



Task Force as National Torture Preventive Mechanism

According to Optional Protocol to the Convention against torture and other Cruel, Inhuman or Degrading Treatment (OPCAT).



**REPORT FROM MONITORING OF DUBRAVA CORRECTIONAL CENTRE,
LIPJAN CORRECTIONAL CENTRE FOR FEMALES AND JUVENILES AND
DETENTION CENTRE IN LIPJAN**

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Acronyms

OIK	Ombudsperson Institution in Kosovo
KRCTV	Kosova Rehabilitation Centre for Torture Victims
CDHRF	Council for the Defense of Human Rights and Freedoms
OPCAT	Optional Protocol of the UN Convention against Torture and other forms of discrimination, inhuman or degrading treatment or punishment
KCS	Kosova Correctional Service
ECHR	European Convention on Human Rights Protection
SMR	Standard Minimal Rules for Treatment of Prisoners
LEPS	Law on Execution of Penal Sanctions
DCC	Dubrava Correctional Centre
LCC	Lipjan Correctional Centre for females and juveniles
DCL	Detention Centre in Lipjan
UNCAT	Convention against Torture and other forms of discrimination, inhuman or degrading treatment or punishment
TPC	Torture Preventive Committee
NPM	National Preventive Mechanisms
CM	Committee of Ministers

1. INTRODUCTION

Optional Protocol of the International Convention against Torture (OPCAT), among other things, foresees establishment of National Preventive Mechanisms (NPM) through which regular visits are being planned in all premises of public institutions where freedom of a person is limited. Based on these international instruments, institutions such as prisons, detention centers, police stations, psychiatric hospitals etc. will become the subject of permanent inspection aiming to continuously improve and respect treatment standards of person located in these premises.

The Ombudsperson Institution, being an independent institution and empowered with extensive legal competencies to inspect and have access in institutions where confined persons are located, jointly with the civil society, established *Task Force* which in a way, will be involved in accomplishing liabilities that derive from OPCAT as well as will promote establishment of NPM in Kosova.

OI has signed a MEMO of Understanding with Kosova Rehabilitation Centre for Torture Victims (KRCTV) and Council for the Defense of Human Rights and Freedoms (CDHRF) on 10th of May 2011 for establishment of joint working group - the *Task Force*, presided by the signatory parties based on rotation principle. From January 2013 till June 2013 OI presided with the Task Force, it developed and undertook activities as well as promoted establishment of national structure on torture prevention (NPM).

2. METHODOLOGY

Monitoring program of the Task Force implies assessment of places of detention that should be visited, based on the available information. Presiding mandate of the Task Force obliges OI, KRCTV and CDHRF to disclose plans and the list of the places planned to be seen based on evaluation of potential risks of human rights violation of persons confined there.

Monitoring of places of detention in Kosova was set by national legislation as well as international standards.

Within scope of accomplishment of legal liabilities the *Task Force* has accomplished monitoring of Dubrava Correctional Centre as well as Correctional and Detention Centers in Lipjan. The monitoring is been conducted in compliance with Optional Protocol of the Convention against Torture (OPCAT), European Convention Standards against Torture and United Nations Standard Minimal Rules for Treatment of Prisoners as well as the Law on Execution of Criminal Sanctions (LECS).

Monitoring has been conducted by 12 (twelve) representatives (6 from OI, 3 from KRCTV and 3 from CDHRF), which included combination of professional profiles, specifically in the fields of justice and public health as well as having consideration for gender balance.

Bearing in mind that monitoring of places of detention is sensitive and difficult issue, the *Task Force* initially conducted joint meetings, evaluate information gained during various visits or obtained from other different sources (media, family members, attorneys, etc.) and set tasks to conduct monitoring.

Monitoring has commenced by meeting the director of Correctional Centre in Dubrava (CCD) and later with the director of Correctional Centre in Lipjan (CCL) who get acquainted with the members of *Task Force*, the aim of their visit, their working methods as well as the purpose of use of gained information. Afterward, places where people confined are located as well as working premises of personnel performing there have been visited.

Conditions of the premises were the target of assessment during the visit as well as difficult aspects of such conditions and grounds (such as congestion, food, water, heating, provision of health services), incidents of violation, death, strike or other emergent cases, use of disciplinary measures, as well as information was requested regarding detainees with special needs (women, juveniles, sick, those with disabilities or with mental disorders), relationship between detainees on one side and relationship between detainees and the staff on the other as well as interviews with detainees were conducted.

During the monitoring process *Task force* members had great cooperation with directors of the prisons and personnel as well as due regard for security rules and regulations. We would like to express our gratitude for the great cooperation.

3. LEGAL BASE

3.1. Constitution of the Republic of Kosova¹

Chapter II Human rights and fundamental freedoms

“Human rights and fundamental freedoms are indivisible, inalienable and inviolable and are the basis of the legal order of the Republic of Kosovo.” (Article 21)

“No one shall be subject to torture, cruel, inhuman or degrading treatment or punishment.” (Article 27)

1. “The Ombudsperson monitors, defends and protects the rights and freedoms of individuals from unlawful or improper acts or failures to act of public authorities”

2. “The Ombudsperson independently exercises her/his duty and does not accept any instructions or intrusions from the organs, institutions or other authorities exercising state authority in the Republic of Kosovo”.

3. “Every organ, institution or other authority exercising legitimate power of the Republic of Kosovo is bound to respond to the requests of the Ombudsperson and shall submit all requested documentation and information in conformity with the law.” (Article 132)

3.2. Law on Ombudsperson²

7. “ Officials of the Ombudsperson Institution may, at any time and without notice, enter and inspect any place where persons are deprived of their freedom and other institutions of limited freedom of movement and can be present at meetings or hearing sessions where such persons are included. Officials of the Ombudsperson Institution may hold meetings with such persons without the presence of officials of respective institution. Any kind of correspondence of these persons with the Ombudsperson Institution is not prevented or controlled”

8. “ Ombudsperson or his representatives may enter the official premises of all bodies of public authorities, other bodies and organizations exercising public authority for their account.” (Article 16)

1. “ All organs of state authorities are obliged to assist the Ombudsperson in the development of investigations, as well as to provide adequate support according to his request.”

2. “ Refusal to cooperate with the Ombudsperson of a civil officer, a functionary or public authority is a reason that the Ombudsperson requires from the competent body the initiation of administrative proceedings, including disciplinary measures, till the removal from job or civil service” (Article 23)

¹ Official Gazette of Republic of Kosova .

² Official Gazette of Republic of Kosova, Law no. 03/L-195.

3.3. Law on Execution of Penal Sanctions³

“The execution of penal sanctions shall aim at the re-socialization and reintegration of the convicted person into society and prepare him or her to conduct his or her life in a socially responsible way.”[...] (Article 4)

1. “Penal sanctions shall be executed in such a way as to assure humanity of treatment and respect for the dignity of each individual. The convicted person shall not be subject to torture or to inhuman or degrading treatment or punishment.”(Article 5)

2. “The placement of a convicted person in a particular correctional facility or in a particular unit of a correctional facility should take into account his or her age, the type of sentences, their weight of sentences and the fact that he/she was previously sentenced, his or her physical and mental health, any special treatment requirements, the location of the current or permanent residence of his or her family and security, as well as reasons pertaining to education or work that might be relevant for his or her social re-integration” [...]

3. Male and female convicted persons shall be separately placed [...]

4. Adults shall not be accommodated in the same correctional institution or in one part of the correctional institution where the minors are.

5. Convicted persons shall not be accommodated in the same part of the facility as persons detained on remand.

6. The Ministry of Justice shall issue a direction on the accommodation of convicted persons of specific ages, health categories or security risk categories.”(Article 33)

1. “A convicted person has a right to accommodation which corresponds to contemporary hygienic conditions and local climatic circumstances ”

2. “The premises in which a convicted person lives and works must be of sufficient space for each convicted person to have at a minimum eight (8) cubic meters of space, when is possible four (4) cubic meters for prisoners in joint cells and nine (9) cubic meters for single cells and an adequate amount of natural and artificial lighting for work and reading, heating and ventilation” (Article 36)

3.4. Legislation and International Standards

3.4.1. UN Convention against Torture and other forms of discrimination, inhuman or degrading treatment or punishment

1. “States parties shall enact effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.”

2. “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”

3. “An order from a superior officer or a public authority may not be invoked as a justification of torture.” (Article 2)

³ Law No.03/L-191.

3.4.2. *Optional Protocol of the UN Convention against Torture and other forms of discrimination, inhuman or degrading treatment or punishment (OPCAT)*

“The objective of the present Protocol is to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.” (Article 1).

1. “The States Parties shall guarantee the functional independence of the national preventive mechanisms as well as the independence of their personnel.
2. “The States Parties shall take the necessary measures to ensure that the experts of the national preventive mechanism have the required capabilities and professional knowledge. They shall strive for a gender balance and the adequate representation of ethnic and minority groups in the country”.
3. “The States Parties undertake to make available the necessary resources for the functioning of the national preventive mechanisms.
4. “When establishing national preventive mechanisms, States Parties shall give due consideration to the Principles relating to the status of national institutions for the promotion and protection of human rights “(Article 18)

“The national preventive mechanisms shall be granted at a minimum the power:

- (a) To regularly examine the treatment of the persons deprived of their liberty in places of detention as defined in article 4, with a view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment;
- (b) To make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations;
- (c) To submit proposals and observations concerning existing or draft legislation” (Article 19).

“In order to enable the national preventive mechanisms to fulfill their mandate, the States Parties to the present Protocol undertake to grant them:

- (a) Access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;
- (b) Access to all information referring to the treatment of those persons as well as their conditions of detention ;
- (c) Access to all places of detention and their installations and facilities.
- (d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the national preventive mechanism believes may supply relevant information;
- (e) The liberty to choose the places they want to visit and the persons they want to interview;
- (f) The right to have contacts with the Subcommittee on Prevention, to send it information and to meet with it.” (Article 20)

“The competent authorities of the State Party concerned shall examine the recommendations of the national preventive mechanism and enter into a dialogue with it on possible implementation measures”. (Article 22)

3.4.3. European Convention on Protection of Human Rights and Fundamental Freedoms

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment”. (Article 3)

3.4.4. European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

“There shall be established a European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "*the Committee*"). The Committee shall, by means of visits, examine the treatment of persons deprived of their liberty with a view to strengthening, if necessary, the protection of such persons from torture and from inhuman or degrading treatment or punishment.” (Article 1)

3.4.5. Some human rights international standards

When NPM conducts a visit to a prison it reviews many issues, disclosing particular interest on each claim or torture application. Nevertheless, all aspects of conditions in which people deprived of liberty are held are very important for the NPM mandate. Further detail description of international standards is given concerning material circumstances in cells, hygiene, food and water, medical services as well as adequate regime of activities, discipline, punishment and complaints.

a) Material conditions in cells and isolation cells

Torture preventive committee offers useful review of acceptable standards in isolated cells and states that the isolated cells where people deprived of liberty are being placed should provide sufficient leaving space, plenty of natural light, ventilation, as well as adequate artificial heating and light. Sanitary facilities should comply with the inmates needs of nature when necessary, in clean and decent conditions, toilet should be located within the isolated cell (when possible in a separate sanitary joint), or possibility should be provided to each inmate to freely use the toilet, night and day. It is desirable to have ready access to drinking water in isolated cells and inmates should have adequate access to bathrooms. Isolated cell should be properly equipped (bed, table, chair, and wardrobe), all spaces and equipment provide should be in good shape while detainees should maintain accommodation equipment neat and clear.⁴

Size of premises and the number of people confined there is a serious problem due to the fact that prison overloads “from physical aspect might be inhuman and degrading”.⁵

The level of overcrowding in a prison, or in a particular part of it, might be such as to be in itself inhuman or degrading from a physical standpoint.⁶

⁴ Committee for Torture Prevention, Andorra Report, CPT/Inf(2000)11

⁵ Part taken from the 2nd General Report [CPT/Inf (92) 3]

⁶ Part taken from the 2nd General Report [CPT/Inf(92)3]

There are no specific guidelines regarding the size of isolation cells even though the Committee of Ministers (CM) determined some guidelines through its reports.

b) Hygiene

Adequate facilities shall be provided so that every prisoner may have a bath or shower, if possible daily but at least twice a week.⁷ The prison authorities shall provide them with the means for doing so including toiletries and general cleaning implements and materials to enable inmates maintain clean their cells/ isolated cells.⁸

The Committee also wishes to call attention to a number of hygiene and health issues in respect of which the needs of women deprived of their liberty differ significantly from those of men.⁹

c) Water and food

People deprived of liberty should be provided meals three times per day distributed in reasonable time intervals.¹⁰

d) Heal care – health protection

Institution authorities shall “safeguard the health of all incarcerated people in their prisons“.¹¹ According to UN Standard Minimal Rules, paragraph 22, each punishing, correctional or detention centre should have at least one qualified medical practitioner. Apart that, psychiatric and dental services should be available to people deprived from liberty. According to CMC, adequate medical services might have “positive impact in general life quality in the scope of objectives to which the services are being provided”.

Insofar as women deprived of their liberty is concerned, ensuring that this principle of equivalence of care is respected will require that health care is provided by medical practitioners and nurses who have specific training in women's health issues, including in gynecology.¹²

e) Adequate regime of activities

Satisfactory program of activities (work, education sport, etc.) is of crucial importance for the people deprived of liberty. This stands for all institutions, not only for sentenced prisoners but for those in remand as well. Anyway, those detained on remand cannot be left to suffer for weeks, maybe for months incarcerated in their cells regardless how good material condition are inside.¹³

Institutional authorities should ensure sufficient recreating activities, including sports, games, cultural as well as other spare time activities. Although a lack of purposeful

⁷ European Prison Rules, paragraph 19.4

⁸ Same place, 19.6

⁹ Part taken from the 10th General Report [CPT/inf(2000)13]

¹⁰ European Prison Rules, paragraph .22.4

¹¹ Same place, paragraph.39

¹² Part taken from the 10th General Report [CPT/Inf (2000) 13]

¹³ Part taken from the 2nd General Report [CPT/Inf(92) 3]

activity is detrimental for any prisoner, it is especially harmful for juveniles, who have a particular need for physical activity and intellectual stimulation. Juveniles deprived of their liberty should be offered a full programme of education, sport, vocational training, recreation and other purposeful activities. Physical education should constitute an important part of that programme¹⁴

Those confined should be allowed to retain contacts with outside world, actually to have possibility to communicate with their families and friends. European Prison Rules, paragraph 24.4, determines that for those incarcerated, “the arrangements for visits shall be such as to allow prisoners to maintain and develop family relationships in as normal manner as possible.” Prisoners should be allowed to be informed on social developments through reading newspapers and other publications, watching TV and listening to radio.

f) Disciplinary measures

According to UN Standard Minimal Rules, paragraph 27, “Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.”

Disciplinary procedures should be set by institutions by which opportunity will be provided to prisoners and those on remand to be informed regarding supposed offences, to defense and lodge an appeal with the higher instances against all imposed sanctions. Paragraph 31 of UN Minimal Standard Rules and paragraph 60.3 of the European Prison Rules forbid collective punishment and corporal punishment, punishment by placing in a dark cell, and all other forms of inhuman or degrading punishment.

TPC in its report emphasizes great importance for training of law enforcement personnel (term “law enforcement *personnel*” include the personnel working in police and in prisons.) It is proven that there is no better guarantee against ill-treatment of a person deprived from liberty than a properly trained employee.

4. DECISIONS OF EUROPEAN COURT ON HUMAN RIGHTS

European Court on Human Rights (ECHR) has issued many decisions regarding material conditions in correctional institutions and detention centers. ECHR as well as CM have confirmed that exposure towards poor material conditions represents inhuman and degrading treatment, respectively violation of Article 3 of the ECHR.

In the case *Peers against Greece* for example, *ECHR* has observed that “detention of complainant within a shared small cell, without window and ventilation, forced to use the toilet in the presence of other inmate as well as be present when other detain person use it, reveal degrading activity.”¹⁵

¹⁴ Part taken from the 9th General Report [CPT/Inf (99)12]

¹⁵ European Court on Human Rights, *Peers against Greece* Nr.28524/95, 19 April 2001



The Ombudsperson Institution of Kosovo
Kosovo Rehabilitation Centre for Torture Victims
Council for the Defence of Human Rights and Freedoms

Report of
Task Force for National Preventive Mechanism against Torture (NPM)
Monitoring of Dubrava Correctional Centre on 26 April 2013

Introduction

The Ombudsperson Institution (OI), being an independent institution and empowered with extensive legal competencies to inspect and have access in institutions where persons deprived of their liberty are held, jointly with the civil society established *Task Force* which in a way will accomplish liabilities that derive from OPCAT as well as will lobby for establishment of NMTP in Kosovo.

The OI has signed a MEMO of Understanding with Kosovo Rehabilitation Centre for Torture Victims and Council for the Defence of Human Rights and Freedoms on 10th of May 2011. Task Force acts in rotation order and from January 2013 till June 2013 it is OI's turn to push the process forward.

Optional Protocol of the Convention against Torture (OPCAT), among other things foresees establishment of National Preventive Mechanism against Torture through which regular visits are planned in all premises of public institutions where free movement of persons is limited.

It is understandable that institutions such as prisons, detention centres, police stations, psychiatric hospitals etc. are going to be the object of permanent inspection with the aim to continuously improve and respect treatment standards of person held in these premises.

Thus, as can be seen from the content of this international act that is expected to be ratified in the future from our country as well, it explicitly stipulates that the States party ought to establish national structure for torture prevention.

From that given above as well as from the OI's work in this direction and from the liabilities that will derive from cooperation agreement, monitoring of places where people deprived of liberty are held is more than a must.

Task Force conducted monitoring of Dubrava Prison on 26th of April and issued recommendations from that activity and the same will be preceded to the Ministry of Justice, KCS and Dubrava Prison.

Task Force established for this purpose comprised from 12 members and that, 6 representatives of the OI, 3 representatives of CDHRF and 3 other members from KRCT. Initially the Task Force had a meeting on 26th of April 2013¹ on which occasion monitoring teams have been established as well as designate the wards to be monitored. Division and content of the teams was as follows:

Team A: Shqipe Ibraj- Malaj, Deputy Ombudsperson, - Behxhet Sh. Shala, Executive Director- CDHRF; Reshat Bajrami, Physician- monitor- KRCTV and Fitnete Mala, Legal Advisor OI.

Team B: Faton Morina, Senior Legal Advisor- OI; Alban Muriqi, Project Manager (monitor) KRCT; Tringa Shehu, Project Coordinator- CDHRF and Fatmire Rexhaj, Legal Advisor OI.

Team C: Arber Berisha, Legal Advisor OI, Fatmire Halili, Project Manager (monitor)- KRCT; Valentina Demolli, Field Researcher- CDHRF, Shemsedin Mustafa, Legal Advisor- OI.

Meeting with Dubrava Correction Centre Director

Firstly the Task Force met with Director of Dubrava Correctional Centre, (DCC) Mr. Rasim Selmani, who was informed regarding the purpose of the visit. The Director informed the Task Force with the current situation in the Correctional Centre stating that problems of this Centre are mainly technical (renovation of some wards, lack of adequate mattresses and sheets, etc.) while as per security, he stressed that there were no problems of this matter and assessed that situation as stabile. However, failure to systemize persons deprived from liberty based on the nature of offence and punishment rendered as well as funding centralization makes harder functioning of the Centre, believing that things will improve in the Centre with accomplishment

¹ The meeting was held close to Dubrava CC, Istog Municipality

of High Security Prison in Gerdofc. The director Mr. Selamni assessed as very useful and helpful the visit undertaken by the *Task Force* for the institution that he leads, since problems identified and recommendations given by *Task Force* for sure will influence in improvement of conditions and treatment of persons incarcerated in this Centre, but personnel working there also will benefit. Mr. Selmani was very cooperative, did not hesitate to provide us with each condition for a smooth and comprehensive monitoring.

The visit to ward number 1:

Team B started visit to this ward with a short meeting with ward supervisor Mr. Rifat Kabashi, who was informed regarding the aim of the visit and the team obtained basic information about the ward.

The number of persons deprived from their liberty located there is 106 persons, while the capacity of the premises is 116 persons.

The ward contains two complaint boxes and daily press is offered only upon payment. Categorization is not appropriate and not in line with the nature of offences and length of punishments, while work for detained persons is not offered.

After the meeting with Mr. Kabashi, *Task Force* continued inspection of premises of the ward and witnessed the following conditions:

- **Infrastructure**
 - Some rooms have more than 6 persons located and there is an evidence of congestion.
- **Hygiene**
 - Shared toilets and bathrooms are located on each side, but cleanliness not at satisfactory level;
 - Lack of hot water
- **Health**
 - Vivid lack of regular medical visits
 - Lengthy delays in offering of medical services
 - Lack of adequate supply with medications in certain cases
 - Lack of dental service provision
- **Treatment**
 - Complaints regarding violent behaviour exercised by personnel, there were allegations about use of force and insults (names of two officers have been mentioned);
 - Complaints based on privileges and benefits on the base of nepotism and localism
 - Complaints for lengthy stay in this ward which has no such destination;

- Emphasized complaints as per treatment and control of family members during visits with main stress on females.
- **Food**
 - Numerous disappointment regarding food quality
 - Complaints regarding food provision (improper time and place).
- **Information**
 - They are not informed regarding the rights guaranteed
 - Handling of complaints addressed by the detained people has no clear procedure and delays occur while reviewing.

The visit to ward number 2:

The visit of Team C to this ward has started with a short meeting with the ward supervisor Mr. Muhamet Aliu and its manager Mr. Nuhi Etemaj who were informed regarding the aim of the visit and information obtained from them is as follows:

In this ward reside 169 persons while its overall capacity is 170. Here are placed persons who are detained on remand and two persons are of high risk.

After the meeting with ward management, the team continued the visit into the premises of this ward and the situation found here is as follows:

- **Infrastructure**
 - Inadequate ventilation in this ward due to big number of persons located in one room (6 persons in one room)
 - Natural lighting satisfies while electrical system is inadequate and represents a threat for persons confined there.
- **Hygiene**
 - Shared toilets and bathrooms are located on each side, but cleanliness not at satisfactory level;
 - Lack of hot water
 - Lack of adequate cloths cabinet
- **Health**
 - Delays in offering of medical assistance when required
 - Inadequate medication therapy and improper management of drugs
- **Treatment**
 - Correct treatment from personnel of Correctional Centre
 - Restricted physical activities due to the category of person incarcerated (people detained on remand)

- Lengthy detention, 4 to 5 years on detention on remand (there was a person with mental disorder that was confined there since 4 years)
- Visits and telephone calls offered in compliance with their statute.
- **Food**
 - Food of a very bad quality
 - Complaints regarding food offering, improper place and time (dinner is offered at 15:00).
- **Information**
 - They are not informed regarding the rights guaranteed
 - Handling of complaints addressed by the detained people has no clear procedure and delays occur while reviewing.

The visit to ward number 3

The visit of Team C to this ward started with a short meeting with the ward senior supervisor Mr. Ferat Ferati who was informed regarding the aim of the visit and overall information obtained from him follows:

In this ward reside 80 persons while its overall capacity is 84. Currently two sides are functional whereas other sides are under reconstruction and detainees residing there have been moved to another wards, as well as other correctional centres depending from type of punishments. This ward is foreseen for detainees of the standard regime (punishment from 1 to 30 years).

After the meeting with the supervisor of this ward the team continued the visit into the premises of this ward and the situation found here is as follows:

- **Infrastructure**
 - Lightning and ventilation in rooms, halls and ward premises was satisfactory
 - The number of persons in compliance with capacity
 - Walls of the premises are damaged and there is a moisture due to leak of sanitary pipes
- **Hygiene**
 - Toilets and bathrooms located inside the rooms are out of any standard;
 - Hot water is available just twice per week and due to this the detainees are forced to invent dangerous ways for heating the water;
 - Complaints on the quality of hygienic products
 - Due to moisture problem rooms and clothes (fabric) cannot be clean.
- **Health**
 - Huge problems encounter, since in this ward reside detainees that were drug addicted and need special treatment

- Delays in offering medical services, even then when those services are a must.
- **Treatment**
 - There were no complaints regarding behaviour of personnel in this ward.
 - Relation between the detainees in satisfactory level
 - Physical activities and trainings satisfies;
 - Emphasized complaints as per treatment and control of family members during visits with main emphases on females.
- **Food**
 - Numerous disappointment regarding food quality
 - Complaints regarding food provision (improper time and place).
- **Information**
 - They are not informed regarding the rights guaranteed
 - Handling of complaints addressed by the detained people has no clear procedure and delays occur while reviewing.

Visit to the ward number 5

The visit of Team B to this ward started with a short meeting with the ward supervisor Mr. Jeton Fetahaj who was informed regarding the aim of the visit and overall information obtained from him is as follow:

Overall number of detained persons in this ward is 135, while its capacity is 156. The number of prisoners kept separately is 5. The number of officers that monitor the turn is 6 together with the supervisor as well as 2 social workers. Two complaint boxes are located in the ward and the daily press is been offered just upon payment. The ward records each entry-exit and every movement is recorded.

As per nature of the offence they are of different type, from 1 month till 35 years of punishment. Categorization in this ward is not adequate and work performed by the offenders cannot be offered. Currently the ward has persons coming from abroad and interpretation is not offered to them. The building has been constructed 30 years ago and the renovation took place some 3 years ago and was very cursory.

After the meeting with the supervisor of this ward the team continued the visit into the premises of this ward and the situation found here is as follows:

- **Infrastructure**
 - Lightning and ventilation in rooms, halls and ward premises was satisfactory
 - The number of person in compliance with capacity
 - Walls of the premises are damaged and moisture due to leak of sanitary pipes
- **Hygiene**
 - Toilets and bathrooms located inside the rooms are out of any standard;

- Hot water is available just twice per week and due to this, the detainees are forced to invent dangerous ways for heating the water
- Complaints on the quality of hygienic products
- Due to moisture problem, the rooms and clothes (fabric) cannot be clean.
- **Health**
 - Lack of regular medical visits
 - Lengthy delays in offering of medical services
 - There were cases that persons put in jail separately were not ever visited by doctor
 - Lack of adequate supply with necessary drugs for certain cases,
 - Lack of dental services offering
- **Treatment**
 - There were no complaints regarding behaviour of personnel in this ward.
 - Relation between the detainees in satisfactory level
 - Physical activities and trainings satisfies;
 - Emphasized complaints as per treatment and control of family members during visits with main emphases on females.
- **Food**
 - Numerous disappointments regarding food quality
 - Complaints regarding food provision (improper time and place).
- **Information**
 - They are not informed regarding the rights guaranteed
 - Handling of complaints addressed by the detained people has no clear procedure and delays occur while reviewing.

The visit to ward number 7:

Team A started visit to this ward with an initial meeting with ward supervisor Mr. Ismet Kovacevič, and then went forward with the visit and inspected the following situation; 19 persons are detained in this ward.

- **Infrastructure**
 - The building is in very bad condition. The ceiling leaks in every room, bathrooms and toilets are damaged, water taps are out of order, water leaks from toilet, walls are damaged.
- **Hygiene**
 - No sheets for mattresses and pillow for several months;
 - Cleaning of rooms and clothes is impossible due to the moisture problem.
- **Health**
 - In this ward are placed people with conical illnesses in single beds.

- **Treatment**
 - There were no complaints regarding treatment by the personnel in this ward.
 - Relation between the detainees in satisfactory level
 - Physical activities and trainings satisfies;
 - Emphasized complaints as per treatment and control of family members during visits with main emphases on females.
- **Food**
 - Numerous disappointments regarding food quality
 - Medical diets and recommendations are not taken in considerations
- **Information**
 - They are not informed regarding the rights guaranteed
 - Handling of complaints addressed by the detained people has no clear procedure and delays occur while reviewing.
- **Interviews**
 - Some interviews have been conducted with the ill persons located there.
 - There were complaints of different grounds such as complaints on the work performed by doctors, release on parole, for transfers and hard living conditions in this ward.

Visit to Dubrava Correctional Centre Hospital

The visit of Team A in hospital started with a brief meeting with attending physician, Dr. Fidan Berisha, main medical technician Mr. Hamze Fekaj, psychologist – Granit Shatri who were informed with the purpose of the visit and we obtained information about the overall situation, the team went further in inspection of premises of this ward as well as the pharmacy of this hospital.

- The staff comprises of 6 physicians, 28 medical technicians and a psychologist that is engaged for the Detention Centre in Pejë as well. During the day 2 physicians, 6 medical technicians, one lab assistant and pharmacy technician work while during the night a doctor and two technicians.
- Correctional Service is included in national strategy for addressing TB, Aids and other contagious diseases. Eight cases with TB have been identified, isolated and are under medical treatment and according to testing undertaken their response to medication is good and their situation is improving.
- Accessibility to prison physician is prompt, during the day or the next day, while for the services outside the hospital it depends from the nature of the disease and absorbing capacity of University Clinical Centre of Kosovo – the case is reported previously, but the line should be respected, apart from urgent cases.
- Physical conditions in Dubrava hospital are hard for work. The building is severely damaged, ceiling leaks in some premises (in the room where medical

technicians reside, in the ground floor, in archive room, in the second floor, in the room of chief doctor, walls are damaged and damped).

- Rules for urgent medical evacuation are at place- physiologist is accessible at least once or even more times, according to the needs even though he is very busy since he works at Peja Detention Centre as well. There is no guideline for use of psychological tests. Medical storage satisfies, medications are ordered upon request and needs, twice per year and responsible person for that is pharmacy technician. Ministry of Health deals with medication whose date has expired.
- Some of prisoners confined in this Detention Centre during this year are people who suffer from mental disorders and a psychiatrist takes care of them. Currently, these confined persons get solely medications and no other rehabilitation activities are detected for them.
- Solitary- confined prisoner in isolated cell is previously examined by the physician, subject to regular daily visits as well as when necessary. There is no evidence that isolation has been applied to any minority group frequently.
- The hospital is organized in several specialist services: simple surgery interventions, orthopaedic, cardiologist, pulmonologist, psychiatrist (well equipped with modern tools for training) psychiatric, dentistry and pharmacy services.
- Regular procedures are respected: physician visits the patient alone and not in the presence of the guard. Doctor appointment is done through the medical technician upon their visit to the ward.
- When disciplinary measures are imposed, the physician is asked about the condition of the prisoner and depending on his opinion the measures are imposed to the prisoner. Transport to the nearest medical centre outside hospital is done with the ambulance vehicle.

Findings:

- the hospital is severely damaged
- the ceiling of the Ambulance leaks
- the place where technicians are located is wet and damped
- the ceiling leaks also in the room of chief physicians (we didn't see that since it was locked).
- a part of archive is unused due to the damp, ceiling leaks in the room of chief medical crew as well as main nurse room has the same problem.
- the premises are not clean and it is impossible to keep them clean due to the severe damage of the premises

- Bedding and blankets of the patients were unclean and they are not changed or washed periodically.
- Rooms are quite small for four beds and the patients do not feel comfortable in the hospital.
- There is no regular attendance of medical professional staff
- There was no adrenaline that is very important for emergency cases of anaphylaxis,
- Anti-shock therapy is uncompleted, in anti-shock box there was not adrenaline and antihistaminic, just amynophilin and corticosteroid
- There are no ongoing trainings on medical professional upgrading of personnel;
- Dental service is not available due to resignation of dentist from this hospital.

Visit to kitchen of Dubrava Correctional Centre

The visit to kitchen has been accomplished by Team A, which encounter the following situation:

- We didn't find the head chef in his working place (was absent) and a chef whom we met in the kitchen gave us the impression that he was not sufficiently informed regarding the situation in the kitchen or he behaved in that way.
- Main kitchen was renovated, new tiles and ceiling, no damp and wet walls, but the appliances and working tools have remained old and such renovation is insufficient and presents difficulty in food preparing.
- Some appliances are not functional since they are very old. At the moment there is no dishwashing machine, one has been brought from Smrekovnica but is not still functional. People working there have no sanitary cards and most of them are without uniforms.
- Food storage was renovated, the food is placed in the refrigerator, potatoes and apples stored in the food storage were not fresh.
- Meat stored in the refrigerator contained 40-50% of fat. Based on the colour of the meat, we predicted that meat was not fresh. Meat was not taken from thighs of the animal but just from ribs and other fatty parts of animal.
- Due to increase of food expenses the food provided now is of lower quality, varieties are less and quantum is reduced.
- The kitchen in the building where the director office is located is improvised and provide up to 200 meals per day. Even though some renovation occurred in this

object we do still believe that it does not fulfil conditions to serve 200 meals per day.

Recommendations

- **Infrastructure and Hygiene**
 - There is a need for urgent renovation of wards 3 and 5 as well as wards 1, 7 and the hospital should be treated with the same urgency. Kitchen should be equipped with new appliances as well.
 - General renovation of toilets
 - Mending of sanitary binds
 - Regular supply with hot water
 - Ward 7 (seven) should be renovated and better conditions to be enabled for ill people
 - Supply with clean bedding and blankets as well as replacing them on regular bases
- **Health**
 - Adequate provision of medical services and improve of quality of these services
 - Proper management of supply with medication
 - Undertaking regular medical visits for the person put on isolated cells
 - Functionality of ambulance vehicle.
- **Hospital**
 - To improve hygiene in hospital
 - The pharmacy better supplied with medications
 - Anti-shock therapy to be completed immediately
 - Troponine apparatus to put in function
 - The contact to be established with UCKK in order of planning specialist visits in this centre and radiologist examination – CT, RM, etc.
 - Doctors specialists to visit hospital according to plan foreseen, as they are paid for- four times a month
 - To ensure litmus paper to verify sterilization
 - To recruit a dentist as soon as possible, who will provide with this kind of service
 - As soon as possible to establish contacts with Prishtina Emergency Centre with the purpose of training a medical team on provision of emergent assistance to ill prisoners
- **Treatment**
 - To undertake case investigation where ground suspicions exists of misuse of authority by the officers
 - To respect the order set by the prison regarding family visits

- To offer possibility to prisoners for work
- Equal treatment of prisoners in terms of privileges and beneficiaries
- Categorization and arrangement of the detainees to be done according to legal criteria
- Offering more advanced social services
- To improve food quality
- Serving meals to be done appropriately in order
- Dining room within the wards to be functional

Kitchen

- In the scope of kitchen renovation, kitchen appliances to be included as well since solely renovation of the premises does not satisfy;
- Workers engaged in the kitchen as soon as possible to do doctor check-up and be equipped with sanitary cards ;
- More qualitative food to be provided, the fat percentage to be in compliance to standard, meat to be fresh, to have more salads and fruits
- To remove the separation panel that divides the kitchen with the place where food is served

Information

- To respect prisoners' right to be informed on their mother tongue or on the language they understand
- Daily press to be available to detained persons
- To review request and complaints of the detained persons and provide response in written form within the reasonable legal time frame

The meeting is finalized with director of Dubrava Correctional Centre

Participants: Shqipe Ibraj –Mala, Faton Morina ,(OI); Alban Muriqi, Fatmire Haliti, Reshat Bajrami (KRCT); Behxhet Shala (CDHRF) Rasim Selmani director and Zyrafete Imeraj deputy director of Dubrava Correctional Centre.

In the meeting with director and deputy director of Dubrava Correctional Centre, the representatives of Task Force exposed main findings according to the fields such as: treatment,

infrastructure and conditions, provision of health services and kitchen – identified during the visit while inspecting premises and wards.

Task force members requested from DCC management, as of specific aspects regarding infrastructure and living conditions in this institution, to undertake concrete actions as soon as possible.

The director and the deputy director expressed their appreciation for the work conducted by the *Task force* and expressed willingness within their authority to undertake actions for improvement of conditions of detained persons including here, the enhancement of treatment level as well as provision of better services for the confined people. They disclosed similar concern as the *Task force* members and promised to do everything in their power to upgrade and improve general conditions in Dubrava Correctional Centre.



Ombudsperson Institution

Council for the Defence of Human Rights and Freedoms

Kosovo Rehabilitation Centre for Torture Victims

Task Force on National Preventive Mechanism against Torture

(NPM)

Report on

**Monitoring of Correctional Centre (CC) and Detention Centre in Lipjan (DCL) on 31st of
May 2013**

- Team A: Shqipe Ibraj – Mala, First Deputy of the Ombudsperson and Behxhet Shala, director of CDHRF
- Team B: Arbër Berisha, Legal advisor in OI and Vatra Abrashi, monitor in CDHRF
- Team C: Shemsedin Mustafa, Legal advisor in OI and Alban Muriqi, monitor in NPM
- Team D: Reshat Bajrami, physician – monitor in NPM and Fitnete Mala, Legal advisor in OI (this team has monitored DC in Lipjan as well)
- Team E: Has monitored DC in Lipjan

Meeting with the director of Lipjan Correctional Centre :

Initially the Task force met with the director of Lipjan Correctional Centre (LCC), Mr. Hestet Loku, who was informed regarding the purpose of a visit. Director Loku informed the Task Force about the current situation in this Correctional Centre putting stress particularly on congestion due to high number of convicted person for offences committed, issues that are connected with healthcare, in particular supply with medications, lack of health staffing such as psychologist, psychiatrist as well as social workers. Mr. Loku emphasized also the problem with the personnel (correctional officers) during night shift. But, inability to do the categorization in the ward O based on the nature of committed offence and according to the age is evident. Other problem which makes harder functioning of this centre is finance centralization.

Visit to the Ward O (convicted females and detained on remand)

The visit of **team A** to this ward started with a short meeting with supervisor of this Ward Mrs. Remzije Luma who was informed regarding the purpose of our visit and she provided the team with the following overall information:

59 persons deprived from liberty confined in total while the capacity is 60 persons and from them 32 are convicted while 27 are detained on remand. Two from them were juveniles, to one educational measure has been imposed while the other is detained on remand. As per ethnicity structure, 3 belong to Roma, 1 to Ashkali, 2 from Ukraine, 1 from Germany and 4 from Albania.

Two complain boxes are located in this ward and daily press is distributed regularly. Categorization in this ward is inexistent and is not in compliance with the nature of offences and duration of conviction while the convicted persons are engaged at work.

After finishing the meeting with Mrs. Remzije the team continued visiting the premises of the Ward and encounters the following situation:

- **Infrastructure**

- The number of persons located in some premises goes up to 6 and congestion is very evident and unacceptable situation prevail in some rooms (010.011);
- There is a room in this Ward which has been modified (extracted from the living room) for some women but has no toilet and they are forced to use the officers' toilet;
- There is no isolation cell for certain cases when disciplinary measures are imposed.
- Juveniles located there are not separated from convicted adults;
- Electric installation is very old and is a threat for detained persons there;
- Vivid lack of inventory in rooms (chairs, tables, wardrobes)
- Personnel lacks sufficient place for work as well as they are shortage of computers, chairs and desks, cabinets fro room, etc.
- Due to lack of space officers and supervisors are forced to share the room.

- **Hygiene**
 - Bathrooms are shared while toilets are placed within the rooms and are open, majority of them have problem with water leaking;
 - Rooms and halls are wet and have moisture and keeping them neat and clean is simply impossible;
 - Supply with hot water satisfies;
 - Beddings are changed and washed every 15 days, while clothes are washed every week in the washing machine;
 - Supply with hygienic items satisfies but their quality is very poor;

- **Healthcare**
 - Vivid lack of medical visits on regular bases

- **Treatment**
 - As per treatment, there was no complaint lodged and persons incarcerated there price the work of personnel and management in this Centre.

- **Food**
 - There is no complaint regarding food preparing and food offering;
 - Persons confined there have the right to be equipped once a month with food packages up to 5 kg. with items that are not available in canteen.

- **Information**
 - Detained persons are not sufficiently informed regarding the rights guaranteed;

Visit to the ward A,B,C school (juvenile) :

Team B firstly started its visit within the school premises, since majority of juveniles to whom education measures have been imposed, were at school at that time.

Teaching hours are from 8:00-11:50 and 17 juveniles attend lectures, from them 12 with educative measures imposed, 4 on detention on remand and 1 convicted.

The number of teachers that cover all classes is 11 for different subjects and compared with situation in 2012 is improving because in 2012 there were just 4 teachers for each subject.

Information technology is included within secondary education as well as cultural activities are being organized within school, such as drama and music section.

Library contains 3400 copies of books and is well equipped and organized and books are donated by different donors.

The total number of juveniles deprived from liberty in all wards is 36, from them 12 are convicted, to 16 juveniles educational measures have been imposed and 8 are on detention on remand, 1 from them, Serbian, was released in the course of monitoring process.

Compared with the last year there is a significant decrease of delinquency committed by the juveniles, 30-4%, that had an impact on reduce of number of juveniles in this Centre.

After completion of the visit in school premises, the team continued its visit to the premises of the Ward and encounters the following situation:

- **Infrastructure**
 - The number of persons placed in rooms is 3 while the room is planned to have 6 persons since there are 6 beds in the room;
 - There were equipped with wardrobes, chairs and table, TV, lighting and sufficient space;
 - The personnel lack necessary space for work as well as some basic items, such as tables, chairs, computer and drawers for the office;

- **Hygiene**
 - Bathrooms are shared, in majority of cases toilet ceiling is fusty from water flow and are unclean;
 - Supply with hot water is good and juveniles can have showers 3-4 times per week;
 - Supply with hot water satisfies;
 - Beddings are changed and washed every 15 days, while clothes are washed every week in the washing machine;
 - Supply with hygienic items satisfies but their quality is very poor;

- **Healthcare**
 - Vivid lack of medical visits on regular bases

- **Treatment**
 - As per treatment there was no complaint lodged and persons incarcerated there price the work of personnel and management in this Centre.

- **Food**
 - There is no complaint regarding food preparing and food offering;
 - Persons confined there have the right to by equipped once a month with food packages up to 5 kg. with items that are not available in canteen.

- **Information**
 - Detained persons are not sufficiently informed regarding the rights guaranteed;

- **Outdoor activities**

- Walking activity is foreseen 2-3 times per day
- Sports activities such as football, basketball, fitness and gym within school.

Ward D

The visit to this ward has started with a brief information meeting with the supervisor of the ward Mr. Dobrivoje Miletič and a correctional officer of this ward, who were informed regarding the aim of the visit and information obtained on this occasion is as follows:

Totally present 54 persons, while overall capacity 60. Convicted persons are being confined in this ward, punished for offence (from 1 day to 6 months).

After the meeting conducted with supervisors, the team continued with the visit of overall Ward premises and carried out an interview with people incarcerated in this Ward. Findings, observations and conclusions of monitoring team are compiled as follows according to the fields/main assessment indicators on respect of human rights of the detained persons.

- **Infrastructure**

- The building has been renovated in 2012;
- Rooms have four beds, TV set (can be brought by detainees) table with fixed chairs. There is a shortage of wardrobes for clothes and personal items. Toilets are placed within the room. Ventilation and lighting are sufficient;
- The room is rather small for 4 beds placed there;
- Confined persons complain that majority of time they spend locked into their rooms (rooms are locked 4-5 times a day)

- **Hygiene**

- Bathrooms are shared and hygienically acceptable as well as are the toilets placed into the rooms;
- Other premises and rooms are well maintained;
- Those detained here complain on lack of towels when accepted in institution;
- There are no beddings (sheets) for all;
- Convicted have access to bathrooms every day but hot water is not available on regular bases;

- **Healthcare**

- Complaints regarding poor healthcare services (delays and lack of treatment; lack of medications);

- Staff complains regarding some ill confined persons and drug abusers and lack of appropriate services for them;
 - Some staff members are old people that suffer from severe chronic and physical diseases;
- **Treatment**
 - As per treatment there was no complaints or violation of humans rights;
 - The contact with outside world is being done through visits of the family members/friends as well as through phone communication. Detainees complained on insufficiency of telephone cards, only one per week- through family visits
 - There are complaints in the work of Release on Parole Commission. Many requests/ cases wait long time to be reviewed and to obtain response.
- **Mutual reports**
 - Detainees state that they have good relation with the personnel working in Correctional Centre, management, the director of the Centre but between themselves as well.
 - Complaints are addressed by management as well as correctional officers regarding deficiency of personnel during the night shift while daily routines are very intensive. During the night shift there is just one staff on duty and is obliged to watch out 60 detainees.
- **Food**
 - There is no complaint regarding food quality and time of food serving;
 - Persons confined there complain on the way how food is being served within the rooms with no sufficient place for such activity as well as for hygienic conditions.
 - Complains for inability to have access in canteen more frequently- just once in a week.
- **Information**
 - Detained complain on having no information regarding the rights guaranteed. They pointed out that there is no any leaflet or information provided regarding this into their rooms, while information regarding house order and daily routine is posted on the door of each room.
- **Outdoor activities**
 - Walking activities are planned twice per day, lasting 45 minutes each
 - Sports activities solely one per week for 45 minutes. There are requests for additional sports activities.

Apparatus

Lab is not functional at the moment due to absence of lab technician. Lab analyses can be done outside this institution.

Maternity department operates with small portable ultrasound equipment. We didn't meet the doctor thus we don't know how much this appliance satisfies requests of patients, while the old one is still unrepaired.

Medications

According to chief nurse Nerxhivane Olluri, current supply with medication satisfies. In the course of monitoring undertaken we did not notice deficiency of any medication.

Dental department

The work in this ambulance is facing problem due to the defect of dental chair. The only intervention that can be done here is tooth extraction, while curing and other interventions can be done solely after the dental chair is repaired.

Kitchen

The kitchen chef Mr.Zijadin Berbatovci informed that the team working there comprised of 6 civil cookers (4 male and 2 female) and 8 convicted workers; Majority of kitchen appliances are functional apart from the dishwashing machine which is out of function all times.

Samples of food are not stored

Sanitary cards are missing

The kitchen has dining room in a good shape. This location is used also for different cultural activities, such as drama, concerts, etc.

During the monitoring activity we noticed that kitchen odour exists still even though less this time.

In this Correctional Centre the bread is being prepared by the civil workers with the assistance of detained persons.

In this bakery works a worker and gets income for the work as well as three detained persons that assist her.

Due to defects of power circle the bakery was not working that day and bread was bought in the store.

The bakery daily produces 150 loaf of bread for the Correctional Centre for juveniles and women and 250 loaf of bread for the Detention Centre in Lipjan;

The bakery has a mixer for dough preparing, chamber for dough raise, and the oven for baking.

All equipment is functional

Cleanliness in satisfactory level

No irregularities found

Findings

1. Lab out of function
2. The dentist doesn't work on full capacity due to damaged dental chair.
3. Test ribbons are missing for control of sterilization equipment;
4. Dish washing machine out of order
5. Kitchen and toilets odour due to improper sewerage system

Recommendations:

Hospital

- To recruit a lab technician for the work in lab and make it functional again;
- The dental chair to be mended as soon as possible
- Sterilization to be controlled on regular bases since is of great importance for the patients.

Kitchen

- Dishwashing machine to be put in function as soon as possible
- The sewerage system to be fixed
- Sanitary cards to be obtained for the persons working in the kitchen;

General recommendations

- Overall renovation of the ward O, specifically of the toilets and rooms 010, 011 that are empty
- Equipment with necessary inventory ;
- Enabling personnel to work properly- providing them with extra space and equipping them with necessary items, specifically with computer;
- Offering conditions for the free visits of women incarcerated there (a spare room)
- Jung juveniles should be separated from convicted adults
- Enabling the space for placement of detained women with punitive measures

- Better coordination of the work between the Court, Social Centre and the personnel of Correctional Centre in Lipjan.
- Enabling conditions for 24 hours of healthcare coverage as well as increase of full-time staff members (psychologist, psychiatrist and social worker);
- Ensuring sufficient number of correctional personnel specifically of that in the night shift;
- Shared dining room to be functional in the ward D for the convicted- offences
- Enabling sufficient beddings for the punished in Ward D as well as towels upon reception in institution;
- Provision of hot water for the convicted offenders
- Finding solution for placement and proper treatment of a considerable number of convicted offenders- drug abusers;
- Providing persons that are convicted for offence with information on their rights as punished persons (placement of information on the boards, doors, etc.)
- Offering of additional outdoor activities (sport) for people sentenced;
- Reviewing general policies on establishment and treatment system of people convicted for offence on Ministry and Correctional Service level.

Detention Centre in Lipjan

The monitoring has been accomplished by Team E, comprised from,
Faton Morina, senior legal officer in the OI

Niman Hajdari, legal officer in the OI

Jerina Dampier, senior legal advisor in the OI

Fatmire Haliti, monitor in NPM

Tringa Shehu, monitor in CDHRF

Team D

Reshat Bajrami, physician/ monitor in NPM

Fitnete Mala, legal advisor in OI

Firstly the Task force met with the director of DCL, Mr. Arif Beqaj and gain the following information:

Institution capacity: 170

Current situation: 174 (162 detained persons and 12 convicted)

Foreigners: 13 (Hungarian, Romanian, Turkish, Albania nationals)

Personnel number 154 (from this number 131 is uniformed personnel and 21 are civilian)

General information regarding the institution

This Detention Centre has been built on 2003 for detained persons but those to whom punishment has been delivered are placed there as well. All convicted persons and 10 detained on remand are engaged with work (kitchen, cleaning, garden). Director informed us regarding their plan for toilet reconstruction, solar water heating is planed, which will for sure improve the situation.

Currently one person detained on remand that belongs to high risk category is being placed in this institution.

From those convicted, there are person who have been punished to 18 years imprisonment, 10 year etc.

The visit has been accomplished in the sides A, B, C and D. After the meeting with director of this institution and given information regarding the purpose of monitoring activity, the team went further on visiting premises of the Centre and encountered the following situation:

- **Infrastructure**

The general construction is poor; moisture is present mainly in all premises, buckets are placed to collect the water that leaks during rainy days.

Capacity of this centre is 170 detained persons while currently there are 174 persons there. Due to large number of detained persons and lack of free places some of confined persons have been forced to stay on mattresses on the floor. Placement of detained persons in mattresses on the floor represents limitation of detained persons' rights, at the same time of those placed on their beds close to them down since the space has been limited for them and majority of time they have to stay lying in bed.

In the rooms of detained persons a table with two static chairs is placed while each room comprised from 3 or 4 detained persons. This is the reason when during meals some of them have to sit on the floor and have their meals there.

Ventilation: it is out of order in each room, while in some toilets within the rooms it is functional.

Bedding and blankets (sheets, pillows, and blankets) were available in each room. According to regulation the sheets should be changed and washed each week, they are washed each 10 days or two weeks. There were complaints regarding blanket washing and one of detained stated that since 14 months as he has been put in custody his blanket has never been washed.

Some rooms are not in use even though with some small technical interventions they can be functional easily.

Gym was closed and there were complaints regarding this.

Hygiene

Toilets: even though toilets in Ward B have been renovated in 2012, they were out of function due to the defect of water heater (boiler). Regulation sets that each incarcerated person should have opportunity to have a shower once in two days, with current conditions it can be achieved only once in 4 days or even more, due to lack of hot water. Those imprisoned in this Ward are sent to other Wards (A,C or D) for shower and as a result of sending them to other ward they cannot take a shower because of lack of hot water.

From the interview conducted with the confined persons there they stressed the fact that they do not gain hygienic products from the institution (soap, shampoo etc) and they can obtain them only in canteen apart cases of poor financial conditions when institution provides those products for them. The director stated that these products can be delivered only to them with poor conditions.

- **Healthcare**

Provision of healthcare services- Detained people in all rooms visited by us complained regarding healthcare and dental services offering.

There were complaints regarding delivering of therapy, one person interviewed told us that he was delivered a tablet one day by the officer and that just paracetamol is offered regardless of pain.

They also state that the social worker visited them upon reception in the institution apart on a visit on request.

- **Treatment**

There were no allegations regarding maltreatment or nasty behaviour from the side of officers. But, there were complaints on some personnel because of unequal treatment of all detained persons there, stating that some are more frequently sent to have a shower, untimely termination of walking, etc.

- **Food**

From the interviews conducted they stated that they are content with the quality of food provided this year compare with that of last year- with lunch. They complain regarding the food offered for breakfast and dinner since they receive canned food, pate and beef slices that are previously

opened due to security issue and usually lack date of production, expiring date as well as ingredients stated in the wrapping.

- **Information**

Those interviewed stated that they are not informed regarding their rights that can enjoy each of them. There was information posted on the door of each room regarding the house order and how to act in case of fire but not about the rights that each detained person can enjoy.

- **TV and press**

Each room has TV set with 4 channels while they are shortage of press. They cannot even buy daily newspapers, the only way to have them, maximum 2 newspapers, is during the visits when their families can provide them.

The library is short of books and majority of them are old and damaged.

Detention on remand: There were detained persons with lengthy detention, over 5 years, 3 years, 2 years. There were complaints regarding legal representatives for not having interest in provision of services and accomplishing their work, offering of adequate protection.

- **Ambulance**

Team D got the information that the ambulance has been renovated but actually it was just painted and nothing else.

The personnel comprise from 6 medical workers: one doctor: Dr. Bedri Sadriu, family medicine specialist - chief of the team and six other medical technicians;

Psychiatrist – Dr. Arif Jahiu comes once per week

Medical services are available 24 hours- one medical technician is present while the doctor is part time but on call 24 hours.

In emergency cases the transport to the hospital can be done with the police or ambulance vehicles.

Medical equipment on disposal is as follows:

EKG, Sterilization devices, stethoscope, pressure device, ophthalmoscope, echoscope, surgical set and ox meter pulse.

During April in the premises of this ambulance 177 medical visits have been accomplished, from them 61 were psychiatric visits, 45 requested dental services and 25 persons visited psychologist.

Pharmacy was neat and clear, no medication with expiring date, but some of them were missing such as *Adrenalina*, *Paracetamol*, *Metoprolol*, *Amoxill*, *Nitroglicerine*, *Heparin* as well as others.

The anti -chock set therapy is uncompleted – adrenaline is missing

- **The kitchen**

The kitchen personnel comprised from the chef Mr. Avdush Krasniqi, 4 civil workers and 6 convicted people

All appliances in kitchen are functional apart from dishwashing machine that is out of order for many years. Hot water is provided in the kitchen through 1000 l. boiler, neat and clear to satisfactory level.

Food with high calories, the same menu, similar to the previous time, with no varieties. Bread is now cut in small slices in order to be used properly.

The day when the monitoring was conducted for lunch there was soup, beef meet, salad and a juice. The uniform that workers had was clean apart that they were not unified.

The samples of food are stored.

None of the cookers had sanitary card.

Findings

1. In the ambulance there are damages and humidity (ceiling of one room)
2. There is not sufficient personnel, one technician resigned from the post, two nurses are on maternity leave;
3. Deficiency of many medications analgetics, antireumatics, antibiotics antcoagulants etc.
4. Sterilization device was not in function due to lack of sterilization indicators
5. No records kept for recording sterilization
6. The anti -chock set therapy is uncompleted – adrenaline is missing
7. EKG was out of order
8. Echoscope was out of order
9. Ophthalmoscope was out of order
10. Aterilisator was not functional
11. Due to a improper functional of sewerage pipes the kitchen odours,
12. The soap missing in kitchen
13. Sanitary cards of cookers missing
14. No dishwashing machine

- **Recommendations:**

- **Ambulance**

- Immediately to supply with missing medications

- The anti-shock therapy set to be accomplished as soon as possible
- EKG device to be urgently put in order
- Echoscope and Ophthalmoscope to be functional as soon as possible
- To control the work of stabilizator with inductor for controls

- **Kitchen**

- Dishwashing machine to be provide to the institution as soon as possible
- The sewerage system to be fixed
- Workers in the kitchen to be equipped with sanitary cards
- Renovation of the ambulance

General recommendations

- Renovation of rooms that are out of function
- To improve the situation of rooms and halls as per humidity and dampness
- Sanitary devices to be fixed
- To enable condition for proper placement of persons confined and not in mattresses on the floor.
- To enable chair for sitting to each detained person in the living room
- Ventilation to be functional in all rooms,
- To make functional the bathroom of Ward B
- To provide sufficient hot water for all
- Bedding and sheets to be cleaned on regular bases (once per week)
- Blankest to be washed
- Equipment of detained person with necessary hygienic items
- Canned food to be opened in the presence of the confined persons
- To enable daily press to the regularly
- To equip the library with sufficient number of books
- Reopening of gym