



**Organization for Security and Co-operation in Europe  
MISSION IN KOSOVO**

**The Conditions in Detention Facilities in Kosovo**

**First Assessment**

**December 2010**

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## I. Introduction

From its inception, the Organization for Security and Co-operation in Europe Mission in Kosovo (OSCE) has been monitoring the human rights situation and assessing the availability and effectiveness of remedies established within Kosovo to provide redress for potential human rights violations.<sup>1</sup> The deficiencies identified through the OSCE's monitoring programmes are addressed to the responsible institutions for appropriate corrective actions, aimed to achieve compliance with human rights standards.

Since 2001, the OSCE has been engaged in monitoring law enforcement agencies in Kosovo with a focus on the police, advising the respective institutions and stakeholders on applicable human rights standards.<sup>2</sup> The OSCE's monitoring activities and comprehensive assessments are intended to serve as a tool for the relevant institutions to remedy possible weaknesses from within. In this particular field of monitoring law enforcement agencies, the OSCE addresses institutional and legal gaps through non-public reporting that is only directed to the identified local institutions.<sup>3</sup> For example, the reports resulting from detention monitoring are only directed to the Minister of Justice and the commissioner of the Kosovo correctional service (commissioner). As the OSCE aims to have a concrete impact through its activities, the reports do not only identify shortcomings, but also give concrete and practical recommendations on how to remedy them. It is important to highlight that in doing this, the OSCE follows a co-operative approach, not an antagonistic one.

This co-operative approach of the OSCE allows for a combination of monitoring, non-public reporting, advising, and carrying out accompanying projects such as workshops to discuss identified shortcomings with the relevant institutions. The OSCE's independent and non-public reports can serve, *inter alia*, as a tool for the Kosovo correctional service and the Ministry of Justice to attract donor funding.

This report is the first, generalized OSCE assessment of the conditions in detention facilities Kosovo-wide, with a focus on human rights compliance. During the monitoring exercise, the OSCE assessed the material conditions in detention facilities, especially issues such as the cell size and overcrowding, lighting, ventilation, sanitation, open-air exercise spaces, toilets and showers, among others. In general, the conditions in the detention facilities are satisfactory. However, the lack of space and overcrowding is an issue that needs to be resolved in several detention facilities. Other issues that give a cause for concern are inadequate natural lightning and air circulation in some cells, toilets and showers in poor repair, and inadequate open air exercise facilities in several detention centres.

This report also touches upon other issues such as access to detention facilities and prospects regarding future detention monitoring in Kosovo, i.e., the importance of encouraging the creation of a sustainable local inspection mechanism.

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<sup>1</sup> See Article 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR): "Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

<sup>2</sup> The OSCE Department of Human Rights and Communities' Security Monitoring Section is in charge of this monitoring programme.

<sup>3</sup> The OSCE's activities lead to concrete impact, such as the renovation of police holding cells following four comprehensive assessments of the conditions in these cells. The police have also successfully used these objective and independent assessments, which include a table comparing the actual situation in the cells with international standards, as a tool for obtaining donor funds for the refurbishment of holding cells.

On the request of the commissioner, the OSCE will make this report public. The OSCE commends this decision as it will maximize the report's impact and enable cross-organizational, constructive discussions on how to remedy possible shortcomings.

## **II. Methodology**

In the implementation of the detention monitoring programme, the OSCE applied a step-by-step approach based on the Terms of Reference submitted to the commissioner in February 2009. During the assessment, the OSCE compared the actual situation in the facilities with international human rights standards.

In the first phase, the OSCE carried out introductory visits to the commissioner and the management of the detention facilities all over Kosovo. These initial visits focussed on the conditions both in the cells and of the overall facility. Assessments were made not only regarding the premises as such, but also regarding the personnel-detainee ratio, including law enforcement and other personnel, such as doctors. Due to practical considerations, it was not possible at this stage to check the conditions in a large number of cells. Therefore, only a limited number of cells in each facility were assessed.

Based in part on the outcome of phase one, questionnaires and tables were drafted to carry out a systematic assessment of the correctional service facilities. At that stage, the OSCE's field staff established their own contacts with the management of the detention facilities in their area of responsibility.<sup>4</sup> During all phases, the OSCE's staff worked in close consultation with the commissioner and/or his staff in obtaining and cross-checking data.

At the conclusion of the second phase, the OSCE drafted this report for the Minister of Justice and the commissioner. For practical purposes, the outcomes of the first and second phases are merged into one report.

The draft report was discussed with the Kosovo correctional service during a workshop on 24 September 2010. The directors of the facilities as well as the commissioner of the correctional service agreed in general with the OSCE's findings, and gave updates on recent refurbishments. Following the workshop, the OSCE double-checked the updates given by the correctional service staff in a round of visits in October 2010. These updates are also reflected in this report.

In order to follow-up on the recommendations, the OSCE will periodically re-monitor the situation in order to assess possible changes and improvements to the correctional service, and produce a re-assessment. In addition, the OSCE foresees to write a report on the rights of detainees.<sup>5</sup>

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<sup>4</sup> The OSCE Security Monitoring Section's field staff is deployed to all six police regions in Kosovo, namely Ferizaj/Uroševac, Gjilan/Gnjilane, Mitrovicë/Mitrovica, Pejë/Peć, Prishtinë/Priština, and Prizren.

<sup>5</sup> The OSCE Security Monitoring Section's activities do not cover the rights of arrested persons with regard to the right to a fair trial. This issue is being covered by the OSCE's Legal System Monitoring Section, which also issued public reports in November 2009 (Part 1) and March 2010 (Part 2) on "*The use of detention in criminal proceedings in Kosovo: Comprehensive review and analysis of residual concerns.*"

### **III. Relevant human rights standards**

#### **1. International human rights standards**

The rights of detainees are protected through international human rights instruments. Article 10(1) of the International Covenant on Civil and Political Rights (ICCPR) makes a specific reference to detainees: “[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”. Article 10(3) of the ICCPR further stipulates that “[t]he penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation”.

Additionally, international human rights instruments prohibit in absolute terms torture and other ill-treatment. Article 5 of the Universal Declaration of Human Rights (UDHR) stipulates that “[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”. Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and Article 7 of the ICCPR reiterate this requirement. Furthermore, specific instruments aiming to prevent torture and degrading treatment and punishment have been created under the auspices of the United Nations (UN) and the Council of Europe, namely the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT).

Due to the fact that detainees are deprived of their liberty and control over the specific nature of their living environment, they are particularly vulnerable to cruel, inhuman, or degrading treatment. Ill-treatment of detainees can take many forms, such as mental and physical ill-treatment by detention staff or other detainees, or their exposure to poor material conditions.

However, the provisions contained in these international instruments are very general and do not establish any specific standards with respect to the treatment of detainees. Therefore, both the UN and the Council of Europe have developed standards for the treatment of prisoners based on soft law provisions, which are authoritative.

The OSCE resorts to the UN Standard Minimum Rules for the Treatment of Prisoners (UN Standard Minimum Rules) and the European Prison Rules. The UN Standard Minimum Rules were adopted in the 1950s, aiming to “set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.”<sup>6</sup> The European Prison Rules, adopted by the Council of Europe Committee of Ministers on 12 February 1987, are a common regional standard that provides guidelines to prison services on how to ensure human rights compliance in their facilities. While the UN Standard Minimum Rules have not been amended since their adoption, the European Prison Rules have been updated in 2006 “in order to reflect the developments which have occurred in penal policy, sentencing practice and overall management of prisons in Europe.”<sup>7</sup>

The OSCE relies primarily on the work of the Council of Europe’s Committee for the Prevention of Torture (CPT).<sup>8</sup> Overall, the CPT has produced the most comprehensive body of work regarding monitoring of prisons, police holding cells, and state institutions (e.g.,

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<sup>6</sup> UN Standard Minimum Rules for the Treatment of Prisoners, paragraph 1.

<sup>7</sup> Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules.

<sup>8</sup> The Committee for the Prevention of Torture was established under the Council of Europe’s European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987) to examine the treatment of persons deprived of liberty.

mental health institutions, juvenile detention facilities). The CPT's country reports represent very useful guidance in evaluating the compliance of detention facilities with the existing international standards. In August 2004, the UN Special Representative of the Secretary General signed a technical arrangement related to the ECPT with the Council of Europe according to which the CPT can organize visits in Kosovo to examine the treatment of persons deprived of their liberty. This gives the CPT the ability to visit Kosovo and assess its places of detention.<sup>9</sup> The CPT's reports have rather authoritative status and receive broad media coverage. This encourages discussions about human rights and detention, which is not usually a matter of the public attention. The CPT's report following their visit to Kosovo in 2007 and UNMIK's response was discussed broadly in the local media. Therefore, the role of the CPT in Kosovo, as the only external body visiting and assessing places of detention, cannot be overestimated.

As mentioned above, the prohibition of torture, inhuman or degrading treatment does not only apply to the mental and physical abuse of detainees, but also to material conditions in detention facilities. According to the CPT, prolonged exposure to poor material conditions such as overcrowding, inadequate sanitary conditions, and poor regime activities can prove detrimental to prisoners.<sup>10</sup> The CPT has also noted that ill-treatment takes numerous forms, "many of which may not be deliberate but rather the result of organizational failings or inadequate resources."<sup>11</sup>

## **2. European Court of Human Rights Judgments**

The European Court of Human Rights (ECtHR) has issued several key judgments on material conditions in detention facilities. Like the CPT, the ECtHR has established that exposure to poor material conditions can amount to inhuman and degrading treatment, i.e., violations of Article 3 of the ECHR. For example, in *Peers vs. Greece*, the ECtHR found that the applicant's confinement in a cramped cell without ventilation or a window, where he had to use the toilet in the presence of another inmate and be present while the toilet was used by his inmate amounted to degrading treatment.<sup>12</sup> Also, in *Kalashnikov vs. Russia*, the ECtHR found that "the applicant's conditions of detention, in particular the severely overcrowded and insanitary environment and its detrimental effect on the applicant's health and well-being, combined with the length of the period during which the applicant was detained in such conditions, amounted to degrading treatment."<sup>13</sup>

The ECtHR also found that prisons must be organised in such a way to ensure "respect for the dignity of detainees, regardless of financial or logistical difficulties."<sup>14</sup> Similarly, the European Prison Rules stipulate that "[p]rison conditions that infringe prisoners' human rights are not justified by lack of resources".<sup>15</sup> Therefore, the lack of financial means to improve the general conditions of detention cannot justify conditions that amount to inhuman or degrading treatment.

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<sup>9</sup> Agreement between the United Nations Interim Administration Mission in Kosovo and the Council of Europe on technical arrangements related to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Prishtinë/Priština, 23 August 2004. The last assessment visit of the Committee for the Prevention of Torture in Kosovo was carried out in March 2007.

<sup>10</sup> Committee for the Prevention of Torture, 2<sup>nd</sup> General Report [CPT/Inf (92)3], paragraph 50, 13 April 1992.

<sup>11</sup> Ibid, paragraph 44.

<sup>12</sup> European Court of Human Rights, *Peers vs. Greece*, Application No. 28524/95, 19 April 2001, paragraph 75.

<sup>13</sup> European Court for Human Rights, *Kalashnikov vs. Russia*, Application No. 47095/99, 15 July 2002, paragraph 102.

<sup>14</sup> European Court of Human Rights, *Mamedova vs. Russia*, Application No. 7064/05, 23 October 2006, paragraph 63.

<sup>15</sup> European Prison Rules, paragraph 6.

International standards related to the material conditions in cells, hygiene, food and water, medical services, and adequate regime of activities, discipline and punishment, and complaints will be discussed in more detail below.

**a) Material conditions in cells**

The CPT provides a useful summary of the acceptable standards in cells. It has stated:

[...] cells should offer sufficient living space for the prisoners they are used to accommodate, should benefit from good access to natural light and ventilation, and should be equipped with adequate artificial lighting and heating. Sanitary arrangements should permit inmates to comply with the needs of nature when necessary in clean and decent conditions; either a lavatory should be located in cellular accommodation (preferably in a sanitary annex) or means should exist enabling prisoners who need to use a lavatory to be released from their cells without undue delay at all times, including at night. It is desirable for running water to be available within cellular accommodation, and prisoners should have adequate access to shower or bathing facilities. Cells should be suitably furnished (bed, table, chair/stool, storage space), all facilities/equipment should be in a good state of repair, and prisoners should be placed in a position to keep their accommodation in an adequate state of cleanliness.<sup>16</sup>

The size of cells and occupancy rates are a very important issue as overcrowding in prisons “might be such as to be in itself inhuman or degrading form from a physical standpoint.”<sup>17</sup> Regarding the occupancy rates, and the UN Standard Minimum Rules recommend that detainees are placed in individual cells.<sup>18</sup> The European Prison Rules also require that prisoners are accommodated during the night in individual cells “except where it is preferable for them to share sleeping accommodations.”<sup>19</sup>

There are no clear guidelines on the issue of cell size, although the CPT has provided certain guidelines through its country reports.<sup>20</sup> For example, a single occupancy cell measuring 6 m<sup>2</sup> and 7 m<sup>2</sup> is described as adequate<sup>21</sup>, 8 m<sup>2</sup> as reasonable,<sup>22</sup> and 9 m<sup>2</sup> as a good size cell for one person.<sup>23</sup> Cells measuring 9 m<sup>2</sup> for two persons are described as cramped<sup>24</sup> and 11-12 m<sup>2</sup> as

<sup>16</sup> Committee for the Prevention of Torture, Report on Andorra 1, paragraph 39 (2000).

<sup>17</sup> Committee for the Prevention of Torture, 2<sup>nd</sup> General Report on the CPT’s Activities, paragraph 46 (1992).

<sup>18</sup> UN Standard Minimum Rules, paragraph 9(1).

<sup>19</sup> European Prison Rules, paragraph 18.5.

<sup>20</sup> The guidelines set by the CPT and those set by other organizations or institutions might differ slightly. For example, UNMIK regulation 2004/46 On the Law on Execution of Penal Sanctions from 19 November 2004 states that “(t)he premises in which a convicted person lives and works must be of sufficient space for each convicted person to have at a minimum eight (8) cubic metres of space and an adequate amount of natural and artificial lighting for work and reading, heating and ventilation.” The law on execution of penal sanctions, 22 July 2010, states that “[t]he premises in which a convicted person lives and works must be of sufficient space for each convicted person to have at a minimum eight (8) cubic metres of space, when is possible four (4) cubic metres for prisoners in joint cells and nine (9) cubic metres for single cells and an adequate amount of natural and artificial lighting for work and reading, heating and ventilation.” However, as the CPT has produced the most comprehensive body of work regarding monitoring of prisons, police holding cells, and state institutions, the OSCE refers to their guidelines with regard to the size of cells.

<sup>21</sup> See for example, Committee for the Prevention of Torture, Report to the Government of the United Kingdom on the visit to Northern Ireland, paragraph 71 (2001); Committee for the Prevention of Torture, Report on Portugal 1, paragraph 102 (1994).

<sup>22</sup> See for example, Committee for the Prevention of Torture, Report on Germany 1, paragraph 85 (1993).

<sup>23</sup> Committee for the Prevention of Torture, Report on the United Kingdom 3, paragraph 111 (2000).

adequate.<sup>25</sup> The CPT recommends that there should be a minimum of 4 m<sup>2</sup> per detainee in multi-occupancy cells.<sup>26</sup> The distance between the walls should be at least 2 m.<sup>27</sup>

Detainees need to be provided with a bed and appropriate bedding, which “should be changed often enough to ensure its cleanliness.”<sup>28</sup>

#### ***b) Hygiene***

Detainees should be able to have a shower at least twice per week, if possible once per day.<sup>29</sup> Prison authorities are required to provide detainees with toiletries as well as cleaning material that would allow them to clean their cells.<sup>30</sup> They are also required to make provisions for the sanitary needs of female detainees.<sup>31</sup>

#### ***c) Food and water***

Detainees need to be provided with three meals a day.<sup>32</sup> Food should be “of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.”<sup>33</sup> Drinking water needs to be available at all times.<sup>34</sup>

#### ***d) Medical Services***

Prison authorities are required to “safeguard the health of prisoners in their care”.<sup>35</sup> According to the UN Standard Minimum Rules, paragraph 22, every detention facility should have access to the services of at least one qualified medical officer. In addition, detainees need to have access to psychiatric and dental care. According to the CPT, an adequate health care service can make “a positive impact on the overall quality of life in the establishment within which it operates.” Furthermore, the failure of institutions to provide adequate medical care may constitute inhuman or degrading treatment as confirmed by the ECtHR which has ruled that the institutions must ensure the health and well-being of detainees by providing “the requisite medical assistance.”<sup>36</sup>

#### ***e) Adequate regime of activities***

The prison authorities have a duty to ensure that detainees have an opportunity to change and develop. Reformation and social rehabilitation that lead to the reintegration of detainees into society include, among others, a programme of activities such as education, vocational training, leisure-time activities and contact with the outside world. This programme of activities allows detainees to obtain new skills and knowledge and to keep in touch with the outside world, which will help them to reintegrate into society as law-abiding citizens. It is important to note that the programme of activities, including work, should be available to both

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<sup>24</sup> See for example, Committee for the Prevention of Torture, Report on Iceland 1, paragraph 87 (1994).

<sup>25</sup> See for example, Committee for the Prevention of Torture, Report on the United Kingdom 3, paragraph 111 (2000), Report on the United Kingdom (Northern Ireland) 2, paragraph 71 (2001).

<sup>26</sup> See for example Committee for the Prevention of Torture, Report on Bulgaria 5, paragraphs 77 and 90 (2008).

<sup>27</sup> See for example, Committee for the Prevention of Torture, Report on Iceland 1, paragraph 69 (1994).

<sup>28</sup> UN Standard Minimum Rules, paragraph 19.

<sup>29</sup> European Prison Rules, paragraph 19.4.

<sup>30</sup> Ibid, paragraph 19.6.

<sup>31</sup> Ibid, paragraph 19.7.

<sup>32</sup> Ibid, paragraph 22.4.

<sup>33</sup> UN Standard Minimum Rules, paragraph 20(1).

<sup>34</sup> European Prison Rules, paragraph 22.6.

<sup>35</sup> Ibid, paragraph 39.

<sup>36</sup> See for example, European Court of Human Rights, *Kudla vs. Poland*, Application No. 30210/96, 26 October 2000, paragraph 94.

sentenced persons and those in detention on remand as “prisoners cannot simply be left to languish for weeks, possibly months, locked up in their cells, and this regardless of how good material conditions might be within the cells.”<sup>37</sup>

Prison work should be seen as “a positive element of the prison regime.”<sup>38</sup> All sentenced persons below the retirement age “may be required to work, subject to their physical and mental fitness as determined by the medical practitioner.”<sup>39</sup> Persons awaiting trial should also be offered an opportunity to work.<sup>40</sup> The prison authorities are required to provide sufficient work of a useful nature which will maintain or increase the detainees’ chances for employment after release.<sup>41</sup> Work must not be “of an afflictive nature”<sup>42</sup> and prisoners should be equitably remunerated for their work.<sup>43</sup>

For the same reason, the prison authorities are required to provide vocational training, especially for young detainees.<sup>44</sup> Detainees should also benefit from comprehensive educational programmes which meet their needs.<sup>45</sup> Priority should be given to detainees who are illiterate or lack basic or vocational education, while particular attention should be paid to the education of young detainees or detainees with special needs.<sup>46</sup> These educational programmes should be integrated into the mainstream educational system in order to enable further education of detainees after their release.<sup>47</sup>

Prison authorities also need to provide sufficient recreational activities, including sport, games, cultural activities, and other leisure activities.<sup>48</sup> Detainees should be allowed at least one hour of exercise in the open air every day.<sup>49</sup>

Detainees need to be allowed to have contacts with the outside world, i.e., to be able to communicate with their families and friends. The European Prison Rules, paragraph 24.4, requires that detainees “should be allowed to maintain and develop family relations in as normal a manner as possible”. Detainees should be allowed to be informed of public affairs by reading newspapers and other publications, listening to radio, and watching television.<sup>50</sup>

The institutions also need to ensure the respect of freedom of religion. According to the European Prison Rules, paragraph 29.2, detainees should be allowed to “practice their religion and follow their beliefs, to attend services or meetings led by approved representatives of such religion or beliefs, to receive visits in private from such representatives of their religion or beliefs and to have in their possession books or literature relating to their religion or beliefs”.

In order to meet the educational and recreational needs of detainees, detention centres require well-stocked libraries. The UN Standard Minimum Rules, paragraph 40, requires that “[e]very

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<sup>37</sup> Committee for the Prevention of Torture, 2<sup>nd</sup> General Report on the CPT Activities, paragraph 47 (1991).

<sup>38</sup> European Prison Rules, paragraph 26.1.

<sup>39</sup> Ibid, paragraph 105.2.

<sup>40</sup> Ibid, paragraph 100.1.

<sup>41</sup> UN Standard Minimum Rules, paragraph 71.4, European Prison Rules, paragraph 26.2.

<sup>42</sup> UN Standard Minimum Rules, paragraph 71.1

<sup>43</sup> Ibid, paragraph 76.1

<sup>44</sup> Ibid, paragraph 71.5, European Prison Rules, paragraph 26.5.

<sup>45</sup> European Prison Rules, paragraph 28.1.

<sup>46</sup> Ibid, paragraphs 28.2 and 28.3.

<sup>47</sup> UN Standard Minimum Rules, paragraph 77(2), European Prison Rules, paragraph 28.7.

<sup>48</sup> Ibid, paragraph 78, European Prison Rules, paragraph 27.5.

<sup>49</sup> Ibid, paragraph 21 (1), European Prison Rules, paragraph 27.1.

<sup>50</sup> Ibid, Paragraph 39, European Prison Rules, paragraph 24.10.

institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.” The requirement that every institution needs to have an adequately stocked library is also contained in Article 28.5 of the European Prison Rules. Poorly stocked libraries that cannot meet the needs of detainees are a serious impediment to their successful reintegration into society. These needs do not just include instructional books which will enable prisoners to gain new knowledge and skills, but also recreational books, books on the administration of justice, human rights and other issues that are relevant to detainees and that will assist their personal development and help them to cope with the reality of prison life.

***f) Discipline and Punishment***

According to the UN Standard Minimum Rules, paragraph 27, “[d]iscipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life”. The detention facilities are required to establish a disciplinary procedure which provides detainees with a right to be properly informed about the alleged disciplinary offence, to defend themselves and to appeal to a higher authority against any imposed sanctions.<sup>51</sup> The UN Standard Minimum Rules, paragraph 31, and the European Prison Rules, paragraph 60.3, prohibit corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman, or degrading punishments for disciplinary offences.

***g) Complaints***

Detainees should have the right to make requests or complaints to the prison authorities. Every detainee should also be allowed to “make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority, or other proper through approved channels.”<sup>52</sup> The CPT also takes the view that the institutions are required to establish an effective system of complaints procedures and inspections as a safeguard against ill-treatment. According to the CPT, detainees should have “avenues of complaint open to them both within and outside the context of the prison system, including the possibility to have confidential access to an appropriate authority.”<sup>53</sup>

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<sup>51</sup> Committee for the Prevention of Torture, 2<sup>nd</sup> General Report on the CPT Activities, paragraph 55 (1991), European Prison Rules, paragraphs 57.2 and 59.

<sup>52</sup> UN Standard Minimum Rules, Paragraph 36(2).

<sup>53</sup> Committee for the Prevention of Torture, 2<sup>nd</sup> General Report on the CPT Activities, paragraph 54 (1991).

## IV. Assessment

### 1. First phase: Introductory visits

In March 2009, the OSCE started monitoring the conditions in detention centres in Kosovo. From 2 to 6 March 2009, the OSCE conducted introductory visits to all detention centres and correctional facilities in Kosovo.<sup>54</sup> The aim of the first phase was to establish contacts with the respective institutions and get a general overview of the conditions in the facilities.

The directors of all correctional/detention facilities in Kosovo<sup>55</sup> welcomed the new engagement of the OSCE in this area and offered continuous support and transparency with regard to all phases of the detention monitoring project.

In general, the conditions in the detention facilities appear, at first sight, satisfactory. However, some of the older detention centres, built in the 1960s, lack space and some of the cells do not have proper natural lightning or air circulation.<sup>56</sup> These older detention facilities were usually built in the centre of town, in-between the police station and the court building. Therefore, enlarging them would prove difficult and is usually not an option.

In contrast to most detention facilities in Kosovo, the Lipjan/Lipljan detention centre does not face space problems. However, it is the only detention centre where cases of suicide and attempted suicide occurred in 2008 and 2009. As a consequence, the director of the Lipjan/Lipljan detention centre decided to put three detainees in one cell although the space allows for only two persons per cell. According to the director, more detainees per cell would enhance social control and possibly lead to less attempted suicides. However, also additional measures, like improved psychological treatment, should be sought to reduce the number of suicides and attempted suicides.

The detention centres in Kosovo are generally not suitable for longer term detainees. However, mainly due to the backlog of cases pending in the courts many detainees have to stay longer in detention centres that provide neither adequate space nor activities, negatively affecting their chances of rehabilitation.<sup>57</sup>

The detention centre in northern Mitrovica/Mitrovicë faces particular issues due to its location in a Kosovo Serb inhabited area. The lack of staff negatively affects the security of the facility. It is difficult to recruit new staff as the local population does not support an institution connected with Kosovo institutions. Furthermore, many of the directives received from the governmental level in Prishtinë/Priština are not translated into Serbian.<sup>58</sup> Therefore,

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<sup>54</sup> As the correctional centre in Smrekovnica/Smrekonicë has only be opened in 2010, it was not covered by the OSCE monitoring exercise.

<sup>55</sup> Kosovo has detention centres (for detention on remand and convicted persons serving a sentence of up to three months) in Gjilan/Gnjilane, Prishtinë/Priština, Prizren, Lipjan/Lipljan, Pejë/Peć, and northern Mitrovica/Mitrovicë. The Dubravë/Dubrava correctional centre is the only correctional facility in Kosovo for male adults (for convicted persons serving a sentence of more than three months and long-term imprisonment). Lipjan/Lipljan provides a facility for female and juvenile detainees (for persons on remand and convicted).

<sup>56</sup> Gjilan/Gnjilane, Prishtinë/Priština, Prizren.

<sup>57</sup> See also OSCE, Legal System Monitoring Section, *The use of detention in criminal proceedings in Kosovo: Comprehensive review and analysis of residual concerns*, November 2009 (Part 1) and March 2010 (Part 2).

<sup>58</sup> The Law on the Use of Languages provides clearly that “Albanian and Serbian and their alphabets are official languages of Kosovo and have equal status in Kosovo institutions”. See Article 2, Assembly of

the detention centre staff in Mitrovica/Mitrovicë still applies outdated regulations that are available in Serbian.<sup>59</sup>

## **2. Second phase: An assessment of material conditions in the detention facilities**

In the second phase, the OSCE assessed the material conditions in the detention facilities more closely, concentrating on issues such as the size and capacity of cells, ventilation, lighting, shower, and toilet facilities.

During the assessment visits, all directors of detention facilities and correctional officers were highly co-operative, allowing OSCE to access all parts of their facilities. Both spontaneously and whenever required, they provided additional information regarding operational issues. It is important to note that major deficiencies in the conditions of detention facilities did not arise from omissions by individual directors or officers, but resulted from systemic shortfalls that are primarily caused by physical pre-existing inadequacies of the facilities and limited resources.

### **2.1 Material conditions in cells**

#### ***a) Size and capacity***

As a matter of fact, the occupancy rate in several facilities approximated 70% during the visit in August 2009, (e.g., Dubravë/Dubrava 68%, Gjilan/Gnjilane 71%, Pejë/Peć 67%). The most crowded facility was in Prishtinë/Priština, which held 64 detainees at the time of the visit with an official capacity for 66 detainees. The situation had somewhat changed during the follow-up visits conducted in March 2010, as the occupancy rate has significantly increased in the Pejë/Peć and Lipjan/Lipljan detention centres, so that they were almost fully occupied.<sup>60</sup> The OSCE is concerned that some of the cells do not meet international standards regarding size and capacity. At the time of the visits, none of the facilities was overcrowded in relation to its official capacity. In addition, cells in many facilities are too small for the capacity at which they are being used. In order to meet the acceptable international standards, the number of beds per cell should be reduced, resulting in an overall lower capacity rate.

According to the CPT standards, cells for one person should measure at least 6 m<sup>2</sup>. That is not the case in Prishtinë/Priština detention centre (5.53 m<sup>2</sup>), Gjilan/Gnjilane detention centre (5.7 m<sup>2</sup>), Mitrovica/Mitrovicë detention centre (4.32 m<sup>2</sup>), and Dubravë/Dubrava correctional centre block 5 (4.2 m<sup>2</sup>). Additionally, the distance between the walls in single cells in several facilities is less than the minimum 2 m suggested by the CPT. Specifically, it is 1.90 m in Gjilan/Gnjilane, 1.45 m in Mitrovica/Mitrovicë, 1.79 m in Dubravë/Dubrava correctional centre block 5, 1.75 m in block 2, and 1.60 m in Pejë/Peć.

Cells for two persons measuring 9 m<sup>2</sup> are defined by the CPT as cramped, and those measuring 11-12 m<sup>2</sup> as adequate. In Mitrovica/Mitrovicë, cells containing two beds measure approximately 6.3 m<sup>2</sup>, while the distance between the walls is 1.82 m. In Prizren wing D, two person cells measure 8.12m<sup>2</sup>.

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Kosovo Law No. 02/L-37 on the Use of Languages, as promulgated by UNMIK Regulation No. 2006/51, 20 October 2006.

<sup>59</sup> This refers to instructions, such as Standard Operating Procedures. The insufficient number of translated documents as well as the bad quality of existing translations negatively affects their implementation.

<sup>60</sup> During the roundtable discussion on 24 September 2010, where the draft of this report was discussed with the Kosovo correctional service, the OSCE was informed that the general occupancy rate decreased, partly due to the opening of a correctional centre in Smrekovnica/Smrekonicë.

Multi-occupancy cells in several facilities also do not meet the requirement of at least 4 m<sup>2</sup> per person: Pejë/Peć (4 persons/12.86 m<sup>2</sup>), Mitrovica/Mitrovicë (4 persons/8.23 m<sup>2</sup>), Prishtinë/Priština (6 persons/21.4 m<sup>2</sup>), Gjilan/Gnjilane (6 persons/15-18 m<sup>2</sup>), Prizren (4 persons/10.86-13.48 m<sup>2</sup>), Dubravë/Dubrava block 2 (6 persons/19.87 m<sup>2</sup>), Dubravë/Dubrava block 3 (4 persons/13.74 m<sup>2</sup>, 6 persons-20m<sup>2</sup>), Dubravë/Dubrava blocks 4 and 5 (4 persons/11.5m<sup>2</sup>, 6 persons/19.3 m<sup>2</sup>), Dubravë/Dubrava block 7 (8 persons/16.48 m<sup>2</sup>).<sup>61</sup>

As shown above, the inadequate size and capacity of cells is an issue in most of the facilities. Only the facilities in Lipjan/Lipljan and in Dubravë/Dubrava blocks 1, 6, 8 and 10<sup>62</sup> provide adequate space. However, these facilities face other issues, which are described below.

### ***b) Lighting, ventilation and heating***

In general, lighting and ventilation are adequate in almost all facilities. The cells are sufficiently airy, and natural and artificial lighting are sufficient to allow detainees to read. However, the artificial lighting is not sufficient for reading in Pejë/Peć, while ventilation is not adequate in summer months in the Prishtinë/Priština detention centre<sup>63</sup> and Dubravë/Dubrava blocks 4, 5, 6 and 7. When the OSCE visited these facilities in August 2009, the cells were very stuffy. The problem was further exacerbated by overcrowding in the cells. For example, living conditions were unsatisfactory in a cell measuring 21.4 m<sup>2</sup> in Prishtinë/Priština where six detainees were placed during the visit in August. With only 3.5 m<sup>2</sup> per person, very hot weather and inadequate ventilation, the cell conditions were very unpleasant.

Heating functions in all facilities without major difficulties. However, some directors underlined financial constraints with regard to the provision of fuel which affected the conditions in some cells. During the visit in March 2010, the Mitrovica/Mitrovicë detention centre faced problems with fuel for its heating system. Instead of the requested thirty-five tons of diesel, they only received eight tons which was not sufficient for their needs. Heating in Dubravë/Dubrava blocks 5 and 7 could be improved as, according to the detainees, the cells were not sufficiently warm in winter.

According to the director of the Prishtinë/Priština detention facility, the detainees complained about the cells being too hot in summer and too cold in winter. In order to fix this problem, the roof of the facility was renovated in 2010. The new double insulation of the roof is a considerable improvement.

### ***c) Sanitation***

The facilities are in general very clean. The detention facilities' management should be commended for their efforts to maintain a high level of hygiene. During the visit, the cells, corridors, offices, and outdoor facilities were very clean and well-kept. It should be noted that kitchens in all facilities were especially well-maintained.

Toilets in several blocks in the Dubravë/Dubrava correctional centre and the Lipjan/Lipljan juvenile facility are a negative exception, which will be discussed in detail below.

<sup>61</sup> See Annex 2 for a chart detailing size and capacity of cells in all facilities. As for the overcrowding in block 7, the situation has improved since then. Now only four instead of eight persons occupy one cell.

<sup>62</sup> Block 10 is a semi-open facility, separated from the other blocks.

<sup>63</sup> During the visit in October 2010, the OSCE noticed that the ventilation in the detention centre in Prishtinë/Priština had been fixed.

#### *d) Specific issues affecting the facilities*

##### *Lipjan/Lipljan detention centre*

Although the size and capacity of the cells in the Lipjan/Lipljan detention centre were satisfactory, the height of the ceiling on the ground floor was only 2.39 m, which gave the impression of a very cramped space. The entire building was painted grey, which, coupled with the low ceiling, made the building look very gloomy and oppressive. On a positive note, in terms of the state of repair, natural and artificial lighting, and ventilation, the material conditions were very good.

As mentioned in chapter IV, the director of the Lipjan/Lipljan detention centre decided to put three rather than two detainees in only one cell after the occurrence of suicides and suicide attempts in 2008 and 2009. This was to improve security for suicidal detainees through more social contact and, consequently, social control. Since this approach has been introduced no suicide cases have been reported. On the other hand, three detainees were placed in two person cells, which resulted in less space per detainee. According to the director, the detainees however welcomed this step, as the cell provided enough space for such a measure.

During the visit in October 2010, the director of the Lipjan/Lipljan detention centre informed the OSCE that since recently, detainees and convicted persons stay in separate wings. The OSCE commends this decision.<sup>64</sup>

##### *Lipjan/Lipljan correctional centre*

The material conditions were especially bad in the Lipjan/Lipljan juvenile facility at the time of the first visit in August 2009. The cells were of a good size, measuring around 24.9 m<sup>2</sup> for six persons. However, there was no toilet inside the cells. The existing shower and toilet facilities, which were in a bad state of repair, stunk at the time of the visit. Everything, from walls and floors to furnishings, was old and run down, creating a dreary atmosphere. The entire juvenile facility was very dilapidated and in a dire need of refurbishment. Additionally, a high voltage transformer connected to block D posed a safety risk.

Considering that juveniles in detention require special and individualized treatment as well as a stimulating environment to enable their rehabilitation and social reintegration, the material conditions in the juvenile facility are particularly problematic. Its gloomy atmosphere and dilapidated state do not provide a suitable environment for juveniles.

During the visit in March 2010, refurbishment was about to start in two blocks of the juvenile facility, which is a positive step toward improving the overall conditions. As of October 2010, block A had been completely renovated. Refurbishments in block B have not yet started. Material conditions in other buildings, such as the school, the indoor sports facility, and the centre for professional development are very good. No steps have been taken so far with regard to the high voltage transformer though.

Material conditions in the female facility were very good, especially with regard to lighting, ventilation, furniture, decoration, and the general state of repair. The management should be commended on their efforts to equip the mother and baby facility.

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<sup>64</sup> According to the UN Standard Minimum Rules, paragraph 85(1) “[u]ntried prisoners shall be kept separate from convicted prisoners.”

The ambulance covering both the female facility and the juvenile facility has been completely renovated in 2010. The OSCE observed in October 2010 that one ultrasound was damaged, which leads to female detainees who need ultrasound examinations having to be transported to other ambulances or hospitals. Such equipment is essential for a female correctional facility and should be replaced as soon as possible.

### ***Dubravë/Dubrava correctional centre***

Conditions in Dubravë/Dubrava correctional centre vary a lot. For example, material conditions are good in block 6 and the newly refurbished block 8. The cells are of adequate size, well-lit and ventilated, and suitably furnished, with screened off toilets and sinks. However, the company which refurbished block 8 failed to install proper locks; some of them are not functioning at all. Also, a high voltage cable posed a risk in the common room when the OSCE visited the facility in March 2010. This problem has now been solved.

On the other hand, material conditions are not as good in other blocks. For example, cells in blocks 4 and 5 are too small for their capacity at which they are used, and their furnishing and the general state of repair are mediocre compared to the material conditions in block 6. Water leaks create additional problems in corridors or cells in blocks 3, 4, 5 and 7.<sup>65</sup> Cells in block 7 were neither equipped with chairs nor tables and were overcrowded with only 2 m<sup>2</sup> of space per detainee and 8 persons per cell.<sup>66</sup> As mentioned above, overcrowding is also an issue in blocks 2, 3, 4 and 5.

Another issue that gives cause for concern is the state of toilet and shower facilities. While the buildings in general, including cells, were very clean during our visit, the toilet and shower facilities were not. Most of them had some rubbish on the floor; some of them smelled (blocks 4 and 10); shower heads were missing in blocks 2 and 3; one shower was not working in block 1; and, the shower facilities in blocks 4, 6 and 10 were covered in mould. Additionally, windows could not be opened in the toilets and showers in block 6, and there was no ventilation. As block 6 is located higher than other blocks, water pressure is lower.

Parts of blocks 3, 4, 5 and 10 were covered in mould, not only toilets and showers, but also some of the cells, corridors, and parts of the floor and ceiling. The presence of mould is very concerning as it can pose a health hazard.

## **2.2 Food and water**

According to information obtained through interviews with directors or their designated staff, detainees have access to drinking water in all facilities at all times. Detainees are served three meals per day. The medical staff checks the food and its nutritional value. The same food is served to the detention staff and the management. The management should be commended for their efforts to ensure that detainees are provided with good-quality meals despite budget restraints.

## **2.3 Libraries**

During the visit in August 2009, the only library that met the needs of the detainees was that of the correctional centre for juveniles in Lipjan/Lipljan. The centre received a welcomed donation of books from UNICEF. Other facilities were in dire need of books. In most cases,

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<sup>65</sup> The issue of water leaks has improved in block 5.

<sup>66</sup> The conditions in block 7 have improved since then. Instead of eight, now only four persons occupy one cell.

the “libraries” consisted of one bookshelf containing few or outdated books that did not meet the educational or recreational needs of detainees. The situation was particularly bad in Dubravë/Dubrava correctional centre, which had an entire room assigned to the library. However, about two thirds of shelves were completely empty while the rest was filled with outdated and very old books. According to the correctional centre management, many detainees had expressed their wish to read, but the offer of books in the library was very limited.

In order to rectify this situation, in October 2009, the OSCE donated approximately 1,200 books, in both Albanian and Serbian, to the Kosovo correctional service to help detention centres and correctional facilities to comply with relevant human rights standards and applicable laws, as well as to improve the conditions for detainees. The donation included instructional books, which enable prisoners to gain new knowledge and skills, as well as recreational books, dictionaries, books on administration of justice, human rights, and other issues that were relevant to detainees.

#### **2.4 Open air exercise areas**

All facilities have open air exercise areas and usually offer the possibility for activities apart from walking, such as table tennis equipment. Some open air exercise areas, for example in Pejë/Peć and Prishtinë/Priština, have very limited space. Other facilities, such as the Lipjan/Lipljan detention centre and Dubravë/Dubrava have large open air exercise areas, which allow detainees to engage in sports. Several facilities also have sports grounds and fitness rooms that offer a variety of activities for detainees. Access to these facilities as well as their availability will be discussed in the next report. Some open air exercise areas offer little or no protection from weather conditions, such as in the Pejë/Peć, Mitrovica/Mitrovicë and Lipjan/Lipljan detention centres. While the OSCE takes into account security concerns related to this issue raised by the institutions, a solution should be found to protect detainees from weather conditions.

#### **2.5 Working conditions for staff**

Correctional centre staff perform an important public service. Their work is crucial to providing order, safety and control in detention facilities, in ensuring that detainees are treated in a humane and just manner, and that their human rights are respected. In order to achieve these goals, correctional centre staff need to be trained, motivated and supported. Hence, good working conditions are necessary to ensure that correctional centre staff have sufficient resources and motivation to perform their duties.<sup>67</sup>

Although the main purpose of this report is to assess the material conditions in detention facilities that affect detainees, the OSCE noticed during the visits that the staff in these facilities often do not have adequate working conditions, in particular with regard to space. For example, in the Prishtinë/Priština detention centre, the space allocated to guards is extremely cramped and poorly furnished. In the Dubravë/Dubrava correctional centre block 9, the medical facility, the windows in the staffroom have been broken since 1999, and it gets very cold and windy. In addition, the radiator in block 9 is not functioning well. Some staff toilets, in particular in block 4, are in very bad shape.

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<sup>67</sup> For more information, please see: Coyle, A, (2002), *A Human Rights Approach to Prison Management*, International Centre for Prison Studies, United Kingdom.

## V. Perspectives

### 1. The OSCE's detention monitoring project put in perspective

The OSCE started monitoring of the detention facilities in 2009. The reports resulting from the OSCE monitoring activities could serve the Kosovo correctional service as a tool to attract donor funding.

While some non-governmental organizations (NGOs) and individual states are engaged in detention assistance or monitoring in Kosovo, a systematic approach seems to be lacking. EULEX is engaged through its *Monitoring, Mentoring, Advising Programme* in Dubravë/Dubrava correctional centre and the Lipjan/Lipljan detention centre. However, they do not focus on issues of human rights.<sup>68</sup> The “Kosovo Rehabilitation Centre for Torture Victims” (KRCT) is one of the local NGOs involved in detention monitoring throughout Kosovo. However, their monitoring potential is limited as they have a small team and lack field staff. As the only NGO with considerable experience and a systematic approach, they constitute one of the most important NGOs monitoring detention issues. In order to foster sustainability, KRCT as well as other professional local NGOs should continue to be supported by both local institutions and international organizations.

Other local institutions or organizations examine the issue on sporadic basis, or take a different approach, such as the Ombudsperson Institution of Kosovo (OIK) or the local NGO “Council for the Defence of Human Rights and Freedoms”. The OIK, like most Ombudsperson's institutions, responds reactively to detention issues, visiting detainees based on complaints submitted via OIK complaint boxes in detention facilities.<sup>69</sup> However, in 2009, the OIK also initiated sporadic, proactive visits to detention facilities. This is to be commended, bearing in mind the potential role of the OIK in a future institutionalized local inspection mechanism.

### 2. Access

Access to detention facilities under the Kosovo correctional service has at least in some cases been an issue of concern. Local NGOs and the OSCE itself, have at times faced difficulties in accessing detainees for interviews. While it is understandable that visits should be announced and co-ordinated with detention facility directors, the current procedure appears too restrictive and centralized. The correctional service has been very co-operative and forthcoming regarding the introductory visits and assessment of material conditions assessment by the OSCE. However, it has been more hesitant with regard to granting access to detainees who requested to see an OSCE monitor. In these instances, the facility directors asked the OSCE to obtain approval by the correctional service commissioner on each occasion, although a prior verbal agreement with the commissioner granted access to detainees if co-ordinated with the directors. Obstacles in obtaining access to detainees led to visitation delays and ultimately limited the detainees' right to speak with representatives of neutral organizations. As a more de-centralized system of visits to detainees would create an additional administrative burden, an established monitoring mechanism for international or local organizations would be more efficient.

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<sup>68</sup> EULEX is also involved in providing prisoner escorts in all regions.

<sup>69</sup> The OIK has placed boxes in all detention facilities in Kosovo. Only OIK staff can access the boxes and read the letters submitted by detainees.

### **3. The establishment of an institutionalized system of visits in Kosovo**

In 2006, the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) entered into force. As of February 2010, 50 State Parties had ratified the OPCAT, among them a number of countries from the Balkan region,<sup>70</sup> which are now trying to implement its far-reaching provisions.

The objective of the OPCAT is “to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.”<sup>71</sup> Apart from creation of a Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment within the Committee against Torture, one of the main provisions of the OPCAT is the establishment of National Preventive Mechanisms (NPM). Specifically, “[e]ach State Party shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (hereinafter referred to as the national preventive mechanism).”<sup>72</sup>

The OPCAT is rather flexible when it comes to the structure of the NPMs. Many of those implementing the provisions have opted for an “Ombudsperson Plus” approach, as they have used existing institutions (e.g., the Ombudsperson Institution) and organizations (e.g., NGOs active in the area of detention monitoring) to create NPMs. One important factor when designing NPMs is ensuring a certain degree of independence, even if it includes government-related bodies. The degree of independence affects both functional (proper funding, decisions on funds, immunities) and personnel aspects of the mechanism (appointment, composition, and dismissal).

Kosovo institutions should be encouraged to implement the OPCAT provisions on the NPM, particularly with regard to sustainable local detention monitoring. This is of utmost importance, in light of the fact that a system of regular visits to places where persons are deprived of their liberty is a key element in assessing the compliance of Kosovo institutions with international human rights standards.

Local NGOs that already regularly conduct visits to detention facilities in Kosovo could play a vital role in encouraging the establishment of a local monitoring mechanism. Some NGOs have started raising awareness on such a mechanism, particularly KRCT, which organized conferences on the NPM in 2009. During the two conferences, the participants from the Kosovo correctional service, the police, international organizations, and other NGOs welcomed the future establishment of local inspection mechanisms in Kosovo. This is a valuable first step and a base that now needs to be strengthened. The OSCE has therefore organized workshops in 2010 to bring together those local institutions and organizations that would potentially form part of such an inspection mechanism. These informal “brainstorming meetings” have proven to be very useful, with the Ombudsperson, KRCT, and the Council for the Defence of Human Rights and Freedoms being in the lead of discussions.

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<sup>70</sup> Among them Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, and Serbia.

<sup>71</sup> Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Adopted on 18 December 2002 at the 57th session of the General Assembly of the United Nations, A/RES/57/199, Part 1, Article 1.

<sup>72</sup> Ibid, Article 3.

In several meetings, the directors of detention facilities as well as the commissioner of the correctional service himself have agreed with the importance of creating such an inspection mechanism, as it would be beneficial for the correctional service in terms of co-ordinating the various organizations visiting detention facilities.

## **VI. Conclusions and recommendations**

In general, material conditions in detention facilities are satisfactory. However, a number of things could be improved, primarily related to the size and capacity of cells. This situation could be greatly improved by reducing the occupancy rate of cells, thus ensuring that their size conforms to international standards. Other concerns include poor ventilation, unsuitable toilet and shower facilities in several facilities, and the poor state of repair of several facilities.

As mentioned above, those facilities built in the 1960s cannot be enlarged due to their position in the town centres and in-between court and police buildings. Refurbishing them constitutes a short-term solution as it does not solve the inadequate space problems. Superficial renovations, such as painting walls and fixing water leakages caused by old plumbing systems, also only lead to temporary improvements. Therefore, the local institutions should as a long-term strategy invest in new detention facilities rather than continually refurbishing the old ones.

In the light of the above, the OSCE recommends the following:

### **1. Material conditions**

- The size and capacity of cells in many facilities do not meet international standards. Efforts should be made to reduce the occupancy rate of cells and ensure that their size is sufficient for the number of detainees held therein.
- Ensure that lighting and ventilation are adequate in all facilities.
- The Lipjan/Lipljan detention centre is painted grey, making the facility appear oppressive. Efforts should be made to give the facility a friendlier appearance, which would positively affect both the detainees and the staff.
- The juvenile facility in Lipjan/Lipljan is in a very dilapidated state and does not provide a suitable environment for juveniles. Cells, toilet and shower facilities should be fully refurbished. The OSCE welcomes the renovation of two blocks of the juvenile facilities planned for 2010. The OSCE will re-assess the conditions once the renovations have been finalized
- Mould in Dubravë/Dubrava correctional centre can pose a health hazard. Efforts should be made to remove mould and prevent its re-growth.

## **2. Detention monitoring**

- Local non-governmental organizations and international organizations working in the area of detention monitoring should not face barriers in their access to detainees. To ensure this, the correctional service should arrange a de-centralized institution system, respecting the detainees' schedule.
- The relevant local institutions should support the establishment of a sustainable local inspection mechanism. The OPCAT's NPM could serve as an example. The Ministry of Justice and/or the Ombudsperson Institution of Kosovo should form a working group on the matter, consisting of relevant stakeholders. Experiences from the region should be taken into account.



## 2. Detention chart, individual cells

Detention Centre	Block	Capacity	Cell Size	Meters per Person
Dubravë/Dubrava	1	2	12.84	6.42
	2	1	7.00	7.00 <sup>75</sup>
		2	14.00	7.00
	3	6	19.87	3.31
		4	13.74	3.43
	4	4	11.50	2.88
		6	19.30	3.22
	5	4	11.50	2.88
		6	19.30	3.22
	6	4	18.18	4.55
		8	16.48	2.06
	8	1	7.31	7.31
		4	15.87	3.96
	10	3	15.48	5.16
		4	20.87	5.22
	Gjilan/Gnjilane	6	18.00	3.00
6		15.00	2.50	
1		5.70	5.70	

Detention Centre	Block	Capacity	Cell Size	Meters per Person
Lipjan/Lipljan	Juvenile	2	13.87	6.93
	Female	6	24.90	4.15
Lipjan/Lipljan detention centre		2	12.20	6.10
		1	6.12	6.12
Mitrovica/Mitrovicë		3	15.69	5.23
		4	8.23	2.06
Pejë/Peć		2	6.28	3.14
		1	4.32	4.32
Prishtinë/Priština		1	6.56	6.56 <sup>76</sup>
		4	12.86	3.21
Prizren		1	5.53	5.53
		6	21.40	3.56
Prizren	A	4	16.42	4.10
	B	4	10.86	2.71
		1	6.24	6.24
		4	10.86	2.71
	C	4	13.48	3.37
		4	10.86	2.71
	D	4	13.48	3.37
		2	8.12	4.06
		4	11.32	2.83
		4	16.4	4.11

<sup>75</sup> Only 1.75 m between the walls.

<sup>76</sup> Only 1.6 m between the walls.