

- NATIONAL PREVENTIVE MECHANISM -

Report on a site visit to

LJUBLJANA POLICE DETENTION CENTRE (control visit)

Explanation

In the course of exercising the duties and powers of the National Preventive Mechanism (hereinafter: NPM) 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), the Human Rights Ombudsman of the Republic of Slovenia (hereinafter: Ombudsman) carries out site visits to places of deprivation of liberty. Apart from representatives of the Ombudsman, representatives of contractual NGOs and, occasionally, independent medical and other experts and translators participate in visiting groups. The legal basis for carrying out control visits by the NPM is presented on the following website: [Varuh kot državni preventivni mehanizem](#).

This report contains only the essential findings of the visit with recommendations for the improvement of conditions or elimination of irregularities. It was prepared 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 Ombudsman's website.

Basic data on the location:

- ▶ **Type of location:** Ljubljana police Detention Centre (hereinafter: Centre)
- ▶ **Categories of persons deprived of liberty:** persons in police detention.¹
- ▶ **Official capacity and actual occupancy of the location on the day of the visit:**

Course of the visit and preparation of the report:

- ▶ The visit was announced and conducted on 27 May 2014.³
- ▶ **Visiting group:** two Ombudsman's representatives (Deputy Ombudsman and an Adviser)⁴.
- ▶ **Content of the visit:** We were received by a representative of the Service of the Director-General of the Police and the Centre's manager with whom we inspected the detention rooms, reviewed the documentation of randomly selected detention cases and held the concluding discussion.

¹ In the first four months of 2014, a total of 369 detentions were carried out in the Centre.

² All premises are adequately numbered and equipped with all necessary equipment (a bed, a mattress, a pillow, squat toilet – for shorter detention or a toilet bowl, a table and a chair – for longer detention, a sink with running water and adequate daylight). All rooms have communication devices under video surveillance, which is adequately marked (with a sticker). The hall is under video surveillance as well, which is adequately marked (with a sticker).

³ The last visit to this Police Station was conducted on 7 November 2013.

⁴ Participants of the 'South-East Europa Network' conference, which was held in Ljubljana, were also present at the visit.

► **Reporting:** The visit report was sent to the Ministry of Internal Affairs (MIA) on 6 June 2014, along with the proposal that the report be discussed and that any positions with regard to our findings be submitted to us within 30 days; the relevant authority submitted its reply on 11 July 2014, i.e. 35 days after its delivery.

► NPM proposal

► response from competent authorities

NPM: We requested to be informed of the reasons for reducing the number of police officers on duty during a shift and whether this number, in view of the number of detention rooms, still complies with safety standards.⁵

MIA: The number of police officers is adjusted to operational needs; as a result, the number of officers on duty changes. We believe that as regards the number of officers on duty, organisation of work in the Centre complies with safety standards.

NPM: We suggested that officers from the police stations that ordered detention be informed about due attention, accuracy and urgency of completing all sections of official forms.⁶

MIA: The Ljubljana Police Directorate notified police units several times (most recently on 20 November 2013) in writing about irregularities that have been detected during your visits, including due attention, accuracy and urgency of completing all sections of official forms that police officers must complete in relation with detention, and proper ways to make corrections to such forms.

NPM: In relation to the randomly selected case, NPM requested information regarding since when and what is the basis on which the data on the initiation of the procedure is being entered in the FIO register in case of detentions ordered under Article 157, paragraph 2 of the Criminal Procedure Act. We also requested to be informed of whether, in this case, the entered time of the initiation of the procedure is included in the total duration of detention, such as in cases of detention under Article 24 of the Act of Rules in Road Transport.

MIA: We would like to inform you that the Police Tasks and Powers Act (Official Gazette of the Republic of Slovenia, no. 15/2013) entered into force on 4 May 2013. Article 66, paragraph 1 of the Police Tasks and Powers Act stipulates that the duration of the police procedure until the issue of a detention order shall be counted as part of the duration of detention; consequently, police officers enter this data in the FIO register in cases in which detention is carried out under Article 157, paragraph 2 of the Criminal Procedure Act, while the duration of the procedure is included in the total duration of detention.

NPM: We recommend that placing an ashtray somewhere in the recreation yard be considered.

MIA: we would like to inform you that the possibility of placing an ashtray in the recreation yard for detained persons will

⁵ During the interview carried out with the head of the Centre, it was established that the organisation of work is being adjusted to operational needs. It was also established that they have no problems with providing a sufficient number of police officers.

⁶ Although only a few cases were randomly selected for review, it was again established that certain deficiencies in completing the forms required for detention are evidently still occurring. In this regard, the NPM suggests that police officers be more frequently warned about the established errors and that senior officers regularly monitor these procedures, and in case of established deficiencies, take the necessary measures to ensure they do not occur.

NPM: We requested information on how the detainees who need to wash and change their clothes are enabled to do so. We also proposed that our recommendation to install showering facilities for detainees be considered and that the MIA submit its findings and positions.

be considered; the ashtray, however, would have to be in accordance with the Standards for building, renovating and equipping detention premises and may not have potential to aid escape or be used as a means of self-injury or attack.

MIA: We would like to inform you that we do not plan to install showers in detention premises. If required, showering is enabled in the premises of the Ljubljana Moste Police Station, which is located in the same building. So far, no such requirements have been expressed. In cases in which a detained person needs to change his/her clothes or footwear, it is arranged through relatives, Red Cross or similar organisations.