one was with ulcer hemorrhage, while the other delivered a baby. Though not delivered in the institutions, babies stay with their mothers for 12 months. As no staffer is qualified to look after pregnant women, those who have given birth or babies, this task is entrusted to a prisoner and labeled her prison work. At the time of the team's visit one baby was on the premises (born in June 2005), as well as one women in the eight month of pregnancy.

Out of the total number of prisoners, the team found 18 drug addicts, 3 alcoholics and 11 prisoners with hepatitis C. No prisoner was with hepatitis B or HIV infection.

At the time of the team's visit, 6 prisoners were hospitalized in the in-patient ward that can accommodate 10 patients.

Periodical examinations are conducted for all prisoners. In the team's opinion, such examinations should include tests for early detection of cervical and breast cancers.

The prison is still not in the position to have special diets prepared for the prisoners who need them. Milk is added to the menus for pregnant women.

As for preventive measures, a leaflet on hepatitis C has been circulated to security officers. The medical service is mostly focused on birth control programs that include distribution of free condoms.

Statistics of injuries are not kept. According to the staff, except for one light injury resulting from inter-prisoner violence, prisoners have not been injured over the past two years.

Neither disciplinary nor malpractice proceedings have been instituted against the medical staff.

## II

### Recommendations

- Toilets and floors should be urgently reconstructed;
- The rooms in the "misdemeanor" ward should be so reconstructed as to have access to natural light and fresh air;
- Solitary cells should be furnished in keeping with domestic and international standards;
- The out-patient ward should be renovated and equipped with basic items in the period to come;
- The problem of inadequate dental services should be solved;
- Periodical examinations should be more thorough and adjusted to women population;
- Psychotherapeutic programs should be developed.

## Security

### I

The video surveillance system installed since the team's last visit raised the level of security in the institution. Sixteen cameras mostly cover the premises of the closed ward (pavilions I and II), the mass hall, the room used for the so-called controlled visits and the one for the so-called uncontrolled



visits. The administration's plan to have cameras mounted on the wall failed because of short funds.

Over the past year, no escapes or escape attempts have been registered.

The courses of in-service training for security officers considerably contributed to the positive atmosphere of the staff-prisoner relations.

The statistics of inter-prisoner violence show mostly indicate skirmishes, illegal barter of legal objects and misuse of therapies.

The interviewed prisoners said they felt safe in the institution, adding that security officers were treating them correctly – they never humiliate or call them names, and build a friendly climate.

## II

### Recommendations

- The cameras in the rooms for the so-called controlled visits should be removed as their very existence violates the concept of privacy.

## Legality of Prison Regime

### I

In the past year, security officers have used the instruments of restraint against prisoners on 14 occasions – 10 times for isolation purposes and 4 times to have prisoners handcuffed. All these measures, according to the prison administration, were justified. Otherwise, as they put it, disciplinary proceedings would have been instituted against officers.

In the same period out of 159 disciplinary measures, 14 punishments by solitary confinement have been suspended, 109 prisoners have been reprimanded, 21 deprived of privileges and 15 punished by solitary confinement. The only complaint against a disciplinary measure has been overruled. Two grievances have been submitted for the attention of the prison director, and one for the attention of the director of the Central Prison Administration.

The interviewed prisoners take that disciplinary measures are strict and unfair. For instance, they are harshly punished for minor breaches of the house rules (take unscheduled showers, lie on their bed at improper times, etc.). A prisoner that has been disciplinary punished three times is classified to a more rigid regime. Reclassifications are conducted once in three months, and prisoners themselves can in no way influence relevant decisions or express their grievance.

The team saw the rooms used for isolation and handcuffing. According to prison officers, prisoners are handcuffed to beds and sometimes chained to them. Security officers are those who decide on such measures' duration.

## II

### Recommendations

- Chains and handcuffs should be avoided in restraining agitated prisoners;
- A doctor should be the one to recommend the measure referred to in the paragraph above;
- Duration of these measures should also be decided by a doctor, rather than by security officers who are not professionally competent in this matter.

### Social Resettlement

#### I

The majority of prisoners are engaged in the sewing workshop. The prisoners are still working on old machines. One instructor is in charge of 20-odd prisoners. The major problem instructors have to cope with is prisoners' poor working skills. Engagement of an extra professional tailor will be most welcome in terms of quality of the instruction and the workshop's production. On the other hand, the workshop operates below capacity as other prisoners are disinterested in sewing. The workshop's production could be by far better, should the supply of raw materials improve and the machinery for specific sewing operations be available. Training in this useful trade would greatly improve prisoners' chances of reintegration into the outside community after release. The team emphasizes that in no other institution it has perceived such high level of the staff's awareness of the significance of the reeducation process and such commitment to their work. The same refers to the prisoners engaged in the workshop. The authorized institutions should, therefore, maximally support this trend. Last but not least, the team underlines that this institution is among the rare ones where the problem of prisoners' engagement in prison work sources from objective or, to put it more precisely, financial reasons.

Thanks to newly engaged competent officers, the reeducation service has become even more efficient. According to the available information and the team's observation, the institution attaches utmost importance to prisoners' re-socialization and reeducation.

As for schooling, educators' insistence that prisoners should be primarily taught how to maintain hygiene and behave decently does not rule out the necessity of regular schooling in the institutions and concentrated efforts in that direction.

Since the team's last visit, recreational activities available to prisoners have been even more diversified. The team takes the opportunity to commend the reeducation service's endeavor.

Prisoners can meet a visiting priest in the prison library, while religious ceremonies are organized in the theater hall. The interviewed officers and prisoners alike said that the prison population was generally not much interested in religious ceremonies or in having the priest on premises in more frequent intervals.

## II

### Recommendations

- Schooling should be organized for prisoners;
- The authorized institutions should secure funds for the operation of the sewing workshop;
- The good reeducation practice should be pursued.

## Contact with the Outside World

### I

Unlike on the occasion of its previous visit, the team now saw 4 phone booths in the institution – one in front of each pavilion. Prisoners are allowed to place 15-minute calls twice a week. Generally, letters are not censored. However, when there is a reasonable doubt that an envelope contains an illegal object, the envelope is opened in a recipient's presence and examined. The room for family visits has been renovated and appropriately furnished.

This aspect of prison life implying, among other things, the institution's contact with factors in the outside community is being realized through recreational activities, guest performers, sport competitions, etc. However, the institution's cooperation with the authorities in the domain of post-penal reintegration is still generally inadequate. Actually, the efficiency of this cooperation mostly depends on the people working for relevant social care center and other institutions and their commitment to their work, said the prison administration.

Pre-release programs or other activities aimed at preparing prisoners for the life in the outside world have not been developed. In fact, all prison officers are fully aware that such programs are necessary and are ready to

both develop and implement them, but lack the necessary support of other factors involved in the process, said the prison administration.

## II

### Recommendations

- All avenues for prisoners' gradual return to the life in the outside community should be explored, including special pre-release programs and other relevant activities to be implemented either in this or some other institutions, or conditional release programs;
- Social care centers should be so reorganized and capacitated as to assist the prison personnel in admission, observation and re-socialization programs, and, in particular, in the maintenance of prisoners' contact with their families and other relevant organizations.

### Institutional Personnel

#### I

The training and employment service is organizationally classified in the administration department. The service has employed 3 full-time instructors since the team's last visit, which means that it is now fully staffed. One officer, the head of the service, holds a university diploma, while the rest have finished secondary schools. The interviewed officers said they were satisfied with their jobs, the prison administration's managerial capacity and their cooperation with other services.

Instructors mostly complained of the outdated technology and working conditions. Over the past 6 months, none of them has been subjected to disciplinary proceedings.

The reeducation service includes the admission department, the medical service and educators themselves. With its 13 officers the service is considered properly staffed. The service has recently engaged an intern, a psychology graduate. Three educators are assigned to the admission department, 3 to open and semi-open wards and 1 to the closed ward. The rest are assigned to other services.

Some educators have attended the courses of in-service training in transactional analysis. Generally speaking, the reeducation staff is interested in improving their knowledge and skills in this domain.

No disciplinary proceedings have been instituted against any of the service's officer. Educators perceive mutual communication as good and the role of their services as crucial by comparison with other services.

The security service recruits 38 officers, plus 3 who have reassigned from Kosovo. Judging by the relevant classification the service is staffed 97.8 percent. One officers (the head of the service) hold a university diploma, while the rest have graduated from secondary schools. Aged 33 on average, officers are relatively young. The service engages 17 men (tasked with external security) and 23 women, plus the head of the service, who are in charge of the institution's internal security. One woman officer is presently on maternity leave.

In 2006, all security officers are obliged to pass the program of in-service training developed by the Ministry of Justice, i.e. the Central Prison Administration. Courses are organized in the institution. Officers are required to pass 7 exams – 5 theoretical and 2 practical (martial arts and the use of arms). Over theoretic classes officers are instructed in laws, bylaws and other regulations that should guide their everyday word. According to the head of the service, the program provides all officers a most welcome opportunity to refresh and improve their knowledge in many subject matters. She looks forward to another similar program to be implemented in the year to come.

Security officers are also trained in the Nis Training Center. The head of the service underlines that in 2002 she launched specialized workshops for security officers so as trigger off discussions on illegal vs. legal methods of works, and introduced intensified control over their work. Ever since, every excessive use of force has been punished, whereby security officers became aware that their improper conduct would not be tolerated. All this changed for the better their attitude toward their jobs and prisoners, and improved the overall atmosphere in the prison.

Over the past six months, one disciplinary proceeding against an officer has been finalized. The officer was charged with serious breach of orders committed back in 2003 (in the meantime she was on maternity leave). In the same period, disciplinary measures for minor breaches of orders have been taken against two officers (who skipped obligatory classes).

## II

### Recommendations

- Overall conditions of life of all officers should be improved through salary raises and other benefits for their conscientious work;

# VALJEVO JUVENILE PRISON

Date of the visit: October 6, 2005

Type of institution: closed

Population: juveniles/males

Number of juvenile offenders: 173

Composition of the monitoring team: two jurists, a physician and  
a special pedagogue

## Quality and Conditions of Life

### I

#### *a) Buildings and Grounds, Equipment, Ventilation and Lighting, Sanitary Installations and Hygiene*

Like many other penal institutions, the Valjevo Juvenile Prison<sup>7</sup> has not been systematically maintained for years. Due to longstanding neglect, plumbing and sewers are almost totally ruined, the same as certain facilities of parts of them within the prison compound. Humidity has destroyed wall and ceiling plaster in the buildings with inoperable plumbing. Replacement of the entire plumbing and sanitary installation, as well as the reconstruction of bathrooms in the pavilion accommodating the juveniles under closed regime were underway at the time of the team's visit. Once the works are over, the administration plans to whitewash dormitories and corridors, and replace the floor in the closed unit.

In the team's view, furniture that is falling apart in some rooms should be replaced. This mostly refers to the living area of the closed pavilion. The administration has started replacing beds, mattresses and lockers in other sections of the institution. The situation is somewhat better in the pavilion accommodating the juveniles under semi-open and open regimes – walls are not humid, floor is not that dilapidated, furniture is rather new, while the toilet and the bathroom have been recently renovated. However, two dormitories are too small for the number of juveniles accommodated in them. For instance, as many as 16 juveniles are placed in a room with 35 square meters of floor space. The other room of some 60 square meters

---

<sup>7</sup> The Helsinki Committee' team visited the Valjevo Juvenile Prison on August 12, 2003 and reported its findings in the publication titled "Prisons in Serbia: April 2003 – April 2004," p. 17.

accommodates 19 juveniles. And yet, it would be overcrowded if it had lockers, tables and chairs. The team takes that having only one toilet and one shower available to so many people is totally inappropriate.

Living conditions are worst in the high-security ward composed of five rooms with 15 square meters of floor space each. Every room – with windows that do not allow sufficient entrance of fresh air and natural light - accommodates 4 juveniles. Toilets are ruined and should be urgently renovated. The ward's exercise area has a small shelter under which juveniles can gather when it rains. Greenery, benches or sport facilities are nowhere to be seen. The entire area seems barren and desolate.

Solitary cells are located in the same building as the high-security ward. They are dark, humid and stifling. Windows are too small to allow sufficient entrance of natural light and fresh air. Artificial lighting is turned on round the clock. Every cell is furnished with a bed, a table and a chair.

As the pre-trial facility has been completely renovated and furnished, untried juveniles are no longer accommodated in other facilities.

#### ***b) Kitchen, Mass Hall and Food***

The kitchen is adequately maintained and equipped with necessary accessories. Some parts of kitchen furniture are dilapidated and should be replaced.

The hole the dripping made in the mass hall ceiling (the team reported in 2003) is still there. The ceiling could not have been repaired since the plumbing has not been replaced. Unused furniture is piled up in one corner of the mass hall. The team considers that keeping old furniture in the place where juveniles eat is insalubrious and unseemly. Apart from renovation of the ceiling, the mass hall calls for floor replacement and whitewashing.

The interviewed juveniles differed when it came to quality and quantity of food – some said their meals used to be better, while others were quite satisfied. Special diets are prepared for Muslim juveniles. However, one of them told the team that preparation of such diets depended on which of the two cooks was working his shift. "One of them is fair and pays due attention to our diets, while the other would not bothers with that," he said. Fresh fruits and pastry are on menus once a week each. Milk and milk products are not on menu every day.

#### ***c) Medical Service***

By comparison to the team's last visit, the medical care provided to juveniles has considerably improved. Apart from three medical technicians, a gynecologist has been engaged on full-time basis. A dentist, working on

contract, visits the institution twice a week. The medical service thus provides nursing and medical care round the clock.

All juveniles are medically examined upon admission and their files are compiled. They are tested for hepatitis B and C, and HIV virus in the laboratory of the local medical center. Entire prison populations are so thoroughly screened only in this and one other institution. Though commending such practice, the team suggests that all medical findings should be analyzed, systematized and presented to the administration with a view to providing more efficient medical treatment to infected juveniles (most of whom are firstly diagnosed as such on admission) and preventing the spread of infection. In the team's view, other institutions should adopt the same model of medical examination of new arrivals.

The premises occupied by the medical service have been partially renovated. Most importantly, the institution has procured a new and fully equipped ambulance for emergencies and other medical treatments that can be only provided by civilian hospitals.

As of the beginning of 2005, the service has conducted 2,926 medical examinations of juveniles, plus 949 of untried prisoners. Emergency treatments average one a month and, whenever necessary, such patients, accompanied by a medical technician, are taken to a civilian hospital. Juveniles are usually examined by specialists in the Valjevo Hospital that has provided 514 such services since early 2005. In the same period, 14 juveniles have been hospitalized in civilian institutions and 45 in the Belgrade Penitentiary-Hospital. The latter have mostly been psychiatric patients. Sixty-three juveniles have been hospitalized in the institution's in-patient ward. At the time of the team's visit, the ward also accommodated the juveniles who have been moved from the section under reconstruction.

At the time of the team's visit, one juvenile was with diabetes (on insulin therapy). No cardiovascular patients or those with TB or AIDS have been registered. Fourteen juveniles are with hepatitis C and five with hepatitis B. The administration assesses that a high percentage of the population is dependent on psychoactive substances. The dentist who is on premises twice a week provides all dental services except for prosthodontic services for which a juvenile should firstly submit a request.

The institution is among the few that keeps separate statistics of injuries. Injuries are recorded both in individual medical files and in a special register. The team's only suggestion relates to categorization of injuries (occupational, sport, inter-prisoner violence, the use of force, self-mutilation, etc.) and relevant, periodic reports to be submitted for the administration's attention. Statistics show that 18 juveniles have been injured since the beginning of 2005 (6 occupational injuries, 5 sport injuries, 3 resulting from inter-prisoner violence and 5 from self-mutilation). The team can only assume that non-existent information about the injuries caused by instruments of



force indicate that such cases have not taken place and hope the administration would not deliberately omitted to register the incidents illustrative of torture or inhumane treatment.

The administration has not organized lectures on transmittable diseases for both juveniles and the staff. However, the team hopes it would in foreseeable future, particularly when it comes to lectures on hepatitis, AIDS, TB, sexually transmitted diseases and addictions. In the team's view, organization of such lectures will be the more so easier since the prison doctor already imparts such information through everyday communication with juveniles.

Medical officers have attended several in-service seminars. They should be further encouraged to improve their professional skills, particularly in the domain of prison pathology.

The medical service daily controls the quality and salubrity of the food prepared for juveniles. Samples of food are kept for possible laboratory testing.

The medical service makes an integral part of the multidisciplinary (medico-psychosocial) program aimed at providing juveniles comprehensive and continual healthcare and therapies.

## II

### Recommendations

- The entire plumbing in the institutions should be either reconstructed or replaced;
- Toilets and bathrooms, particularly those in the closed and high-security wards, should be thoroughly renovated;
- All rooms in the closed and high-security wards should be whitewashed, and floors replaced;
- Dilapidated furniture should be replaced by new pieces, especially in the closed ward's living area;
- Ventilation and artificial lighting should be improved in solitary cells and the high-security ward;
- The high-security ward's exercise area should be equipped with sport facilities and benches;
- The dilapidated parts of kitchen furniture should be replaced;
- The mass hall should be thoroughly renovated, and the unused furniture should be taken out of it;
- Due attention should be paid to the preparation of special diets for the juveniles professing Islam, which should not depend on a cook's good will;
- Lectures on transmittable diseases should be organized and relevant information circulated to both juveniles and the staff;

- The staff should be instructed in recognizing indications of suicidal risk;
- The medical staff should be encouraged to improve their professional competence in the domain of prison pathology;
- Periodical reports should be drawn on the basis of the statistics of injuries and submitted for the administration's attention.

## Security Service

### I

Two major steps forward have been taken since the team's last visit when it reported the institution's informal system generating conflicts, inter-prisoner violence, thefts and injuries. The new administration managed to considerably reduce the number of such incidents. Namely, while in 2003 the team reported that fights or some other incidents averaged one a day, this time both the administration and juveniles said incidents were rarity (two since the beginning of 2005). The juveniles known as gang leaders were either transported to other institutions or isolated in the high-security ward. Besides, the director introduced new rules that laid down the criteria for punishment and disciplinary measures.

Another step that improved the security was the purchase of an ambulance and a large enough police van for the transport of juveniles. Presently, the institution has at its disposal 3 big police vans, a smaller one and the ambulance.

Generally, the interviewed juveniles did not complain of the security officers' attitude towards them. None of them complained of the use of the instruments of restraint or officers' arrogance and unprofessional conduct.

The head of the security service also takes that security of both juveniles and the staff has been improved by comparison with the previous period. On the other hand, officers assigned to the so-called internal security – those working night shifts or frequently touring dormitories – were less safe than their colleagues watching the institution's compound, he said.

Smuggling in of illegal objects is facilitated by the very fact that the institution has no video surveillance system and is, moreover, located nearby a highway from which it is separated by a 2-meter wall. However, small packages can be easily either thrown over the wall or inserted through its many holes.

Non-existent house rules allow arbitrary decisions. So the director alone has a final say in many matters such as the contents of the packages juveniles received.

The juveniles engaged in prison work are daily searched, while all dormitories once a week. Searches are conducted whenever there is reasonable doubt that some illegal objects have been smuggled in. Searches are conducted in the presence of juveniles who stand by their bed on which they themselves have placed their belongings.

On the other hand, the juveniles from the high-security ward said they were ordered to stand in corridors during searches. According to those accommodated in the open ward, searches are occasionally conducted out of their sight. On such occasions security officers often crash pieces of furniture or some small items, they said.

According to the head of the service, some juveniles have attempted to smuggle in narcotics and mobile phones, while security officers occasionally discover knives juveniles make in workshops. As for corruption, the head of the service said some officers were suspected but never caught red-handed. According to the interviewed juveniles, some security officers are being bribed to assign juveniles to better workplaces.

## II

### Recommendations

- Searches should be conducted in keeping with the legal procedure – regardless of the wards to which they are allocated, juveniles should be present on such occasions;
- A video surveillance system should be installed;
- Some officers should be kept under intensified surveillance.

## Legality of Prison Regime

### I

The team once again emphasizes that the absence of adequate house rules considerably affects the legality of prison regime and other aspects of life in an institution. Given that the laws regulating juvenile detention have been recently passed, the team believes relevant bylaws and house rules would be adopted in near future. Apart from specifying juveniles' rights and duties, these regulations should include provisions that detail and list offenses and pertinent punishment so as to avoid any arbitrariness whatsoever. Further, it is of crucial importance that the regime in high-security wards is regulated, i.e. that the conditions under which a juvenile shall be allocated to such ward are determined, that he/she has the right to know the whys, that relevant decisions are controlled by independent

authority and that periodical reclassifications are conducted. The team believes that all these issues will be solved through a set of new regulations, the same as that house rules would be available to all juveniles and understandable enough to make him/her aware of his/her rights and duties throughout detention. Such approach would greatly influence juveniles' perception that punishment or privileges are based on precise rules, rather than determined arbitrarily.

As of the beginning of 2005, 88 disciplinary measures have been taken against juveniles – 58 have been punished by solitary confinement, 14 reprimanded, and the rest deprived of privileges. Out of the total number of disciplinary measures, 30 have been conditionally suspended. No juvenile filed a complaint for, as they put it, "it's of no avail." This nothing but justifies the team's observations in the paragraphs above, particularly when it comes to the absence of clear-cut grievance procedure and the control over disciplinary measures. In the same period, instruments of restraint have been used on six occasions but excessive use of force has not been registered.

## II

### Recommendations

- The bylaws regulating juveniles' rights and duties, the institution's obligations, disciplinary measures and proceedings, as well as an efficient grievance system should be adopted as soon as possible;
- Those bylaws should detail juveniles' allocation to high-security wards, efficient control over pertinent decisions and the grievance procedure;
- Boxes wherein juveniles may deposit their complaints and appeals to the director who will alone have keys to them should be installed.

### Social Resettlement

#### I

The training and employment service is organized in the same manner as described in the previous report. Juveniles are engaged in the same prison work but the machines they work on have become more dilapidated in the meantime and technology used totally outdated. However, unlike in the past their preferences are now taken into account in job assignment. The team once again underlines that juveniles would be more motivated for both schooling and prison work should they be offered modern curricula and trained in lucrative trades.

On the other hand, the composition of the reeducation staff has been changed for the better the same as organizational arrangements. In the team's view, some changes have positively affected juveniles, which cannot be said for all novelties introduced.

The very fact that "privileged" juveniles are by far fewer has improved the overall atmosphere. The treatment provided to juveniles has been individualized. Group treatments are sporadic since only few educators have been trained in conducting them. The interviewed educators emphasized the necessity to set up a psychotherapeutic to provide psychosocial support and assistance throughout detention. There is an admission team that firstly diagnoses and then classifies new arrivals. However, once juveniles are classified to specific wards the team is not in the position to follow and influence their reeducation. A novelty is that one educator does not deal with a juvenile in continuo – when reclassified the juvenile gets another educator. Some interviewed educators labeled the change "regressive."

Courses in English are no longer organized though juveniles are interested in learning the language. The team sees no reason why such good practice has been ended.

Most juveniles have finished just elementary schools or begun their secondary education. On the other hand, some are high school or university students. The problem standing in the way of secondary education is that such schools have restricted the number of students they admit. It could be solved should the Ministry of Education and the Ministry of Justice agree to enlarge admittance so as to enable juveniles to attend classes. Though the administration has raised this question relevant authorities have not taken any steps so far.

Juveniles are interested in attending the courses in computer literacy and foreign languages, aware that such knowledge would help them to find jobs and get better integrated in the outside community. The team takes these facts should taken into account when speaking about the absence of juveniles' motivation for schooling and prison work, the more so since their engagement in prison hardly corresponds to the demands of a modern society. The problem is additionally aggravated by the lack of modern teaching aids and adequate premises. The institution has two libraries – one is located in the school building and the other in the cultural center. However, the juveniles who regularly go to fetch new books are few.

Though diversiform at first glance, recreational activities are insufficient. The staff spoke of the third in a row painting colony where this August professional painters created together with juveniles.

The institution's population is multireligious. The majority profess the Serbian Eastern Orthodoxy. Since the team's last visit the administration has set aside one room for religious ceremonies.

## II

### Recommendations

- The Ministry of Education and the Ministry of Justice should urgently solve the problem of financing juveniles' schooling and their admission to local secondary schools;
- The curricula should be adjusted to real needs and juveniles' interests, modern teaching aids should be secured, courses of foreign languages should be organized, and the machines used in prison work should be modernized;
- The institution should maximally exploit its actual capacity for recreational activities.

## Contact with the Outside World

### I

The regime of placing phone calls has not changed since the team's last visit. The administration plans to install yet another phone booth in the open ward/pavilion. According to the director, security officers only visually control phone calls. The interviewed juveniles did not complain that their right to privacy was violated, but did when it came to just two 5-minute calls they were allowed to place twice a month.

All letters without exception are controlled by an education.

The institution supplies several sets of daily newspapers that are distributed to the high-security ward, pre-trial ward, library and cultural center.

Inadequate cooperation with relevant institutions in the outside community is the biggest problem in the process of pre-release preparation. It goes without saying that good cooperative ties do not depend on the institution only but also on families and social centers' good will to join hands in the process of juveniles' post-penal integration into society.

### II

### Recommendations

- Phone calls and letters should be supervised selectively and on the grounds of individual cases;
- The administration should allow juveniles to place phone calls more frequently, particularly when the additional booth is installed;

- All relevant factors should be encouraged to cooperate in the process of juveniles' pre-release preparation and smooth post-penal integration into society;
- Contacts between educators, families and juveniles should be more frequent;
- The atmosphere resembling that in the outside world should be created inasmuch as possible.

## **Institutional Personnel**

### **I**

The same as on the team's previous visit the training and employment service was understaffed. The interviewed instructors pointed out to the problem of outdated technology and bad working conditions. Over the past year, no instructor has been subjected to disciplinary proceedings.

Out of 21 officers planned in the job classification, the reeducation service employs 19 educators. Two educators – one tasked with corrections and the other with schooling – have been recruited full-time since the team's last visit.

The educators who have been trained in carrying out various forms of group work and modern approaches are few. According to educators, in-service courses of training are not organized because of lacking funds. Interpersonal relations and communication among the staff seems better than on the team's last visit.

The security service recruits 94 full-time officers. Judging by job classification, the ratio between security officers and juveniles is 1:2. However, in practice this ratio is 1:8, which, in the opinion of the head of the service, is the lower limit of both officers' and juveniles' safety.

Out of the total number of security officers, one (the head of the service) hold a university diploma, one has finished higher schools, and the rest (92) secondary schools. Since younger officers have been recruited recently, the staff's length of service average 10 years.

Security officers are interested in attending courses of in-service training, said the head of the service. He particularly commended the courses organized in the Nis Training Center. In his view, security officers should be trained four years before recruitment. Presently, all security officers are obliged to pass the exam in professional capacity after one-year internship. The head of the security service takes that the period of one year can hardly turn officers fully qualified for their responsible and stressful jobs.

All employees manifested interest in attending seminars and other professional gatherings but knew nothing about the institutions they should turn to for such in-service trainings. The head of the service takes that the courses organized by OSCE and UNICEF have not fully met the institution's needs.

In the past six month, disciplinary or criminal proceedings have not been instituted against any security officer.

## II

### Recommendations

- Candidates' social and emotional competence should be taken into consideration on recruitment;
- All officers should be permanently encouraged to improve their knowledge and professional capacity by attending courses of in-service training and seminars; the administration should insist that officers adopt the models of positive management, humane treatment and commitment to their job;
- Either officers should be educated in providing treatment to the juveniles with special needs or specialist should be engaged for the purpose.



# KRUSEVAC JUVENILE REFORMATORY

Date of the visit: September 17, 2005

Type of institution: semi-open

Population: juveniles/both genders

Number of juvenile offenders: 164

Number of sentenced prisoners: 6 women and 4 men

Composition of the monitoring team: two jurists, a physician and  
a special pedagogue

## Quality and Conditions of Life

### I

#### *a) Buildings and Grounds, Equipment, Ventilation and Lighting, Sanitary Installations and Hygiene*

In almost one year since the team's last visit to the institution<sup>8</sup> the administration has reconstructed it to some extent with a view to improving overall conditions of life. The central heating system has been reconstructed, including replacement of the main boiler and pipes. However, radiators in the rooms accommodating juvenile offenders have still to be properly repaired, according to the administration. The team takes that the radiators are so dilapidated and corroded that they should better be replaced or at least painted as a provisional solution. Further, a therapeutic-psychiatric ward is being established. By adjusting some areas in the Cultural Center the administration has formed an atelier.

Though the reconstruction works undertaken so far will surely improve overall conditions of life, the team emphasizes that true betterment depends on an urgent reconstruction of the pavilions wherein juveniles are accommodated. In its previous reports the team has described in detail how battered these pavilions are. As time goes by, they look worse and worse. Unless relevant authorities begin to systematically tackle the problem as soon as possible, the pavilions will practically fall apart.

Furniture is generally dilapidated and should be replaced. The same refers to toilets, bathrooms and sanitary installations that cry out for thorough

---

<sup>8</sup> The Helsinki Committee' team visited the Krusevac Juvenile Reformatory on October 20, 2004 and reported its findings in the publication titled "Prisons in Serbia: April 2004 – April 2005," p. 133.

reconstruction. In some facilities such as the admission department, the open ward and the women's ward tiles are, for instance, in rather good shape, but showers, washbasins and other installations are corroded and stench. In almost all dormitories, beds are covered by shabby and dirty sponge mattresses. The only exception to the rule is the semi-open ward accommodating juveniles of age who are provided proper mattresses. On the other hand, the bathroom in this ward can hardly serve its purpose.

Architectural shortcomings affecting the closed ward have not been removed since the team's last visit. The newly built mansard roof prevents entrance of natural light and fresh air in rooms. The closed ward has two wings with one toilet in each. The interviewed juveniles said the flushing apparatus in one toilet was inoperative.

Solitary cells are described in detail in the previous report. This time the team obtained contradictory information concerning this form of punishment. While the deputy director claimed these basement premises were no longer used, an educator said the juveniles punished by solitary confinement were taken to them, while those identified as agitated were accommodated in the rooms on the first floor covered by video surveillance system. According to the latter, these rooms do not serve for solitary confinement, but for juveniles who necessitate intensified supervision round the clock. Toilets and tap water are not available in the rooms used for isolation.

#### *b) Kitchen, Mass Hall and Food*

The kitchen seems clean and is furnished with adequate accessories. However, its well-worn floor should be replaced.

The newly renovated and furnished mass hall looks clean and tidy.

The mass hall in the closed ward is out of use. Juveniles have their meals in living areas. As a solution as such is totally inadequate, the mass hall should be renovated as soon as possible and available to juveniles.

According to the kitchen staff, daily menus include enough milk and milk products. They do their best to provide fresh fruits to juveniles or at least serve them canned fruits. Due attention is paid to the preparation of special diets. The interviewed juveniles were generally dissatisfied with both quality and quantity of food. The juveniles in the closed ward complained of the manner in which meals were served to them.

#### *c) Medical Service*

Major changes for the better than have taken place since the team's last visit, testify that the medical service is being transformed into a multidisciplinary healthcare service. The entire floor of the pavilion's wing

accommodating the juveniles of age has been reconstructed with a view to enabling the medical service's efficient and comprehensive functioning. Besides, competent officers have been added to the medical staff. The administration plans to engage even more specialists.

At the time of the team's visit the medical service engaged one general practitioner, a dentist, a special pedagogue, a clinical psychologist, three nurses and one dental technician. The administration plans to engage the actual part-time neuropsychiatrist (visiting the institution three times a week, and whenever necessary) on full-time basis, as well as several qualified medical technicians to work as assistant therapists. Such new additions to the staff will make it possible for the service to work round the clock.

A special pedagogue, former member of the reeducation staff, has been recently appointed the head of the service. He has attended the course of in-service training in psychotherapy, organized by the Novi Sad-seated Association of Group Psychoanalysts. He and his associates plan to form groups of juveniles with special needs (dependency on psychoactive substances, aggressive-depressive disorders, etc.) and submit them to appropriate psychotherapies. In cooperation with all medical and reeducation officers, the psychiatrist, the clinical psychologist and the special pedagogue will be conducting group therapies that will add quality to medical services provided to juveniles.

In 2004, 3,460 medical examinations and 97 laboratory tests were conducted in the institution's out-patient ward. Ninety-nine juveniles were hospitalized in the in-patient ward. Five juveniles were hospitalized in civilian medical centers in Krusevac and Prokuplje, and 18 in the Belgrade Penitentiary-Hospital. In the same period, the medical service identified 10 juveniles with hepatitis C and one with hepatitis B. There were 8 cases of self-mutilation and 34 injuries. The dental ward provided 514 services, including 84 tooth extractions and 87 checkups.

Since the beginning of 2005, the medical service has conducted 2,677 general examinations and 720 dental services. Two juveniles have been hospitalized (one had his chin broken and the other underwent sinus surgery) in the Belgrade Penitentiary-Hospital. Presently, there are no patients with diabetes among the institution's population. One juvenile suffers from cardiovascular disease. Further, in the same period, one juvenile was identified as cured TB patient, while 9 with hepatitis C and 2 with hepatitis B. No cases of HIV infection were registered. As of June 2005, 13 juveniles underwent psychotherapeutic treatment. The team found no one hospitalized in the in-patient ward, since the latter was under reconstruction.

Information about transmittable diseases is circulated to juveniles on admission. Besides, the institution organizes lectures on hepatitis C and AIDS, as well as workshops dealing with reproductive health. In the period to come, the administration plans to organize lectures on alcoholism and drug abuse.

General physical examinations are conducted twice a year, the same as tetanus immunization and flue vaccination.

Since the beginning of 2005, 252 injuries and emergency treatments have been entered in a common register. Having insisted on more detailed information, the team was told that out of the total number 28 have been injuries. In the team's view, such statistics can hardly provide prompt information and, therefore, should be kept by types of injuries (e.g. sport injuries, occupational injuries, injuries afflicted in fights, etc.). A solution as such would make it possible to submit detailed trimester reports for the attention of the administration. These reports would also provide overviews of developments among the institution's population.

According to statistics, 12 cases of self-mutilation – 7 grave (slashed wrists and swallowing of various objects) and 5 light – have taken place since the beginning of 2005. No cases of sexual abuse have been registered.

The same as on previous occasions, the team was informed that medical officers do not visit the juveniles punished by isolation.

As of early 2005, some medical officers have attended courses of in-service training in recognizing indications of suicidal risk and in cognitive-behavioral therapy. In the same period, no disciplinary proceedings have been instituted against medical officers.

The team interviewed the institution's dentist who explained the functioning of the dental service. Initial stomatological examinations are conducted on admission. Dental files are then compiled for every newly admitted juvenile. General stomatological examinations are conducted twice a year. According to the dentist, most services relate to tooth extractions, given that, as a rule, juveniles have been with dental caries before admission.

Over the past year, the dentist has attended one broken chin and three teeth luxations. Such injuries are entered in dental files and educators of the hurt juveniles are verbally informed about the incidents of the type. Though the institution regularly supply toothbrushes, juveniles have hardly developed the habit of keeping their teeth clean.

Almost all dental appliances are old and, therefore, are often out of order. For instance, a heliolamp has been inoperable for the past 5-6 years, the same as a sterilizer. The general medicine in-patient ward has an old and unreliable sterilizer. The team cannot but conclude that medical appliances in both wards should be replaced by new ones.

## II

### Recommendations

- The administration should draw a detailed financial plan for reconstruction of all facilities accommodating juveniles;
- Sponge mattresses should be replaced by proper ones;

- Every juvenile should be provided a locker of his own, while old lockers should be either replaced or painted;
- Floors and sanitary installations should be replaced so as to be efficiently maintained;
- Artificial lighting in dormitories should be improved;
- Woodwork and radiators in dormitories should be painted;
- The problem of inadequate entrance of natural light and fresh air in the closed ward should be solved;
- Toilets and tap water should be available in the rooms used for isolation and supervision of agitated juveniles;
- The mass hall in the closed ward should be thoroughly reconstructed as soon as possible;
- The kitchen floor should be replaced;
- Competent medical officers should be engaged full-time so as to make it possible for the medical service to operate round the clock;
- The statistics of injuries should be kept in more detail, and medical parameters should be periodically analyzed;
- Juveniles should be regularly informed about medical issues, particularly about addiction and transmittable diseases;
- A medical technician or a doctor should regularly visit the juveniles punished by isolation;
- The plan for having multidisciplinary healthcare program introduced should be carried on.

## **Security Service**

### **I**

The administration's decision that security officers, except for those assigned to the closed ward, should stop wearing truncheons stands for a major change in the officers-juveniles relationship. Moreover, some security officers have replaced their uniforms with civilian clothes since. According to the interviewed officer, no major incident that could have disturbed the institution's functioning has taken place as of early 2005. Two juveniles have walked out of the reformatory compound, while 10-odd of them have failed to present themselves after leaves. No cases of gross inter-juvenile violence, thefts, self-mutilation or smuggling in of illegal objects have been registered, said the officers.

The team wishes to emphasize some aspects it deems inappropriate from the angle of juveniles' rights. Firstly, the video surveillance system, as referred to in the paragraphs above, operates round the clock in the rooms where agitated juveniles are kept in temporary isolation. Secondly, the

interviewed juveniles said their agitated inmates were being handcuffed to beds in the presence of at least one juvenile. The team takes a practice as such is contrary to relevant international standards providing that agitated patients, juveniles in particular, should not be restrained with metal handcuffs. Besides, agitated juveniles should not be tied in the presence of their inmates. The team supposes that this practice derives from the Law on Execution of Criminal Sanctions that forbids punishment of juveniles by literal isolation, a provision that relates to a disciplinary measure but not to restraining the persons with mental agitation that necessitates such instruments until they calm down and stabilize. Agitated juveniles should be restrained under the control of a psychiatrist who should decide how long such measure is necessary. Special statistics about the use of instruments of restraint, showing precisely when a patient has been immobilized, for what reasons and for how long should be kept.

## II

### Recommendations

- The surveillance camera should be removed from the isolation room, since such round the clock control violates the right to privacy guaranteed under Article 8 of the European Convention on Human Rights and related to Article 3 prohibiting torture and degrading treatment;
- Instruments of restraint should not be used on a juvenile in the presence of another inmate;
- Whenever really necessary, agitated juveniles should be tied up with leather belts, rather than handcuffs;
- A doctor should supervise the use of instruments of restraint and detailed statistics of such measures should be compiled.

### Legality of Regime

#### I

In its previous report the team has pointed out to the problems stemming from inadequate house rules. In the meantime, with the assistance of UNICEF the institution has modified its old house rules that, in a way, anticipated some provisions of the Law on Juvenile Offender and the new Law on Execution of Criminal Sanctions, enacted some ten days after the team's visit. The modified house rules have annulled the disciplinary measure of depriving juveniles of privileges. At the same time, they introduced a "scoring system" enabling detailed evaluation of each juvenile's conduct and

progress. Copies of the brochure specifying rights and duties have been circulated to all juveniles.

In spite of the fact that both laws have been passed soon after the team's visit, the team believes that the institution would adopt new house rules in foreseeable future. It goes without saying that this regulation, once adopted at the level of the institution, should be available and understandable to all juveniles, meaning that they should be fully aware of their rights and duties, disciplinary measures in the event of disobedience and grievance procedures.

As of beginning of 2005, 203 disciplinary measures have been taken against juveniles - 69 punishments have been suspended, 127 juveniles have been assigned to intensified surveillance (to the rooms with video surveillance system), 2 have been deprived of privileges, and 5 reprimanded. Punished juveniles have not lodged complaints. According to the administration, instruments of restraint (handcuffing and physical force) have been used on 10 occasions. Further, excessive force, though not truncheons, has been used in two cases.

A juvenile assigned to the closed ward told the team that truncheons were still used in his ward only. Though other interviewed juveniles did not confirm his claim, the team noticed that security officers in this ward were wearing truncheons.

The information related to disciplinary punishment and grievances indicate that the entire procedure should be reviewed. New house rules, based on the two newly adopted laws, should detail the disciplinary punishment procedure and efficient grievance system.

## II

### Recommendations

- Bylaws specifying juveniles' rights and duties, the institution's obligations, disciplinary offenses and a relevant procedure, as well as an efficient grievance system should be adopted in the shortest possible while.

## Social Resettlement

### I

Three departments of the reeducation service are dealing with juveniles' re-socialization.

By comparison with the team's previous visit, the domain of social resettlement has been significantly improved. There is a number of either ongoing projects of those in the preparatory stage. The institution's

cooperation with UNICEF has brought about novelties in all segments of reeducation – education, therapeutic work and recreational activities. Given that all projects are experimental, it is only natural that they may show shortcomings in practice. According to the director, engagement of a behavioral psychotherapist and a treatment program for this group of juveniles were about to be finalized.

Some educators have attended courses of training in the cognitive-behavioral and participative approach.

Recreational activities are many and diverse. The institution has organized agricultural, cultural, computer and sport workshops. As of recently, a journalist workshop is available to juveniles as well. However, all those workshops are not available to the juveniles in the closed ward.

Courses in socialization and communication skills, as well as in healthcare are mandatory for all juveniles.

The number of the juveniles dependent on psychoactive substances is on the upward curve. The institution adequately tackles the problem both through treatment programs and competent professionals working with this population. New programs for addicts and victims of violence have been introduced recently.

The majority of juveniles are allocated to the semi-open ward (100 out of 160). Teenagers are physically separated from those of age.

The training and employment service has enlarged the scope of vocational training by adding courses (for girls) in cosmetics, confectionary, shop-keeping, hairstyling and sewing.

The library is stocked with unattractive and outdated books. The room used for religious ceremonies does not fully meet its purpose.

## II

### Recommendations

- The new rehabilitation programs should be pursued;
- Juveniles should be encouraged to read, while the library should be supplied with books and magazines suited to their age;
- Arrangements should be made for a more adequate room for religious ceremonies and observance.

## Contact with the Outside World

### I

The situation is about the same as at the time of the team's last visit. Only one phone booth located nearby the entrance gate is available to



juveniles. The administration plans to mount another two booths – in women's ward and the closed ward. Actually, introduction of another two lines depends solely on the "Telekom" company, said the administration. Educators accompany the juveniles accommodated in the semi-open ward when the latter wish to make phone calls. The same as their inmates in the closed ward, they are allowed to place two 5-minute calls monthly. The number of calls they get is not restricted, but such conversations are always conducted in the presence of an educator. The same refers to letters that are inspected without exception and handed over to juveniles in open envelopes.

The institution has already developed a plan for setting up a pre-release department with a view to improving juveniles' chances to get integrated into outside community. Further, cooperation with some social centers concerned with post-penal rehabilitation and family relations is very good. Certain non-governmental organizations give the institution a helping hand by keeping contact with juveniles' families.

## II

### Recommendations

- Phone calls and letters should be controlled selectively, depending on assessment of individual cases;
  - Juveniles should be allowed to more frequent phone calls, especially once new booths are installed;
  - Whenever possible, both the personnel of the institution and social centers should be encouraged to jointly provide not only direct, but also indirect treatment and thus efficiently prepare juveniles for reintegration into society;
  - The institution's cooperation with UNICEF should be supported in all aspects, the more so since the concern for juvenile offenders is the community's duty; juvenile offenders should be taken care of and protected in institutions that will isolate them but capacitate them for gradual social resettlement and life in the outside community.

### Institutional Personnel

#### I

Judging by the relevant job classification, the reeducation service is fully staffed. Most educators have graduated from universities (37). Five educators have finished higher schools and 6 secondary schools.

Under the newly introduced rehabilitation programs realized under UNICEF's auspices, more and more educators are attending in-service courses of training. In educators' opinion, their engagement in the implementation of new programs should be additionally remunerated. They reiterated their dissatisfaction with their paychecks. As of the beginning of 2005, disciplinary proceedings for grave breach of duty have been instituted against one educator who was eventually punished by fine.

The training and employment service has engaged new instructors since the team's last visit. Out of 63 instructors, 13 hold university diplomas, 3 have graduated from higher schools, while the rest from secondary. Unlike on the team's previous visit, some educators are now teamed up in educational programs. Besides, the team noticed that educators have become more committed to the process of juveniles' social rehabilitation. As of the beginning of 2005, disciplinary proceedings for grave breach of duty have been instituted against one instructor.

The security service recruits 75 full-time officers – 7 women and 68 men. According to the relevant job classification, the service is fully staffed. The appropriate ratio between security officers and juveniles results in a rather safe environment for both. Only the head of the service holds a university diploma, while the rest of the staff has finished secondary schools.

Referring to the ongoing reforms, the interviewed warden said the service necessitated even more security officers. All officers have attended courses of in-service training in non-violent communication organized by the OSCE Mission. Actually, this professional training program has been developed by the OSCE Mission and the Ministry of Interior's working group composed of the representatives of security services as well. It firstly implied "training of trainers," who later on organized seminars for their colleagues in their capacity as certified instructors.

Security officers are interested in improving their professional capacity, said the warden. Apart from the courses of in-service training referred to in the paragraph above, the institution organizes biannual courses in martial arts.

The information compiled during the team's visit show that, over the past 12 months, security officers have violated the Labor Law for Governmental Institutions – almost all offenses related to Article 59 of the said law. Seven officers have been punished by fine, while 4 have been acquitted. On the other hand, no disciplinary proceedings have been instituted against any security officer.

According to the warden, all services would function better should the financial situation be more favorable. He takes that the Ministry of the Interior should be more concerned with this problem.

## II Recommendations

- The overall situation of the institutional personnel should be improved through extra pays for conscientious work, availability of professional literature and computers, and other forms of motivation;
- The personnel should be constantly encouraged to improve their professional capacity by attending courses of in-service training, specialized courses and seminars on positive management that would render them fit for humane treatment and upgrade their efficiency and commitment to work;
- The courses of in-service training for security officers should be pursued;
- The courses in the methods of overcoming resistance without resorting to truncheons and other instruments of force should be organized for security officers in regular intervals;
- All security officers without exception should attend courses of training in child psychology, international standards of human and children's rights, and the UN Rules for the Protection of Juveniles Deprived of Their Liberty.

## SPECIAL PRISON HOSPITAL<sup>9</sup>

Date of the visit: January 31, 2006
Type of institution: closed
Population: men and women
Accommodation capacity: about 450 patients
Number of sentenced prisoners: 463
Number of untried prisoners: 74
Composition of the monitoring team: two jurists, a physician and a special pedagogue

### Quality and Conditions of Life

#### I

##### *a) Buildings and Grounds, Equipment, Ventilation and Lighting, Sanitary Installations and Hygiene*

The Belgrade Penitentiary-Hospital was renamed the Special Prison Hospital under the new Law on the Execution of Criminal Sanctions. What lawmakers had in mind was to finally regulate the status of this institution. The team's previous reports were quite definite about its blurred position that was something in between a hospital and a conventional prison. The new name opens the door to its clear-cut status of a medical institution.

In late January 2005, a newly renovated ward on the fourth floor was officially opened. It can accommodate about 100 patients and is meant to hospitalize males with psychiatric disorders. Situations of other premises, prevalent hygiene, dilapidated furniture, sanitary installations, bathrooms, etc. are described in detail in the team's previous reports.<sup>10</sup> However, this time the team noticed that heating was much better than it used to be. City authorities plan to connect the entire building of the Central Prison to the Belgrade heating system. Renovations of plumbing and electrical installations are also being planned.

---

<sup>9</sup> The Belgrade Penitentiary-Reformatory was renamed the Special Prison Hospital under the new Law on the Execution of Criminal Sentences enforced on January 1, 2006.

<sup>10</sup> See the Helsinki Committee's report "Prisons in Serbia: April 2003 – April 2004" and the publication "How To Attain European Standards: The Situation of Serbia's Prisons in 2002-2003."

*b) Kitchen, Mass Hall and Food*

The overall situation of the Special Hospital's kitchen is better than that of the District Prison's one since the former is situated on the ground floor, rather than in the basement. Tiles and kitchen utilities are rather dilapidated and can be hardly properly maintained. The institution has purchased new cooking utensils.

Both regular and special diets are prepared for patients. Milk and milk products are on daily menus, while fresh fruits are served twice a week. According to the kitchen staff, the food is good and tasty. The interviewed patients did not complain of the quality and the quantity of the meals served to them.

*c) Medical Service*

Ever since January 1, 2006, when it was renamed Special Prison Hospital the institution is obliged to function in keeping with medical standards. The Ministry of Healthcare's commission visited the institution in 2005 (true, at the latter's request) and reported favorably on the overall situation. The team welcomes this newly established cooperation and hopes it would open the door to the process of the Ministry's professional control over the functioning of medical services in all prisons, and that the commission's recommendations would be taken into consideration in the institution's restructuring.

In its previous reports the team most critical of the manner in which patients were tied to their beds. It is with much pleasure that on this occasion the team noticed a change for the better in this aspect. Namely, patients are no longer tied with chains but with special belts. On the other hand, the interviewed staffers said that patients were tied in the presence of their roommates – a practice that should be abandoned.

Owing to circumstance, the team arrived to the hospital after 2:00 p.m. when only a doctor on duty and security officers were on its premises (working hours end at 2:30 p.m.). In the team's opinion, such organizational arrangement is far from being optimal when one bears in mind that the institutions hospitalizes over 500 patients and that both sentenced and untried prisoners from the District Prison are transferred here for emergency treatments. Therefore, at least two doctors (an internist and a psychiatrist) should be on duty after working hours. Further, the number of doctors remained the same (24), while the number of patients treated in the institution has considerably grown – actually it has doubled in the ward hospitalizing acute psychiatric cases.

Another problem to which the interviewed patients drew the team's attention was that civilian institutions refuse to admit the Special Hospital's

patients who need to undergo surgeries. More precisely, the patient complained of the abdominal-surgical ward of the Zvezdara Hospital the Special Hospital has been cooperating with for years. As this was not the first complaint of the sort, the team takes that such information should be checked and, if true, the Ministry of Healthcare should take appropriate measures. If civilian hospitals really turn down prisoners-patients that would be nothing but violation of the latter's right to medical treatment.

The head of the medical service said there were more and more cases of self-mutilation the institution had to cater for. This can also be ascribed to civilian hospitals' refusal to hospitalize prisoners, which was not the case in the previous period. In 2005, several patients attempted suicide. Nine patients died, mostly those treated in the internal medicine ward.

The institution is duly supplied with all necessary medicaments, said the head of the service.

## II

### Recommendations

- Reconstruction should encompass other wards as well;
- Heating, plumbing and electrical installations should undergo reconstruction;
- The rooms accommodating somatic patients should be redecorated and furnished in keeping with the standards of medical treatment;
- More doctors, especially specialists in internal medicine, should be engaged on full-time basis;
- Agitated patients should be tied in a separate room and out of the sight of other patients;
- The Ministry of Justice and the Ministry of Healthcare should jointly solve the problem of civilian hospitals' discrimination of sick prisoners, particularly those who are HIV infected or with hepatitis C.

### Security Service

#### I

The security service is understaffed and cannot guarantee maximum security to both the staff and patients. In the opinion of the head of the service the number of security officers should be increased by 50 percent. In this context, the administration has drawn a new job classification.

The video surveillance system that calls for modernization also influences the present level of security. The institution has required the

relevant authorities to supply it with other instruments of protection such as a metal detector and a screen to be placed at the entrance.

The number of the institution's conveyances – two 10-year old police vans and two new ones – is inadequate for its needs. Therefore, the institution has required to be supplied with extra 4 conveyances.

The rooms are generally searched twice a year. If there is a need for extra searches the latter have to be approved by the director. Patients are searched on daily basis, whenever they exit or enter the premises.

Cell phones and narcotics figure as illegal objects that are mostly smuggled in the institution.

Over the past six months, one patient has managed to escape from a civilian medical center where he had been hospitalized.

## II

### Recommendations

- New security officers should be added to the staff as suggested by the head of the service;
- The institution should be secured by additional instruments of protection;
- The institution should be supplied with new conveyances.

## Legality of Prison Regime

### I

The overall situation in this aspect has not changed since the team's last visit. Except for the institution's renaming, no progress has been made in terms of passing detailed laws and bylaws that would regulate its functioning. In other words, the institution's house rules are inadequate and as such do not provide patients' duties and rights in many domains. The procedures related to disciplinary punishment, grievance system, the use of the instruments of restraint, isolation and tying are still undefined.

Out of 49 disciplinary measures taken against patients in 2005, 12 were suspended. Thirteen prisoner-patients were punished by solitary confinement, 22 reprimanded and one deprived of privileges. Only one patient lodged a complaint that was eventually overruled. .

In 2005, instruments of restraint were used against 8 prisoners.

The problem of bad communication between the courts authorized to decide on the termination of mandatory hospitalization and the institution has not been solved since the new law had retained the old provisions.

## II

### Recommendations

- Relevant laws and bylaws should be passed so as to regulate the hospital's status, its functioning, patients' rights and duties, disciplinary punishment, grievance system and the use of the instruments of restraint;
- Provisions of relevant laws should be amended with a view of securing prisoner-patients' hospitalization in civilian institutions whenever necessary.

### Social Resettlement

#### I

The process of patients' social rehabilitation is about the same as it was two years ago. At the time of the team's visit, the measure of mandatory hospitalization was taken against 60 alcoholics and 170 drug addicts. Though the quality of reeducation is adequate, the personnel once again underlined bad working conditions, i.e. the absence of appropriate premises. As a number of educators share one office, individual meetings are deprived of privacy. Organized recreational activities mostly relate to sport competitions and occupational therapies, and are by far better than at the time of the team's last visit.

The prison library is more adequately stocked than it used to be.

Premises for religious ceremonies are still not available to patients. On the other hand, the situation of the rooms wherein they receive visits has improved.

#### II

### Recommendations

- More offices should be set aside for educators;
- The privacy of individual meetings should be secured;
- A room should be set aside for religious ceremonies.

### Contact with the Outside World

#### I

The same as before, patients are entitled to place 15-minute calls twice a month. The patients hospitalized in the drug addiction ward complained that the number of phone booths could not meet the needs of many patients.



Namely, one phone booth per floor is supposed to meet the needs of as many as 250 patients.

The team's critical remark that the absence of the house rules deprives patients of the right to extra leaves, free weekends and vacations is still valid.

## II

### Recommendations

- One phone booth at least should be made available to patients;
- Premises for family visits should be made available to patients;
- In tandem with medical and reeducation services, the hospital administration should organize supervised activities in the outside community so as to prevent negative effects of long hospitalization.

## Institutional Personnel

### I

The same as at the time of the team's previous visit, the reeducation service recruits 14 officers. The status of special pedagogues has been solved in the meantime – the administrative error because of which they used to be treated as senior clerks has been corrected. Educators have not attended courses of in-service training so far. Over the past 6 months, no disciplinary proceedings have been institute against the service's staff.

The security service is understaffed – out of 100 officers planned in the relevant job classification, the service presently recruits 87. Actually, the service has dwindled since the team's last visit as a number of officers have retired in the meantime. Recruitment of new officers is underway. The service engages 11 officers reassigned from Kosovo.

The great majority of security officers have finished secondary schools (90%). Their age average 35 and working experience about 10 years.

All security officers have to undergo the training program developed by the Ministry of Justice and attend the courses in the Nis Training Center. In the periods February-June and September-December they attend daily classes in martial arts, regulations and penology. All officers have attended the training organized by the OSCE Mission, which positively influenced not only their conduct and commitment to their jobs, but also mutual relations that used to be rather poor. The head of the service takes that all those forms of in-service education should be organized in regular intervals.

Security officers are poorly paid and many of them have not solved the problem of housing, said the head of the service.

Over the past 6 months, 4 disciplinary proceedings for gross breaches of orders have been instituted against the service's staff. Eventually, three officers were found guilty, while the case against one of them, who has retired in the meantime, is still open.

## II

### Recommendations

- Conditions of life and work of the entire personnel should be improved through better salaries and other benefits for their conscientious work;
- All officers should be permanently encouraged to improve their knowledge and professional capacity by attending courses of in-service training, and seminars on the models of positive management, humane treatment, and commitment to the job.

## BELGRADE DISTRICT PRISON

Date of the visit: January 31, 2006
Type of institution: semi-open
Population: men and women (adults and juveniles)
Accommodation capacity: about 500 persons
Number of untried prisoners: 760
Number of sentenced prisoners: 50
Composition of the monitoring team: two jurists, a physician and a special pedagogue

### Quality and Conditions of Life

#### I

##### *a) Buildings and Grounds, Equipment, Ventilation and Lighting, Sanitary Installations and Hygiene*

Accommodation and general hygiene are about the same as described in 2002 and 2004.<sup>11</sup> However, beds, mattresses, bedclothes, lockers and other pieces of furniture have further dilapidated as time went by. The same refers to sanitary installations and bathrooms.

Solitary cells do not have artificial lighting – actually both natural and artificial lighting enter from the adjacent corridor. The cells are furnished with beds only, while sanitary installations are not partitioned off the sleeping areas.

The women ward gives a better impression since the rooms were whitewashed not long ago and bedclothes look tidy. A security officer accompanying the team did not allow it to tour the section accommodating the detainees standing trials for organized crime and war crimes. The team takes a decision as such rather strange, the more so since the permit issued by the director of the Central Prison Administration quoted that the team was allowed to visit all premises without exception. According to the prison director, this section has been renovated so that each room – with a toilet bowl and a shower - now accommodates two detainees. By comparison with the

---

<sup>11</sup> See the Helsinki Committee's report "Prisons in Serbia: April 2003 – April 2004" and the publication titled "How To Attain European Standards: The Situation of Serbian Prisons in 2002-2003."

accommodation provided to other prisoners awaiting trials, this category is evidently privileged.

A new facility in the Ustanicka Street, presently under construction, will be ready for housing by the spring of 2006 and it is to be expected that some 100 detainees will be transferred to it, said the prison director. According to him, the newly renovated section, once its present “tenants” move out, will accommodate juveniles and untried prisoners with health and walking problems. The prison within the compound that now houses the District Court’s special departments will be exclusively used as a pre-trial ward accommodating the persons standing trials before the Special Court.

Apart from the funds spent on the facility in the Ustanicka Street, some subsidies were used for the reconstruction of the central heating system. Therefore, heating in the prison is now much better than is used to be in previous years. Several premises that have also been renovated are now used for prisoners’ meeting with their lawyers. Besides, access for invalids and people in wheelchairs has been provided.

The exercise area has been partitioned in four separate yards, which made it possible to prolong daily exercises in the open to 30-35 minutes.

#### ***b) Kitchen, Mass Hall and Food***

The team once again point out to the problem of the kitchen being located in the basement. The interviewed prisoners had no major complaint of the quality and quantity of the food. According to the kitchen staff, milk products (cream cheese) and powdered milk are on daily menus, while fresh fruits are served twice a week.

The prison canteen is notable well-stocked.

Some prisoners are allowed to have their meals (lunches) brought from their homes on daily basis.

#### ***c) Medical Service***

More qualified officers have been added to the prison’s medical staff since the team’s last visit. The service now lists 4 physicians (an internist, an otholaryngologist and two specialists in general medicine), one dentist and 13 medical technicians. The service works in shifts, Mondays to Saturdays. The doctors on duty are called in if necessary at nighttime and on Sundays. Specialists in neuropsychiatry, neurology and surgery, engaged on contractual basis, visit the institution twice a week, while the specialist in general medicine in the afternoons, three times in a week. Under the contract the institution has signed with the Military Medical Academy almost all specialist examinations are conducted in the latter, including minor surgeries. Emergency treatments are provided in the Belgrade Penitentiary-Hospital.

In 2005, 47,603 medical examinations were conducted in the prison's out-patient ward and 32 in civilian hospitals. The team was informed that 109 cases of self-mutilation were registered in the same period. On the other hand, the information related to the injuries inflicted either by the use of the instruments of restraint on the part of security officers or by the police was not available to the team. Whenever a prison director observes visible marks indicating that violence was used against a newly arrived prisoner, explained the prison administration, he firstly has that prisoner transferred for examination in the Belgrade Clinical Center, rather admitted to the institution. If medical findings indicate that the prisoner has not suffered internal injuries, he is admitted to the institution. In the team's opinion, the statistics of all injuries (self-mutilation, inter-prisoner violence, the use of the instruments of restraint, etc.) would be most useful for drafting periodical reports to be submitted to the prison administration.

In 2005, three prisoners died natural deaths, one committed suicide (overdose of medicaments), one died of embolism and one of acute TB. Autopsies are conducted in the Institute of Coronership in Belgrade. The team draws the attention to the necessity of analyzing the procedure of medicaments' administration with a view to curbing drug manipulation and suicides by taking overdoses.

At the time of the team's visit, 6 prisoners were with diabetes and on insulin therapy and 20-odd with cardiovascular deceases – mostly those who had cardiac arrests or with coronary occlusion to whom coronarographic procedures are available. As for the treatment of the prisoners with hepatitis C and HIV, the institution cooperates with the Hospital for Addiction Deceases and the Belgrade Penitentiary-Hospital, and thus obtains medical files of the detainees who used to be treated in these civilian medical centers. These files and consultations with the doctors working for the two centers make it possible for the institution to organize further therapies for such persons. Blood tests are performed in the Clinic for Transmittable Deceases.

In 2005, the prison's dental ward provided services such as dental healing, tooth extractions and fillings to 1,800 prisoners. As of October 2005, prisoners are allowed to receive visits of the dentists running private practices, whose services they pay from their own pockets. Up to now, some 10 prisoners have exercised this right.

The out-patient ward is equipped with a respirator, an otolaryngological set, minor surgical instruments and an ECG. As the latter is inoperable, the prison administration plans to buy two new, state-of-the-art ECGs, two defibrillators and an ultra-sound apparatus.

One of the prison doctors, who has also specialized in dietetics, partakes in the preparation of menus. A sanitary technician is in charge of food control. As the prison kitchen is his workplace, her watches over the

preparation of food and the manner in which meals are service to both untried and sentenced prisoners.

## II

### Recommendations

- All wings should be so renovated as to enable the entrance of natural light and fresh air in all rooms;
- New pieces of furniture, particularly lockers, as well as mattresses and bedclothes should be available in all rooms;
- The kitchen should be relocated from the basement;
- The out-patient ward should be renovated and properly equipped;
- The statistics of all kinds of injuries should be kept and periodical reports submitted for the attention of the prison administration;
- The procedure of drug administration should be precisely laid down so as to curb manipulation as much as possible.

### Security Service

#### I

The institution can optimally accommodate 500 prisoners. Therefore, the very fact that it is plagued by overcrowding indicates to inadequate level of security for both the prisoners and the personnel.

To illustrate the challenges they have to cope with, security officers told the team that in 2005 they had to organize 8,640 transfers of untried and sentenced prisoners – 8,164 inmates were transferred in the territory of Belgrade, 217 beyond it and 337 to other institutions. Because of security concerns, gendarmes and member of the special unit of the Ministry of the Interior are engaged in transfers.

The head of the service, appointed a year ago, refused to provide any information about the service (number of officers, organizational arrangements, etc.) under the pretext that he was bound by the Regulation on State, Official and Business Secret passed in 1979 (and publicized in the Official Gazette of Serbia No. 49/79). Therefore, the team was not able to fully evaluate security concerns and the overall level of security by comparing new information with that obtained during its previous visit.

Though not providing the exact number of security officers, the head of the service said the staff's size was inadequate bearing in mind that the institution catered for the accused of most serious crimes, international terrorism, organized crime and war crimes.

His answers were mostly phrased, “Things are neither better nor worse than they used to be or will be.” However, when asked about the service’s insight into ongoing developments among the prison population, he agreed to describe the challenges his service had to cope with on daily basis. Prison gangs are well-organized and most powerful, he said, adding that some officers were receiving bribes. Further, as he put it, about 40 percent of the staff are officers either reassigned from Kosovo or refugees who are in dire straits and have no proper roofs over their heads. No wonder that with their meager salaries they make fertile soil for corruption, he explained.

Rooms are searched by the book, he said. The interviewed prisoners confirmed his claim.

Smuggling also figures as a major problem for both security officers and prisoners. The July 2004 – September 2005 report on searches shows security officers usually track down cell phones, metal rods and foreign currency.

In 2005, security officers used instruments of restraint against 95 prisoners, out of whom 45 were isolated and 31 both isolated and handcuffed. According to the prison administration, no excessive use of the instruments of restraint has been registered.

As the head of the service denied to speak about the prison’s video surveillance system, the team could not have assessed whether or not, or to what extent a system as such contributes to the institution’s security. This information would have indicated whether video surveillance violated prisoners’ right to privacy. The extent to which the prison is covered by the video surveillance system can be assessed on the grounds of newspaper stories and the statements given by the Minister of Justice, said the head of the service.

Over the past six months, one prisoner managed to escape.

## II

### Recommendations

The team cannot make any recommendation whatsoever since the necessary information about this aspect was not available to it.

## Legality of Prison Regime

### I

Given that the prisoners awaiting trials make the great majority of the prison population (by comparison with only 50 prisoners under sentences)

and are accommodated in the pre-trial ward, the team was not allowed to interview them so as to fully evaluate the legality of the prison regime.

A copy of the house rules is posted in the leaving area used by the prisoners under sentences. None of them complained that the house rules were unavailable. Further, they generally did not complain of prison officers' attitude towards them. This is only logical when one bears in mind that these prisoners are doing chores and behave themselves.

The interviewed prisoners said officers were receiving bribes, but they refused to elaborate the scope of corruption.

The statistics of disciplinary measures taken against prisoners, the use of the instruments of restraint and prisoners' complaints and grievance were denied to the team. Though the prison administration promised to fill in the questionnaire on disciplinary punishment and the use of force, and forward it to the team later on, it never did it.

According to the personnel, the kitchen staff does not work shifts but spend 15 hours in the kitchen.

## II

### Recommendations

- Copies of the house rules should be available in all rooms accommodating both untried and sentenced prisoners;
- The kitchen staff should work shifts, the same as other persons doing chores if they work longer than 8 hours per day.

## Social Resettlement

### I

Except for the fact that the prison administration has formed a reeducation service the team did not notice any changes whatsoever in the process itself. Presently, only four sentenced prisoners are classified to the closed regime, while the rest are under the open regime.

The newly formed reeducation service includes a woman officer in charge of prisoners' employment and recreational activities. Since all sentenced prisoners are going chores, she assigns jobs in tandem with the prison's janitors. The team did not notice that prison officers were engaged in organizing recreational activities for the prisoners and takes there is no objective excuse for this failure. All in all, however, the team left under the impression that educators are aware of the significance of their duty and are professionally competent. Therefore, the team hopes that the service would



start properly functioning and dealing with all aspects of reeducation in near future.

## II

### Recommendations

- An admission department should be set up;
- The reeducation service should focus on all aspects of the process of prisoners' social rehabilitation, which, among other things, includes organization of recreational activities, the use of library, religious culture, etc.

## Contact with the Outside World

### I

Untried prisoners receive visits in the premises located in the basement. Heating in these rooms is inadequate. The rooms wherein they meet their lawyers look decent. Since the prison caters for large number of untried prisoners, which implies frequent meetings with lawyers, the prison administration had to set aside extra rooms for the purpose. Occasionally, untried prisoners are allowed to receive family visits in these rooms, particularly when their spouses bring children. According to the statistics of visits, the untried prisoners had 13,062 meeting with their lawyers and received 11,287 family visits – 1,580 family visits included children.

The sentenced prisoners receive family visits in the prison hall. This is where one phone booth is also available to them. They are allowed to place phone calls every other day. However, since there is only one booth, they are brought in groups to the hall.

All letter sent or received by sentenced prisoners are opened and handed over to a prisoner on duty. The team takes that the practice of having opened envelopes in the hands of an inmate is inappropriate.

## II

### Recommendations

- The rooms wherein untried prisoners receive their visitors, as well as in the waiting room, should be properly heated;
- The hall wherein sentenced prisoners receive visits should be redecorated and adequately furnished with tables and chairs;
- All letters should be handed over to a prison officer in sealed envelopes, and censored only on the grounds of individual assessment.

## **Institutional Personnel**

### **I**

The reeducation service recruits 6 officers out of 7 planned in the job classification. The service will become functional once it is fully staffed, said the prison administration. The interviewed educators said they were satisfied with the jobs, the management and their cooperation with other services. They are highly motivated for and interested in upgrading their professional capacities, they said. Over the past 6 months, no disciplinary proceedings have been instituted against the service's staff.

The prison does not have a training and employment service since no production can be organized on its premises.

This time the team was told that the information about the number of security officers was classified. The head of the service said he was dissatisfied both with the service's age and professional profile, and added he hoped the situation would change for the better. A year ago, about 50 percent of the staff were the officers with secondary education, and the rest with 3-year schools and even skilled workers recruited as qualified for the job under old regulations. The prison administration has called a competition for 100 vacancies, providing that candidates should hold university diplomas. Forty candidates are about to be recruited, while 40 are on the waiting list.

All security officers have to attend the course developed by the Ministry of Justice. Interns attend courses of training in the Nis Training Center. These programs, as the head of the service put it, "reconstructs the way of thinking." However, he hardly expects any major changes to take place in the short run. Too many security officers are on long sick leaves that are disputable the more so since it is common knowledge that they moonlight as bodyguards. The head of the service takes that officers are under permanent stress. As for himself, he is dissatisfied with his salary and would gladly move to some other job in spite of the fact that he has worked for 11 years in detention centers. He is also dissatisfied with the service's total overtime averaging 30-35 hours each month. According to him, overtime is to be ascribed to the discrepancy between working hours of courts of law and other institutions, and the security service.

### **II**

#### **Recommendations**

- A new job classification and organizational arrangements should be developed for the security service;

- Conditions of life and work of all officers should be improved through better salaries and other benefits for their conscientious work;
- All officers should be permanently encouraged to improve their knowledge and professional capacity by attending courses of in-service training, and seminars on the models of positive management, humane treatment, and commitment to the job.

## NOVI SAD DISTRICT PRISON

Date of the visit: December 8, 2005
Type of institution: semi-open
Population: men and women/adults and juveniles
Accommodation capacity: 300 persons
Number of untried prisoners: 165
Number of sentenced prisoners: 126
Composition of the monitoring team: two jurists, a physician and a special pedagogue

### Quality and Conditions of Life

#### I

##### *a) Buildings and Grounds, Equipment, Ventilation and Lighting, Sanitary Installations and Hygiene*

In the report on its March 2004 visit to the institution the team underlined overcrowding in the pre-trial ward as one of the biggest problems plaguing the prison.<sup>12</sup> This time the team observed that overcrowding was reduced. For instance, a room with some 15 square meters of floor space has 8 beds and accommodates 6 prisoners awaiting trials. Or, the rooms of 12 square meters of floor space accommodate 4 untried prisoners each. On the other hand, the overall hygiene took a turn for the worse. This primarily refers to the situation of sanitary installations, bathrooms and toilets. Furniture is dilapidated and no lockers are available to prisoners.

The same refers to the ward accommodating sentenced prisoners. Out of 10 showers in the bathroom shared by some 60 prisoners only 3 are operable.

Unlike at the time of the team's last visit, prisoners sentenced for misdemeanor have been separated from their inmates under longer sentences. Two rooms with 14 beds each have been set aside for the former.

Apart from beds, no other pieces of furniture are available to the prisoners in solitary confinement.

The exercise area has no shelter enabling prisoners to be in the open while it rains.

---

<sup>12</sup> See the Helsinki Committee's report titled "Prisons in Serbia: April 2003 – April 2004."

### *b) Kitchen, Mass Hall and Food*

Both the kitchen and the mass hall look tidy and properly maintained. The kitchen is fully equipped.

As for the quality of food, its control and menus, nothing has changed since the team's last visit. Special diets are prepared for the prisoners who need them for health reasons. The diets suitable for religious fasts are not prepared as neither sentenced nor untried prisoners have displayed any interest in having such meals.

Milk and milk products are never on menus. Salads are served occasionally, while fresh fruits rarely. The interviewed prisoners did not complain of the quality and quantity of the meals served to them.

The team draws attention to the fact that person who have not undergone sanitary examinations are allowed to work in the kitchen.

The prison canteen is rather well-stocked. Both untried and sentenced prisoners are allowed to make their purchases in the canteen twice a week. Families visiting untried prisoners can buy some items in the prison canteen only.

### *c) Medical Service*

Unfortunately, medical services provided to prisoner have taken a turn for the worse since the team's last visit. The administration has not engaged a full-time dentist yet in spite of the fact that there is a fully equipped dental ward on prison premises.

Actually, one nurse is the only medical officer engaged on full-time basis. Other medical officers work on contractual basis. A physician visits the institution from Monday to Friday, while a psychiatrist on Saturdays.

Medical examinations are conducted in the same premises and with same equipment referred to in the team's previous reports.

The prison has organized an out-patient ward and psychiatric counseling for the prisoners dependent on psychoactive substances, which operates under the auspices of the local medical center. The project is implemented in tandem with Prof. N. Vuckovic and the Novi Sad-based Methadone Center. A psychiatrist, a psychologist, a special pedagogue and a medical technician will be providing services in the out-patient ward. The team is supposed to deal with the patients who were undergoing treatment before detention, as well as to treat the prisoners who are drug addicts or alcoholics and want to be healed.

Apart from emergency treatments, the medical service conducted 6,350 examinations in 2005. Emergency treatments average 4 per month. In civilian hospitals, specialists examined 1,200 prisoners in 2004. Two rooms in the

prison are still set aside for in-patient treatment. At the time of the team's visit, 6 prisoners were hospitalized in the Belgrade Penitentiary-Hospital.

Presently, two prisoners are with diabetes and on insulin therapy, while the other two take medicaments, 10 are with cardiovascular deceases and 7 with hepatitis C. No prisoner is HIV infected. Prisoners are tested for HIV and hepatitis C viruses in the newly formed Methadone Center.

Medical examinations are not conducted out of the hearing and out of the sight of prison officers and other prisoners. The team once again underlines that privacy of medical examinations preconditions doctor-patient confidentiality, as well as more adequate medical protection since the prisoner can freely complain of possible torture and maltreatment.

The statistics of injuries are partially kept. Actually, only the information about sport injuries – categorized as minor - are compiled and average 5 per month. As for occupational injuries, only those that request a relevant file opened for a prisoner are registered. According to the nurse, no injuries resulting from inter-prisoner violence or inflicted by security officers were registered in 2005. Further, in 2005 one prisoner committed suicide and two died natural deaths – one was with asthma and the other had cardiac arrest.

Lectures on transmittable deceases are not organized for prisoners and the staff. The team hopes that the newly formed in-patient ward would help to curb drug and alcohol addictions.

## II

### Recommendations

- Bathrooms and toilets in the pre-trial ward should be renovated;
- Lockers should be supplied to all prisoners;
- A shelter should be erected in the exercise area;
- The solitary cell should be properly furnished;
- Milk, milk products and fresh fruits should be added to menus;
- The out-patient ward should be equipped with surgical instruments, ECG, etc.;
- Either a dentist should be engaged on full-time basis or some other solution found for such services in cooperation with civilian medical centers;
- Medical examinations should be conducted out of the hearing and out of the sight of prison officers and other prisoners, unless a doctor requests otherwise;
- Lectures on transmittable deceases and addictions should be organized in regular intervals;
- The statistics of injuries should be kept and periodical reports based on them submitted for the attention of the prison administration.

## Security

### I

Security officers still work 8 to 12-hour shifts, which depends on their assignments. The 1:4 ratio between security officers and prisoners is inadequate for an optimal level of security, said the interviewed security officers.

Overtime mostly depends on the number of daily transfers, which averages 9 (the Novi Sad District Prison is in the jurisdiction of 17 courts of law).

General impression indicates that the prison is a safe place and inter-prisoner and staff-prisoner relations correct. Most breaches of discipline relate to the house rules, fights or possession of illegal objects.

Rooms are searched once or twice a month, or when the prison administration takes it necessary. Three or four security officers search the premises in the presence of prisoners. Prisoners are searched daily, on entering or exiting their rooms.

Prisoners usually try to smuggle in narcotics, medicaments and mobile phones.

Both the interviewed prisoners and officers said there were no cases of bribery in the institution.

Security officers illustrate the appropriate level of security by the fact that no prisoner escaped over the past 6 months. In the same period, only one prisoner failed to duly present himself after leave.

### II

## Recommendations

- Extra hands enabling smooth functioning of the institutions should be urgently added to the security staff;

## Legality of Prison Regime

### I

Over the past six months, the instruments of restraint have not been used against prisoners, according to the prison statistics. No interviewed prisoner denied this piece of information.

In 2005, 67 disciplinary measures were taken against prisoners, including 12 suspended punishments. Twenty-three prisoners were punished

by solitary confinement, 13 reprimanded and 17 deprived of privileges. Only one prisoner lodged a complaint, which was eventually overruled. Though print forms for grievances have been made available to prisoners, the relevant statistics show that in 2005 no prisoner expressed his grievance to the prison director.

Apart from the above-mentioned forms, the prison administration has installed mailboxes for prisoners grievances addressed to the Provincial Ombudsman.

The house rules are available to all prisoners, while educators are always there for them to clarify specific provisions. Copies of relevant laws and bylaws are available in the prison library.

The pre-trial ward has a room for isolation of agitated prisoners. Though prisoner officers were quite positive about medical control over physical restraint, the team once again emphasizes that a measure as such and its duration can only be based on a doctor's opinion. Detailed statistics showing when an agitated prisoner was tied, what medicaments were prescribed to him and when such measure ended should be kept at all times. Prisoners should be fixed with special belts, rather than with handcuffs or chains.

## II

### Recommendations

- Apart from a new law on the execution of criminal sanctions, new house rules and regulations providing disciplinary punishment and the use of the instruments of restraint should be passed.

## Social Resettlement

### I

As the reeducation service makes an integral part of the administrative department, no admission department has been organized, which raises the question of educators' competence for new arrivals' observation and classification. True, educators are well organized and committed to their job. However, quality work can hardly rely solely on their enthusiasm but also calls for material and other resources. This primarily refers to deficient space for prisoners' purposeful engagement, recreational activities and education.

The institution has developed rather good cooperation with social care center. In 2005, 15 prisoners were received certificates for specific trades.



Schooling is exclusively financed from the institution's fund and prisoners' own pockets.

Prisoners are engaged in the production of concrete elements and cardboard, in agriculture and chores (in the kitchen, restaurant and canteen). From now on the newly introduced technology for manufacturing various concrete forms will solve the problem of prisoners' engagement in wintertime. Presently, prisoners are maximally engaged in prison work. The majority (50) work in the facility for the production of concrete elements, 30 in the manufacture of cardboard, 10-odd in agricultural work, 20 are doing chores, and 14 are engaged in the outside community. The rest are either permanently unsuited for work (5) or indisposed for the time being (13). The prisoners committed to their work are often given extra leaves.

In the team's view, educators are professionally competent for their work. The interviewed prisoners think highly of them and underline that they always help them to solve their problems. The team also commends the staff's commitment to prisoners' education. Presently, just a handful of prisoners have not finished elementary schools, while most of them have graduated from secondary schools.

The institution has to cope with a number of prisoners under long sentences and the rather large population of drug addicts. Educators do their best to provide the latter adequate treatment. The prison cooperates with provincial institutions and engages specialists in drug addiction, all of which assists educators to deal with this category of prisoners. Besides, the prison has formed an in-patient ward where drug addicts are provided methadone therapy. Given that some educators have attended courses of in-service training in group therapies, the latter will soon added to ongoing individual treatments.

Though educators overdo themselves to organize quality recreational activities their efforts are hindered by the lack of adequate space. Therefore, they are forced to opt for makeshift solutions. For instance, the only covered hall in the institution serves as table tennis terrain in wintertime, a painting atelier and the venue for various round tables. Prisoners receive their visitors in the same hall on weekends.

A well-stocked library is also available to prisoners. On the other hand, the room set aside for the library is too small and, therefore, inadequate. According to the prison administration, prisoners are interested in reading and recreational activities.

## II

### Recommendations

- Subsidies should be secured so as to construct new facilities necessary for the efficient process of prisoners' social rehabilitation;

- Prisoners should be further encouraged to improve their professional competence;
- The treatment program for the prisoners dependent on psychoactive substances should be turned into practice once the staff is educated in conducting it;
- Educators' initiative and enthusiasm should receive full support from the prison administration.

## **Contact with the Outside World**

### **I**

The team did not notice any major departures from relevant regulations in this aspect of prison life. A sufficient number of phone booths are placed in front of each pavilion. Prisoners are allowed to place daily calls.

Letters are censored only when really necessary.

The premises wherein prisoners receive family visits and lawyers are adequate. The hall for family visits is also used for screenings, table tennis and painting atelier. Actually, the hall is spacious enough for all these activities and properly furnished.

This time the team assessed the prison's cooperation with relevant institutions in the outside community as correct.

### **II**

#### **Recommendations**

- The good practice in this aspect should be pursued.

## **Institutional Personnel**

### **I**

The size of the reeducation service's staff and other organizational arrangements have not changed since the team's last visit. Educators are highly interested in attending courses of in-service training and learn about contemporary trends in the domain of reeducation. They have been applying newly mastered techniques in their work with the prison population. However, the team cannot but underline that their endeavor lacks adequate assistance of authorized institutions. To all appearances, innovative ideas are more and more bogged down in bureaucracy. Over the past six months, no

disciplinary proceedings have been instituted against educators or the officers working for the training and employment service.

The security service recruits 67 officers, plus 9 reassigned from Kosovo. Judging by the relevant job classification, the service is fully staffed. Four security officers are women. The majority of officers have 10-year careers. By the end of this year, 3 officers will retire. Out of the total number of security officers, 2 hold university diplomas, 3 have graduated from higher schools and the rest from secondary schools.

Over the past six months, no disciplinary or criminal proceedings have been instituted against security officers.

On the other hand, in-service training of security officers could be better. All of them attended the OSCE-organized experimental courses of training two years ago. Presently, they are only obliged to attend the program developed by the Ministry of Justice that encompasses theoretical instruction in laws and regulations, and practical instruction in arms handling. The team left under the impression that security officers are not particularly interested in other forms of education or aware of their beneficial effect on their professional competence.

## II

### Recommendations

- The idea to have the reeducation service established as independent one with admission department should be considered;
- Living and working conditions of the entire personnel should be improved through better salaries and other benefits for their conscientious work;
- All officers should be permanently encouraged to improve their knowledge and professional capacity by attending courses of in-service training and other forms of education;

## LESKOVAC DISTRICT PRISON

Date of the visit: August 25, 2005

Type of institution: semi-open

Population: men/adults

Number of sentenced prisoners: 103

Number of untried prisoners: 18

Number of prisoners sentenced for misdemeanor: 8

Composition of the monitoring team: two jurists, a physician and  
a special pedagogue

*Note: As provided by law, the team was allowed to interview prisoners under  
sentence only.*

### Quality and Conditions of Life

#### I

##### *a) Buildings and Grounds, Equipment, Ventilation and Lighting, Sanitary Installations and Hygiene*

Over the past 12 months since the team's last visit, the prison administration has made some changes in the building's layout, which, in a way, improved the quality of life in the Leskovac District Prison.<sup>13</sup>

The wing housing the closed unit has been adapted to an in-patient ward that now accommodates older prisoners and those moving with difficulty. This new in-patient ward is connected with the old one, though physically separated by a metal door. The "old" ward accommodates dependents on psychoactive substances, whose aggressiveness used to affect their older and sick inmates. Both wards have dormitories and living quarters. Patients from the two wards use the same exercise area. Two rooms in the newly built ward have been renovated – now they have bathrooms and two beds each. Other two rooms are furnished with six bunk beds each. The team told the prison administration that bunk beds are not adequate for an in-patient ward. The "old" ward is composed of several rooms. Furnished with 6-8 beds, they give the impression of overcrowding. The 8-bed room of some

---

<sup>13</sup> The Helsinki Committee's team visited the Leskovac District Prison on June 16, 2004, and its findings are presented in the edition "Prisons in Serbia: April 2003-April 2004," p. 25.

15 square meters accommodates 4 prisoners. Windows do not allow sufficient entrance of natural light and fresh air – they are not only too small, but also look on a concrete wall. So far, the prison administration has not managed provide a locker for every patient.

Further, in the meantime, the prisoners under longer sentences have been physically separated from those sentenced for misdemeanor in the closed unit. However, in the open unit the two categories, though accommodated separately, mix during the day.

The admission department includes two rooms with 8 beds each. The rooms do not have enough cubic meters of space are furnished with too many beds. The prison administration does see it as a problem, given that, as they put it, newly admitted prisoners never stay in those rooms for more than 2 days.

The prison administration plans to thoroughly renovate the plumbing in both complexes in 2006. Actually, the plumbing is in such state that any attempt to repair it would be in vain. For instance, the bathroom ceiling in the open unit is practically falling apart in spite of the fact that it has been recently whitewashed. Situation is about the same in other bathrooms. Apart from renovation of sanitary installations and whitewashing of the walls, the floors should also be replaced, particularly in the closed unit.

All exercise areas, except for the one belonging to the in-patient ward, are equipped with basketball rims. The exercise area used by the prisoners from the closed unit includes a mini-gym and, inside the building, a room for table tennis.

What also improved conditions of life was the prison administration's decision to allow the prisoners in the high-security unit to watch TVs and use DVD players. Though in the team's view the very existence of a high-security unit in a semi-open prison is absolutely inadequate, the very decision mirrors the administration's will to lessen deleterious effects of closed regime and isolation.

Some problems related to overall conditions of life, the team noticed on its first visit, persist. Dormitories are crowded with unoccupied beds. For instance, in the closed unit 10-18-beds rooms accommodate only five prisoners each. And those rooms do not exceed 20-30 square meters. Some beds are not even covered with mattresses. Thus they look more like storages than sleeping places, the more so since lighting and ventilation are poor.

The rooms of pre-trial and high-security units give a better impression. They are of 16 square meters each and accommodate 4 untried/sentenced prisoners. Those rooms are furnished with squatting toilets with taps above them, but not with washbasins. The team takes a solution as such absolutely inappropriate.

The rooms in the other wing accommodating the prisoners classified to open and semi-open treatment, allow more natural light and fresh air.

Unoccupied beds also the rooms in this section. For instance, there are as many as 14 beds in a room of some 25 square meters, while only 50 percent of them are occupied. Artificial lighting is rather poor. Out of four lamps, only one has a bulb.

Given that solitary cells are totally inappropriate in term of domestic and international standards, the prison administration has set apart three rooms for the purpose of solitary confinement. The rooms have enough floor space and sanitary installations. Prisoners punished by solitary confinement will be allocated to those rooms until the existent solitary cells are so renovated and equipped to meet the relevant standards.

#### *b) Kitchen, Mass Hall and Food*

In the closed unit, untried and convicted prisoners are served meals in their rooms, which is certainly neither appropriate nor hygienic. .

Unlike the mass hall, the kitchen looks tidy and adequately maintained. Because of its dilapidated floor and furniture, the mass hall's hygiene is questionable.

The kitchen staff keeps statistics of the controlled food's quality. Since the team's last visit, menus have been corrected: different meals are now served for lunch and dinner, milk products included, though not fresh fruit.

Special diets are prepared for the prisoners professing Islam. This time no prisoner complained of the food's quantity and quality.

#### *c) Medical Service*

Compared with the same period last year, major improvements in the medical care provided to the prisoners have been made. Apart from the prison doctor (retired specialist in hygiene) and a medical technician, a psychiatrist was engaged in early 2005. This step the administration took benefited a key segment of prison pathology.

The doctor visits the institution on workdays, Saturdays included. Bearing in mind that the local ambulance service is available to the prisoners and that the doctor comes whenever called in, the team takes that, under present circumstances, the medical care is adequate. The medical technician is supposed to keep both standard medical and other necessary statistics (occupational injuries, the injuries inflicted in inter-prisoner violence or by security officers, suicide attempts, self-mutilation, etc.). However, he cannot fully commit himself to those tasks since medical examinations are conducted in three rooms, which implies that medical files are kept in different places. Examining the prisoners in a single out-patient ward or installing a computer network would solve the problem. The team commends the periodical

statistics that provide an overall and objective overview of the developments involving the prison population.

Unfortunately, the team did not have the opportunity to speak to the psychologist since he visits the institution twice a week.

Medical examinations are conducted in a modestly equipped ward. Therefore, the prison administration should seize every chance to buy an instrument or two and thus enable more detailed examinations and minor surgeries in the very institution. Given that the information provided were rather contradictory, the team could not conclude whether medical examinations are conducted out of the hearing and out of the sight of prison officers, unless the doctor explicitly ask for their presence.

Since the beginning of 2005, 5,278 medical services have been provided to convicted prisoners and 800 to those awaiting trials. Prisoners have been taken to see specialists on some 60 occasions. Three prisoners have been hospitalized in civilian institutions, while 6 prisoners have been admitted for two days each in local medical centers. The medical statistics show that one prisoner has been hospitalized in the outside community for 45 days and thus served the entire imprisonment he had been sentenced to. The team cannot but underline that a court's decision to have a person of such poor state of health confined was totally inadequate. One prisoner has been hospitalized in the Belgrade Penitentiary-Hospital for more detailed tests. According to the medical staff, emergency treatment is provided to the prisoners once or twice a month, while the psychiatrist's examinations average 25 per month.

At the time of the team's visit, three prisoners were with diabetes, including one on insulin therapy and 10 were cardiovascular patients, all of whom were accommodated in the in-patient ward. Four prisoners have hepatitis C. According to the statistics, no prisoner has been seriously injured or attempted a suicide in the period since the team's last visit.

In the meantime, the doctor has attended to specialized lectures – on TB in Belgrade and on AIDS in Leskovac. The medical technician has attended no in-service seminars as the prison could not afford to pay his travel costs and per diems. Information about transmittable deceases has not been disseminated to the prisoners. The prison administration plans to organize such a course by the end of 2005.

## II

### Recommendations

- Unoccupied beds should be taken out so as that prisoners have more floor space available;
- Concrete partitions that hinder the entrance of natural light and fresh aire in the closed unit should be removed;
- All prisoners, without exception, should be provided with lockers;

- The plumbing in all prison facilities should be reconstructed as soon as possible;
- Ruined floors in the closed unit should be replaced;
- The taps above squatting toilets should be relocated to more appropriate places;
- The mass hall in the open unit should be renovated so as that its hygiene could be maintained properly;
- Artificial lighting in semi-open and open units should be improved so that prisoners could read by it;
- Periodical statistics of injuries (occupational, inter-prisoner violence, self-mutilation, suicide attempts, etc.) should be kept for the attention of the prison administration;
- Information about transmittable deceases should be circulated both to the staff and the prisoners;
- The out-patient ward should be better equipped with available funds;
- The bunk beds in the in-patient ward should be removed.

## Security

### I

Judging by the interviewed staffers and prisoners alike, the institution's security is adequate. According to both sources, no major fights, thefts, cases of self-mutilation, suicide attempts, smuggling forbidden objects in the prison or physical assaults against the personnel have taken place since the team's last visit.

However, the team takes the opportunity to refer to a written complaint an ex-prisoner of the Leskovac institution addressed to it last year. The prisoner claimed he had been constantly subjected to his former inmates' psycho-physical terror. For their part, prison officers denied they had known anything about it or could have been informed about this prisoner's hardships. Though the team is not in the position to arbiter in this specific case, it wants to underline that prison officers' duty is not only to restrain from maltreating prisoners, but also to protect them from inter-prisoner violence.

True, the prison administration has taken some measures to prevent inter-prisoner violence and maltreatment. As referred to in the paragraphs above, it has organized a special ward to accommodate elder prisoners and those that move with difficulty. Professional additions to the medical service may also significantly assist in the process. In the team's view, courses of in-



service training for the personnel, particularly of security officers, in recognizing indications of inter-prisoner torture would upgrade the institution's internal security.

## II

### Recommendations

- Security officers should be encouraged to commit themselves to the protection of weaker and marginalized parts of the prison population.

## Legality of Prison Regime

### I

The same as in its previous report, the team has to point out the inadequate treatment of the prisoners allocated to the high-security unit because other criminal proceedings have been instituted against them. In the team's view, such allocation gravely breaches those prisoners' rights, the more so since their status has not been defined.

Over the past 8 months, 74 disciplinary measures have been taken against prisoners – 11 have been punished by solitary confinement, 6 reprimanded, and 57 deprived of privileges. In the same period, one prisoner has lodged a complaint to a higher authority, which ruled out the measure against him. A prisoner who has been disciplinary punished told the team he had not formally expressed his grievance: once he talked to the prison director, he realized the latter would not change his own decision. The same as other interviewed prisoners, he take that the grievance system is ineffective. Instruments of force have been used once in the same period. The interviewed prisoners did not complain of excessive use of force against them.

Unlike at the time of the team's last visit, the Leskovac prison is presently not forced to accommodate prisoners with longer sentences, transferred from other institutions.

## II

### Recommendations

- The Law on Criminal Procedure should precisely provide the status of imprisoned persons against whom other criminal proceedings have been instituted;
- A new system of disciplinary measures against prisoners and a new grievance system guaranteeing efficient grievance procedures whenever they take their rights have been violated should be laid down in the new LECS and relevant bylaws.

## **Social Resettlement**

### **I**

Though some visible changes have been made in this domain, certain aspects of prisoners' social rehabilitation are still unsatisfactory. The key problem, in the team's view, is the lack of competent educators that affects other segments of re-socialization such as qualified evaluation and observation of newly admitted prisoners, size of educational groups, assessment of prisoners' commitment to work and their vocational training. According to the interviewed educators, length of sentences and a prisoner's personal traits are the main criteria for classification. Copies of the house rules are available to the prisoners in the admission department, in living quarters and in their dormitories. The prison library, managed by a prisoner, is still poorly stocked. The personnel once again told the team that prisoners are not interested in reading. However, the interviewed prisoners said the book available to them were unattractive.

Prisoners' educational structure has significantly changed since the team's last visit. Actually, 60 percent of prisoners have finished elementary schools, 30 percent secondary and there are also illiterates among the prison population. The prison administration has set aside one room for religious ceremonies. What also improved not only conditions of life, but also prospects of re-socialization are newly posted basketball rims, a gym and a table tennis room. When it comes to prison work the situation has not changed much since the team's last visit. Namely, the prisoners in the closed unit are still not provided with any occupational activities whatsoever. A handful of prisoners are engaged in the outside community, mostly as manual workers. Though the prison has production facilities, they work below capacity due to objective and personal reasons alike. Most prisoners are engaged in farming in the prison's commune. Technology and mechanization are outdated, as there are no funds for modernization.

### **II**

#### **Recommendations**

- The prison administration should do its best to provide prisoners with as diverse as possible occupational activities, particularly when it comes to the prisoners assigned to closed and high-security units;
- Due attention should be paid to the adopted criteria for prisoners' reclassification and, in particular, their allocation to the closed unit.

## **Contact with the Outside World**

### **I**

The prison administration has made an effort so as to improve prisoners' contact with the outside world. The prisoners assigned to high-security and pre-trial units are allowed to watch TVs in their dormitories. Phone booths available to the prisoners in high-security and closed units have been mounted. As the open unit has two phone booths, prisoners can, all in all, place phone calls from four locations. The prisoners in high-security and closed units are allowed to longer and more frequent calls than before – actually, instead of one 3-minute weekly call, they are entitled to two 10-minute calls twice a week.

The team takes the unselective censorship of the letter sent or received by the prisoners in high-security and closed units rather disputable. Actually, such censorship and listening to their phone calls violate their rights. A relevant decision can only be made on the basis of individual assessment.

The prisoners in high-security and closed units are still deprived of an adequate area for receiving visits. They receive their families in a corridor. A hall for visitors is available to the prisoners awaiting trials. The furniture in the hall, however, is falling apart and should be replaced.

### **II**

#### **Recommendations**

- The censorship of the letter sent or received by the prisoners in high-security and closed units, as well as their phone calls in the presence of prison officers should be selective and based on careful assessment of each individual case;
- Appropriate premises should be set aside so as to enable the prisoners under close regime to receive their visitors in a humane way;
- The hall wherein the prisoners awaiting trials receive family visits should be renovated.

## **Institutional Personnel**

### **I**

The prison's organizational arrangements do not imply the establishment of reeducation service or the training and employment service. A department combining the two services has been organized instead. Two officers are in charge of prisoners' admission and reeducation. The educator

keeps statistics of prisoners' occupational activities in spite of the fact that, according to the job classification, seven officers are in charge of the task. The prison director said a new job classification for the department has been put forth to higher authorities and its adoption was still pending. The department staff is interested in attending courses of in-service training. As they put it, better and more efficient treatment for the prison's large population necessitates full-time engagement of at least two qualified officers. They take the prisoner-staff relations and the overall atmosphere in the prison correct. Over the past six months, no disciplinary proceedings have been instituted against the department staff.

The security service recruits 55 full-time officers – 38 have been engaged in line with job classification, while the rest has come from the prisons in Kosovo – from Pec, Prizren, Prishtina and Istok. Those extra hands make the service overstaffed, though more efficient and better functioning.

Not a single security officer is a university graduate, 4 have finished higher schools, while the rest secondary schools. All security officers are relatively young. As for the rest of the staff, they have mostly been there throughout their careers.

According to the head of the security service, from the beginning of 2005 disciplinary measures for disobedience have been taken against one officer who was eventually fined. No criminal proceedings have been instituted against any security officer in the same period.

Security officers are not interest in attending courses of in-service training. However, they are interested in obtaining higher ranks to which they are entitled after a 10-12-day seminar in the Nis Educational Center.

## II

### Recommendations

- The prison administration should consider the establishment of two separate services – for reeducation, and training and employment, so as to make the process of prisoners' social rehabilitation more efficient;
- In this context, a psychologist should be engaged and an admission department set up;
- The prison staff should be permanently encouraged to improve their knowledge and professional capacity through attending courses of in-service training;
- Security officers should be encouraged to learn about international documents and standards dealing with prisoners' rights; they should also be instructed in the methods of modern penology and non-violent communication.

## PROKUPLJE DISTRICT PRISON

Date of the visit: August 25, 2005

Type of institution: semi-open

Population: men/adults

Number of sentenced prisoners: 52

Number of untried prisoners: 4

Number of prisoners sentenced for misdemeanor: 1

Composition of the monitoring team: two jurists, a physician and  
a special pedagogue

*Note: As provided by law, the team was allowed to interview prisoners under  
sentence only.*

### Quality and Conditions of Life

#### I

##### *a) Buildings and Grounds, Equipment, Ventilation and Lighting, Sanitary Installations and Hygiene*

Compared with the team's preliminary visit in June 2004, conditions of life in the Prokuplje prison have evidently improved.<sup>14</sup> The prison administration renovated from its own funds a facility in the prison commune wherein it relocated a certain number of prisoners. Accommodation in this new facility is fully in keeping with international and domestic rules and standards.

Moreover, the prison administration made an effort to implement the recommendations of the team's preliminary report and thus significantly changed for the better conditions of life in closed and pre-trial units. Extra beds have been taken out – the rooms now look much better and prisoners have more room to move in. New mattresses have been placed on beds. Beside lockers, shoe shelves have been installed in corridors. All those changes make both the room and corridors look tidy. On the other hand, room floors are old and cracked, and should be replaced so as to be easily maintained. The same refers to bathrooms that call for thorough renovation.

---

<sup>14</sup> The Helsinki Committee's team visited the Prokuplje District Prison on June 16, 2004, and reported its findings in the edition "Prisons in Serbia: April 2003 – April 2005," p. 34.

The rooms of the pre-trial unit look nice and tidy, and are large enough. They have toilet bowls and washbasins that are not partitioned off the sleeping area. The prison administration has allowed the prisoners to watch TVs in their dormitories.

A solitary cell has enough cubic meters of space, a toilet bowl and a washbasin. It is furnished with a bed, a chair and a table.

#### *b) Kitchen, Mass Hall and Food*

After its first visit to the prison the team reported that the kitchen had been found tidy and adequately equipped. In the meantime, the quality of the meals served to the prisoners has been significantly improved, according to the latter. Fresh salads and fruits cultivated in the prison commune have been included in menus. Special diets are prepared for the prisoners who need them. The mass hall has been renovated and furnished with brand new tables. However, chairs should be replaced.

#### *c) Medical Service*

In the course of its first visit the team had not have the opportunity to interview the prison doctor. The information obtained then at second hand turned out to be just partially correct. This time the team managed to compile more detailed information about the functioning of the prison's medical service.

The prison doctor, a specialist in general medicine, has been engaged on contract. He visits the prison on daily basis and comes whenever called to provide emergency treatment.

As the prison has not organized an out-patient ward, medical examinations are conducted in a room that serves several purposes. The prison administration followed the recommendation of the team's previous report and furnished the room with screens so as to secure medical privacy. However, this cannot be taken as a definite solution to the problem. The administration should set aside a room and equip it as an out-patient ward. An arrangement as such would guarantee some key aspects of medical care such as doctor-patient confidentiality and patients' right to privacy during medical examinations. Besides, an out-patient ward would be a more appropriate place for storing and keeping medicaments under control.

Each prisoner is medically examined on admission and has his medical file compiled. Also, statistics are kept of every examination provided to prisoners. To make an appointment with the doctor, a prisoner has to apply to security officers, but needs not explain his health problems. Examinations and treatment necessitate prisoners' consent. In other word, a prisoner is entitled to refuse a treatment, expect in the cases laid down in the Healthcare Law. In

everyday life, prisoners usually refuse injecting therapies, as they are afraid of syringes. Information about prisoners' state of health is available to them at all times and imparted to their families and lawyers on request or if so allowed by the prison administration.

Since the doctor is on prison premises every day, prisoners do not have to wait too long to be examined. In the event of an emergency, the doctor comes to the prison, and, if necessary, a local ambulance service is called in. Periodical examinations are not conducted since, as the prison administration put it, the prison has a fairly rapid turnover of prisoners.

Prior to a prisoner's allocation to a solitary cell, the prison doctor has to decide whether or not he is suited for such punishment. The doctor's duty is also to pay daily visits to a prisoner punished by solitary confinement.

The prison provides just basic medical examination. Tests and examinations by specialists are provided by the local medical center. The prison has no in-patient ward for hospitalizing sick prisoners. The prison staff has not been educated in various forms of prison pathology. Further, they have not been trained to recognize indications of suicidal risk or carry out psychotherapy or occupational therapy. Information about transmittable diseases is not circulated neither to the staff nor the prisoners.

Since the beginning of 2005, the medical service provided 2,461 examinations. Emergency treatments averaged 5 per month at most, while 10-15 prisoners are transported to the local medical center to be examined by specialists. The number of psychiatric examinations also averages 10-15 per month. Dental services are provided to all prisoners. The latter are allowed to visit private practitioners whose services they pay. On average, one prisoner is transported to the Belgrade Penitentiary-Hospital bimonthly.

Presently, no prisoner is with diabetes or hepatitis C – the latter is detected in 3-5 prisoners each 6 months. Five prisoners suffer from cardiac diseases, while 10-odd from vascular problems.

Statistics of injuries are not kept as such, though those data are entered into prisoners' medical files. According to the doctor, no injuries have been inflicted in inter-prisoner violence. Only one prisoner hurt his chin by falling. Self-mutilation averages 3 in six-month periods. Last year, one prisoner attempted suicide, while no such cases have been registered since early 2005. During the doctor's 10-year career in the prison, no prisoner was murdered, while 3 died natural deaths – two of them died of cardiac stroke, and one of anaphylactic shock in the local medical center. Statistics of injuries should be kept, and periodical reports drawn up for the attention of the prison administration. On the basis of such reports, the latter would be able to objectively assess the situation in the prison. The doctor told the team that he had compiled a 1996-97 report with relevant tables and analysis of major parameters. As the prison administration showed no interest in the product of his self-initiative, he has given up compiling such illustrative reports. The

team takes this practice should be resumed – somewhat modified reports would gradually crystallize the parameters to be used in the situation analysis.

## II

### Recommendations

- Floors, toilets and bathrooms in closed and pre-trial units should be renovated;
- A full-time medical technician should be added to the staff;
- An out-patient ward should be formed and equipped with basic instruments for emergency treatment and more detailed examinations;
- Competent supervision of the distribution of medicaments should be secured;
- Medical examinations should be conducted out of the hearing and out of the sight of prison officers;
- The medical staff should be educated in various forms of prison pathology;
- The prison staff should be trained in recognizing indications of suicidal risk;
- Lectures on transmittable diseases should be organized both for the staff and prisoners;
- Statistics of injuries should be kept and periodical reports should be submitted for the attention of the prison administration.

## Security

### I

In its preliminary report the team found that the prison security functioned smoothly. Though there are no modern surveillance system and electronic locks, the security is still adequate. According to the prison administration and prisoners alike, no prisoner tried to escape in 2004 and there was no inter-prisoner violence that could have compromised the prison's security.

The head of the security service still indicated to some security failures. Namely, hard drinks have been smuggled in the open unit and the prison commune on several occasions, two drunken prisoners engaged in a fistfight, two have simply walked out of the open unit, and three have not duly reported to the prison after leaves. The prison conveyances are in even worse state than they used to be at the time of the team's last visit. As one of the two



vehicles broke down in the meantime, only one conveyance is available for the transport of prisoners. This compromises both security and humane treatment of the transported prisoners.

## **II**

### **Recommendations**

- An appropriate surveillance system should be provided to the institution (cameras with sensors);
- A new conveyance should be available for the transport of the untried prisoners.

## **Legality of Prison Regime**

### **I**

In its previous report the team noted that copies of the house rules were not available to prisoners. This time it noticed that copies of the LECS and house rules were placed in all rooms. The interviewed prisoners said those documents were presented to them on admission. A letterbox for prisoners' complaints addressed to the prison director has been placed in the mass hall. Only the prison director has the key to the letterbox.

The interviewed prisoners did not complain of security officers' attitude towards them or excessive use of the instruments of restraint.

According to the head of the security service, instruments of restraint have been used only once over the past six months. As for disciplinary measures taken against prisoners, two have been punished to 5-day solitary confinement and two to 15-day isolation. Two or three prisoners have been deprived of privileges.

## **II**

### **Recommendations**

- The good practice should be pursued.

## **Social Resettlement**

### **I**

The prison engages only one full-time educator tasked with prisoners' admission to the institution and social rehabilitation.

Given that there is no admission department, all newly admitted prisoners are immediately accommodated with the rest. Further, a new arrival is not observed by a competent team, as one person, the educator, makes no team. He deals with prisoners' classification and reeducation alone. It goes without saying that a solution as such questions the validity of classification, reclassification and the very quality of the reeducation process. Though the educators' discourse about the classification and reclassification criteria was clear and argumentative (LOBI, structuralized diagnostic questionnaire, observation, etc.), the fact that he works alone can hardly substitute a multidisciplinary approach a proper re-socialization necessitates. However, the educator provides both individual and group treatment to prisoners and keeps detailed statistics about his work.

The interviewed prisoners said they knew a library was available to them, but were not motivated to read the book they labeled outdated. However, the prison administration said new editions have recently replenished the library and, therefore, prisoners' excuse for not reading was unjustified.

Most prisoners have finished secondary schools, while the rest just elementary.

The prison has not set aside a room for religious ceremonies.

The recreational activities available to prisoners include performances by the local theater, staged on prison premises, and outings to movies or a pool. The interviewed prisoners confirmed the educator's information, but added that such occasions are rather rare. According to the prison administration, the frequency of this type of recreational activities – organized whenever possible - depends on objective circumstances.

The team takes that the new facility in the prison commune positively affects the aspect of prisoners' re-socialization. Though not completed yet as planned, the new facility has accommodated 20-odd prisoners. It is surrounded by sport terrains, while the overall ambience of the open unit resembles that in the outside community. The prison administration has many creative ideas for this facility. However, the question is whether it will be in the position to carry its project through.

The prison's large commune (86 hectares) has the capacity to engage prisoners on a variety of agricultural works. Because of lacking funds a manufacturing facility cannot be established, said the prison administration. Just few prisoners are engaged in the outside community, mostly as manual workers.

The team still takes that prison work is inadequate from the angle of reeducation and social resettlement. Namely, agricultural work is just seasonal and the prison offers no other opportunities for diverse and purposeful work.

## II

### Recommendations

- An admission department should be formed;
- All avenues should be explored for prisoners' occupational activities;
- Prison work should be perceived as a major instrument in the process of social rehabilitation, rather than a profit-making activity.

## Contact with the Outside World

### I

Apart from a phone booth in the closed unit, another one has been mounted in the open unit. According to the staff and prisoners alike, a prisoner has misused the right to place phone calls by making a threatening call to the local police station. This is why the prison administration decided to relocate the booth to an office and supervise the calls made by the prisoners in the closed unit. The team pointed out to adverse effects of such unselective supervision and suggested that the booth should be installed in a place offering the privacy of calls. Though the need for supervision is not disputable, it should be guided by assessment of each individual prisoner. The team had the same critical comment when it came to censorship of letters.

Unlike on the occasion of the team's previous visit when daily papers had been available only to the prisoners who subscribed to them, this time the team noticed that three dailies were provided to prisoners at the prison's expense.

Untried prisoners receive family visits in security officers' room, and meet their lawyers in the room used for medical examinations. As for convicted prisoners, they receive their visitors in a tiny, poorly ventilated room with inadequate access to natural light. As all such arrangements are totally inappropriate, the team takes that the prison administration should solve the problem of the premises for visits.

### II

### Recommendations

- The practice of unselective supervision of phone calls and censorship of the letters sent or received by the prisoners in the closed unit should be abandoned; actually, any supervision should result from a proper decision based on individual assessment;

- Adequate premises for family visits and meetings with lawyers should be secured.

## **Institutional Personnel**

### **I**

An educator and vocational instructors make a part of the administrative department. As referred to in the paragraphs above, only one educator is in charge of prisoners' social rehabilitation. He is a special pedagogue with 15-year experience in dealing with prison population. Eight instructors are tasked with prisoners' vocational training and prison work – two of them have university diplomas, while the rest have finished secondary schools. Disciplinary proceedings have not been instituted against any of those officers over the past six months. While interviewed, they said they were satisfied regular payments, but not with their paychecks.

The security service recruits 29 officers – 20 have been engaged in line with job classification, and 9 have been reassigned from the Prizren prison in Kosovo. Though the service is overstaffed, the head of the service takes that extra hands positively influence the overall security.

The head of the service and an officer have university diplomas, while the rest have finished secondary schools. The head of the service has been working with prison population for 33 years now.

Security officers manifested no interest in in-service training. However, since a rank of senior officer implies a better salary, they are interested in passing the necessary exam. The prison organizes lectures so as to help security officers to pass it. The courses take several months and the head of the service himself delivers lectures on some subjects.

Over the past six months, no disciplinary proceedings have been instituted against security officers, said the head of the service.

### **II**

#### **Recommendations**

- The prison administration should consider the establishment of a reeducation service so as to round off an efficient process of prisoners' social rehabilitation;
- An admission department should be established and at least another full-time educator engaged (preferably, a psychologist);

- Prison officers should be permanently encouraged to upgrade their professional competence and skills through instruction in contemporary penology methods;
- Security officers should be encouraged to learn about international documents and standards related to prisoners' human rights and the methods of non-violent communication.

## PANCEVO DISTRICT PRISON

Date of the visit: June 23, 2005

Type of institution: semi-open

Population: men/adults

Number of sentenced prisoners: 42

Number of untried prisoners: 37

Number of prisoners sentenced for misdemeanor: 3

Composition of the monitoring team: two jurists, a physician and  
a special pedagogue

*Note: As provided by law, the team was allowed to interview prisoners under  
sentence only.*

### Quality and Conditions of Life

#### I

##### *a) Buildings and Grounds, Equipment, Ventilation and Lighting, Sanitary Installations and Hygiene*

Over a preliminary interview with the prison director and heads of services, the team was told about the changes the staff has effectuated since its previous visit with a view to improving the conditions of life in the prison.<sup>15</sup> In 2005, sanitary installations in the pre-trial unit were replaced, which eliminated humidity of the walls. The so-called ship lanterns were replaced by more adequate lighting in the dormitories accommodating untried prisoners. Offices and other staff premises were also renovated, while the accounting service was allocated an extra room. The prison administration plans to equip all dormitories with new furniture and, in the Vrsac prison, completely renovate electrical installations and plumbing by late 2005.

Having toured the pre-trial unit, the team realized no major changes have taken place since its last visit. Except for artificial lighting that was by far better, other inadequacies related to accommodation were still there. The air in the rooms was stale and stuffy. Repaired sanitary installations would hopefully no longer humidify the walls. The rooms were still overcrowded –

---

<sup>15</sup> The Helsinki Committee's team visited the Pancevo District Prison on April 15, 2004, and reported its findings in the publication titled "Prisons in Serbia: April 2003 – April 2004," p. 119.

some just looked so due to extra beds that have been there ever since the Saber operation. Given that 12 beds, lockers, tables and benches are placed in a dormitory of some 35 square meters, prisoners are left almost no space to move in. The same refers to “bigger” dormitories of some 18 square meters that are furnished with 6 beds, lockers, tables, benches, etc. each. Most rooms have more beds than prisoners. Untried prisoners take baths in a bathroom located behind the kitchen. Washbasins are dilapidated and should be replaced, regardless of the fact that every pre-trial dormitory has a washbasin of its own.

In the team’s view, the solitary cell is rather inadequate not only because of the prison’s layout (not allowing access to natural light and fresh air), but also because of the totally ruined bathroom that is not partitioned off the sleeping area. Further, the solitary cell is furnished with nothing but a bed and is so small that a table and a chair could hardly be placed in it.

The rooms accommodating sentenced prisoners classified under closed treatment and those punished for misdemeanor are on the upper floor. The two categories of prisoners are given two separate rooms, while the third room on the same floor serves as a kind of storage for extra beds, mattresses and other pieces of furniture. The air is stale since windows are sealed. Security officers have sealed the windows so as to prevent any communication whatsoever between the two categories of prisoners, the more so since the windows look on the untried prisoners’ exercise area. According to the interviewed prisoners, the third room has never been used as sleeping quarters. Moreover, the prisoners sentenced for misdemeanor are forced to sleep on the floor whenever there are no unoccupied beds in the two dormitories. The prison administration explained situations as such are pretty rare. As they put it, the problem of the storage could have only been solved by turning a dormitory into it. Living quarters can be used only in afternoons and evenings. Since smoking is forbidden in all premises except for the bathroom, prisoners usually spend their mornings either in corridors or in the bathroom. Washbasins and toilet bowls are in deplorable state. They are falling apart, and the entire bathroom stenches.

#### *b) Kitchen, Mass Hall and Food*

Hygiene in the kitchen is highly commendable. The interviewed prisoners did not complain of the quality and preparation of their meals. Security commanders are in charge of controlling the food.

#### *c) Medical Service*

Unfortunately, nothing has changed for the better in terms of the medical care provided to the prisoners since the team’s visit in April 2004.

The prison has no out-patient ward and even basic medical instruments. Medical examinations are still conducted in the room used for other purposes, and in the presence of prison officers. Medical confidentiality is non-existent. As there is no pharmacy, medicaments are inappropriately placed in front of dormitories. Non-medical staff is tasked with distributing medicaments.

According to the prison doctor (a specialist in sports medicine, who has been working for the prison for 38 years now), a new arrival is medically examined on his first regular visit after admission. The doctor visits the prison in early mornings, three times a week.

Rather than compiling medical files, the doctor just enters his findings in a register following every examination. The team once again underlines the inadequacy of such procedure that allows not a complete overview of a prisoner's state of health or sending of medical files in the event of the transfer to another institution.

The doctor does not regularly visit a prisoner punished by solitary confinement. Besides, he registers not occupational injuries, those resulting from inter-prisoner conflicts or caused by the use of the instruments of restraint. The prison administration has never organized course of training in transmittable deceases for the prisoners and the staff. The staff has not been trained in recognizing indications of suicidal risk.

The prison doctor is not called in to control the food and general hygiene in the prison (ventilation, heating, sanitary installations, etc.).

The team takes that the problem of poorly functioning medical service could be solved by engaging a medical technician on full-time basis, given that he would be in charge of tending injured prisoners, distributing medicines, performing administrative jobs, compiling medical files for the prisoners, taking care of a medical cabinet, etc.

In 2004, there were 1,300 medical examinations and 48 dental services that included tooth extractions only. Some 60-70 examinations by specialists were conducted in civilian hospitals. The latter primarily refers to cardiologic, surgical, gastroenterological, ophthalmologic and otolaryngological wards.

Lately, only a strained angle and a hurt thumb have been registered as injuries. Several months ago, a prisoner committed suicide. Some 2-3 prisoners are dependent on psychoactive substances, but are, according to the doctor, willing to undergo treatment. Presently, no prisoner is with TB, HIV infected or with AIDS.

## II

### Recommendations

- The possibility of the prison's relocation to a facility suited for the institution of this type should be taken into consideration; this is the more so



since its inadequate layout causes the majority of problems that can hardly be solved through repairs and reconstruction;

- In the meantime, the beds that are unoccupied for long should be removed from the dormitories with a view to enabling the prisoners' movement;

- The solitary cell should be partitioned off the bathroom;
- Sanitary installations in the solitary cell should be renovated;
- The solitary cell should be furnished with a table and a chair;
- The windows in the dormitories accommodating sentenced prisoners should be unsealed so as to allow entrance of natural light and fresh air;

- The room used for storing should be turned into a dormitory; extra beds and other pieces of furniture should be stored somewhere else;

- The bathroom in the closed unit should be renovated;
- The bars on the windows of the wing accommodating the prisoners under open treatment should be dismantled;

- The prison doctor should be consulted in menu planning and included in the process of controlling the quality of food;

- The medical service should engage a full-time medical technician;
- An out-patient ward should be organized, and basic medical instruments provided;

- Medical files should be compiled for all prisoners;

- The medical staff should regularly visit prisoners punished by solitary confinement;

- Sings of violence observed should be entered into a special register and periodic statistics of injuries should be compiled for the attention of the prison administration.

- A pharmacy should be set up and distribution of medicines should be entrusted to a competent officer (a medical technician);

- Information about transmittable diseases and preventive measures should be disseminated to the prisoners and the staff alike.

## Security

### I

The security aspect has been detailed in the previous report. The team has not noticed any major changes for the better in this context. However, it feels it necessary to present some new observations and recommend solutions that might improve security in the prison. Judging by what the team saw, security officers' attitude towards the prisoners in the closed unit is highly rigid and unnecessarily formal. The interviewed prisoners confirmed this

observation. While the team was touring the dormitories, the prisoners who were in the corridor immediately lined up as ordered. They wore threadbare uniforms. The prison administration insists on prison uniforms but take no care about their appearance. As a rule, the prisoner-staff relationship mostly depends on the staff's attitude. The staff capable of creating the atmosphere of trust and respect contributes to the overall climate in a institution and to the level of internal security.

Another aspect closely related to the security – and to be discussed in more detail in a chapter bellow - is the transfer of the prisoners to the Zabela Penitentiary-Reformatory and the Pancevo prison. In the team's view, transferring large groups of prisoners deemed unsuited for an open unit considerably affects normal functioning of smaller institutions, the more so since such institutions' layouts, equipment and staffs are inadequate for both accommodation and treatment of this category of prisoners.

In 2005, only one prisoner managed to escape.

## II

### Recommendations

- The prison staff should not insist on rigid discipline and formal attitude towards the prisoners, but to its utmost to develop a positive atmosphere and friendly staff-prisoner relationship;
- Whenever prisoners are transferred to open or semi-open prisons, the staff should promptly make accommodation arrangements so as to avoid security risks.

## Legality of Prison Regime

### I

In this context, the team presents some of its observations about the use of the instruments of restraint. The prison statistics show that in 2003 security officers used force 20 times, in 2004 on 17 occasions, while in 2005 four times against two prisoners on each occasion. Out of those 4 registered cases, truncheons were used three times against two prisoners, i.e. 6 prisoners were subjected to restraint. In the same period in 2005, 6 disciplinary measures were taken against prisoners – statistically, every disciplinary measure implied the use of force. There was no misconduct on the part of security officers – actually, every time the use of force against a prisoner was justified. According to the interviewed staffers, security officers had used truncheons with a view to intervening in physical conflicts. A prisoner who had been involved in a fight told the team that security officers had used truncheons

after conflicts “to teach them how to behave,” rather than to separate them. Both the head of the security service and the prison director denied the prisoner’s claim, emphasizing that truncheons were exclusively used to stop fights. Other interviewed prisoners said that some security officers use truncheons against them even when a conflicting situation could be resolved without the use of force. Though not wishing to gauge contradictory information obtained from the two sides, the team underlines that order and discipline could be secured through disciplinary proceedings and adequate measures, while instruments of force should be used only in extreme cases.

As referred to in the paragraphs above, the problem of accommodating the prisoners transferred from large penitentiaries plagues the Pancevo prison as well. In October 2004, the prison had to cater for a group of 30 prisoners transferred from the Zabela Penitentiary-Reformatory. Those prisoners had been selected only on the basis of the time they still had to serve. It took the prison administration time and effort to turn the situation back to normal after admitting those new arrivals. Some prisoners were immediately driven to the Belgrade Penitentiary-Hospital, some were transferred back to Zabela, while the rest, deemed suited for an open unit, were allocated to the prison commune. A month after the transfer, three prisoners housed in the prison commune escaped. This is illustrative enough of the problem the team has been stressing in several reports – the problem of having unsuited prisoners accommodated in semi-open or open institutions.

Another critical remark has to do with exercise in the open. Namely, untried and sentenced prisoners from the closed unit are allowed to take 15-30 minute daily exercise. The prison administration justified short walks by the lack of adequate space and security concerns. On the other hand, the interviewed prisoners take that the exercise regime depends more on security officers’ good will than on security reasons.

Due to overcrowding the prisoners sentenced for misdemeanor are accommodated together with those under longer sentences.

## II

### Recommendations

- Excessive and frequent use of truncheons should be avoided, while the prisoners disobeying the house rules or behaving aggressively should be subjected to disciplinary measures as provided by law;
- The transfer of prisoners from the closed institutions should imply careful selection that the criteria other than just the length of sentence still to be served;
- All untried and sentence prisoners without exception should be offered the possibility to take outdoor exercise as provided by law.

## **Social Resettlement**

### **I**

Speaking about re-socialization, things have not changed much since the team's last visit. The prison administration has not made any arrangements whatsoever for prisoners' recreational activities. Except for watching TV in afternoons, the prisoners in the closed unit are practically kept idle throughout the day. Unfortunately, this opens the door to deleterious effects upon prisoners' personalities. The only prison work is organized in the prison commune.

Some interviewed prisoners said they hardly ever see their educator. On the other hand, those in charge of a woman educator said she kept visiting them and helping them solve their problems. Educators' office is inadequate for providing individual treatment. The prison administration justified the problem by the lack of appropriate space.

### **II**

#### **Recommendations**

- The prison administration should find an adequate room for the reeducation service;
- At least one competent officer to be tasked with admission and reeducation should be engaged on full-time basis;
- A program of recreational activities, as diverse as possible, should be developed with a view to prevent prisoners' negative conduct. This particularly refers to the prisoners in the closed unit;
- The prisoners assigned to the Vrsac prison should be provided competent assistance of the same quality;

## **Contact with the Outside World**

### **I**

The best change for the better that encourages prisoners' contact with the outside world are phone booths that have been installed since the team's last visit. One booth is available to the prisoners in the closed, while the other to those in the open unit. The prisoners accommodated in the closed unit are entitled to two 10-minute calls monthly, while those under more favorable regimes may place 10-minute phone calls five times a month.

Unfortunately, the problems earmarked in the previous report persist. This primarily refers to the inadequate visiting area. Namely, untried prisoners receive family visits in a corridor set apart for the purpose and meet their lawyers in a basement hall used for multiple purposes – as a mass hall, the place wherein convicted prisoners receive their family visits and as a staff room too. Occasionally, both untried and convicted prisoner meet their lawyers in the same room where the prison doctor conducts medical examinations. This is why all visits are shorter than provided by house rules and law.

An interviewed prisoner told the team that he had been denied a meeting with his lawyer. The prison administration explained its decision by quoting the lawyer's improper behavior in the prison.

Unlike on the previous occasion, the team was told that the cooperation with all relevant factors in the outside community was on the upward curve.

## II

### Recommendations

- The prisoners in the closed unit should be entitled to longer and more frequent phone calls;
- The decisions denying prisoners' right to meet their lawyers should be avoided.

## Institutional Personnel

### I

Fifty security officers are engaged on the three locations in charge of the Pancevo District prison. Presently, the Pancevo prison itself engages 38 officers. Since the team's last visit, one officer has stopped working for the service, one has been reassigned to the storehouse, and one has resigned. The prison administration plans to call a vacancy this fall. Since the beginning of 2005, no disciplinary or criminal proceedings have been instituted against security officers.

Since the team's last visit, the prison administration has organized in-service training for security officers. The program that has been developed with the assistance of the Central Prison Administration implied two segments – preparatory, composed of training and lectures, and exams and testing of physical competence for the job. All security officers have attended trainings and lectures, and were obliged to pass exams. They were instructed in the basics of their duty, the use of the instruments of restraint, the LECS

and relevant bylaws. Apart from this training, three security officers have attended a specialized course in the Nis Training Center for Security Officers.

Only two educators are in charge of prisoners' admission and re-socialization. The two are also working with the prisoners assigned to the Vrsac prison. Given that they have to perform the time-consuming administrative work related to the prisoners classified on three locations, the educators can hardly devote much quality time to the process of social rehabilitation. This is why a pedagogue should be engaged to help out the team. A post for a pedagogue is planned in the job classification.

There is still a vacancy for one staffer in the training and employment service. The staff is still dissatisfied with their paychecks.

## II

### Recommendations

- The reeducation service should be properly staffed; a full-time pedagogue should be engaged so that the service could focus on prisoners' social rehabilitation;
- The training and employment service should be staffed in line with the prison's job classification;
- There should be a follow-up of the in-service training for security officers; the latter should be instructed in international documents and standards related to prisoners' human rights, new practices in the domain of penology and methods of non-violent communication.

## SMEDEREVO DISTRICT PRISON

Date of the visit: June 23, 2005  
Type of institution: semi-open  
Population: men/adults  
Number of sentenced prisoners: 26  
Number of untried prisoners: 56  
Composition of the monitoring team: two jurists, a physician and a special  
pedagogue

*Note: As provided by law, the team was allowed to interview prisoners under  
sentence only.*

### Quality and Conditions of Life

#### I

##### *a) Buildings and Grounds, Equipment, Ventilation and Lighting, Sanitary Installations and Hygiene*

Unlike laid down in the preliminary report composed after its first visit to the Smederevo District Prison, this time the team registered that conditions of life and treatment of prisoners have been improved. On the other hand, the team observed that some problems have not been solved – moreover they have aggravated in the meantime.<sup>16</sup> However, the team could not but agree that the prison administration had endeavored to implement the recommendations set down in the preliminary report. Since the ruined floors have been replaced, the prisoners can now easily maintain the hygiene in dormitories, and are no longer bothered by cockroaches and other insects. Further, bars have been removed from the windows of the “commune” building housing the open unit.

Though the prison administration has evidently tried to improve conditions of life, it has been faced with other problems such as too many prisoners allocated to this prison. The pre-trial unit’s capacity has been fully exhausted. The unit is overcrowded. Triple bunk beds have been placed in a room on the third floor, with only the roof above it. Thus, the room of 30-odd

---

<sup>16</sup> The Helsinki Committee’s team visited the Smederevo District Prison on April 15, 2004, and reported its findings in the edition “Prisons in Serbia: April 2003 – April 2005,” p. 127.

square meters presently accommodates 8 prisoners. Due to the roof's layout and inadequate isolation, temperature in the room is extremely high. The air is stale, since windows do not open wide. Namely, as the prison is located just across the local police station, the authorities have taken full opening of the windows inappropriate bearing in mind that the prisoners have been swearing and shouting at police officers. Therefore, arrangements have been made for the windows to open to 30 degrees only. The team takes that the windows and stale air figure as the most alarming problem of the Smederevo prison. The prison administration should waste no time to solve the problem of ventilation and entrance of fresh air in the rooms accommodating untried prisoners.

The bathroom available to the prisoners on the first floor is in very bad state. Sanitary installations are so ruined that cannot be maintained. It is high time to renovate the bathroom.

The situation of solitary cells is below all standards and minimal conditions recommended in relevant documents. A squatting toilet – with a tap above - is not partitioned off the rest of the sleeping area. Solitary cells are furnished with beds only. Therefore, prisoners can only lie down or sit on their beds.

#### ***b) Kitchen, Mass Hall and Food***

The hygiene in the kitchen is satisfactory. However, the mass hall smells of humidity.

The interviewed prisoners did not complain of quality, quantity and preparation of their meals.

#### ***c) Medical Service***

The prison administration has tried to improve medical and nursing care for the prisoners, though its efforts have not been effective enough.

Namely, the prison still has no out-patient ward or basic medical equipment. Doctors conduct medical examinations and minor surgeries in the room wherein prisoners meet their lawyers. In other words, examinations are not conducted out of the sight of prison officers, since the room is has a glass partition. However, the partition secures examinations out of the hearing of officers, which partially guarantees medical confidentiality. The administration could solve the problem by establishing an adequate out-patient ward.

The doctors working for the local medical center visit the prison once a week. As they come in shifts, the doctor-patient relationship can hardly be established. The team takes that the doctors' visits should be more frequent.



As there is no pharmacy, medicaments are not supervised properly. Non-medical staffers are in charge of distributing medicines.

A major novelty introduced since the team's last visit is that medical files are now compiled for all prisoners on admission. However, it still remains unclear why further medical findings are not entered into these files but in a special register. The team takes that prisoners' medical files should accompany them whenever transferred to other institutions.

Periodic and systematic statistics of occupational injuries or signs of violence observed are not kept. Besides, the doctors do not regularly visit the prisoners punished by solitary confinement.

The prison administration has never disseminated information about transmittable diseases both to prisoners and the staff. No psychotherapeutic or working therapy programs have been developed, since the medical staff has not been trained in their implementation. Further, no socio-therapeutic programs have been organized for unbalanced individuals, drug addicts and aggressive prisoners. The same refers to the social reintegration programs. This is why non-medical personnel are often forced to solve all these problems by themselves, and sometimes does it in an inadequate way.

The medical service partakes in no way in the control of the food and general hygiene (ventilation, heating, sanitary installations, etc.).

In the team's view, some of the problems referred to in the paragraphs above could be solved by engaging a full-time medical technician who would be providing nursing care, distributing medicaments, taking care of medical administration, compiling medical files, etc.

As no doctor was present on the premises at the time of the team's visit, the team itself inspected the medical documentation. According to the latter, 832 medical examinations have been conducted since the beginning of 2005. The prison keeps not the statistics of dental services and examinations by specialists.

While examining individual medical files and findings, the team noticed that over a couple of days only this April, one prisoner slashed his wrists with a razor, several prisoners were lightly injured in a fight, and one prisoner was stabbed with a knife.

The above testifies that keeping statistics of injuries would not only help the administration to access the situation in the prison, but also analyze the reasons why unwelcome events coincide.

## II

### Recommendations

- Windows should be adapted so as to allow entrance of fresh air;
- Overcrowding should be solved under summary procedure;

- The solitary cell should be renovated with a view to solving the problem of sanitary installations;
- The solitary cell should be appropriately furnished;
- All bathrooms, particularly the one used by convicted prisoners, should be renovated;
- All prisoners should be medically examined on admission and their medical files should be compiled;
- Humidity should be eliminated from the mass hall and general hygiene in it improved;
- At least one qualified medical technician should be engaged on full-time basis;
- An out-patient ward should be organized and basic medical equipment procured;
- Medical staff (medical technician) should regularly visit the prisoners punished by solitary confinement;
- A pharmacy should be set up and medicaments distributed by a qualified officer (medical technician);
- Information about transmittable diseases should be circulated both to the prisoners and to the prison staff;
- Sings of violence observed should be entered into a special register and periodic statistics of injuries should be compiled for the attention of the prison administration.

## Security

### I

According to the information provided by the prison administration, only two prisoners have managed to escape over the past six months. No incidents affecting the institution's functioning have taken place. Judging by the team's observation and the interviewed prisoners, the relations between them and security officers are correct. The interviewed prisoners said the staff's attitude towards them was professional and fair. None of them complained of discrimination in terms of rewards and privileges, and disciplinary measures. However, while going through the medical documentation, the team noticed that, in a short period this April, there have been cases of inter-prisoner violence, resulting in injuries and even a stabbing. As no relevant information are available for drawing a definite conclusion, the team can only guess that it have been overcrowding and the lack of organized recreational activities to keep prisoners engaged that created the atmosphere of tension.

## II

### Recommendations

- Security officers should be encouraged to continue keeping correct and professional attitude both towards untried and convicted prisoners.
- The prison administration should insist with higher authorities to solve the problem of overcrowding that may adversely affect the prison's safety and security.

## Legality of Prison Regime

### I

The team did not notice any major departure from relevant legislation and rules that could have indicated to the staff's illegal conduct. The prison director and the head of the security service told the team that the ban on the use of the instruments of force was an unwritten code in the prison. The interviewed prisoners confirmed their statement. Order and discipline, said the director, can be efficiently maintained through disciplinary measures against offenders. Security officers' conduct is fully professional, as referred to in the paragraphs above. They try their best to lessen tension and to create a positive atmosphere in the prison. Incidents do happen, but the offenders are, as a rule, punished by disciplinary measures. According to official information, no instrument of restraint has been used against any prisoner over the past 12 months. In the same period, 7 disciplinary measures – solitary confinement – have been taken against prisoners.

Unlike in 2004, the prison no longer has to admit the prisoners with longer sentences. Presently, there are three such prisoners. However, their behavior poses no problem either to the personnel or their inmates. Moreover, they have been classified to more favorable treatments.

The team's only criticism relates to the untried prisoners' full exercise of the right to spend time in the open. Actually, they daily exercise in the fresh air for 30 minutes only, a situation additionally aggravated by the fact that their rooms are overcrowded and choky. Since those rooms do not allow sufficient entrance of fresh air, the team takes that brief periods in the open could negatively affect the prisoners' health.

## II

### Recommendations

- Prisoners' right to at least 2-hour exercise should be observed.

## **Social Resettlement**

### **I**

An evident progress was made in the context of social resettlement ever since a qualified officer in charge of this major aspect of prison life has been engaged on full-time basis. The new psychologist has attended a course of in-service training, and works on prisoners' classification. The first interview with a prisoner is conducted immediately after his admission. All new arrivals are accommodated in the admission room for 7-10 days. During that period, the psychologist observes them and uses various techniques and tests so as to be able to propose proper classification. It is the prison director who has a final say about her classification proposals. A prisoner's conduct, respect for the house rules, attitudes towards other prisoners and commitment to prison work figure as major re-classification criteria.

Recreational activities for prisoners have not been organized so far. The same refers to prison library and a room for religious ceremonies. The team believes these shortcomings would be overcome in the period to come.

The prison educator has to share an office with another officer, which negatively affects the privacy of her therapeutic work with prisoners and impairs the quality of individual treatment. When it comes to training and employment, this is the only prison in Serbia that has arranged occupational activities for the prisoners in the closed unit and even those awaiting trials. Since the team's last visit, the prison administration has organized new types of prison work in the "commune." On the other hand, a qualified officer has not been engaged yet to allocate the prisoners and supervise their work.

### **II**

#### **Recommendations**

- A program of recreational activities, as diverse as possible, should be developed and conditions for religious observance secured;
- A prison library should be organized;
- All avenues should be explored so as to make purposeful activities as diverse as possible for both untried and convicted prisoners;

## **Contact with the Outside World**

### **I**

The prison administration's decision to allow prisoners to place phone calls every day has considerably improved conditions of life in the Smederevo

prison. An interviewed prisoner said, "The fact that we can make phone calls every single day has had a positive impact on inter-prisoner relations. In a way, we have been more relaxed and at peace ever since they told us we could speak to our families every day."

However, the problem of an adequate room for family has not been solved so far. The room is so tiny that prisoners and their families hardly wish to stay there longer than necessary.

According to the prison administration, the cooperation with the factors in the outside community is adequate.

## II

### Recommendations

- The problem of the room for family visits should be solved;

## Institutional Personnel

### I

The security service presently employs 24 officers, seven of whom have worked for the prisons in Kosovo. Though the service is fully staffed, a new job classification plans another four vacancies because of transportation needs. Over the past 6 months, disciplinary proceedings have been instituted against one officer charged with assaulting a female colleague.

As advised by the Ministry of Justice, the prison has organized a course of in-service training for all security officers. (The initiative has been elaborated under the section dealing with the Pancevo District Prison.) The training's theoretical part, i.e. lectures, encompassed the spheres the Ministry has suggested. The head of the security service has attended a course of in-service training in the Nis Training Center. In his view, the service should be technically upgraded and equipped with PCs and state-of-the-art accessories. He takes that organizing as many as possible courses would be more than welcome, the same as instructing security officers in the methods of modern penology.

As referred to in the paragraphs above, the prison has engaged a full-time psychologist to be tasked, in the first place, with prisoners' social resettlement. Prior to being posted, she has toured several penitentiaries and learned from her senior colleagues' experience about main goals and the purpose of a reeducation service. Given that she begun working only this April, it would be unrealistic to expect her to have made a breakthrough in her job. The team left under the impression that the psychologist had a clear

idea about her mission and activities to be undertaken. She is a licensed cognitive psychotherapist and plans to make the best of her skills in the prison.

The prison has called a vacancy for an officer in charge of prisoners' training and employment.

## II

### Recommendations

- Another specialists should be engaged with a view to furthering the reeducation process;
  - At least one officer in charge of prisoners' training and employment should be engaged on full-time basis;
  - Arrangements should be made for all personnel's wider experience and in-service training, including courses in human rights and interpersonal communication; the latter particularly refers to the officers who are in daily contact with prison population.

## CONCLUSIONS AND RECOMMENDATIONS

Taking into account both subjective limitations and actual obstacles referred to in the section above, the team will attempt to present a comprehensive overview of the situation of detention facilities in Serbia, and put forth its relevant conclusions and recommendations.

The team's primary objective was to evaluate the extent to which persons detained in penal institutions exercise their rights and the level of protection of these rights by comparison with international standards, and to recommend the steps to be taken with a view to changing the state of affairs for the better.

The situation of the visited institutions mirrors some general and shared problems that can be labeled systematic not only when it comes to these institutions, but also to the penal system as a whole.

The sections below provide an overview of major findings and crucial problems plaguing detention centers, as well as recommendations that might change things for the better.

### QUALITY AND CONDITIONS OF LIFE

#### a) Buildings and Grounds, Equipment, Ventilation and Lighting, Sanitary Installations and Hygiene

The layouts of district prisons and other penitentiaries-reformatories in Serbia are adjusted to group imprisonment. In other words, the Serbian penal system does not provide individual incarceration and the relevant arrangements for the life in detention. What also characterizes all detention institutions is longstanding neglect, i.e. inadequate investment in the maintenance of buildings and infrastructure. Depending of the periods and the manner in which prison buildings were constructed, the signs of neglect differs, but are most visible in the Krusevac Juvenile Reformatory, the Belgrade District Prison and the Special Prison Hospital.

Further, partial renovations cannot change the very layouts of these facilities (for instance, district prisons in Pancevo and Zrenjanin) that mirror the abandoned concept of treating "offenders." Consequently, sizes of rooms, their number and the manner they are constructed are usually discrepant with both the proclaimed objectives and the needs of the persons detained

therein. All in all, cubic meters of space per prisoner are inadequate, the areas where they exercise in the open are not sheltered, the absence of living areas make them spend in their rooms 23 hours, the premises wherein they receive family visits or meet their lawyers are inappropriate, while most prisons have no premises at all for prisoners' recreational activities. The above-mentioned shortcomings refer to district prisons in the first place.

Ruined heating, plumbing and electrical installation plague the great majority of prisons in Serbia. Until recently the problem of inadequate heating was most pressing in prisons in Sremska Mitrovica and Pozarevac, district prisons in Belgrade and Subotica, and the Special Prison Hospital – Belgrade. Dilapidated plumbing and sanitary installations mostly affected the juvenile prison in Valjevo and the reformatory in Krusevac. However, over the past several years the investments in prisons' infrastructures have enabled the latter to start replacing all ruined installations.

Furniture in most institutions is dilapidated and scarce. The latter mostly refers to lockers. Mattresses and bedclothes are generally in bad state. Moreover, in the Krusevac Reformatory, juveniles sleep on thorn sponge mattresses. On the other hand, some institutions such as the women prison in Pozarevac attempt to regularly supply these items at least.

The situation of bathrooms, toilets and other sanitary installations is generally very bad. This is mostly evident in large prisons where bathrooms and toilets were not constructed to cater for large prison populations. For instance, one bathroom and one toilet are available to as many as 40 persons in the Sremska Mitrovica prison. The same refers to the toilets available to the prisoners accommodated in Nis and Pozarevac prisons. In some prisons such as those in Sremska Mitrovica and Pozarevac toilets are located outside accommodation facilities.

Overcrowding figures as one of the biggest problems the prisons in Serbia have to cope with. The prisoners in the Pozarevac Penitentiary-Reformatory, the Smederevo District Prison and the high-security ward in Nis sleep on triple bunk beds. In the Smederevo prison, for instance, as many as 80 prisoners are accommodated in the dormitories with some 300 square meters of floor space. Or, a room of 80 square meters accommodates 40 prisoners in the Cuprija prison, while in the Pozarevac prison the team found 50 prisoners in a room of 50 square meters.

Some prisons (district prisons in Belgrade and Pancevo, and the Special Prison Hospital) are so constructed that they do not allow at all the entrance of fresh air and natural light – the air is so stale that one practically gasps for breath. The Special Prison Hospital has solved the problem by reconstructing two wings. In the Smederevo District prisons, the rooms accommodating untried prisoners are located in the attic covered by inadequately insulated flat roof, the prisoners are sleeping in triple bunk beds, while windows cannot



be opened wide. The situation in these rooms borders on suffocation in summertime.

Over the past three-four years prisons have been subsidized for the purpose of major reconstructions. For instance, subsidies have been allocated for the renovation of one wing of the Special Prison Hospital, and one pavilion in Nis and Sremska Mitrovica penitentiaries-reformatories each, and for the construction of a special ward accommodating the persons sentenced for organized crime and war crimes in Pozarevac, and an open-ward pavilion in Cuprija.

Thanks to subsidies, installations in the Valjevo Juvenile Prison, the central heating system in the Belgrade District Prison, as well as radiators and pipes in the Sremska Mitrovica Penitentiary-Reformatory are being renovated. The Prokuplje District Prison has constructed a facility for the prisoners under open regime with its own resources.

#### b) Kitchens, Mass Halls and Food

Conditions of the premises wherein food is prepared and prisoners take their meals vary from institution to institution. Generally speaking, however, the level of hygiene can be labeled either low or mediocre. This is mostly to be ascribed to ruined buildings, inappropriate layouts, kitchens that are usually situated in basements and longstanding neglect.

Professional cooks, assisted by prisoners, prepare food in most institutions. All kitchen staffs undergo regular sanitary examinations, while prisoners-assistants are accommodated separately from their inmates.

The quality of the food also varies from institution to institution. Generally, it is of poor quality. The team has already underlined that the prisons in Vojvodina are the exception to the rule.

Meals are mostly tasteless. Milk and milk products are either never or just occasionally on menus, while fresh fruits, if served at all, are, as a rule, seasonal.

In some monitored institutions prisoners are served same dishes for lunch and dinner. The team takes a practice as such totally inappropriate.

Special diets are generally prepared for the prisoners to whom doctors have prescribed them. However, the only difference between regular and special diets is that the latter are fatless and unseasoned.

Some institutions pay heed to dietary requirements of the prisoners professing Islam, while other leave such prisoners to their own devices unless they would not eat the food prepared for general prison population.

Penitentiaries-reformatories, the Krusevac Juvenile Reformatoty and some district prisons (in Belgrade and Novi Sad) have canteens. As for other

institutions, prisoners place orders once or twice a week and have goods delivered to them from local shops.

### c) Medical Services

Medical services provided to untried/sentenced prisoners stand for a crucial problem the solution of which should be on the priority list in the upcoming reform of the prison system. According to international standards, persons deprived of their liberty should be provided the same medical and nursing care as those in the outside community. Generally bad situation of civilian hospitals cannot be an excuse for doing nothing to reorganize medical services in detention institutions. The change in the status of the former Hospital-Penitentiary (now the Special Prison Hospital) opened the door to the rearrangement of other institutions' medical services and should be followed, therefore, as a positive model.

Therefore, medical services in the institutions with same accommodation capacities should be so reorganized to provide the same level of medical and nursing care. At this point, situations in the institutions of the same size drastically differ (e.g. the large medical service in the Nis prison vs. one physician in the Pozarevac of the Sremska Mitrovica prison). For starters, doctors' services should be standardized so as to determine the number of examined patients that meets the requirements of maximal efficiency and quality of their work. Further, the team takes that the need for specialist examinations should be reconsidered since there is a discrepancy in this domain too. Simultaneously, the Ministry of Healthcare should take necessary steps with a view to establishing independent control over the work of medical services, while medical services themselves should be given the status that guarantees their professional independence vis-à-vis the Central Prison Administration and the Ministry of Justice.

Another major problem challenging medical services are poor material resources that are most dramatically evident in smaller institutions where medical examinations are conducted in the premises other than out-patient wards. As they serve other purposes, such premises do not meet even minimal requirements of medical examinations. Further, the basic equipment of out-patient wards should be standardized. The team has not observed major discrepancies in this domain – however, this should be ascribed to the fact that all inspected out-patient wards were poorly equipped, rather than adequately.

The manner in which medical examinations are conducted is generally inadequate. Though all institutions are obliged to have new arrivals medically examined, the quality of such examinations is often disputable. The team knows from experience that in the majority of institutions those initial examinations boil down to anamnestic interviews and compilation of medical

files, while detainees are examined only if they complain of such superficial procedure. Also, mandatory lab test are not regulated. This particularly refers to testing new arrivals for transmittable diseases. In the team's view, medical examinations upon admission should be detailed as soon as possible the more so since in the great majority of countries such occasions are used for TB tests and circulation of relevant medical information to newly admitted prisoners.

The team also noticed that medical examinations are mostly not conducted out of the hearing and out of the sight of other prisoners and non-medical officers. Such practice - contrary to the principle of patient-doctor confidentiality - derives from prison administrations and other service's longstanding interference in the work of medical officers, but also from the latter's attitude towards the prisoners. This is most indicative in the light of the project's purpose since medical service should play crucial roles in detection and prevention of torture - both inter-prisoner and prisoner-staff violence can be curbed only through prisoner-doctor confidentiality. The team once again emphasizes that the statistics of injuries should be forwarded in the form of periodical reports for the attention of prison administrations, but also that some pieces of specific information can be revealed with a prisoner's consent only. In order to carry out their mission in the prevention of torture, medical services should keep the detailed statistics of all forms of injuries (sports, occupational, inter-prisoner violence, the use of the instruments of restraint, etc.).

As the medical service of smaller institutions often do not engage doctors or even medical technicians on full-time basis, security officers are tasked with distribution of medicaments. In other words, neither prison pharmacies nor the distribution of medicaments are professionally supervised. Moreover, the team noticed that even the institutions with full-time medical technicians do not observe the practice of professional supervision over distribution of medicaments. Therefore, the team takes that the procedure of distribution and safeguard of medicaments should be regulated in detail.

Though medical files are compiled for all prisoners on admission, such files are not forwarded to other institutions in the event of prisoners' transfer.

As a rule, prison population includes a high percentage of prisoners dependent on psychoactive substances. A uniform strategy for treating such prisoners has not been developed. In the team's view, this aspect should be regulated on the grounds of actual state of affairs and the resources available in all institutions. Prison doctors should attend specialized courses in dealing with this category of prison population. Psychiatric care provided to prisoners also figures as an unregulated domain and presently depends on individual doctors' commitment to their work.

A strategy for prevention of transmittable diseases should also be developed. This includes standardized diagnostic tests, inoculation, the

measures of isolation and treatment, as well as mandatory circulation of information about transmittable diseases. Relevant institutions in the outside community should be included in this form of education, the more so since transmittable diseases may easily spread from prisons to the outside world. Particular attention should be paid to medical instruction of prison personnel, as well as to their protection, i.e. vaccination and regular checkups. Over the courses of in-service training the prison personnel should be sensitized to non-discrimination of infected persons. In this context the team reminds of the significance of overall hygiene and regular control of the quality of food of which medical services are formally in charge. Generally speaking, medical services of the monitored institutions were hardly committed to this job.

So far, the team has not met any full-time medical officer who has been educated in the field of prison pathology. Moreover, specialists in this specific field are not organized so as to convene periodical conferences aimed at improving their professional capacity and reaching strategic agreements on crucial issues. Apart from organizing courses of in-service training, medical authorities should tackle the ethical issues of treating prisoners as patients on the part of prison medical officers. Namely, in some institutions the team has observed that medical officers were treating the prisoners as if the latter were "getting more than they deserve." Further, psychotherapeutic and socio-therapeutic programs are not implemented in any institution whatsoever. The team strongly recommends such programs for prisoners should be developed and launched.

### **Recommendations**

- The pavilions of the detention institutions should be reconstructed so as that each room accommodates three or four prisoners at the most, and that other premises such as living quarters, exercise areas, libraries and the rooms for family visits or meeting with lawyers are available to prisoners;
- The strategy for removing some district prisons located in towns' centers should be developed;
- Investments in reconstruction and maintenance of the existing infrastructure should be permanent, the same as the supply of necessary pieces of furniture;
- New job classifications – grounded on the trade's standards - should be developed so as to equalize the size of medical services in the institutions with same or similar accommodation capacity;
- All institutions should be bound to adjust one room to the requirements of an out-patient ward; lists of the equipment necessary for the out-patient wards of the same type should be made;
- Prison pharmacies and distribution of medicaments should be supervised by competent medical officers;

- Medical officers should be tasked with compiling medical files for all prisoners and keeping statistics, particularly those of injuries;
- All prisoners should be medically examined on admission in keeping with proscribed medical requirements;
- Medical examinations should be conducted out of the hearing and out of the sight of other prisoners and prison officers, unless a prison doctor requires otherwise for security reasons;
- The strategy for the treatment of the prisoners dependent on psychoactive substances or suffering from mental disorders should be developed;
- The strategy for the prevention of transmittable diseases should be developed;
- Arrangements should be made with a view to educating prison doctors and other medical officers on specific forms of prison pathology, as well as to training prison staffs in recognizing indications of suicidal risk and transmittable diseases;
- The quality and the effectiveness of medical services should be assessed only by a qualified medical authority; the Ministry of Healthcare's involvement in this domain is a pressing issue.

## SECURITY

Overcrowding as the biggest problem blighting detention facilities crucially affects both internal and external security. Large prison populations to be kept under control on spacious prison compounds, and often old and inappropriate video surveillance systems, considerably weight the work of security services.

However, any assessment of the aspect of external security by the number of escapes or attempted escapes would lead one to the conclusion that the security in all monitored institution is adequate.<sup>17</sup> The team takes such "adequacy" is primarily to be ascribed to the fact that "the persons identified as security risks" are usually confined in closed and high-security wards, meaning that they are kept in their rooms almost around the clock.

By their security characteristics, district prisons accommodating the prisoners awaiting trials – and by far smaller population of prisoners under sentence – resemble closed institutions. On the other hand, open penitentiaries-reformatories do not have physical barriers that would prevent escapes. And yet, except for the Padinska Skela prison, all open penitentiaries-reformatories have closed wards wherein untried prisoners or those whom

---

<sup>17</sup> Here the term escape refers not to the prisoners who have not returned to open or semi-open wards after leaves, free weekends, etc., or have not duly presented themselves.

prison administrations classify under semi-open or closed regimes are accommodated. By their security characteristics, those closed wards also resemble closed institutions.

The adequacy of external security depends on the number of security officers that mostly corresponds to the number of untried and sentenced prisoners. Though the team observed that security services in some monitored institutions were understaffed judging by relevant job classification, those services actually recruit sufficient staffs when taking into account the number of officers who have been reassigned from Kosovo prisons.

Security officers working for the Belgrade District Prison and penitentiaries-reformatories in Pozarevac, Nis and Padinska Skela complained that job classifications were not adjusted to job requirements or that their services were understaffed. The team takes that organizational arrangements, officers allocation, duration of shifts, etc., should be reconsidered when it comes to a number of institutions.

Internal security in the monitored institutions depends on their types, sizes and populations. Prison gangs that cause trouble, incite inter-prisoner violence, engage in racketeering and organize smuggling usually emerge in the prisons the populations of which exceed 150 persons. The more prisoners, the more incidents, that's almost a rule. Prison overcrowding that makes adequate classification/separation of prisoners on the grounds of individual risk assessments impossible also explains poor internal security in the monitored institutions.

In the team's view, staffs' regimental attitudes towards prisoners and insistence on order and discipline that exceed security considerations can hardly contribute to overall security in prisons. Though more characteristic of closed institutions such as those in Nis and Sremska Mitrovica, the team witnessed such practice in the Cuprija Penitentiary-Reformatory and the Pancevo District Prison. It goes without saying that such approaches adversely affect staff-prisoner relations and overall atmosphere in prisons.

### **Recommendations**

- Some district prisons (in Krusevac, Uzice, Cacak, Novi Pazar and Pancevo) should be relocated from the buildings they presently occupy;
- New job classifications put forth by security services should be taken into consideration and eventually adopted;
- Existing video surveillance systems should be replaced by state-of-the-arts ones;
- The number and adequacy of conveyances should be adjusted to institutions' actual needs;

- Security officers should change their regimental attitudes towards prisoners with a view to developing constructive and positive staff-prisoner relations and improving the level of internal security.

## LEGALITY OF PRISON REGIMES

It is the inadequate legislation that crucially affects the legality of decisions made by both prison administrations and the Center Prison Administration. This legislation is either outdated or incompatible with international standards guaranteeing the respect of prisoners' human rights or non-existent – i.e. there are no laws or bylaws providing certain aspects of imprisonment.

Referring to the non-existent legislation, the team has in mind some institutions (e.g. the Special Prison Hospital or the Krusevac Juvenile Reformatory) do not have house rules at all. Further, some bylaws and regulations (e.g. providing the use of the instruments of restraint, isolation, disciplinary punishment, security officers' tasks, calorie charts in detention, etc.) that were passed back in 1970s are still in force.

When it comes to the institutions that do have house rules, copies of those documents are, as a rule, available to prisoners on admission only. Foreign nationals are not informed about house rules in their mother tongues but only indirectly by the prisoners who speak their languages.

The Law on the Execution of Criminal Sanctions that was in force till January 1, 2006, provided not court protection or control over the decisions made by prison administrations. The provisions regulating disciplinary punishment, classification and definition of offenses were blurred, while the procedure of lodging complaints was just formal and ineffective as a legal remedy. The grievance system was not provided under the Law.

Further, the Law did not provide prisoners' reclassification or classification to high-security wards. Though all closed institutions and even some semi-open and open ones do have such wards, no regulation related to confinement provided relevant regimes. In other words, a prisoner was classified in a high-security ward – actually isolated judging by the ward's basic characteristics – while no provision regulated the very procedure, duration of such measure or reasons for taking it. A prisoner under such regime was not only deprived of many rights but also his stay was not subjected to any limitations, control or the administration's duty to reconsider the measure taken against him.

Legally undefined status of sentenced prisoners standing trials for other offenses augments the problems to be dealt with in everyday life and stirs such prisoners' dissatisfaction. The prisoners in this category are usually placed in high-security units or in closed units. Though legally not treated as prisoners awaiting trials, they are practically under regimes that closely

resemble that in a pre-trial ward. The same refers to the prisoners sentenced to 40-year imprisonment – they are automatically placed in high-security wards and no treatment programs for them are developed.

The team takes that the ongoing legislative reform (the new Law on the Execution of Criminal Sentences, the house rules, the regulation on the use of the instruments of restraint and the regulation on disciplinary proceedings) is a most welcome starting point for having the entire detention legislation adjusted to international standards and contemporary attainments in this domain.

### **Recommendations**

- Apart from the amended legislation, all necessary measures should be taken so as to guarantee new laws' implementation (reorganizations of prison services, staffs' instruction in new laws and bylaws, new job classifications, more efficient control over the work of prison officers, etc.);

- All new regulations should be made available to sentenced/untried prisoners at all times;

- Administration departments should be equipped with PCs so as to make their records of the persons deprived of their liberty precise and available.

### **SOCIAL RESETTLEMENT**

It is widely recognized that influence on a prisoner's personality that will curb his/her criminal behavior is the main purpose of imprisonment. Thus, a treatment program provided to a prisoner throughout his/her incarceration should be adjusted to individual needs and, whenever necessary, reconsidered in terms of its efficiency. However, the practice of domestic prisons indicates that repression and isolation from the outside world still figure as predominant purpose of deprivation of liberty.

Generally inadequate layouts of prison facilities, lack of space and insufficient number of competent professions on the one hand, and large prison population and poor material resources on the other, weight the process of social rehabilitation.

Habitually, the prisoners under long sentences are – for "security" concerns – classified to open and semi-open prisons that are inadequate for this category (habitual offenders, persons sentenced for homicide, etc.).

Overcrowding that particularly plagues closed institutions considerably hinders quality reeducation. Because of oversized educational groups – up to 170 prisoners in a group in some institutions – prisoners rarely communicate with their educators. In some institutions (even in those with



adequate ratio between educators and prisoners), the entire reeducation process literally implies just prisoners' requests for privileges. Under such circumstances, prisoners try to solve their problems with security officers and often go for illegal methods resulting in corruption and the groups of privileged prisoners. Overcrowding on the one hand, and insufficient number of educators on the other, also stand in the way of organized recreational activities, religious culture, schooling and prisoners' occupational training.

Just few prisons have manufacturing facilities with adequate training and vocational programs. Apart from doing chores, the great majority of prisoners are engaged in agricultural work. Since institutions do not have modern agricultural mechanization this type of prison work is hardly attractive to prisoners in terms of vocational training.

Prison libraries, if any, are usually either poorly stocked or offer old and unattractive reading matters.

Though the law provides that prisoners shall have the right to elementary and secondary education, neither of the monitored institutions has a school. Prison administrations explain the fact by inadequate financial resources, lack of space and prisoners' disinterestedness in learning. On the other hand, the majority of prison population has not finished elementary schools, which makes literacy programs more than necessary.

The team draws the attention to the Krusevac Juvenile Reformatory in which schooling is mandatory. Conditions for juveniles' education have been considerably improved not only in terms of classrooms and curricula, but also motivational activities (modern teaching aids and methods, privileges for high grades, etc.). In addition to elementary education, the prison administration plans to introduce secondary education in near future. However, the problem of education of the juveniles with special needs has not been adequately solved so far.

As the number of students in local secondary schools is limited, the juveniles from the Valjevo Juvenile Prison can get secondary education with much difficulty if at all. The Ministry of Justice and the Ministry of Education should join hands in solving this problem so as to make it possible for the juveniles to get properly educated during incarceration.

### **Recommendations**

- The Central Prison Administration, prison directors, prison personnel and prisoners alike should be encouraged to perceive social rehabilitation as the main purpose of incarceration, and reeducation services as major pillars of this process. In this context, it is necessary to take the following measures:

- Prisoners should be classified and reclassified in keeping with individual needs for treatment programs;

- Prisoners' schooling and vocational training should be suited to lucrative trades, particularly when it comes to juveniles whose education in terms of teaching methods and aids should be similar to that in the outside community;
- As favorable as possible conditions (adequate sizes of educational groups, premises and sufficient number of competent personnel) should be created for prisoners' group and individual treatment;
- Recreational activities should be made more diversified through cultural programs, well-stocked libraries, cooperation with local cultural centers, etc.;
- Prison work should be perceived only in the context of reeducation;
- Prison work should be aimed at prisoners' professional competence that will make it easier for them to find jobs after release;
- Adequate premises should be set aside so as to make it possible for non-Serbian Orthodoxy believers to profess their respective religions;
- Newly introduced rehabilitation programs (mediation, programs for drug addicts, etc.) should be pursued;
- In tandem with the Ministry of Labor and Social Issues, the Ministry of Justice should develop pre-release programs and the strategy for post-penal integration into society.

## CONTACT WITH THE OUTSIDE WORLD

This aspect of prison life can be labeled adequate if assessed in the light of family visits, free weekends, contacts with lawyers, packages and letters, phone calls, or the print and even broadcast media available to prisoners. Though some institutions face problems in some of the above-mentioned areas, prisoners' rights are not violated in any major way. Few are the institutions where phone booths are not available to prisoners. Some problems arise in the institutions wherein classification in closed wards implies denial of the right to place phone calls. The main problem in this aspect of communication with the outside world is that in some institutions phone calls placed by all prisoners without exception are supervised. This also refers to censorship of letters. The team also takes inappreciable the practice in some institutions wherein specially selected prisoners are in charge of distributing letters to their inmates.

Premises for family visits pose another problem – mostly, they are of inadequate size and poorly furnished. Some institutions do not have the areas for visitors at all.

Speaking of a larger context in which prisoners keep contact with the outside world, the team refers to institutions' cooperation with relevant agencies. In the team's view, things have not changed for the better in this

domain since the first year of monitoring. Here the team primarily has in mind the absence of post-penal integration programs. Pre-release activities imply nothing but final interviews with prisoners and their families. According to prison staffs, the quality of cooperation with outside factors exclusively depends on “the other side.” Officials working in some social centers, medical institutions, courts or police stations are often biased when it comes to prisoners, which is a major stumbling block in the way of the exercise of the latter’s rights. The society as a whole is obliged to pay due attention to the juveniles deprived of their liberty and undergoing corrections. Those juveniles should be gradually prepared for the life in the outside community and adequate functioning after release.

### **Recommendations**

- Phone booths should be installed where non-existent, or more booths should be mounted where their number cannot meet prisoners’ needs;
- Prison administration should be more flexible when it comes to prisoners’ communication with the outside world; for this purpose, telephone calls should not be supervised by prison officers;
  - Adequate premises for visits should be set apart;
  - Appropriate rooms for spousal visits should be set apart;
- The Ministry of the Interior, i.e. the Central Prison Administration, should develop pre-release programs, as well as those for prisoners’ post-penal integration into society; these programs should be particularly focused on juveniles;
- Prisoners should be encouraged to maintain relations with their families and arrangements should be made so as to improve cooperation with other factors in prisoners’ hometowns.

### **INSTITUTIONAL PERSONNEL**

By comparison with its findings in the first year of the project’s implementation, now, after the period of three years, the team recognizes that some progress has been made, particularly in prison staffs’ understanding of the crucial role social rehabilitation has in the overall penal system. And yet, this progress does not necessarily imply adequate conditions for practicing the newly attained awareness. Organizational arrangements in some institutions do not envisage reeducation or training and employment services. Those services in the institutions that do have them are often understaffed and cannot meet prison populations’ requirements. In some institutions only one officer, formally assigned to reeducation service, deals with prisoners’ training and employment. Further, educators in many institutions are also

tasked with prisoners' admission and observation. Admission teams in district prisons are incomplete, as a rule. One or at most two educators are in charge of prisoners' classification and reclassification, meaning that they deal with the entire process ranging from admission, through reeducation to pre-release and post-penal programs. In some places educators are tasked with keeping general records, which consumes too much of their time at the detriment of quality reeducation. There are many vacancies in reeducation services. Prison administrations explain this fact by competent professionals' bias about working in prisons or small salaries paid for hard and responsible work. The people working in prison administration often told the team prisons were not safe places for women officers. Guided by such informal criteria, they do not recruit women candidates even in the cases when not a single man applies for a vacancy. Statistics show that 90 percent of prison educators are men. Women are mostly engaged for jobs that imply not direct contacts with prisoners.

Prisoners are usually provided individual treatments since the majority of educators have not been trained in other, modern methods. On the other hand, the great majority of them are interested in attending courses of in-service training. Those who are not, explain their attitudes by bad working conditions that dishearten them.

Both educators and instructors are dissatisfied with their paychecks, particularly by comparison with those given to officers in other services. In this context, the team left under the impression that inter-staff cooperation is not as adequate as it should be and thus negatively affects prisoner-staff relations as well.

However, there is a bright side to it as well – in some institutions educators visibly do their best and outdo themselves to find alternative solution to the problems they are faced with.

A small number of security officers hold university diplomas, which means that these services are practically short-handed when it comes to highly competent professionals. Interns who are recruited even though they lack basic knowledge on the work that awaits them additionally aggravate the situation. Over the past two years the situation in this domain has been somewhat improved thanks to the training provided by the Nis Education Center. However, the team takes that the problem can only be solved through a special education system for security officers. A system as such would be based on contemporary methods in penology and in dealing with prison populations.

Speaking about the courses of in-service training for security officers, the team underlines the mandatory training program developed by the Ministry of Justice. The program is composed of theoretical part (domestic legislation in the domain of incarceration) and practical training in martial arts and arms handling.

Security officers' attitude towards prisoners varies from institution to institution. In some places it is rather regimental and unnecessarily formal, while in other quite correct. In the team's view, the attitudes taken considerably depend on managements and heads of services.

In conclusion, the team underlines that conscientious and efficient work of prison services considerably depends on adequate remuneration and other service benefits for personnel. Unfortunately, officers' salaries have not been for long adequate to the exacting nature of their work, while officers standing out for their commitment to their work and professionalism have not been entitled to any service benefits.

### **Recommendations**

- Manuals that clearly define concepts, objectives and tasks of each prison service, and lay down rules and relevant guidelines, should be developed for all levels of staff of a particular detention facility or categories of detention facilities;

- Seminars for all levels of staff should be organized in regular intervals; such seminars are aimed at encouraging members of all prison services to learn about and follow modern trends in their specific domains;

- In order to improve conditions of service, personnel should be provided adequate offices and modern equipment;

- Job classifications should be reconsidered and adjusted to actual needs of each service, and due attention should be paid to the central role reeducation services play in the process of prisoners' social rehabilitation;

- Education of would-be security officers and their recruitment should be adjusted to existing European standards and current trends;

- Mandatory courses of training should be organized for security officers with a view to instructing them in contemporary trends in the domain of penology and international standards for protection of prisoners' rights;

- The Ministry of Justice and the Central Prison Administration should launch a campaign for scholarships for young cadres, as well as for better salaries for professionals standing out for their commitment to their work;

- The Ministry of Justice and the Central Prison Administration should launch a media campaign with a view to de-stigmatizing prisoners and making general public aware of their rights;