

NATIONAL PREVENTIVE MECHANISM
visit to
LAŠKO POLICE STATION and CELJE 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.

Laško Police Station

At the time of our visit (17.6.2009) to the Laško Police Station (hereinafter: PS), there were no people in custody; in 2009, up to the date of our visit, 16 people have been in custody.

The PS has two rooms available for temporary custody. They are located in the underground section, and are intended for custody of one person for less than 12 hours. As they are not adequately heated, they are not used in winter.

The rooms are labelled with numbers. Both rooms are under video surveillance and are equipped with an appropriately marked audio-communication device (with a label). We discovered that the two cameras also covered the part of the room where sanitary facilities are located. This is a violation of the Norms for construction, renovation and furnishing of rooms for temporary custody No. 2152-1-31/500359-2 of 30 September 2002. In its response to our report, the General Police Directorate (GPD) assured us that irregularities concerning the area under video surveillance will be made good as a priority.

Neither room had daylight illumination, artificial illumination was only sufficient to make video surveillance possible. This was pointed out as a deficiency. GPD informed us that more bright lighting has already been installed in the two rooms.

Both rooms are equipped with a wooden bed with a (too thin) foam mattress and a blanket. We also noticed that there were only a few leaves of toilet paper by the Turkish toilet. We pointed out that there was not enough toilet paper and that this arrangement was not hygienic. GPD gave assurances that adequate mattresses will be provided as a priority and that PS will be asked to ensure that enough toilet paper is available.

In the corridor before the rooms for custody, where those brought into custody are processed, there is a poster indicating the rights of a person kept in custody in several languages (not yet updated). In a box on the table, cards with information on the rights of people kept in custody were kept in good order (according to language), and on the table there was also an updated copy of the list of attorneys.

The official procedure concerning a person brought into custody is carried out in the PS main office. The person in custody may meet an attorney in a separate room, on the ground floor, opposite the office of the officer on duty. The person is then taken to the room for custody through the main entrance, along the outer stairs and across the yard. In general, the location

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of the PS is not very appropriate. It is located in an apartment building, rooms are small and constricted, and there is a private flat above. There are plans to relocate the PS elsewhere, and their implementation will be more than welcome.

During our visit, the officer on duty could not access documents concerning custody, so these documents could not be examined. We were able, however, to access electronic records on persons kept in custody; we discovered no irregularities concerning record-keeping in such cases.

We also examined the book of remarks and commendations and noticed the complaint of an attorney that he was not permitted to speak to his client who was in custody. During our visit, it was impossible to discover the outcome of the complaint, so we asked the attorney concerned; we discovered that the complaint was dealt with and that it was found that the policeman in question should have acted in compliance with Articles 46 and 47 of the Rules on police powers, which provide that a person kept in custody has the right to an attorney throughout the period of custody. To avoid any such cases in the future, we recommended that police officers be reminded of the right of the person in custody to an attorney, and this recommendation was extended to the PS commanding structure also by the GPD.

Celje Police Station

At the time of our visit (17.6.2009), there was one person in custody at the Celje Police Station (PS) in compliance with Article 238 b of the Road Traffic Regulation Act. In 2009, up to the date of our visit, 221 people have been taken into custody.

The PS has three rooms available for temporary custody, located in the underground section. These rooms are accessible either from inside by stairs or by using the direct access for vehicles at the back of the PS. The rooms are adequately labelled with numbers. Rooms 1 and 2 are used for periods of custody of 48 hours and room 3 is used for periods of custody of 12 hours. Rooms for longer periods of custody are suitable for custody of two persons; the room for shorter periods of custody is larger.

Rooms 1 and 2 are furnished with everything necessary for longer periods of detention (wooden bed with a mattress, pillows and blankets, table and chair, metal toilet seat and wash basin); in the room for shorter periods of custody there were three wooden beds with only thin camping sheets (Armaflex). This does not seem suitable for overnight custody; according to the Norms for construction, renovation and furnishing of rooms for temporary custody, beds must be furnished with a mattress at least 1.5 cm thick, non-flammable and resistant to tearing. In its response to our report, the General Police Directorate (GPD) assured us that adequate mattresses will be provided as a priority.

All rooms are under video surveillance and are equipped with an appropriately marked audio-communication device (with a label). However, cameras cover the whole space, including the part of the room with sanitary facilities, which is unacceptable. We suggested that cameras in the rooms for custody be installed in compliance with the Norms for construction, renovation and furnishing of rooms for temporary custody No. 2152-1-31/500359-2 of 30 September 2002; the GPD assured us that this would be done.

In room 3 there was a person in custody; this person had no complaints concerning treatment by the police; we noticed, however, that the relevant decision on custody was kept together with other personal items. In this context, we recommended that people in custody be permitted to keep their decision, as they have the right to file a complaint during the time of custody.

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Brochures on the rights of people in custody and the list of attorneys are kept by the officer on duty in the main office. No brochures were to be found inside the rooms for custody or in front of them, and a telephone was only available in rooms on upper floors. We suggested that brochures be placed and made available also in the underground section. The GPD assured us that this has already been taken care of, and that a brochure on rights of persons in custody and a copy of the list of attorneys are visibly displayed, and a telephone has been installed in the underground section of the PS.

We also examined three rooms used for meetings between persons in custody and attorneys. In two rooms, walls were covered with inscriptions, in one of them there was a sticky liquid on the floor. The conditions of these rooms, as they were at the time of our visit, were unacceptable, and we suggested that rooms be regularly cleaned and walls painted as soon as possible. The GPD informed us that this has already been done.

We also examined some randomly chosen files. Documents were kept in perfect order, and no irregularities were discovered concerning written records of cases of custody. We noted, however, that officers on duty in charge of surveillance of the person in custody must record their findings in three different registers, which are not directly connected. The officer on duty must thus enter information in a) the form of the "note on custody" by hand, in b) electronic records on persons kept in custody, and c) in the report of the officer on duty (by hand). We consider this arrangement to be not very efficient, with errors likely to occur. We suggested that the PS consider the option of a single recording of all data relating to a person in custody, or the option of connecting records so that data from one record can be transferred directly to another.

Before a person is released from custody, he/she is interviewed (by an officer other than that who decided on the custody), a memo is written and the person is asked to sign it. If such interviews are done with the consent of the person concerned and memos are signed, we consider that this is a very effective arrangement, in which the person who has been taken into custody is given the possibility, at the end of the period of custody, to express eventual grievances and report possible irregularities concerning his/her period of custody; in this way, actions in response to eventual irregularities in police officers' operations may be promptly taken.

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