

**NATIONAL PREVENTIVE MECHANISM
VISIT TO
LJUBLJANA ŠIŠKA 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.

In 2009, 250 detentions were ordered by Ljubljana Šiška Police Station (hereinafter, PS) to the day of our visit.

At the time of our visit, one arrested (in custody) person was held in one of the detention cells at the PS, who had been placed there just before we arrived. He was recorded in the manually kept 'A book of invited and arrested persons'. He was arrested in the PS's area and waiting to be transported to Grosuplje Police Station. We had a talk with the arrested person in the detention cell who, among others, confirmed that he was acquainted with his rights and that the attitude of the police officers was fair, which we welcomed.

The arrested persons or those produced in custody are deprived of their freedom; therefore, relating to the circumstances of a particular case, it is necessary to provide for the accommodation of these persons, food and beverage, and acquaint them with their rights. The manually kept record must also contain the data on how much time and where the persons with such a status were actually kept on the premises of a concrete police station. The Ombudsman also believes that such persons should be immediately recorded in the computer record of persons in custody, since this way they may be deprived of their freedom for several hours during which they are without the status of a person in custody but only the status of an arrested person. In the concrete case, during our visit the person was in a position which undoubtedly represented the deprivation of liberty and was even placed in the detention cell; however, he did not yet have the status of a person in custody (which would be evident as such also by the computer record). This is important particularly due to defining the time (the beginning) of limiting one's freedom or being in detention, as well as the correctness of defining the very status of a person who was deprived of his/her freedom and the identification thereof, which was also pointed out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment during its visits in Slovenia.

Already at the time of the visit, it was explained that that person's arrest would be entered into the computer record of persons in custody by Grosuplje Police Station, when they will take over the person and transport him to their police station; however, based on the aforementioned, we (also) asked the Ministry of the Interior (hereinafter, MI) to explain why such an entry cannot be made immediately at the PS which actually deprives a person of his/her freedom. The MI confirmed that in this case the PS police officers should have completed an official note on detention and entered the person in the record of persons in custody.

In all premises we took a look at during the visit to the PS, we noticed the poster 'Information on apprehension due to the deprivation of one's freedom', which was commendable; however, we also pointed out that it should be replaced with a new version because the existing one does not include the right to a physician by one's own choice. The MI assured us that this will be taken into consideration.

There are two detention cells at the PS. Both are intended for detaining one person up to 12 hours, however, they are used particularly for the initial information gathering in accordance with the provisions of the Criminal Procedure Act. After the proceeding is completed, these persons are either released or transported to the Ljubljana - Moste Detention Centre.

The detention cells are located on the ground floor of the PS. They may be accessed through the main entrance to the PS and past the duty police officer via stairs and directly through the doors leading to the inner yard containing the vehicles. The labels 'Detention Room No. 1' and 'Detention Room No. 2', respectively, were placed on the inner side of the doors. They were not under video surveillance. The supervision is performed by the duty officer once an hour who records it in the record. A call bell has been installed in both rooms connected to the duty officer's office (the officer did respond when we tested the call bell). The devices were marked, namely, with an attached piece of paper with 'Call bell' written on it.

The detention cells were identical in terms of size and arrangement. Both cells contain a wooden bed with a mattress of appropriate thickness and two blankets, directly beside the door a crouch WC was fitted and a poster was hung on the wall. However, the flushing levers are located on the outer wall; therefore, the detainee must call the duty officer who can do this in the room before the detention cells. In addition, the detainee must call the duty officer if he wants to drink water because there is no running water in the detention cells, thus the duty officer brings him the water in a plastic cup. We proposed that the possibilities for adapting both detention cells be examined, with which flush buttons for the crouch WC would be installed in the detention cells and direct access to drinking water provided. The MI assured us that this proposal will be taken into consideration in the adaptation.

None of the detention cells had daily light, and the artificial light was fairly poor and hardly adequate. At the time of our visit the cells were clean, ventilated and appropriately heated, only the doors and some parts of the walls were written on or in some other way damaged, which requires repainting. The MI stated that these shortcomings will be eliminated (installation of the lights with stronger illumination and repainting of the walls and the doors).

The rooms 'Interview Room 1' and 'Interview Room 2' are used for legal counsel. Neither of the rooms was under video surveillance; however, in the part of the wall separating them, a glass for identification was installed which enables visual supervision. In 'Interview Room 1', part of the installation intended for connecting a radiator was hanging out of the wall, therefore, we proposed that they be removed because they represented a risk of injury. The MI assured us that this will be done as well.

From the list of this year's detainees we selected a few random cases and determined that the police officers completed the sections appropriately (e.g. performed supervision of the duty officer, rejection of signing, etc.) and that the entire documentation was carefully arranged.

At the time of our visit, 39 male police officers and 15 female police officers (hereinafter, the police officers) were employed at the PS. According to the classification of posts, more posts have been foreseen, but they cannot be filled. As explained by the commander, this is quite a problem which is the most evident (over)burden on the employees. This can be observed in particular during various sporting and other events which are frequent in the area covered by

VARUH ČLOVEKOVIH PRAVIC RS

DUNAJSKA 56, 1109 LJUBLJANA TELEFON: +386 1 47 500 50 FAKS: +386 1 47 500 40
BREZPLAČNI TELEFONSKI KLIC IN INFORMACIJE: 080 15 30 E-MAIL: INFO@VARUH-RS.SI

WWW.VARUH-RS.SI

the PS. Otherwise, no other issues were identified relating to our questions on the material conditions under which the police officers at the PS work (sanitary facilities for the police officers are separated from those for clients, showers are provided, etc.).

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