

## NATIONAL PREVENTIVE MECHANISM

- visit to -

### LJUBLJANA POLICE DETENTION CENTRE

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*Disclaimer: The following report contains only main findings regarding the visit. It was produced on the basis of the original report on the visit of the National Preventive Mechanism and the response of the authorities to it. It is intended for publishing purposes on the official Human Rights Ombudsman of the Republic of Slovenia webpage.*

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The Human Rights Ombudsman of the Republic of Slovenia (hereinafter: Ombudsman), together with a representative of a contractual non-governmental organisation, the Pravno-informacijski center nevladnih organizacij - PIC), under the tasks and authorisations of the National Preventive Mechanism (hereinafter: NPM), in accordance with the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and under a preliminary agreement on the visit with the Ministry of the Interior owing to the presence of another three guests who monitored our work, visited and inspected the detention premises in the Ljubljana Police Detention Centre (hereinafter: Centre) on 27 October 2010.

The Centre is located beside Ljubljana Moste Police Station in a separate ground-floor building and falls under the authority of the Ljubljana Police Directorate. In the Centre, longer detentions of persons for those police stations within the Ljubljana Police Directorate that do not have detention premises are carried out, or when the capacities of police stations that do have detention premises are full.

In the Centre there are eight permanent on duty police officers (if necessary, this number is increased by engaging other police officers of the Ljubljana Police Directorate) and the head of the Ljubljana Police Detention Centre. The work in shifts is carried out by three police officers on duty.

In 2010, 2349 persons were detained by the date of our visit in the Ljubljana Police Detention Centre, while in 2009 there were altogether 3266 detained persons. At the time of our visit to the Centre, one person was detained there and we talked to this person. The person did not mention any significant complaints relating to the detention or the police procedure involved.

The Ljubljana Police Detention Centre has 20 spaces available for detention. Of these, 10 are intended for short detention (up to 12 hours) of one person in each of the spaces, and 10 are intended for long detention (up to 48 hours) of not more than

two persons in each of the spaces. All rooms were numbered. The audio-communication device and video surveillance in all rooms were appropriately marked with a label, and so was the video-surveillance of the corridor.

Access to the detention premises of the Ljubljana Police Detention Centre is through the parking lot past Ljubljana Moste Police Station by means of a police vehicle. Ljubljana Moste Police Station is connected to the Centre via a connecting corridor through which persons can be brought into detention from Ljubljana Moste Police Station.

Premises intended for short detention are equipped with a bed, washbasin with running water and squat toilet. Appropriate daylight and artificial light is provided (lighting is fitted above the doors). Premises intended for long detention are equipped with two beds, washbasin with running water and squat toilet. Appropriate daylight and artificial light is provided in these premises as well (lighting is fitted above the doors and in the middle of the premises and can be switched on alternately, which provides non-disturbing lighting during night rest).

When inspecting the detention premises it was found that there were no pillows in rooms nos. 13, 14 and 16 and that there were dirty walls in rooms nos. 1 and 6. **The NPM therefore made a suggestion that pillows be placed in all detention premises (they are necessary in cases of overnight detention) and that the walls that are dirty be freshly painted. The Ministry of the Interior informed us that both our proposals would be carried out.**

We highlighted that the installation of a safer tap in detention room no. 9 was a good solution. We estimated that the tap served its purpose and its installation method provided increased safety because the detained persons could not tear it out from its fitting and use it to inflict self-injuries or even to attack a police officer. It is also encouraging that the Ministry of the Interior has informed us that such safer taps would be gradually installed in the detention premises of all police stations.

The Ljubljana Police Detention Centre also has available accessory premises required for efficient work with detained persons, such as:

- Room for admission of detained persons; this room is under video surveillance and appropriately marked with a label. **The NPM welcomes that such premises are under video surveillance because in the case of a complaint about incorrect or violent treatment on the part of police officers made by a detained person, such equipment certainly helps to clarify the alleged complaints.**

In this room a preventive examination of a detained person is carried out and items that the detained person may not have in his/her possession are temporarily taken from him/her. During our visit, it was explained by our host that a certificate is issued on the temporarily confiscated items, which is then signed by the detained person and police officer who temporarily confiscated them, but this certificate is not handed over to the detained person. **The NPM**

suggests that a certificate on the temporarily confiscated items is always delivered to the detained person because it is an official document signed by the detained person, which makes the latter entitled to its possession for this reason alone. We also requested an explanation regarding the practice of delivering these certificates in other police units and the instructions about their delivery. The Ministry of the Interior informed us that in compliance with Article 52 of the Rules on the Exercise of Police Powers, a police officer describes the items confiscated to a detained person in a certificate on confiscation which is signed by the detained person; after the detention is over, the police officer returns the confiscated items to the person concerned and the latter confirms the return of the items by his/her signature; the obligation of issuing a certificate on confiscation of items is laid down in the Instructions on the Implementation of Police Detention; in practice, a police officer hands over the certificate to a detained person when his/her detention is over.

Upon admission, a detained person receives a printed notice on the rights of a person who is deprived of liberty, plus a leaflet of the Ministry of the Interior detailing the rights of a detained person. **The NPM rates such a practice as a good one. We therefore made a suggestion that such practice be followed also in all other police units that have available detention premises or carry out detention, and that this should be appropriately indicated in the official record on detention – under the section “other findings and comments”. The Ministry of the Interior explained that the letter, with which the new leaflets “Notice on the rights of persons deprived of liberty” were sent to police stations, contained a reminder that the leaflets must be placed in detention rooms and other premises where procedures involving persons deprived of liberty are carried out. In cases when it is to be expected that a detained person will ruin the leaflet because of his/her intoxication, aggressiveness and similar, a copy of the notice in the language which he/she can understand is to be delivered instead. The Ministry of the Interior will also study our proposal on recording the delivery of a leaflet or a copy of a notice to a detained person.**

- Two rooms for interviews/discussions, which are also under video surveillance and appropriately marked with a label. Both were furnished with a poster on the rights of a detained person. They are used in particular for communication of detained persons with lawyers. **Because these two rooms are only under video surveillance, the NPM suggested that they display a label that they are not under audio surveillance as such practice is required when discussions with lawyers are involved. In the opinion of the Ministry of the Interior, the rooms are marked in compliance with the actual situation (an identical label is in all the detention premises); in case of ambiguity or doubt, the lawyer or detained person can obtain clarification that video surveillance does not also include audio surveillance.**

- First aid room; this room is not under video surveillance. It is used only when a detained person needs medical care and a medical team arrives to the Ljubljana Police Detention Centre. Our host told us that during the provision of medical care to the detained person, police officers are present in the room only if the medical team makes such a request (for example, if the detained person is aggressive ...).
- Room for temporarily confiscated items and spare bedding. This room contains an adequate number of smaller cabinets (marked with room numbers), where temporarily confiscated items are stored. All cabinets are locked. **The NPM considers such a method of storing temporarily confiscated items a good one. The Ministry of the Interior has informed us that storing temporarily confiscated items of detained persons in locked cabinets will be gradually provided for in all police units.**

Meals to detained persons are supplied by the Sodexo d.o.o. company and include two hot meals and one non-cooked meal per day. The Centre has available seven different types of non-cooked meals that are kept in storage. The expiry date of non-cooked meals in storage did not exceed the use-by date.

Medical care is provided by Ljubljana Health Centre, which has a 24-hour duty shift. If a detained person needs medical care, police officers take him/her to the Ljubljana Health Centre or their doctor comes to the Ljubljana Police Detention Centre.

The cleaning of premises is taken care of by a contract cleaner from the Valina d.o.o. company. The premises are cleaned after every use and they were clean when we visited them.

Smoking and walking in fresh air is made available to detained persons in a special fenced yard which is also (partially) covered in case of bad weather. The walking ground is equipped with an audio-communication device and is under video surveillance, which is appropriately marked with a label. Detained persons can stay there between 9 a.m. and 11 a.m. and between 2 p.m. and 5 p.m. The NPM does suggest **that detained persons should be always clearly advised about their right to take a walk and should be encouraged to take this opportunity. The Ministry of the Interior explained that all police units that have in terms of security the opportunity to offer the right of a walk to detained persons should do so and duly record it.**

When examining randomly chosen cases of individual detentions this year it was established that the documents on detentions were kept in perfect order. We did not establish any irregularities in filling out official records on detention and conclusions or decisions on detention.