

NATIONAL PREVENTIVE MECHANISM
visit to
KRŠKO POLICE STATION and BREŽICE POLICE STATION

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.

Krško Police Station

Among the tasks of Krško Police Station (hereinafter: PS) is control of approximately 22 km of the border with Croatia. In 2008, officers of this PS ordered 11 longer periods of custody (up to 48 hours), 75 shorter periods of custody (up to 12 hours) and 142 periods of custody due to driving under the influence of alcohol. In 2009, up to the date of our visit (10. 3. 2009), 66 people have been in custody; on the date of the visit there was no one in custody at the PS.

The PS has two rooms available for temporary custody. Both rooms are under video surveillance and are equipped with an appropriately marked audio-communication device (with a label). Room 1 is used for longer periods of custody and room 2 is used for shorter periods of custody. Both rooms may be used for custody of two people; however, the deputy commander explained that, as a rule, this possibility is not used, with agreement with the Brežice Police Station to transfer any second person to custody there.

In both rooms, daylight illumination was appropriate. Because of video surveillance, both rooms are under artificial illumination at night. This could prove disturbing for the person who is in custody; we therefore proposed that options be examined in order to find a compromise solution. In its response to our report, the Ministry of the Interior informed us that the PS will, as a priority, be equipped with less bright lights, enabling both night rest and good video surveillance.

In the room for shorter periods of custody, the upper side of the bed was damaged, the wood was dangerously bulging outward. As there was the possibility that, as a consequence, the person in custody might be hurt, we asked that this deficiency be made good. The Ministry of the Interior ensured that repairs will be carried out as a priority.

The PS also provides hot meals to those kept in custody for less than 12 hours, which was assessed as very positive. Lunch packages were assessed as adequate, as far as their shelf life was concerned, but it was discovered that they were not adequately stored – they were kept in a storeroom together with motor oils and similar substances. Plastic water bottles were also stored in the same way. We proposed that the storeroom for clean sheets and blankets, or some other adequate space, be used for this purpose. The Ministry of the Interior completely agreed with our proposal.

In 2008, the PS dealt with 17 cases of illegal border crossing (involving 22 people). In the room for aliens, we saw brochures on display from the Legal-Information Centre for NGOs (PIC), explaining the procedure for filing an application for asylum in various languages and brochures on Schengen; this was indicated as a case of good practice and an example to be followed. In relation to procedures with aliens, the Ombudsman has always stressed the fact that carrying out the procedure in a language that is understood by the person who is in custody is to the benefit of both the person concerned and of the police. Consequently, we recommended that the PS resort, as much as possible, to court interpreters speaking the alien's mother tongue.

During the examination of randomly picked files, only one irregularity was discovered. There was a discrepancy between the time of termination of custody indicated in the official file and that in the FIO evidence. We recommended (more) careful recording of all relevant data; we were informed that the Ministry of the Interior has already asked the command structure of the unit to strictly apply regulations and directives concerning temporary custody.

Brežice Police Station

In 2009, up to the date of our visit (10. 3. 2009), 92 people have been taken into custody in Brežice Police Station (hereinafter: PS). The PS has five rooms for custody, rooms 1 and 2 are used for shorter periods of custody (up to 12 hours) and rooms 3 to 5 are used for longer periods of custody (up to 48 hours). All rooms are under video surveillance and are equipped with an appropriately marked bell (with a label). Rooms are heated and cooled with air-conditioning devices.

The rooms are suitable for custody of two people. The commander explained that, in cases when more than three people were taken into custody, the PS was operated by deputies of the officer on duty, while the officer on duty was in charge of those in custody exclusively. In this way, surveillance of those in custody is assured at all times in full respect of their rights; this arrangement was assessed as positive and recommended to other police stations with a higher number of rooms for custody.

The room for attorneys is without video surveillance. In the room is a telephone, which during our visit did not function. We also noticed that the room was furnished with only a bench; we proposed that a table be put in the room, as we consider that a table is necessary for organised meetings between attorneys and their clients. The Ministry of the Interior informed us that these deficiencies have already been made good.

The PS also has a (partly covered) recreation yard. Video-surveillance devices were adequately marked. The PS also permits exit to the yard for people detained for less than 12 hours, which was assessed as very positive. We noticed, however, that the yard was not clean enough, and that some litter was lying around. During our visit, all other spaces were clean and well arranged.

We welcomed the fact that the Police Station also provides hot meals to those kept in custody for less than 12 hours.

Temporarily seized items are kept in a closet. There are no special bags for keeping seized items; however, the PS has already asked for permission to rearrange the closet into smaller drawers, so that temporarily seized items could be safely kept apart.

The book of remarks and commendations is kept near the entrance. We recommended that a remarks and commendations box be installed to permit the filing anonymous complaints; it

would also be useful to aliens who are not familiar with Slovenian regulations on filing complaints against public officials – provided, of course, that it is adequately marked in several foreign languages.

On the window sill of the room for aliens there was a completed "official note on custody" form, which, apparently, was not adequately archived.

During the examination of randomly picked files no major irregularities were discovered regarding the archiving of notes of custody; in one decision on custody, the time of serving was not indicated, on another there was no signature and the column "reason for refusing signature" was not completed. It was explained that decisions on custody are served on drunk persons by the policeman who is in charge of the person charged, and during the custody, the decision is kept with other personal items of the said person. We recommended more careful recording and managing of documents; additionally, we recommended that those in custody be permitted to keep their decision, as they have the right to file a complaint during the time of custody. The Ministry of the Interior has already asked the command structure of the unit to manage documents with more care and consistency.

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