

Conference on Detention Monitoring



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Table of content

1.0 Introduction

2.0 Participants and Discussions

3.0 Recommendations

4.0 Conclusions

1.0 Introduction

The Kosova Rehabilitation Centre for Torture Victims (KRCT) decided to organize a Conference on detention issues during the second part of the year 2008. The aim of it was to present its Detention Monitoring Project, the conclusions and recommendations brought within this framework by the experiences and observations on the field, and to share knowledge and discussion with the principal governmental and non-governmental organizations working in this field in Kosovo. This was also the occasion to make public for the first time the Project's final report, called "Human Rights Standards in the Correctional Services and Police Holding Cells".

The Conference on Detention Monitoring took place on Wednesday, December the 10th, which is the United Nations' Human Rights Day. It did draw much attention from state institutions that deal with Justice and Human Rights, as well as from civil society organizations.

Around 50 officials were representing different important actors and shareholders in Human Rights' and Justice's fields.

Among the important organizations regarding Human Rights and fighting torture as a phenomenon, in the Conference were present the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), The European Union Rule of Law Mission in Kosovo (EULEX), the United Nations Interim Administration Mission in Kosovo (UNMIK), the Organization for Security and Co-operation in Europe (OSCE), the International Committee of the Red Cross (ICRC), the Swedish Helsinki Committee (SHC), the International Civilian Office(ICO), the Swiss Embassy, the French Embassy, the Council for the Defense of Human Rights and Freedom (CDHRF), Kosovo Police Service, Kosovo Correctional Service.

2.0 Speakers

The conference started with the speech of Ms. Nekibe Kelmendi, Minister of Justice of Kosovo, which highlighted the situation in the country's detention centers and police holding cells, saying that "[...] there is an improving situation that leaves hopeful of further improvements."

Ms. Laura Jaffrey, Project Manager of the KRCT's Detention Monitoring Project, introduced then the Project in details, the methodology used and the future of the project within the next year.

Ms. Feride Rushiti, Executive Director of the KRCT, presented then the different detention places of Kosovo and the findings and conclusions elaborated during the monitoring sessions.

Ms. Renate Kicker, Vice-President of the CPT, reflected her position as well, saying that the issue of prisons in Kosovo is growing better, also thanks to KRCT reports. She welcomed that KRCT's final report on the Project has been made public, specifying that the CPT mandate goes beyond purely detention issues, i.e. also health and mental health issues.

The activities of CPT in Kosovo started in 2006. In addition to correctional and detention centers, they visited police holding cells and health and social welfare institutions.

Emphasizing the importance of good cooperation between the authorities and the international and local monitoring bodies, Ms. Kicker also said it was good to have a multi-disciplinary team regarding the visits, since the results would be more comprehensive.

Mr. Resmi Hoxha, Commissioner of Kosovo Correctional Service, mentioned educational aspects, notably the fact that trainings offered to the inmates and the delivered certificates linked to these were valid in Kosovo and therefore helpful to find a job.

He also stated that the institution he leads keeps working on eliminating mistakes and resolving problematic issues, for example excessive use of force which is forbidden. He however refuted KRCT's allegations about the Delta Bravo Unit. He said this Intervention Unit was only conducting preventing actions.

He also rejected the issue of health care's lack. Concerning the separation of mentally diseased people from the other inmates, he declared that KCS works with the Ministry of Health, and there are special cells for prisoners with mental illnesses in Dubrava. Concerning all inmates, he also said that he doesn't think inequalities of treatment are widespread, but will work on this question.

According to him, hygienic items are adequately supplied in terms of quantity. Inmates may be not satisfied with the quality of the products, supplied by the procurement company, adding that it's difficult to satisfy everybody's demands.

Concerning the facilities, he informed that "[...] the Detention Centre of Prizren will be totally refurbished in 2009. The layout of DC Pristina, Gjilan and Mitrovica, however, don't allow too much renovation work. There is a plan to build a new DC in Gjilan, discussions with the mayor."

Mr. Hoxha mentioned activities, for example the future cooperation with the Ministry of Culture. According to him, there has also been an agreement with the European Commission to build a new compound for high security prison, and that there is also a lack of facilities for short-term prisoners.

Ms. Sirpa Rautio, Head of Human Rights and Gender Office (HRGO) in EULEX, pointed out that, as a new mission, they provide a rigorous training to the staff. They have completed a document on the use of force/use of weapons for police staff. Ms. Rautio also highlighted the importance of monitoring activities by OSCE and other organizations.

She declared that “[...] HRGO is very focused on trainings. There is a need to specifically mention Human Rights and make sure they are respected. HRGO’s mandate is not only internal, though.”

Ms. Kirsten Joppe, Senior Human Rights Advisor in OSCE, said that they have a team in 6 police regions. The police holding cells are monitored from a purely Human Rights perspective and they work on the basis of a Memorandum of Agreement with the Deputy Commissioner of KPS that gives them free access to the police holding cells.

According to Ms. Joppe, the reporting made by OSCE is strictly confidential; the role of this organization is to serve as a tool for the local counterparts; they can use the reports to improve.

She stated that OSCE monitors arrested persons’ complaints about Human Rights violations, and they have a table for each police holding cell with information, like the state of the bed provided, food supplied, etc.

Among main shortcomings, she mentioned the need for renovation of the buildings, solving of ventilation problems, cleaning of blankets, and replacement of mattresses and pillows.

The Ombudsperson representative, Mr. Veton Vula, stressed the importance of interaction between proactive and defensive action, which is essential for an efficient action.

Among activities of the institution he represented, he noted regular visits to places of detention and cooperation with the authorities to improve the situation.

Mr. Vula mentioned the prison break in Dubrava and the overcrowding problems in correctional centers, as well as the lack of ventilation in Prishtina’s Detention Centre and lack of natural and artificial light in Prizren’s Detention Centre.

Mr. Bexhet Shala, representing the Council for the Defense of Human Rights and Freedoms, stated that the local management is not so guilty of the problems encountered in places of detention.

The Council got two permissions for monitoring; one for the correctional centers and detention centers, and the other one for the police holding cells. He praised the administration for very good cooperation.

According to him, there are problems in Prishtina, Gjilan and Prizren regarding ventilation and light. He emphasized the limited sport activities in Prishtina, saying that there would be some possibilities of using some administration offices as a fitness rooms.

He also pointed the lack of chairs and furniture for inmates and guards and, more important, the problem of systematization of prisoners, and sporadic but excessive use of force.

And open discussion followed, leading to the following recommendations.

3.0 Recommendations

General recommendations were eventually issued to materialize the outcome of the interventions and discussions which occurred during the conference.

- A proper categorization of prisoners shall be made in accordance with the rules and regulations established by the KCS, in order to avoid that inmates with different profiles are kept in the same cells.
- Use of force is strictly regulated by the law and all cruel, inhuman or degrading treatments or punishments shall be completely prohibited. Excessive use of force shall be properly investigated and the culprits punished.
- A special attention shall be made to improve the health services within the correctional and detention centers, especially the psychiatric services, and to insure that general doctors and specialists are available at any time.
- Ministry of Justice and Ministry of Health shall cooperate in an effort to establish a special institution providing adequate treatment to inmates with special needs. It notably includes inmates with mental disorders or diminished mental capacity and people with disabilities.
- Ministry of Justice shall promote and support the wider use of alternative measures, as described in the Criminal Procedure Code.
- Ministry of Justice shall establish and implement attractive policies for health workers employed in the Correctional Service, having in mind their special circumstances and conditions of work.
- Efforts shall be made to improve the work conditions of KCS staff working in correctional and detention centers.
- Solutions shall be found to avoid overpopulation within correctional/detention centres.
- Efforts shall be made to increase the KCS's staff knowledge on human rights issues, especially on national and international mechanisms for torture prevention.
- Persons sentenced for more than three months shall be placed in a correctional facility as stated in the Law on Execution of Penal Sanctions
- Ministry of Justice shall do everything in its power to have the length of pre-trial detention kept within the limits of the law.

4.0 Conclusion

All the actors involved in the Conference on Detention Monitoring agreed the latter was a complete success. Very relevant and interesting people attended this event, providing the audience with extremely rich and instructive information and facts concerning their various activities. The presentations as well as the open discussion allowed the main actors to share ideas and experience, leading to constructive recommendations that will be very useful for the next collaborations and negotiations with all relevant authorities and actual as well as potential new partners in the future.

