

- NATIONAL PREVENTIVE MECHANISM -

Site visit report

17th Military Police Battalion

Explanatory note: The Human Rights Ombudsman of the Republic of Slovenia (hereinafter: the Ombudsman), in the framework of carrying out the tasks and exercising the powers under the Act Ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Official Gazette of the Republic of Slovenia No. 114/2006) and implementing the tasks of the National Preventive Mechanism (hereinafter: NPM), visits places of deprivation of liberty. As a rule, the group carrying out a visit includes, in addition to one or more of the Ombudsman's representatives, one or more representatives of contractual, non-governmental organisations, and occasionally also independent medical and other experts and interpreters. The legal basis for NPM inspections is published on the website of the Ombudsman as the NPM.

This report only contains the main findings regarding the visit and proposals for improving the conditions or remedying irregularities. It was produced on the basis of the report on the NPM visit and the response report of the competent authorities. It is intended for publication on the website of the Ombudsman.

Basic information about the facility:

- ▶ **Type of facility:** 17th Military Police Battalion (17th MPB).
- ▶ **Category of people deprived of freedom:** persons in military custody.
- ▶ **Official capacity and actual occupancy of the facility at the time of visit:** two detention rooms, suitable for longer periods of custody.¹ It was explained that since 2004 to the day of the visit of NPM no military person had been detained in these rooms.

The visit and preparation of the report:

- ▶ The visit was **unannounced** and **took place on 8 May 2012**.
- ▶ **Visiting group:** two Ombudsman representatives (Deputy Ombudsman and expert on criminal investigation) and a representative of non-governmental organisations (the Primus Institute).

¹The access to the rooms for custody is through the main entrance of the MPB building and then to the right, through another door and along a corridor. The entrance to the rooms for custody is at the right end of the corridor, through a door marked 'Rooms for custody' and a sign indicating that the rooms are under video surveillance. The two rooms have the same area and identical furnishing. At the time of our visit, the rooms were furnished with wooden beds (complete with mattresses made of material that is easy to clean and linen), a wooden table fixed to the wall and a wooden chair. By the entrance there is a smaller room with a squat toilet and a basin with running water.

► **Scope of the visit:** We were received by the 17th MPB on-duty police officer. After an introductory conversation with the deputy commander, we inspected the rooms for detention. The commander of the 17 MPB joined us for the final exchange of views.

► **Reporting:** A report on the visit was submitted to the Ministry of Defence (hereinafter: the MoD) on 1 June 2012, together with a proposal that the MoD consider the report and communicate within thirty days its observations, if any, regarding the findings highlighted therein. The reply of the MoD was received on 10 July 2012, i.e. on the 39th day from the submission of the report.

► NPM proposal

NPM: We propose that the 'Record' be expanded with a heading that would indicate the name of the military police officer who received the person in custody and a heading indicating the time of termination of custody.²

NPM: We propose that the rooms be numbered and that in the case of detention the number of the room in which the person is detained be indicated on the relevant form.³

NPM: We propose that toilet facilities be inspected, and the flush mechanism be repaired.⁴

NPM: We propose that, during the night period, the existing lights be examined in order to establish whether there is sufficient light to enable adequate video surveillance of a detained person; and that the option of installing a more powerful light or an additional light in both rooms be considered.⁵

► Response of the MoD

Ministry of Defence: The 'Record of Detentions' was expanded with a heading in which the name of the military police officer who received the person in custody is indicated and a heading on which the time of termination of custody will be (is) indicated.

Ministry of Defence: The rooms are now numbered (the room on the left is marked 'No. 1', and the room on the right is marked 'No. 2').

Ministry of Defence: We checked the toilets in both rooms and established, after several tests, that the flush mechanisms are in perfect working order.

Ministry of Defence: During the night period, we checked the existing lights in both rooms in order to determine whether there is sufficient light to enable effective video surveillance of a detained person. All parts of the surveillance system and the lenses were cleaned, and the operation of the system was checked. We established that the existing lighting enables an efficient video surveillance in the rooms for detention and, consequently, adequate surveillance of the person in custody.

²On the desk, there was a dossier with a label '17th MPB LIST OF PERSONS IN CUSTODY' with individual sheets (the record form), which, at the time of our visit, were not filled in. The form contains the following headings: sequential number, date, grade, name and surname (of the person in custody), birth data of the person in custody (day, month, year and place of birth), address of permanent and/or temporary residence, nationality of the person in custody, data on the circumstances of the custody (place, time and reasons for custody), the military police officer who ordered the custody (grade, name and surname) in capital letters, and signature of the military police officers. The NPM is of the opinion that this list (although written by hand) contains most of the data necessary to record any case of custody.

³The 17th MPB has two rooms for custody, suitable also for longer periods of custody.

⁴In the left room (seen from the entrance to the corridor between the two rooms), the flush of the squat toilet is deficient: after pushing the flush handle water continues to run and may only be stopped by a second push on the handle.

⁵The two rooms have adequate natural light, while the artificial light is less adequate. Artificial lights in both rooms for custody are fixed directly above the entrance, in a kind of groove of 8 by 60 cm covered with opaque glass, which reduces the light emitted in the room. We think that such illumination is hardly sufficient for video surveillance of a person in custody to be effective in the night period.

NPM: We propose that a sign indicating that the room is under video surveillance be put on the entrance of the interview room.⁶

Ministry of Defence: A label indicating that the room is under video surveillance has been put on the entrance.

NPM: As the two rooms for detention have obviously been constructed in compliance with standards used by the Ministry of the Interior and the Police, we propose that the Rules for construction of detention facilities in the Slovenian Armed Forces and the Police be amended (in particular Article 9 – walls and floor).⁷

Ministry of Defence: 17th MPB proposed that a working group be created within the Slovenian Armed Forces to prepare amendments to the said Rules with a view of harmonising the standards with the actual state of detention facilities used by the Military Police.

NPM: The Rules (Article 10) provide that a fire extinguisher must be placed in the sanitary facility. The NPM understands that this is not the best solution in terms of security when the sanitary facility is incorporated in the room for detention.

Ministry of Defence: See above.

⁶The 17th MPB also has a room for interviews, furnished with a large desk, five chairs, a PC and two monitors. It was explained that this room is (or would be) intended for meetings between the person in custody and his/her legal representative, if necessary. The room is under video surveillance, but this information is not displayed.

⁷We were informed that the construction of custody facilities is governed by a document (Rules), which manifestly reproduces certain standards used for the construction of isolation rooms by the Prison Administration of the Republic of Slovenia.