



HELSINKI COMMITTEE FOR HUMAN RIGHTS IN SERBIA

# Prisons in Serbia

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**Monitoring of the prison system reform**

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PRISONS IN SERBIA, FEBRUARY – MARCH 2010  
An initial overview of the progress  
made in the reform of the prison system

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# Introductory Remarks

Improvement of the penal system preconditions the establishment of a safer and saner society and is a major aspect of Serbia's undergoing judiciary reform. In the context of human security, this segment of the judiciary reform is the more so significant since it directly relates to global processes and international law.

At the same time, treatment of persons deprived of their liberty is regulated under a number of laws and regulations, conventions and other documents stemming not only from domestic and international legislation but also from the concept of human rights.

With this in mind, the Helsinki Committee for Human Rights has been engaged in prison monitoring ever since 2002. To start with, the organization worked on a one-year project focusing thirteen prison institutions and then, in the period 2003-2006, implemented a three-year regional program "Prevention of Torture: Support to the Rehabilitation of Victims of Torture" of continued fact-finding missions to all prisons in Serbia.<sup>1</sup>

Since 2002 till today, the state has taken some concrete steps towards the reform of the prison system and, as of lately, in other domains of judiciary as well. Though Serbia's judicial system as a whole still functions incoherently and incompletely, one cannot ignore the fact that many laws that have been adopted are crucial not only for this domain but for the entire society.

In addition to the strategy for the reform of the prison system developed at the level of the Central Prison Administration, a major progress has been made with the passing of the so-called Law on the Execution of Criminal Sentences<sup>2</sup> and the Law on Juvenile Offenders and Legal Protection of Juveniles.<sup>3</sup> Besides, in 2009 the parliament adopted the Law on Imprisonment for Organized Crime.<sup>4</sup> It could be said, therefore, that the issue of incarceration has been rounded off at least at legislative level. Further, the adopted bylaws and the fact that the Ministry of Justice and the Central Prison Administration are open to contemporary approaches and standards lead to the conclusion that Serbia's prison system has been significantly improved.

In order to verify this assumption, the Helsinki Committee singled out two prison institutions for a follow-up progress report on the prison system reform. One was the Juvenile Reformatory in Valjevo, as the only institution of the type in Serbia, and the other the District Prison in Leskovac where a big corruption scandal broke in late 2009. Given that objective circumstances – such as architecture, location, etc. – have been detailed in earlier reports, the two fact-finding missions were mostly focused on changes and, notably, on the problems that persist despite or because of reform moves made.

The rise of juvenile delinquency in Serbia is disturbing. Other forms of delinquent behavior and violence among children population alert of the society's incompetence in coping with these problems. On the other hand, prison overcrowding is a longstanding problem and incarceration – as an ultimate measure of punishment – neither protects the society nor contributes

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1 Publications and reports stemming from these projects are available at:

<http://www.helsinki.org.yu/serbian/doc/sveske17.pdf>

<http://www.helsinki.org.yu/serbian/doc/Zatvori%20u%20Srbiji%202002-2003.pdf>

<http://www.helsinki.org.yu/serbian/doc/Zatvori%20u%20Srbiji%202004-2005.pdf>

2 Official Gazette of the Republic of Serbia, No. 85/05 and 72/09 (amendments)

3 Ibid., No. 85/05

4 Ibid., No. 72/09

to prisoners' resocialization. The situation is the more complex when one takes into account the vulnerability and specific needs of juvenile population. For all these reasons, a follow-up monitoring of the Juvenile Reformatory in Valjevo was imperative.

In late 2009 the general public was shocked with the developments in the Leskovac District Prison. The situation in the prison culminated in September 2009 when an unidentified perpetrator walked into the open section and shot a prisoner into his leg. According to the media, the perpetrator could have been either an inmate or an outsider. Then, a former prison officer sent the Central Prison Administration a video-tape showing a security guard "intervening" into a fight in one of the prison pavilions. Precisely, the guard was using excessive force against several prisoners who were no longer posing a security threat. As it came out, there have been no regulations against such situations. Later on, cases of corruption were detected during an unannounced inspection by officials of the Central Prison Administration. Consequently, the prison director, the head of the security service, one educator and a number of security officers were deposed. At the time the Helsinki Committee's team visited this institution, criminal proceedings against fourteen officers were underway.

Along with the fact that other prison institutions are also faced, more or less, with such problems, this is mostly why we opted for another fact-finding mission to the Valjevo District Prison. We wanted to gain an insight into possible changes in the attitudes by both personnel and prisoners at this sensitive moment.

Unlike on earlier occasions, this time our visits to prisons were planned at two days. This made it possible for us to interview more persons deprived of their liberty and inspect functioning of some prison services in more detail.

We conducted interviews, toured all the sections of the two institutions, managed to analyze some records kept by services, as well as to discern respect for or departures from existing legislation. While inspecting particular aspects of prison life, we relied on relevant laws of the Republic of Serbia, CPT standards, international human rights documents and instruments dealing with juveniles (Convention on the Rights of the Child and its Optional Protocol, UN Minimal Rules for the Administration of Juvenile Justice /Beijing Rules/, UN Guidelines for the Prevention of Juvenile Delinquency /Riyadh Rules/ and UN Rules for the Protection of Juveniles Deprived of their Liberty).

The Helsinki Committee for Human Rights in Serbia takes this opportunity to thank the Central Prison Administration, the Ministry of Justice, prison directors, institutional personnel and prisoners for their cooperation in and understanding for the project and members on the team.

# Summary

As all the earlier reports by the Helsinki Committee for Human Rights in Serbia have been taken as relevant and objective, we used the same, time-tested methodology and scrutinized the same aspects of prison life while monitoring the Juvenile Reformatory in Valjevo and the District Prison in Leskovac. These aspects relate to living conditions (buildings and grounds, sanitary installations and hygiene, equipment, food and healthcare), security, legality of treatment, social resettlement, contact with the outside world and institutional personnel. In our view, these are the dimensions that reflect all the elements of significance for a human rights non-governmental organization. On the other hand, a standardized methodology facilitates detection of most pressing problems on the one hand, and the changes for worse or for better on the other. This summary outlines characteristics of each monitored aspect, whereas detailed observations are presented in the reports below.

**LIVING CONDITIONS** – Overcrowding and changed structure of prison population characterize all detention institutions in Serbia, including the Valjevo Juvenile Reformatory and, in particular, the Leskovac District Prison. Overcrowding plagues not only dormitories but also other premises available to prisoners (living quarters, recreation halls, etc.) Though some investments have been made in the past couple of years – to renovate sanitary installations, repair roofs, etc. – prison facilities are still in very bad shape. General hygiene is far from adequate, mostly due to high fluctuation of prisoners and decayed buildings. Both prisons are also poorly furnished and inadequately equipped with bedclothes, mattresses, etc. The quality of food in the Valjevo institution is adequate and the meals served to prisoners are not uniform. However, this aspect is rather problematic in the Leskovac institution. Milk and milk products, fresh fruits and sweets are rarely on menus in both institutions. Medical services are also better in the juvenile prison. Both institutions, however, are coping with large numbers of prisoners dependent on psychoactive substances.

**SECURITY** – This aspect is in itself problematic in all total institutions. Increased number of prisoners has made the security situation even more complex. Despite the fact that they are the biggest in both prisons, security services are actually understaffed. Various equipment such as metal detectors or video surveillance systems do make it easier for security officers to perform their duties, but cannot compensate other shortcomings. The problem of ‘prison gangs’ that plagues the Valjevo institution is not that serious in the Leskovac one. According to records and interviews, security officers are not assaulted by prisoners but cases of intra-prisoner violence are frequent.

**LEGALITY OF TREATMENT** – Objective circumstances in which the two institutions operate more or less result in illegal treatments. Adequate categorization and the respect for law are hardly possible with such large numbers of prisoners, which, in turn, open the door to “legally justified” misconduct. The changed structure of prison population in Valjevo has practically changed the function of this juvenile prison. The situation in the so-called wards under intensified surveillance is questionable in both institutions. Prisoners are still not adequately informed about their rights and duties though circulation of such information is better than before. Consequently,

prisoners cannot get proper legal aid, while their grievances are not always processed legally. Suspected corruption and other misconduct are usual in any prison environment – however, the number of initiated proceedings and disciplinary measures taken against officers testify that corruption and misconduct are the realities of these two institutions.

**SOCIAL RESETTLEMENT** – For all the above-mentioned reasons pre-release programs and activities meant to assist prisoners’ reintegration into the outside community are rather inadequate and ineffective. In addition, prison officers in charge of reeducation are not professionally capacitated enough, financial and technical preconditions are bad, system flaws have not been removed yet, and state authorities did little to encourage cooperation between prisons and socioeconomic factors in the outside community.

**CONTACT WITH THE OUTSIDE WORLD** – Generally speaking, this is the best aspect in both institutions. Prisoners have no complaints against the communication with the outside community, as provided under the law, or against privileges and benefits dealing with leaves of absence from prison institutions. The interviewed prison officers say their communication with prisoners’ families and relevant governmental institutions was good. However, the team assesses this cooperation as inadequate, too formal and actually inefficient notably when it comes to juveniles.

**INSTITUTIONAL PERSONNEL** – With such numbers of prisoners the two institutions cater for, all services are actually understaffed and the officers working for them inadequately qualified for dealing with prison population. Difficult working environments and stressful work conditions, and the presence of corruption and nepotism, negatively affect intra-personnel relations and further complicate the anyway huge problems these institutions have to cope with on everyday basis. As the relations between different services are not clearly defined, responsibility for wrong decisions and inadequate assessments is similarly veiled. Such general climate negatively affects the exercise of prisoners’ rights but also makes manipulation possible for them. For their part, prison officers are also often deprived of many rights, mostly those stemming from labor relations. Both prison institutions are managed by acting directors. Despite good results they have achieved for rather short periods in office, the two will not be appointed directors as they work in this capacity for other prison institutions. Both prisons need to urgently solve the problem of their cadres.

# Juvenile Reformatory, Valjevo

Date of the visit:	February 25-26, 2010
Type of the institution:	closed
Population:	men/juveniles and adults
Accommodation capacity:	250
No. of prisoners under sentence:	240
No of prisoners awaiting trial:	65

## I – LIVING CONDITIONS

### a) Buildings and grounds, equipment, ventilation and lighting, sanitary conditions and hygiene

Buildings, installations and equipment still leave bad impression on a visitor. The investments in the institution have been sporadic and made only when unavoidable – as in the case of plumbing and sewers that were renovated in 2005. Later on, some bathrooms have been reconstructed as well, and floors partially replaced. But, all in all, little has been done to improve prisoners' accommodation, and mostly because of chronic lack of funds for the purpose. Overcrowding still plagues some sections of the institution – not only the number of prisoners has grown, but the overall structure of prison population has changed. Living conditions in some dormitories are almost unbearable.

Situation is much better in the facility accommodating prisoners under semi-open and open treatment. Rooms, corridors and other premises are bigger here and have better ventilation and lighting. However, the facility itself accommodates the smallest portion of the prison population. Most prisoners are accommodated in the closed wing where only the section set aside for juveniles is spacious enough and is even decorated with some pictures, here and there. But, generally speaking, dormitories, living quarters and other premises are poorly equipped and furnished everywhere, all of which gives an impression of rather depressive and dehumanized ambience.

The situation in the so-called ward under intensified surveillance /OPN/ is still the most problematic of all. The ward includes five rooms of 15 square meters each, accommodating 22 prisoners. All the rooms are dark, humid and poorly ventilated. The adjacent toilets, doors and window frames are in critical state and call for urgent renovation. The surrounding yard is tiny, without greenery, benches or any other recreational facility. Prisoners are allowed to spend one hour daily in such dreary surroundings in the open air. The only phone booth is available in the office occupied by a security guard on duty. Prisoners are allowed to make 10-minute phone calls once a week. Seven solitary cells in the same building were empty at the time of the team's visit. There is also one three-bed room for juveniles. The high-placed windows are too small to allow sufficient entry of fresh air and daylight, whereas artificial lighting is poor and hardly serves its purpose.

The team noted that some prisoners were provided notably good living conditions. One of these rooms looks like a hotel room and is in stark contrast to the rest of accommodation facilities: it is freshly painted, bedclothes are made of finest fabric, windows are draped and there



are high-tech electronic devices (LCD TV, DVD player, Sony play station, etc.). True, the house rules provide that prisoners may bring in their TV sets and other technical devices. Nevertheless, the team takes that the management should make sure that no one exceeds that right to the extent that discriminates other prisoners. Many interviewed prisoners complained of double standards and privileges for “the chosen.” On the other hand, the team takes that the management and personnel are not the only ones to blame for discriminative treatment and living conditions – it is also on the Ministry of Justice and the Central Prison Administration to prevent such obviously illegal influence by “powerful” individuals.

### **b) Kitchen, mess hall and food**

The overall situation of the kitchen has not changed in the past four years. Namely, the kitchen is kept rather clean and has all the necessary appliances. Three cooks prepare meals with the assistance of 6-8 prisoners. They all undergo personal sanitary examinations in regular intervals. Food samples are kept in a fridge for 24 hours.

A hole in the mess hall ceiling the team noted last time has been repaired in the meantime. However, the problematic bathroom in the in-patient ward has not been repaired yet so that patients are still not using it to avoid leakage in the mess hall. Apart from this major repair on the floor above it, the mess hall needs a fresh coat of paint and its floor needs to be replaced.

When referring to the quality and sizes of their meals, some prisoners said they were satisfactory, whereas the other claimed them deplorable at least. But they all agree when it comes to fresh fruits: fresh fruits are almost never on their menus. Some said they were rather surprised on the day of the team’s visit when they were served apples after lunch. The prisoners in OPN complained the most of meals. However, generally speaking, most prisoners are satisfied with the meals they get. They remarked as one that in the past month they were getting tea with all their meals instead of yoghurt. Cakes and sweets are served on major holidays only. Special diets are prepared for Muslims, as well as for Eastern Orthodox believers on fast days.

### **c) Medical care**

At the time of the team’s visit the medical service recruited two doctors – one general practitioner and the other specializing in psychiatry – and three medical technicians. Technicians work shifts and are present on the premises from 7 in the morning till 9 in the evening, and one is always available on call at night. So organized medical service provides care round the clock. Medical officers are also fully in charge of distributing medicaments. A dentist is engaged by contract and comes to the institution twice a week.

All juveniles and other prisoners are medically examined upon admission and have medical records opened. Unfortunately, for financial reasons newly arrived prisoners are no longer tested for hepatitis B and C and for AIDS. The team takes it necessary that such tests are resumed at least for all juveniles and, whenever deemed so by doctors, on the grounds of anamnestic records. It is regrettable that a model of good practice – singled out as such in all previous reports – has been abandoned for financial reasons.

The premises used by the medical service have been partially renovated. The problem of sanitary installations has not been solved yet. Therefore, patients have to go to other wards to use bathrooms. Such practice is rather problematic, the more so since some juveniles in the in-patient ward are with serious health problems.

Medical records are still kept conscientiously and in detail, providing information about all medical interventions and therapies. According to these records, 3,392 medical examinations were conducted in the institution's out-patient ward in 2009 (plus 3,289 medically examined detainees), and 765 dental services provided. Twenty-two dental services were provided by medical centers in the outside community. To be examined by specialists prisoners are usually sent to the Valjevo Hospital or the Special Prison Hospital in Belgrade: records show that in 2009 there were 48 surgical, 24 psychiatric, 40 orthopedic, 12 internal medicine, 9 neurological, 11 dermatologic, 10 ophthalmologic and 25 otorhynolaryngological examinations and treatments. The local ER center provided 42 services. At the time of the team's visit, 6 prisoners were hospitalized in the medical centers in the outside community, and 22 in the Special Prison Hospital. The team found 178 juveniles hospitalized in the institution's in-patient ward. The team was told that, apart from those who were sick, some juveniles without health problems were often placed in the in-patient ward, mostly for security reasons. In the team's view, such solution is not fully justified and should not be turned into practice.

A high percentage of juveniles are dependent on psychoactive substances. The institution provides methadone therapy to the juveniles under it before admission. Judging by the number of psychiatric examinations in 2009, one cannot but conclude that drug dependent population is not systematically treated.

As referred to in the paragraphs above, a dentist visits the institution twice a week. He provides all types of dental services except for prosthodontic. However, he cannot treat more than 10 patients per visit – as there are only 10 sterilized dental kits.

The reformatory was among the few prison institutions with tidily kept records on injuries. The team was pleased to see that this good practice was still in place. Apart from being registered in personal medical records, information about injuries are kept in a special file and, as of recently, classified by origin (e.g. occupational, sports, inter-prisoner conflicts, self-mutilation, etc.). Accordingly, there were 29 injuries in 2009 – 10 cuts, 4 broken bones, 1 stab and 14 bruises – and 12 as of the beginning of 2010: 1 was inflicted outside the institution, there were 5 cases of self-mutilation, 1 sports injury, 1 inflicted in a fight, 1 unidentified and 3 occupational. In 2009, there were 17 cases of self-mutilation (9 slashed wrists, 5 swallowed objects, 1 self-poisoning, etc.). There was also one suicidal attempt by hanging. The team hopes that non-existent information about the injuries resulting from the excessive use of force testifies that there were no such injuries at all. Deliberate failure to have such injuries registered is a serious omission indeed given that this type of information may reveal ill-treatment or torture, practices that institutions as this one must prevent at any cost. In 2009, there were as many as 155 hunger strikes – prisoners were mostly protesting against living conditions, whereas some went on hunger strike to protest against tardiness of courts of law.

At the time of the team's visit, one prisoner was with diabetes and on medication, 5 were diagnosed with hypertension, 13 with hepatitis C (21 had hepatitis C in 2009). None were with hepatitis B or HIV infection. The last TBC case was registered in 2007. Before confinement in solitary cells or isolated otherwise juveniles are medically examined and are only confined if

the doctor testifies that their state of health permits such measures. Medical officers check on a person punished by disciplinary measure on daily basis.

Healthcare education programs for juveniles and the personnel have been considerably improved since the last visit and mostly thanks to a new doctor. Lectures are delivered regularly and mostly deal with prevention against AIDS and other transmittable diseases. In parallel with the news about the outbreak of AH1N1 flu, a lecture on it was organized for prisoners, who were also given the opportunity to get inoculated against it (78 prisoners applied for vaccination). The medical service also prepared itself for a possible epidemic. One room was set aside to be used as quarantine.

Regretfully, medical officers have not attended any course of in-service training since 2008. This is a serious failure, the more so since as of 2010 doctors and medical technicians are obliged to collect points in continued professional education to renew their licenses. The management, therefore, should organize such courses, particularly in prison pathology.

The medical service also controls the food served to prisoners and its preparation. In 2009, it conducted 59 sanitary examinations.

The medical service is an integral part of the multidisciplinary (medical-psychosocial) healthcare program aimed at incorporating the protection of juveniles' health into a comprehensive and continued network of support and therapy. The initial results of psychotherapeutic treatment in the institution are positive so far. The team hopes the treatment would include the entire juvenile population in the prison and result in data to be analyzed and used in drafting most appropriate plans for further work.

There were no major complaints about medical services. Only a few juveniles complained against dental services. More precisely, they were dissatisfied with having their teeth treated without local anesthetic.

## **RECOMMENDATIONS**

- The prison management needs to secure funds necessary for a step-by-step renovation all sections and premises in the institution, starting from priorities; sanitary installations in the in-patient ward need to be urgently repaired; the same refers to bathrooms and toilets in the closed ward and OPN;
- The ventilation system and artificial lightening in solitary cells and OPN call for urgent adjustment to normal living standards;
- The recreational area surrounding OPN needs to be replenished with greenery and sports utilities;
- The quality of meals needs to be improved, notably in terms of milk products, fresh fruits and the food rich with carbohydrates;
- The good practice of educational programs in healthcare and continued circulation of relevant information needs to be continued, particularly focusing drug abuse and transmittable diseases;
- The medical service needs to be actively involved in the multidisciplinary treatment of juveniles;

- Continued in-service courses of training for medical officers need to be resumed;
- The good practice of registering all medical information, particularly those related to injuries, needs to be continued;
- Screening tests for HIV and hepatitis B and C need to be resumed, at least to some extent.

## II – SECURITY

The statistics about offenses, divided into 14 types, is rather blurred and provides poor insight. Namely, in 2009 most cases were classified under *disobedience* (71) and *assault against convicted persons* (52). The general category titled as *the rest* included 74 offenses. Obviously, the records on the types of offenses must be more specific – for, say, *disobedience* is a rather loose term that hardly defines the kind of behavior in question. Likewise, the term *assault against convicted persons* is rather confusing, whereas there is not a single case filed under the category *fight*. Further, the statistics show that there were 6 conflicts involving the total of 28 persons deprived of their liberty. The security service submits detailed memos on all offenses to educators and the prison director. On the grounds of these memos the latter decide on disciplinary measures or modification of treatment. Such bureaucratized statistics and procedures, characteristic of the state administration, practically have no purpose at all. The state’s disinterestedness in prison and prisoners results in inefficient prevention and a large number of recidivists. The problem is the more so serious as it affects juvenile population.<sup>1</sup>

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As referred to in earlier prison monitoring reports, powerful “prison gangs” pose serious problem to the treatment of juveniles. Prison officers admit they could hardly control them and prevent fights, conflicts and self-mutilations stemming from their activity. Generally, existence of such informal groups is unavoidable in any closed institution. In addition, young persons, delinquents in particular, are prone to belonging to “a group,” which plays into the hands of such “authorities.” On the other hand, the control over these informal groups, their sizes and power cannot obviously boil down to isolation of those identified as gang leaders in an institution, while any compromise with them borders on dangerous and illegal action. So far, transfer of certain juveniles to other institutions for security reasons or their isolation in OPN has proved to be inefficient and counterproductive in some cases. The team’s experience in prison monitoring indicates that the entire penal system has not been so planned to cope with this problem. Evidently, by far more adequate solutions need to be found for juvenile delinquents. To all appearances, the management of the Reformatory in Valjevo has never even tried to apply some other methods but has been sticking to its routine for decades.

In 2009, one escape and three attempted escapes were registered. At the time of the team’s visit, two prisoners are on the run and the police were looking for them. According to the acting director, escapes are rather infrequent despite the fact that the security service often

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<sup>1</sup> Inconsistent policy for the young with behavioral disorders is detailed in the Helsinki Committee’s report on the situation in social care institutions catering for children and youth without parental care and with behavioral disorders, available at <http://www.helsinki.org.yu/serbian/doc/Ljudi%20Na%20Margini%20-%20203.pdf>

turns to be understaffed (93 security officers), which depends on the structure of the prison population. Only 20 officers working in a shift are in charge of over 250 prisoners and detainees, and control surroundings. And yet, the head of the security service says that no officer has been assaulted by prisoners in the past 10 years. Such success is to be ascribed to proper prevention and competent assessment of intra-prisoners relations, he explains.

On the other hand, mobile phones and drugs are still smuggled in and side arms are still made in workshops. So, there are obvious flaws in the security system. Not long ago, the reformatory was given funds to reallocate workshops in a specially closed area and thus improve security situation. Presently, workshops are located in the inner yard where prisoners move without control and are in the position to take out all sorts of metal objects that can be used as blades. Besides, a metal detector has been placed recently at the entrance of the closed ward. According to some interviewed prisoners, however, some officers allow them to take in knives or other edged tools because they “trust them” when they say they will use these tools for peeling fruits, cutting plants, etc. The head of the security service denies such claims. However, he takes that installation of video surveillance would considerably improve the security situation.

Asked about searches of one’s person and rooms, the interviewed juveniles mostly say that the procedure depends on the officer in charge. “Some officers are fair, while others behave arrogantly,” they say.

## **RECOMMENDATIONS**

- New models and programs for elimination, alleviation and prevention of “informal systems” within prison population need to be created; in this context, specific causes need to be identified and counteracted by multidisciplinary and systematic actions by relevant authorities at all levels;
- The Ministry of Justice, the Central Prison Administration and other institutions dealing with juvenile offenders (courts of law, prosecution offices, social care centers and other ministries) need to establish an efficient and functional system of cooperation so as to truly monitor the development of a delinquent rather than just bureaucratically report his behavior;
- Functioning of the security system and relations between prison officers and prisoners need to be constantly scrutinized; respect for existing procedures and rules needs to be strengthened;
- Video surveillance needs to be urgently installed.

### III – LEGALITY OF TREATMENT

The problems in this aspect of prison life are more or less the same as noted in earlier monitoring reports – though in some periods they seem less and in some more pronounced. The number of persons sentenced to juvenile prison makes only some 15 percent of total population in the institution (40:240). Persons sentenced for the first time before turning 23 and adult recidivists sentenced by higher courts in Uzice and Valjevo to up to one-year imprisonment (some 70 prisoners) serve their time in the institution side by side. Such practice makes it harder for prison officers to consequently respect the rights of juveniles and adult prisoners. Certain problems directly stem from these circumstances – e.g. juveniles and adults share rooms because the reformatory has not enough adequate facilities, educational groups in open and semi-open wards are mixed (juveniles and adults), etc. Despite the fact that overcrowding has become a chronic problem, so changed population structure in the institution is impermissible and seriously affects educational treatment of juveniles and young adults. It was not easy for the team, therefore, to scrutinize all aspects by taking simultaneously into consideration the Law on Juvenile Offenders and the Law on Execution of Criminal Sanctions, the more so since this is the only prison institution in the country solely focused on juvenile delinquents.

The adoption of the new Law on Criminal Sanctions and the law regulating punishment to juvenile prison made the adoption of relevant bylaws and house rule possible at long last. Although all these regulations contribute to legality of treatment and clearly define many aspects of imprisonment, their implementation is still not adequate in all segments. All the interviewed prisoners said they were informed about house rules on admission but later on never had the opportunity to learn about their rights and duties during imprisonment. Copies of house rules are not displayed and available to everyone. Apart from house rules, the institution has adopted the rules on disciplinary measures against prisoners. A prisoner can learn about his rights only in library (if there is a copy or rules at all) or from the head of administrative department.

The deputy head of the administrative department provides legal aid to prisoners if necessary, helps them to file for probation, ask for benefits, write complaints, etc. On the other hand, the same person chairs the disciplinary commission deciding on disciplinary measures against prisoners and their appeals and complaints. That is an inadequate solution, the more so since it involves conflict of interest.

At the team's suggestion made over the last visit, the management has placed a letter-box for prisoners' appeals and complaints. Only three persons have a key to the box – the prison director, the head of the administrative department and his deputy.

Though all the interviewed prisoners claimed they knew their rights and duties, more detailed discussion of grievance and appeal procedures and the records of the administrative department revealed that the prisoners are rather unaware of their legally guaranteed rights and procedures for their exercise. Some remarked that complaints were "of no avail" or that it was hard to get to see the prison director.

Respect for the provisions dealing with OPN is notably problematic. Some prisoners are frequently placed in this ward for periods of more than one year and are thus deprived of the opportunity to engage in everyday activities. One prisoner has been there for 37 months (he is sentenced to 41-month imprisonment). Besides, one of the two prisoners from the so-called Wehabi group says he has been placed there ever since admission. The management justifies the practice with security reasons – and that means that young persons the team interviewed will

spend their entire sentence in this ward (though none of them has ever broken any rule). OPN is not only misused but living conditions in it are such that make longer stays detrimental to prisoners' psychological and physical health.

The disciplinary commission decides whether disciplinary measures should be cancelled or prolonged. The security service – the head of which is a member of the commission – presents reasons for prolongation of disciplinary measures. So it happens that OPN disciplinary measure can be prolonged endlessly to maintain law and order in the institution, whereas the prisoners in this ward are deprived of elementary rights guaranteed by the law such as the right to work, elementary and secondary education, and other vocational trainings. The management does not keep records on prisoners' complaints against such disciplinary measures. In the OPN corridor the team noticed a letterbox labeled "Ombudsman." People in the legal department admit they are not exactly punctual when it comes to prisoners' complaints – "The entire administration and other procedures in the institution are slow-paced," they say. Prisoners often do not file complaints against prolonged disciplinary measure in due time because they are unaware of deadlines or are misinformed by their educators. This only testifies that educators themselves are not informed about regulations and cannot provide legal aid.

Statistics about the use of instruments of restraint are not kept by the administrative department but by the security service. These statistics are presented to the prison director and the educational service. In 2009, instruments of restraint were used on 18 occasions (rubber truncheons 13 times, physical restraint 4 times and firearms once as a warning).

Since the team's last visit, one disciplinary procedure has been instituted against two security officers for providing false addresses and smuggling in drugs. Also, three disciplinary procedures have been instituted against three security officers when a prisoner tried to escape.

When compared with earlier interviews, prison officers now spoke more openly about corruption. The interviewed prisoners referred to corruption when it came to allocation of treatment and workplaces. To eliminate corruption it is necessary to identify its causes to start with and then to reconsider organizational arrangements, inter-personnel relations and task and duties of all services. Besides, to prevent corruption and misconduct, one should take into consideration objective circumstances such as architectural conditions, finances, criteria for and procedures of punishment and awards, etc.

Employees of the administrative department do not attend courses of in-service training, do not read any professional literature to improve their competence and do not take into account international conventions. Such situation is characteristic of almost all governmental institutions. However, administrative/legal departments must demonstrate more agility for existing legislation rather than implement rules only when ordered to by the prison director of the relevant ministry.

## **RECOMMENDATIONS**

- Legal provisions, notably those regulating placement in OPN and the procedures for filing complaints and grievances, need to be consequently implemented;
- Laws and bylaws detailing prisoners' rights and duties need to be available to them at all times, and presented to them understandably;
- Punctuality of the administrative department needs to be improved, as well as its cooperation with the security service and the reeducation service.

#### IV – SOCIAL RESETTLEMENT

Monitoring of this aspect of juvenile imprisonment implied an insight into the possibilities for education and vocational training, organization of recreational activities, types of psychosocial and pedagogic treatment and pre-release programs.

Juveniles are firstly placed in the admission department for a period up to 30 days. There they undergo personality tests and are consequently allocated one of the educational groups. Juveniles and adult prisoners are classified by different criteria. Once they leave the admission department, they are sent to their groups organized by wards. Relevant decisions are made by the prison director at the suggestion from an expert team. The expert team includes all heads of departments and representatives of all services in the institution.

Six educators work in the closed section accommodating some 170 convicted persons. Two educators are in charge of two groups of some 10 juveniles each, one works with adult recidivists (about 50 persons), whereas three educators provide treatment to first offenders, aged up to 23, and divided in four groups (about 100 people all in all). There are two heterogeneous groups in the open/semi-open section led by two educators. Given that the ratio between the number of educators and the number of prisoners they work with is not the same in all groups, some prisoners have more opportunity to consult their educators, whereas others do not. However, none of the interviewed prisoners had any grudge against his educator. Whenever they need to see their educators, they can make appointment for the next day at the earliest, they said. Some said they rather talk with educators from other groups than with their “own.” This is mostly because, as they put it, their own educators are hardly capable of providing counsel for major issues such as probation, fresh offenses, etc. Asked whether they were getting any assistance in these matters from the employees in the administrative department, they all said they had never turned to them but sought lawyers instead.

Treatment mostly boils down to individual counseling. Group work is sporadic and usually applied only by certain educators who implement the activities planned and organized by a team for juveniles. The concept of a special team for juveniles has taken root in the institution. A psychotherapist was engaged on full-time basis for the purpose. The team assumes that the management has opted for a psychotherapist because of specificities of the target group – the need for continued and intensive psychosocial support to juvenile population. The team for juveniles is composed of the same people as the expert team, plus the psychotherapist. Once a juvenile leaves the admission department, the team monitors his behavior for another three months and then makes for him an individualized treatment program.

According to the psychotherapist, a fundamental novelty introduced in the institution was family therapy. Recently, some employees – mostly members of the expert team – have attended courses of training in systematic family therapy. Their additional professional competence is surely of major significance for juveniles’ reeducation. Apart from group family therapies, the institution implements pre-release programs and some programs designed to develop juveniles’ social skills. The psychotherapist says he only sporadically uses his mediation skills though conflicts between juveniles do happen. The team was somewhat surprised by the information that as of 2006 – when the team for juveniles was established – only one group of 6 juveniles underwent the program for development of social skills. Therefore, one cannot but wonder what it is exactly that educators consider should be their duties. Are not the goals of



the team for juveniles included in their regular duties? One interviewed juvenile said, “These workshops are great, indeed. We have role-played. But then they sent me to OPN.”

Interviews with other prisoners testified that placement in OPN implies no activities at all, as well as that they were unaware of their rights. To illustrate the absence of any activity for the prisoners placed in OPN, here are some statements by officers from different services: “We have included them in educational programs but they are now in OPN. I can’t tell when they will resume schooling;” “We organize everything for them, they are doing their best and turn excellent workers. But then, they are transferred to OPN:” “How possibly can I organize any activity for them when they do not allow me in OPN? I need to ask for a special permit to get there.” According to the interviewed prisoners, stays in OPN are usually very long and even walks in the open do not meet minimal standards. At the time of the team’s visit OPN was full without a free place left. The team left under the impression that actual accommodation capacity of OPN was perceived by many as a major problem.

The educational structure of juvenile population still testifies that many of them need to be given the opportunity for secondary school education – 66 of them have finished elementary schools and 18 have begun their secondary education prior to imprisonment. The number of juveniles who have not even finished elementary schools is far from being negligible (52). Unfortunately, like in earlier periods, the statistics about the juveniles included in educational process is devastating. Out of the total number of those who need to continue their education only some 20 percent or less attends school. Presently, 50 percent of juveniles who have not finished elementary school attend classes. Only three juveniles have been given the opportunity to resume their secondary school education. The management has solved the earlier problem of elementary education for juveniles by signing an agreement with the school for adults in Obrenovac, which now organizes classes in the institutions and issues regular diplomas. Asked how come that all juveniles who need to finish elementary education are not included in schooling, relevant officers quote circumstances that mostly relate to duration of imprisonment. “They cannot finish elementary school because the periods to which they have been sentenced do not coincide with school terms,” they say. They also explain that, no matter how hard they try, some juveniles are simply not motivated for schooling, whereas a smaller percentage of them are intellectually disabled. No matter how small percentage of intellectually disabled juveniles might be, there is no doubt that this institution and similar ones must plan for them adequate education and vocational training.

The problem with secondary school education is by far more serious. For a minor percentage of those not included in secondary schooling officers quote the same reasons as for those not attending elementary school – duration of sentences, intellectual capacities, disinterestedness, etc. On the other hand, some problems can be solved, this way or another, or at least some attempt at solving them should be made. Namely, sticking to one criterion seems to exclude some other. For instance, respect for prisoners’ right to education of choice cannot be interpreted literally. Only under most ideal circumstances, any juvenile would be in the position to resume schooling interrupted by imprisonment. True, juveniles are entitled to schooling in the outside community. However, vocational schools in Valjevo are few and hardly provide training for various trades. But, even should there be more schools in the town, the problem is that only the juveniles placed under open and semi-open treatment may attend schools in the outside community – and they are really few. Usually, juveniles spend most of the time to which they

have been sentenced in the closed section. Under the law, they are not entitled to schooling in the outside community.

All these circumstances boil down juveniles' education to vocational training in three trades: carpenter, locksmith and metalworker. And yet, these trainings do not sufficiently qualify them for adequate diplomas. They are not provided theoretical knowledge of the three vocations but just taught elementary practical skills for not more than a month. After that the training and employment service engages them in workshops where they further practice their skills. According to interviewed officers, talented juveniles who seem to be interested in their trades are given the opportunity to obtain certificates for qualified workers. Namely, under the agreement the education center has signed with Artisans' Association in Nis, juveniles take exams before a special commission, which issues certificates to those who pass. As they cannot opt for some other trades, juveniles choose one of the three available. However, they say that there are trades that require not much investment but are more lucrative in the outside community. They refer to the trades such as electrician, waiter, cook, baker and the like. Judging by all monitoring reports since 2002, the problem of juveniles' schooling has not been solved yet as it should be, though it cannot be said that the institution totally ignored the issue, on the contrary.

Prison labor is closely connected with juveniles' schooling. It would be only logical to expect the trades they are taught to be adjusted to the possibilities for their prison work. The training and employment service is organized and functions in the same way as described in the previous report. Juveniles are engaged as metalworkers, locksmiths and carpenters in available workshops. Manufacture of aluminum and PVC window frames is the only novelty. According to the service officers, technologies have been somewhat improved but are still far from modern. At the time of the team's visit some 80 prisoners were engaged in the workshops, 20 in agricultural work, 10 on various jobs outside the institution and 13 on maintenance. One cannot but assume that juveniles would be more motivated for schooling and prison work should better curricula and more interesting jobs be available to them. This is testified by the fact that they eagerly attend courses in computer literacy that are being organized in the institution. True, when they finish a course they are not entitled to relevant diplomas but only obtain certificates of completion. Nevertheless, this example is most telling about how creativity on the part of personnel may produce positive effects. Be it as it may, one cannot expect prison officers to solve the problem of juveniles' education – the problem is a complex one and calls for cooperation between all relevant ministries, including the society as a whole.

No doubt that quality recreational activities are major factors of the process of juveniles' reeducation. According to the interviewed prisoners and personnel alike, prisoners are provided opportunities that may satisfy all their recreational and cultural needs. Most activities are organized within the institution itself, while prisoners are taken to the outside community for a manifestation from time to time. Once a month music concerts are organized for them. Prison newspapers, issued at least twice a year, are edited and written for by prisoners and personnel alike. Painting colonies are staged traditionally and guest painters and juveniles paint side by side. Literary festivals in which prisoners from all institutions participate and the best are bestowed awards are also organized by tradition.

Literary, journalistic and music clubs work in the institution's cultural center. There are also separate premises where prisoners may watch TV or play chess, as well as hall for cultural events with gym in one corner. The institution also has tables for table tennis and sports

terrains in the open. Unfortunately, all these premises set aside for recreational activities are in rather deplorable state and equipment is old and dilapidated. According to prison officers, all prisoners without exception – from open and closed sections – may engage in any recreational activity they wish. On the other hand, the interviewed prisoners told somewhat different story. Times for recreation, choice of an activity, etc., are all set by informal inter-prisoner rules. “You even know to which group a bench belongs. You may not sit on it unless allowed. Or you may, if they are not present. Some dare not,” said a juvenile. Job classification envisages four officers in charge of recreational activities but only two are employed. Therefore, it is only logical that recreational activities cannot be organized and planned to fully serve their purpose.

Prisoners rarely go to the library. The books available there are inadequate and obsolete and, therefore, they are getting the books of their choice from their families, they told the team. Further, no one had any complaints about the exercise of religious rights. A prisoner may always see a priest at request. The institution has set aside a room for religious ceremonies.

### **RECOMMENDATIONS**

- The problem of vocational training for juveniles needs to be urgently solved;
- Courses available to the juveniles need to be adjusted to their needs and interests; modern teaching aids need to be secured and courses in foreign languages organized;
- The management needs to diversify prison labor so as to have all juveniles engaged in it;
- Technologies and tools need to be modernized;
- A more adequate room needs to be set aside for a gym and more facilities placed, the more so since juveniles are eager to exercise;
- Juveniles need to be included in the process of planning and organizing cultural and sports activities;
- The institution needs to establish cooperation with NGOs and other civil society organizations in accordance to juveniles’ preferences;
- The good practice of having courses in foreign languages needs to be continued and courses in computer literacy available to as many as possible juveniles.

## **V – CONTACT WITH THE OUTSIDE WORLD**

OPN and the closed section have one phone booth each. Prisoners are allowed to make 10-minute calls once a week. “They stand two meters from me but constantly comment my conversation. As I have to argue with them my time on telephone runs out just like that,” complained a juvenile.

No prisoner had any complaint about the right to correspondence.

The institution supplies prisoners with several sets of daily papers, which are then distributed to OPN, detention unit, library and the cultural center.

According to prison officers, cooperation with relevant social care centers is still problematic. Centers are minimally engaged in pre-release programs but have nothing to do with juveniles during their incarceration, they say. On the other hand, they take that cooperation with courts of law and medical centers is correct.

Cooperation with families is possible during visits. Whenever necessary, educators talk to families and, when it comes to juveniles, organize the above-mentioned group family therapies.

### **RECOMMENDATIONS**

- Cooperation between the institution and social care centers needs to be encouraged with a view to better preparing juveniles for social reintegration;
- The good practice of family therapies needs to be continued.

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## **VI – INSTITUTIONAL PERSONNEL**

The reeducation service recruits 20 persons, out of which 6 are engaged on part-time basis. By job classification they are assigned as follows: three work in admission department (sociologist, pedagogue and a psychologist); 8 educators (4 special pedagogues, 1 andragogue, 2 psychologists, 1 politicologist and 4 teachers) are in charge of reeducation (six work with the population in the closed section and two in the open); 4 educators (1 professor of technical sciences and informatics and 2 instructors, a carpenter and a locksmith) are tasked with training; 2 qualified coaches are in charge of recreational activities. The service also includes the psychotherapist, one administrative officer and a special pedagogue. Though some officers are with long careers, the great majority of them are younger people. Gender equality has been improved since the team’s last visit. Out of 20 officers, 6 are women. One of them works in the closed section and another is the head of the service. Women officers said they had no problems with prison population because of their sex. This piece of information speaks in favor of the thesis that women can perform the duties implying direct contact with prisoners.

Out of 27 people envisaged by job classification, the training and employment service recruits 21. The service has vacancies for 4 workshop instructors, one driver and one administrative clerk to communicate with the outside community. Almost all officers in the service are

with higher education, whereas the head of the service and an agricultural engineer are university graduates. They take prison work can be organized properly with the present number of instructors (9). Asked about work safety, they said there have been no major occupational injuries and that prisoners were never in touch with dangerous materials and machines. However, they drew the team's attention to the fact that the employees tasked with fire protection has been hardly showing for work for three years already. They have addressed higher authorities about the problem but no one bothered to react. They are mostly satisfied with the service's position within the institution and say their opinions about prisoners' work are always taken into consideration. They are dissatisfied with their paychecks, as well as with lower criteria for recruitment in the service. They take reforms necessary and say things were fine at the beginning. However, everything stopped when the moment came to have good ideas realized in everyday life. More precisely, they seem rather confused about the exact purpose of their service. "We need to know what matters more, training or profit. When we agree on a job we are responsible as contractors to have it finished properly. Therefore, I cannot afford losing best workers just because some have been assigned administrative work and others sent to OPN. We cannot have one goal for three months and then set some other. They must agree on the priorities," said an instructor. Officers said they have no problems with prison population – on the contrary, the latter respect them and they always discuss together the work to be accomplished. On the other hand, their job is stressful due to frequent intra-prisoner conflicts. Some said that after years of work in institutions as such some officers suffer from psychosomatic problems and had to go to sick leaves.

The security service presently recruits 93 officers and plans to engage another 15 on full-time basis. Most security officers take they are not paid adequately for their stressful duties or appreciated either by the state or their colleagues in other services. It should be noted that the security service truly copes with serious problems the Ministry must solve under summary procedure.

All in all, officers' responses to the questions about job satisfaction and social climate in the institution are not exactly positive. They take their jobs are highly stressful because of the changed structure of the prison population and increased number of juveniles sentenced for crimes, drug abusers and those with personality disorders. On the other hand, some officers are of the opinion that their problems stem from bad interpersonal relations in the institution. The sizes and power of prison gangs mirror the flaws of the institution itself, they say. A number of researches testify of high correlation between intrapersonal relations of prison staffs and psychosocial climate among juveniles. Some officers openly spoke about bribery and corruption in the institution. Mobile phones and psychoactive substances are not smuggled in only in packages sent to prisoners but by other means as well, they said. The interviewed prisoners confirmed that some inmates are privileged and that criteria are not the same for everyone. In 2009, two officers were suspended and another two fired at their colleagues' request.

Generally speaking, professional and personal capacities of prison officers are adequate only in the context of the level and type of their formal education. Situation has been somewhat improved when it comes to courses of in-service training. However, most officers are still not capacitated for various types of group work or application of modern methods. Some officers say the reason why they do not attend courses of in-service training is of financial nature, whereas others claim funds are always available but only for the privileged ones.

## **RECOMMENDATIONS**

- All officers need to be permanently encouraged to upgrade their knowledge and professional capacities by attending courses of in-service trainings, seminars, etc; the management needs to insist on the models of positive management, consequent treatment of prisoners and work efficiency;
- The vacancy of the prison director (to replace the acting one) needs urgently to be filled with a person competent enough to come to grips with evident problems in services' functioning and disturbed interpersonal relations.

# District Prison In Leskovac

Date of the visit:	March 9-10, 2010
Type of the institution:	semi-open
Population:	adult men
Accommodation capacity:	225
No. of prisoners under sentence:	257
No. of prisoners awaiting trial:	60

## I – LIVING CONDITIONS

### a) Buildings and grounds, equipment, ventilation and lighting, sanitary conditions and hygiene

Most changes observed since the team's last visit relate to or result from the number of institutionalized persons deprived of their liberty. The present number of prisoners by far exceeds the institution's accommodation capacity – overcrowding plagues almost all sections of the prison, rooms are piled with beds, new arrivals often sleep on floor in the admission department, one living room has been turned into dormitory, the number of toilets and showers is insufficient, etc. A wing of the closed section is still used as in-patient ward (the so-called pavilion II) and is overcrowded as well since there are more prisoners dependent on psychoactive substances (25 at this moment). Bunk beds are still in place, the same as in the so-called pavilion III. The latter apparently serves as a ward under intensified surveillance /OPN/ though not formally called so. Eight rooms of this pavilion presently accommodate 18 prisoners only, which makes it a highly desirable place to live in among the prison population of the closed section. Each room is furnished with four beds and has an adjacent toilet with running water. However, there are no washbasins but only pipes running above toilet bowls. Here the prisoners are allowed to bring in their own apparatuses. Situation is the worst in the pavilion I that has three dormitories only (two furnished with 10 beds each and one with 18 beds). To provide sleeping accommodation to everyone, the management has placed 8 beds in living quarters. At the time of the team's visit the pavilion housed total of 44 prisoners. Poor natural light and ventilation plague all the pavilions of the closed section. Walls, window frames and floors are in very bad shape. Lockers are still not available to every prisoner without exception. Bathrooms and toilets call for urgent renovation.

Living conditions are somewhat better in the building housing prisoners under semi-open and open treatment. All premises – rooms, corridors and bathrooms – are sizeable here, which makes prisoners feel better despite overcrowding. Ventilation and natural lighting are by far better than in the closed section. In principle, the same could be said about furniture. However, the rooms (on the first floor) and the living quarters (in the basement) are separated by barred doors that are locked almost the entire day. Prisoners, therefore, spend most of time in the living quarters that are also used as mess room. Things are somewhat better in summertime, when they may stay in the well-kept open yard instead of being surrounded by walls. The team left under the impression that barred doors with lockers have been placed to make things easier for prison officers. Such practice cannot but fall under ill-treatment.

Almost all interviewed prisoners complained about shortage of hot water and opportunity for maintenance proper personal hygiene. For instance, water is heated by two boilers only in the open section that houses 120 persons.

All areas in the open are with greenery, benches, recreational facilities and well-kept, and surveillance of them has been improved. It seems, however, that they are not fully used to serve their purpose.

### **b) Kitchen, mess hall and food**

This is a rather questionable aspect. The closed section still has no mess room and prisoners, therefore, have their meals in dormitories. They wash their dishes by themselves in a kind of closet, and then take them back to their rooms. Such practice is surely unhygienic. But the prisoners did not complain of it as much as they did of tardily emptied trashcans with leftover. Sometimes the stench from full trashcans is unbearable. And it is surely a source of transmittable diseases.

A poorly equipped central kitchen is located in the open/semi-open section. Its floor is ruined and adjacent storage disputably salubrious. The mess hall floor is also ruined and furniture dilapidated. As prisoners use it as living quarters, the air is stale and smoky and the place itself dirty.

Unlike last time, prisoners now had many complaints about the quality and sizes of their meals. Inspection of menus show that milk and milk products, fresh fruits, sweets, etc., are rarely served. A recently recruited young cook hardly copes with all supplies and preparation of the food for such large population. Four prisoners – all without the so-called sanitary booklets – are assigned as his assistance. They wear no proper uniforms and their personal hygiene seems rather problematic.

Supply of groceries is centralized – the Central Prison Administration calls tenders for suppliers for all prison institution in Serbia. During occasional problems in regular supply prisons are forced to reduce both the quality and sizes of meals served to prisoners. The Leskovac District Prison does have a farm of its own where it grows vegetables, but quantities produced can hardly meet the needs of such large prison population. Some suspect that certain products are illegally traded outside the institution. Whether or not such doubts are grounded, the fact remain that the prison faces huge problems at the times the supplies are insufficient, the problems that might easily provoke riots and endanger security.

### **c) Medical care**

The number of medical officers has been increased since the team's last visit. Actually, another two medical technicians have been recruited in the meantime, and that now totals three of them. One of new arrivals is engaged on full-time basis, while the other has been working by contract for three years in a row and helping the institution to cope with a large number of drug abusers. A psychiatrist is present on the premises twice a week. According to the management, the psychiatric volunteers and receives no remuneration for his services. As of 2006, a general practitioner has been working for the institution on full-time basis.



Though better capacitated in terms of medical officers, the medical service still works not round the clock. However, the lady physician is always available on call and there are no major problems in the cooperation with local ER and specialist departments of the local hospital. Some prisoners, however, complained that medical officers in the outside community often treat them in an inappropriate and degrading manner.

As of recently, the institution has been keeping specific records – about occupational injuries, amputated and methadone therapies, dependents on psychoactive substances, infective diseases, self-mutilation, suicides, etc. However, records about the injuries inflicted in inter-prisoner conflicts or by security officers are still not kept. So there is no telling about the number of light bodily injuries. There have not been serious injuries or suicidal attempts, said the management.

According to medical officers, they have made all the protocols by themselves since standardized documentation has not been developed yet. Namely, like all other prison officers, medical officers are actually the employees of the Ministry of Justice but their professional competence is under the control of the Ministry of Healthcare. So it happens that the Ministry of Justice insists on records it has not developed, while the Ministry of Healthcare finds these records inadequate and requires their adjustment to the protocols used in all other medical institutions. This is yet another proof of inadequate cooperation between the two ministries, the Helsinki Committee has been alerting of in all its reports so far.

Due to different treatments provided to prisoners, medical records are kept in three different places where prisoners are also medically examined.

Security officers are not present during medical examinations. If a prisoner refuses the therapy prescribed to him, he has to sign it in black and white. Such cases are rare, say medical officers, as they usually manage to persuade their patients that therapies are for their own good.

The in-patient ward is still well-organized. Drug abusers are separated from other patients – somatic and those with walking problems. Drug abusers on methadone therapy are also separated from the rest.

At the time of the team's visit four prisoners were with diabetes, 36 with cardiac problems, 27 with hepatitis C, 2 were HIV infected and 2 were diagnosed with schizophrenia (one is accommodated in the open section and the other in the closed). All in all, some 100 prisoners are dependent on psychoactive substances: 16 are alcoholics and 86 are addicted to narcotics.

As of 2008, the general physician and one medical technician have been delivering lectures on HIV prevention and infective diseases in penal institutions to their colleagues and security officers in other prisons. The two have attended a course of in-service training in this problematic and have been lecturing within the institution as well. Medical officers have also attended courses of in-service training in methadone therapy. Only the prisoners who have begun with this therapy before incarceration are getting it in the institution and are regularly controlled by specialists who have prescribed them in the first place. Presently, 21 prisoners are on methadone therapy and are taken for regular checkups to Nis and Leskovac. Methadone is administered only in the out-patient ward and in the presence of medical officers.

Other drug addicts cannot join the methadone program. They are treated with medications instead, with which the institution is adequately supplied. Some prisoners complained of such unequal treatment. The team takes that the Ministry of Healthcare should make relevant medical procedures available to all prisoners without exception.

Supplies of medicaments are ordered well in advance to cover the entire next year. The practice is hardly adequate when one bears in mind high fluctuation of the prison population. Orders should be made for shorter periods to satisfy the needs of various types of prison institutions. Given that the Leskovac District Prison mostly accommodates prisoners sentenced to a maximum one-year incarceration, medicaments should be ordered six months in advance at least so that the management needs not to buy drugs at open market for newcomers. The Special Prison Hospital approves all purchases of medicaments and it takes too long to get its approval. While waiting for a green light prison institutions are often forced to buy medicaments from their own sources. So what happens if a prison has no funds available when needed? Who will be responsible for the absence of medical treatment? All these are most serious questions that need to be addressed urgently through cooperation between ministries of justice and healthcare, and the Republican Bureau for Health Protection.

### **RECOMMENDATIONS**

- The problem of overcrowding needs to be addressed under summary procedure;
- The management needs to secure funds for reconstruction of the most ruined sections of the prison, while taking into account that construction of new prisons in Serbia in the period to come will somewhat unburden their accommodation capacity;
- Funds for renovation of the kitchen and mess hall, the closed section and some bathrooms and toilets need to be secured urgently;
- Pipes running over toilet bowls in the pavilion III need to be relocated to some more appropriate places;
- General hygiene needs to be improved, as well as salubrity of the kitchen and its staff;
- The quality of food needs to be improved;
- Lockers need to be made available to all prisoners without exception;
- Artificial lighting and ventilation need to be improved;
- Relevant ministries need to cooperate with a view to securing better healthcare for prisoners;
- Medical files and protocols need to be standardized for all institutions and to be adjusted to the specificity of prison population;
- Equipment in the out-patient ward needs to be upgraded in accordance with available funds;
- Bunk beds need to be removed from the in-patient ward.

## II – SECURITY

The statistics of offenses for 2009 shows that escapes and attempted escapes were most frequent (36 cases) and then came abused of psychoactive substances (29). Prison security obviously needed more measures of precaution. In context, the management has recently installed floodlights and a barbed wire fence. Such solution is not in keeping with regulations for the type of prison as this one, but seems to be unavoidable under the circumstances. It should be noted that the acting director perfectly copes with all the problems that were there when he was appointed. More importantly, prisoners themselves take him successful. Some even fear that “things would be as they used to be once he leaves.”

Human factor is obviously the weakest link in the context of security. The fact that so many prisoners escaped or tried to escape indicates bad assessment on the part of security officers and the expert team, but also possible bribery. Besides, the statistics about drug abusers (only those who have been detected) indicates to failures by all prison officers and not only security guards.

The statistics of intra-prisoner violence and conflicts (22), self-mutilation (12) and suicides shows a rather poor level of safety in the prison. In the team’s view, prison officers should take more precaution against such incidents rather than just punish for misbehavior. The statistics of disciplinary offenses shows that in 2009 disciplinary measures were taken against 227 prisoners (20 percent were punished by solitary confinement and some 60 percent by deprivation of benefits).

When a number of security officers were suspended, guards from other prisons were sent to help out the security service. Seven such officers were admitted at the time of the team’s visit. According to estimates, the service needs at least another 15-20 officers to be adequately staffed. The team was watching when a conveyance with a prisoner at the passenger seat broke down in the middle of the road and the prison had no other vehicle to send. The problem was solved only when colleagues from the Vranje prison sent their prison wagon. The case is illustrative of the problems prison managements have to cope with and indicates the extent to which security may be endangered unless the state provides funds for security issues. And that’s not the end of the story – the state’s attitude towards security officers in prison institutions is the one of total disregard: they are working under most stressful conditions, without proper uniforms, they work overtime, they are not properly medically protected or tested for stress, and they are meagerly paid for their jobs. No wonder, therefore, that corruption is widespread the same as excessive use of force.

And no wonder that all the above-mentioned problems negatively affect the treatment of prisoners. The measures taken against them range from deprivation of certain rights, through allocations to other regimes to labor assignments. For instance, video surveillance has been installed in two rooms in pavilion I to monitor some prisoners with suicidal behavior but also because the façade was made of poor material. Cameras are also mounted in two solitary confinements that do not serve their purpose for more than a year but are turned into two-bed rooms. In addition, a prisoner died a few days before the team’s visit. Investigation is underway though overdose is suspected to be the cause. The closed section is monitored by 16 cameras. A new metal detector is placed at the entrance to the section.

## RECOMMENDATIONS

- The security service needs to be staffed in keeping with actual needs;
- Security officers need to be provided better working conditions, new vehicles purchased, and officers provided with sufficient quantity of summer and winter uniforms;
- Health protection of security officers needs to be better organized; the Central Prison Administration needs to consider introduction of mandatory tests on stress and methods for psychological support to officers;
- Professional competence needs to be improved through courses of in-service training in mediation, non-violent communication, etc.
- Security officers from all prisons need to cooperate and exchange experience, as well as learn from the experience of relevant institutions in neighboring states and developed European countries.

## III – LEGALITY OF TREATMENT

Under the law, a district prison as a semi-open institution accommodates persons sentenced to maximum one-year confinement. However, things are different in practice. There are prisoners under long sentence, as well as those who have been transferred from other institutions for security reasons. The team was told that such cases are no longer frequent as they used to be. However, the team found ten prisoners under long sentence. The statistics for 2009 shows that the prison presently accommodates 13 young adults aged 18-21. Overcrowding makes separation between prisoners sentenced for misdemeanor and those punished for crime technically impossible.

Except for the limited time for recreation in the open air, the prisoners in the closed section spend almost the entire day in overcrowded and stuffy rooms without any activity to engage in. As referred in the paragraphs above, the prisoners in the open/semi-open section are forced to spend their free time in the mess hall. In other prisons, persons placed in OPN are getting such treatment and even then the law explicitly provides that they shall be engaged in various activities.

The interviewed prisoners from pavilion III said they were pleased with their status because they “do not mix with Gypsies from pavilion I.” As it seems, prison population in the closed section is differentiated by ethnic origin and social standing. Namely, pavilion I seems to accommodate mostly Roma and the poor, whereas pavilion III “urban looking” young men, mostly dealers in narcotics. This indicates to overt segregation. On the other hand ethnic Albanians are not discriminated against – this is what they themselves told the team, and what other prisoners and officers confirmed.

Copies of house rules are posted in all premises. According to some prisoners, these copies were placed on walls “only three days ago.” However, they confirmed that they had been informed about their rights and duties on admission. The interviewed officers said they kept no records about prisoners’ appeals and grievances but just forwarded them to relevant services. Mailboxes and envelopes are available in all facilities.

Only one employee who has finished secondary school works for the administrative department. Though he seems well-informed about regulations and to manage piles of documents pretty well, the team takes that the department should recruit yet another employee, a qualified lawyer, to handle the problems of such large prison population. Besides, the job itself is highly stressful as any flaw – such as, say, miscalculation of the time spent in prison or faulty communication with courts of law – results in legal consequences. Besides, being the only one on duty, this employee cannot go on sick leave or vacation, which in itself breaches his rights and exposes him to stress. Moreover, if he by any chance misinforms a prisoner, he involuntarily violates that prisoner’s right. For all those reasons the department needs urgently to solve the problem of proper functioning.

The interviewed prisoners said they rarely exercised their right to file grievances because they are under short sentences and would not “provoke bad blood with prison officers.” Such statements are most indicative and should be taken into account by a future prison director.

Though some prisoners said they suspected the legality of the so-called prisoner deposit, the interviews with prison accountants testified that all payments made to and by prisoners are regular and that their money is not misused. On the other hand, random inspection of several bills issued by the prison canteen indicate that the management should reconsider the existing contract with main supplier and see whether some goods could be bought at lower cost.

#### **RECOMMENDATIONS**

- Laws and bylaws regulating prisoners’ rights and duties need to be available to all in understandable language;
- Efficient grievance procedures need to be guaranteed to the prisoners in the event they take some of their rights were violated.

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#### **IV – SOCIAL RESETTLEMENT**

No major improvements have been made in the domain of prisoners’ social rehabilitation despite the fact that more officers have been recruited for reeducation. Namely, the number of prisoners has dramatically spiraled in the meantime. At the time of the team’s visit five educators were in charge of 257 prisoners. Two of them work in the open/semi-open section accommodating 120 prisoners. Three work in the closed section with over 100 prisoners. The prison psychologist works simultaneously as educator and for the admission department. The interviewed prisoners said they rarely spoke to their educators, who were often changed, and that criteria for transfers to better regimes were not the same for all prisoners. They are particularly bothered by the fact that those who reported to the prison by their own and those brought by the police were treated in the same way. Duration of sentence and type of the offense are not always major criteria for allocation to different regimes, they added.

So, the first and foremost problem relates to the understaffed reeducation service or sizes of educational groups. This makes implementation of various reeducation methods practically

impossible and is reflected in a small number of individual treatments, group meetings, etc. The number of free places in sections is often a major criterion for classification rather than those significant for social rehabilitation. As referred to in the paragraphs above, overcrowding practically makes it impossible to separate prisoners under longer sentence for crime from those punished for misdemeanor

The lack of organized activities in both closed and open sections is another major problem. Prisoners practically have nothing to do but to sit in crowded living quarters and watch TV. The prison library is still not adequately stocked. However, the interviewed prisoners said they were getting the books they wanted to read from the outside community. Those placed in the open section can spend time in the open when the weather is nice, and can engage in sports. The prisoners in the closed section can take recreation only during daily walks in the open, in winter and summer alike. Apart from other degrading living conditions, overcrowding certainly adds to the power of prison gangs and to intra-prisoner violence. According to prisoners and officers alike, prison gangs are fewer since some ten prisoners were transferred to Nis late last year.

Prisoners should be allocated to the closed section because they need more intensive treatment programs. In its earlier report the team commended placement of elevated baskets and tables for table tennis, and establishment of a gym in this section. The more so was it surprised to see that even these minimal recreational facilities were inoperative for trivial reasons: basketball balls were thorn, rackets for table tennis broken, etc. True, some recreational activities necessitate considerable funds. However, some other, like these, call only for some good will and initiativeness on the part of prison officers.

There is a considerable number of illiterate prisoners and those who have not finished elementary school (about 40). Literacy courses surely do not necessitate large funds but would make all the difference. For instance, educated prisoners could either act as educators or assist in literacy courses – and, moreover, feel good for being engaged in a purposeful activity. And fewer prisoners would be idling. Duties of an educator imply motivation of prisoner, planning of literacy courses and other activities to engage as many as possible prisoners. Securing elementary school diplomas would surely be a step further in the right direction. However, this is a more complex matter that calls for cooperation with other factors outside the institution. Further, one third of total number of prisoners need to complete their secondary school education and a large number of them needs vocational training.

Overcrowding additionally plagues meager opportunities for prison labor. Situation in this domain seems worse than it was last time. According to the management, prisoners are no longer allowed to work in the outside community. An investigation into corruption in the institution revealed that workplaces in the outside community were “bought.” Prisoners with money were making deals with employers and thus practically buying their freedom – formally, they were working but actually they were just spending time outside the institution at will. Such cases negatively affected other prisoners’ perception of privileged inmates, corrupted officers and discrimination. The moment he was appointed the acting director put an end to the practice. This motion of his considerably relaxed the inter-prisoner climate. In the long run, however, prisoners’ labor in the outside community must be better planned and efficiently arranged. To start with, the prison could establish a training and employment service that would look after prisoners’ vocational training and prison labor, and, moreover, be in charge of allocating prisoners to workplaces in the outside community. Planning of some financially

sustainable vocational trainings that might be attractive to prisoners could create conditions for work engagement for the prisoners in the closed section.

The prisoners in the closed section are not engaged in prison labor for many reasons. First, the very architecture of the prison hardly makes it possible to arrange for their occupational or some other training. Further, the institution's labor capacities are still minimal. The farm has "the biggest" labor capacity – presently some ten prisoners tend stock and grow vegetables. With a larger farm and modern machinery the number of workplaces would surely be bigger. As for workshops, only the one producing socks is operable and engages two prisoners. Car repair and car wash shops are modestly equipped the same as the parking lot that is being maintained for the security service.

Be it as it may, only four prisoners obtained certificates in 2009 – as qualified weavers, swine breeders and vegetable producers. This testifies to the fact that this major segment of reeducation is nothing but empty talk. On the other hand the team noted that a considerable number of prisoners were engaged in maintenance of hygiene and in cafeterias for inmates and officers. There is a workplace labeled "work on packages." Asked about the meaning of the term, officers replied that the duty of a prisoner in charge of packages is to take them from the gate to the room where they are inspected. This is rather strange for the institution plagued by smuggling of illegal objects and substances.

#### **RECOMMENDATIONS**

- All prisoners, including those in the closed section, need to be engaged in purposeful activities;
- Literacy courses need to be introduced, as well as those in vocational training;
- Prison authorities need to be guided by formal and clear-cut criteria in the process of prisoners' classification;
- The idea about the establishment of a training and employment service needs to be given thought;
- Prison officers – and prisoners as well – need to attend courses of training in non-violent communication, social skills and self-control, mediation, etc.

## V – CONTACT WITH THE OUTSIDE WORLD

Two phone booths are available to prisoners in pavilions I and II each, one in the open section and one in pavilion III. Though prisoners say this number satisfies their needs, the acting director plans to install yet another one in the closed section. Rules on telephone calls apply only to the prisoners in the closed section – they are allowed to make 10-minute calls once a week and extra ones only when truly justified.

According to some interviewed prisoners, officers censor their letters addressed to relevant authorities (ministries, Ombudsman office, etc.) and human rights non-governmental organizations. Therefore, instead of using the prison mailbox they hand over their correspondence to their visitors to have them posted in the outside community. By opting for such solutions, they avoid, as they put it, the “retaliation” by educators and security officers against whom they mostly complain. In the team’s view, if the problem is real, a detailed and mandatory procedure for handling correspondence could solve it. If censorship is necessary for security reasons (allegedly, some letters are misguidedly addressed to various institutions and actually meant for other recipients) there certainly must be other methods that could prevent manipulation without violating prisoners’ rights.

Prisoners did not complain about their right to receive visits. However, in the closed section visitors are still taken to the corridor where officers had brought in parts of furniture and thus had it turned into a reception hall. As things stand, one can hardly insist on some more appropriate solutions with such large numbers of prisoners.

Prisoners complained neither of their right to leaves and free weekends at home.

As already mentioned one educator is always at premises during visiting days and can talk to families on these occasions and, whenever necessary, can contact them by phone. However, as the reeducation service does not perform its duties appropriately for the reasons detailed in the paragraphs above, the opportunities for this major element of prisoners’ resocialization are not used as much as they should.

According to the prison management, cooperation with medical centers in the outside community and courts of law is appropriate. Unfortunately, social care centers are communicated with only when necessary. Contacts and exchange of information with these institutions should be better planned and purposeful – an issue to be solved by relevant ministries.

### RECOMMENDATIONS

- The premises for receiving visitors in the closed section need to be better adjusted to their purpose;
- The privacy of prisoners’ correspondences needs to be ensured, notably when it comes to the letters addressed to governmental institutions and human rights organizations; the prison management needs to guarantee the exercise of that right and devise other methods to control misuse of the right;
- If the number of prisoners decreases – which is indicated as imperative – the reeducation services needs to improve the quality of communication with families and other factors in the outside community that might assist in prisoners’ social resettlement after release.



## VI – INSTITUTIONAL PERSONNEL

As indicated in the paragraphs above, the institution does not have a training and employment service. The officers in charge of this aspect formally work for the administrative department – actually, out of 13 people in the department 5 are tasked with organizing training and prison labor. Under the present circumstances the inadequate number of instructors is not that problematic given that capacities for prison labor are rather limited. The main instructor is an agricultural engineer by profession and, in the absence of a manual worker, tends the production of vegetables. A veterinary technician tends stock. These two instructors organize the work of ten-odd prisoners. One instructor with university diploma, engaged by contract, organizes manufacture of stockings. A professional cook instructs the prisoners assigned to the kitchen, whereas a janitor – a professional mechanic – those working on car maintenance. Except for the cook, all other instructors are with long professional careers in the institution. They have never attended any course of in-service training in the work with prison population but their longstanding experience in the institution compensates this fact, the team was told. Though they have never had any serious problem with prisoners engaged in prison labor, they say their job is highly stressful because of frequent cases of inter-prisoner violence. Occasionally, they are threatened verbally by prisoners. They are all entitled to retirement benefits. They work overtime when necessary and are properly remunerated for it. As the service has not established as such, they just report their assessment of prisoners' labor to the main instructor. No instructor is included in the process of prisoners' classification or re-classification. The management treats them fairly, they say.

A major change in the reeducation service since the team's last visit is that the service now has a job classification and functions independently. Unfortunately, the team left under the impression that the said change was just formal. Out of 8 officers planned under the job classification, the institutions recruits six. Four out of six educators are women, while all of them are mostly younger professionals. Four are special pedagogues, one is a psychologist and one a sociologist. The interviews with them showed that fluctuation of officers working for the service had been rather high in the past couple of years. In 2008/09 two educators left the institutions, a pedagogue who worked for the admission department has found another job quite recently, one educator has been suspended and the psychologist has resigned and soon leaves the institution. No one is formally in charge of this most important service supposed to develop treatment programs and coordinate other services. Asked who was in charge of organizational matters, team meeting and decision-making, educators said it was the former prison director who was the head of the service at the same time. Two cases of misconduct have been registered in the past six months.

The service's psychologist and sociologist work for the admission department, whereas the rest are tasked with prisoners' reeducation. No officer is in charge of recreational activities. Apart from the psychologist and sociologist, the expert team included the head of the security service and the physician. Educators do not work shift – however, one is always present on the premises on weekends and visiting days. The team managed to interview only two women educators working with the prisoners in the open/semi-open section. Apart from the afore-mentioned limitations for quality reeducation treatment, they said paper work they had to cope with was too time-consuming and often to the detriment of their professional duties. Both take courses of in-service training would be more than welcome. However, they are never kept posted

on such opportunities, they said. They have not talked to the acting director about the problem. Despite their short professional experience, both claim their jobs highly stressful.

Officers of this and other services take the overall climate in the institutions not “exactly ideal.” Ever since the incident that took place in 2009, tensions have been rather high, the more so since inspectors have been supervising the prison on almost daily basis. “We are not sure whether the things we used to do properly are taken as such any longer. We work in the same way as our colleagues in other institutions but are constantly under magnifying glass,” they say.

## **RECOMMENDATIONS**

- Establishment of a training and employment service needs to be given thought so as to ensure quality approach to prisoners’ social resettlement;
- The reeducation service needs to be staffed with professional officers in keeping with job classification; recruitment of an educator in charge of recreational activities needs to be given thought; a head of the service needs to be appointed to ensure its proper functioning, notably when it comes to development of treatment programs;
- Officers working for the admission department and the expert team need to be organized in keeping with legal provisions;
- All officers need to be permanently encouraged to improve their professional capacities through courses of in-service trainings.
- Social and emotional suitability of candidates needs to be taken into account at recruitment;
- Models of positive management need to be insisted on, as well as consequent treatment of prisoners and commitment to work;
- Exchange of experience in all reform-oriented matters between prison officers and relevant institutions need to be encouraged.