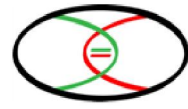




Centar za građansko obrazovanje



SIGURNA ŽENSKA KUĆA



AD CENTAR „EKVISTA“

Respect for Human Rights in the Institution for Execution of Penal Sanctions – Attitudes of Prisoners

Research was conducted in Podgorica, March and April 2012

Project "Monitoring Respect for Human Rights in
Closed Institutions in Montenegro"

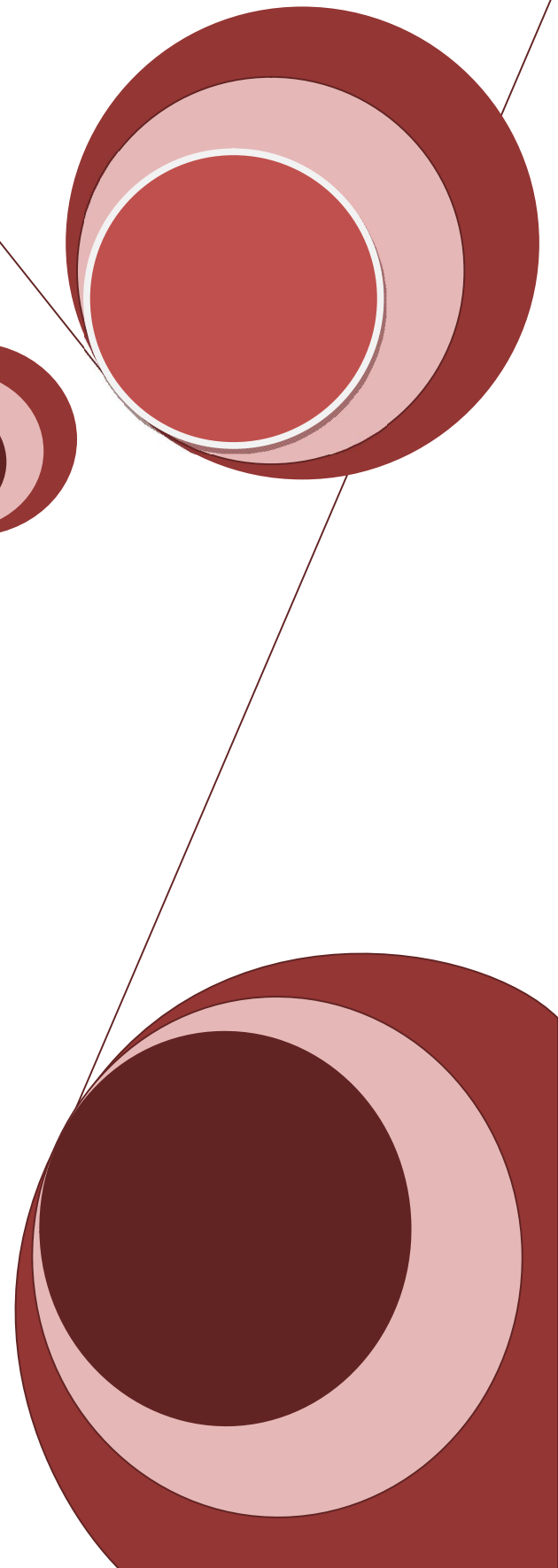
Human Rights Action
Centre for Civic Education
Centre for Antidiscrimination "EQUISTA"
Women's Safe House



An EU funded project managed by the
Delegation of the European Union to
Montenegro



Ambasada
Savezne Republike Njemačke
Podgorica



This document has been produced with the financial assistance of the European Union and the Embassy of the Federal Republic of Germany in Podgorica. The contents of this document are sole responsibility of Human Rights Action and can under no circumstances be regarded as reflecting the position of the European Union or the Embassy of the Federal Republic of Germany in Podgorica

Preliminary notes

Research aimed at obtaining views and experience of perpetrators of criminal offences serving prison sentences has been carried out by members of the monitoring team of NGO Human Rights Action, Centre for Antidiscrimination EQUISTA, Centre for Civic Education, Women's Safe House within the project "Monitoring Respect for Human Rights in Closed Institutions in Montenegro", funded by EU managed by the Delegation of the European Union to Montenegro and the Embassy of the Federal Republic of Germany in Podgorica.

Field research was conducted on 13 and 14 March, 2012 at the Institution for sentenced prisoners and on 12 April, 2012 at the Prison for short-term sentences of the Institution for Execution of Penal Sanctions in Podgorica.

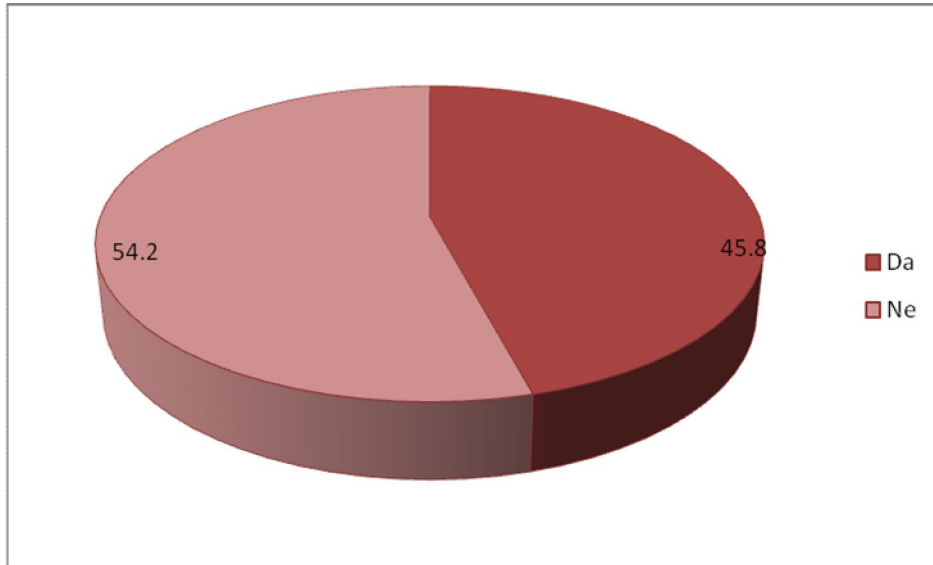
At the time of the research the prison population was at 840, of whom 690 were serving long-term sentences and 150 short-term sentences.

Although the selection of respondents did not include sampling, research results can be considered representative for the specific population since **495 prisoners were polled**, accounting for **more than a half (58.9%)**.

The results first show data relating to the entire prison population, while a subset of inmates serving short-term sentences has been singled out due to their specificity.

Graphical presentation shows data expressed as in percentage relative to a total number of respondents who have provided an answer to a given question. Statistical data have been processed by Olivera Komar, PhD and Radmila Bogojević, from the Faculty of Political Sciences.

Question 1: Did you read the House Rules during your stay at the admission section?

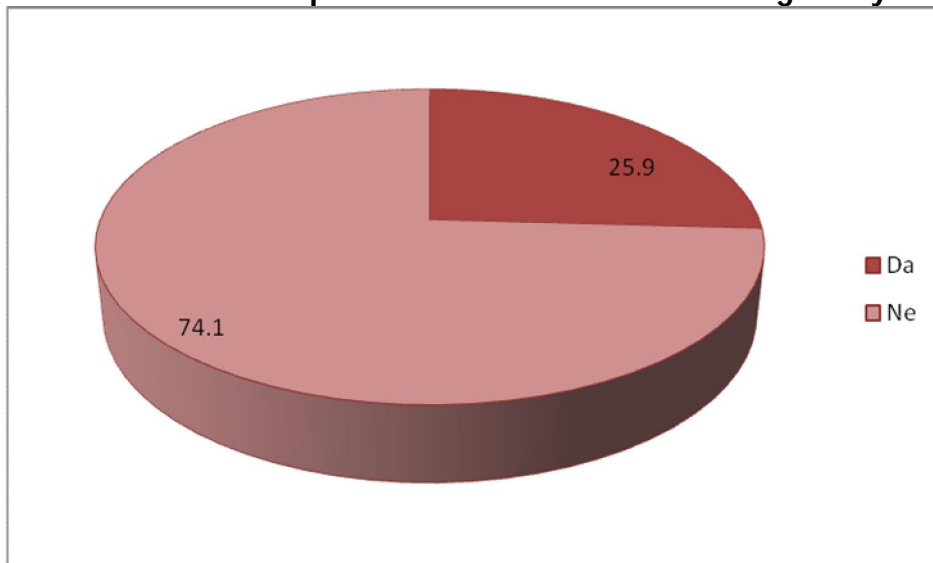


N=395

YES= 181, NO= 214, No answer: 15

NOTE: The first question referring to treatment at the admission section was answered only by respondents serving long sentences because there is no "admission section" in the other part. The number of respondents is therefore smaller.

Question 2: Have the prison officials ever used force against you?

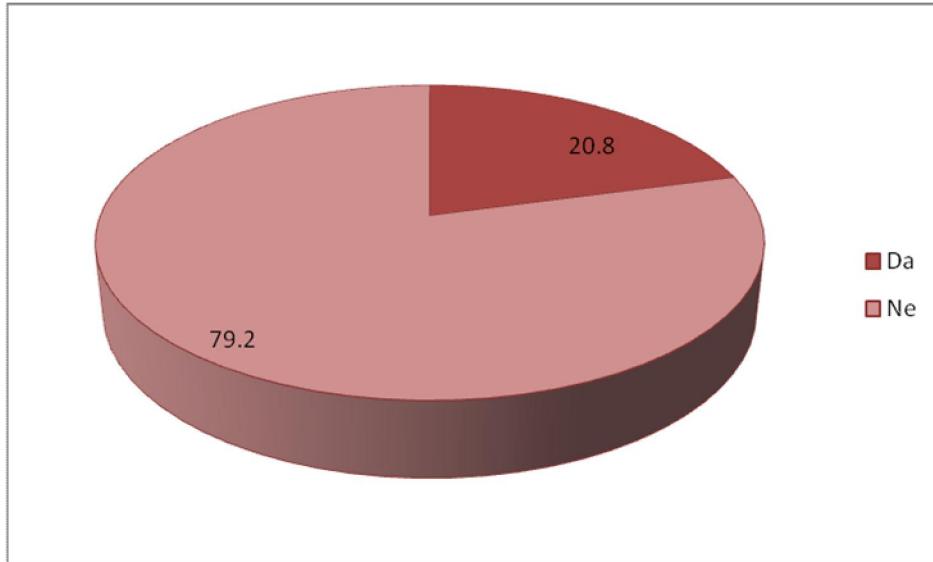


N=478

YES=124, NO=354, No answer: 17

NOTE: Prison for short-term sentences – out of 85 respondents 15 respondents answered YES, 69 NO, 1 respondent did not answer.

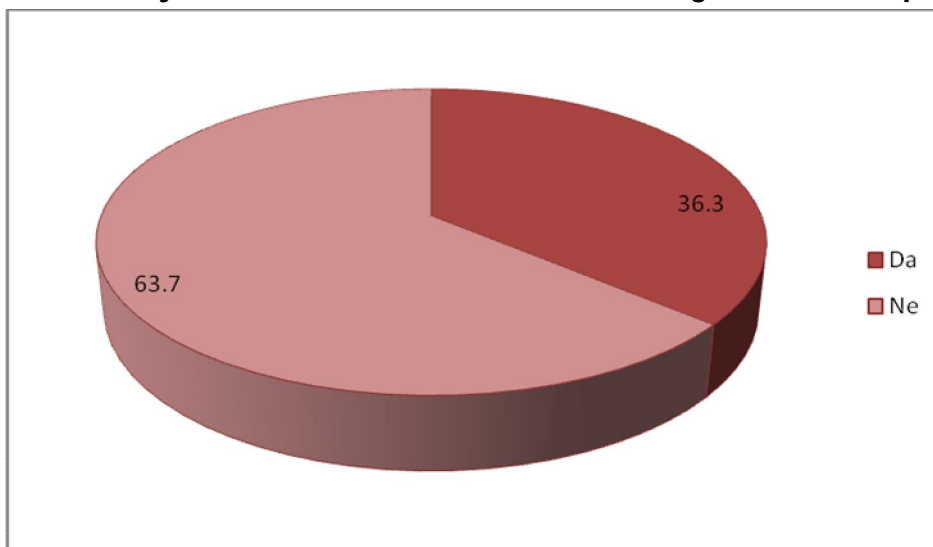
Question 3: If so, did you give a written statement to that effect?



N=120
YES=25, NO=95, No answer: 4

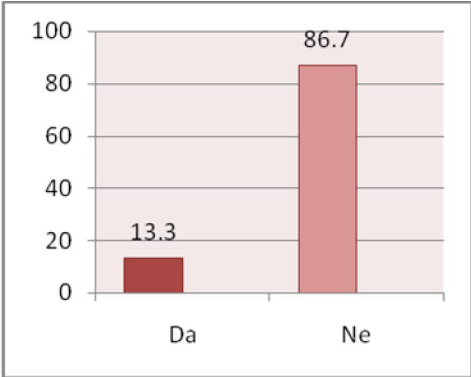
NOTE: Prison for short-term sentences – out of 15 respondents, two gave a written statement, 10 did not, three of them did not answer.

Question 4: Have you ever witnessed the use of force against another prisoner?



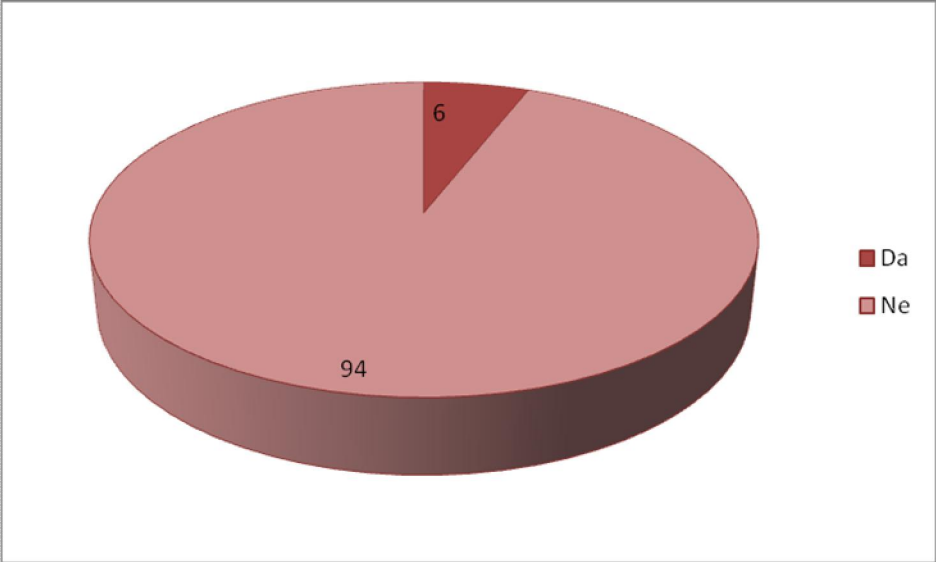
N=471
YES=171, NO=300, No answer: 24

Prison for short-term sentences:



N=83
YES=11, NO=72, No answer: 2

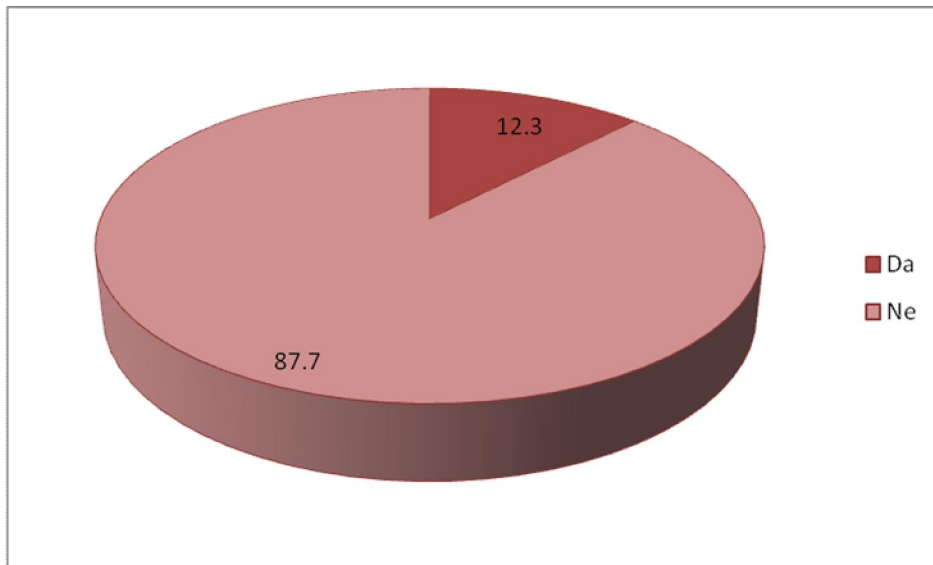
Question 5: If so, did you give a written statement to that effect?



N=166
YES=10, NO=156, No answer: 5

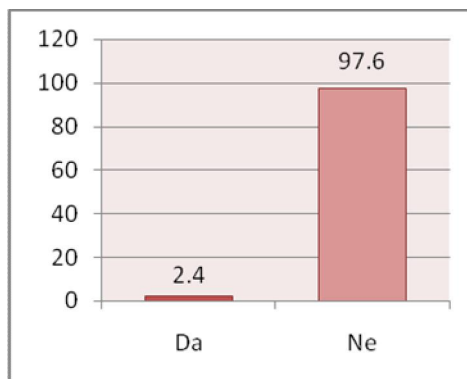
NOTE: Prison for short-term sentences – out of 11 respondents who answered this question, none responded affirmatively.

Question 6: Has another prisoner ever used force against you?



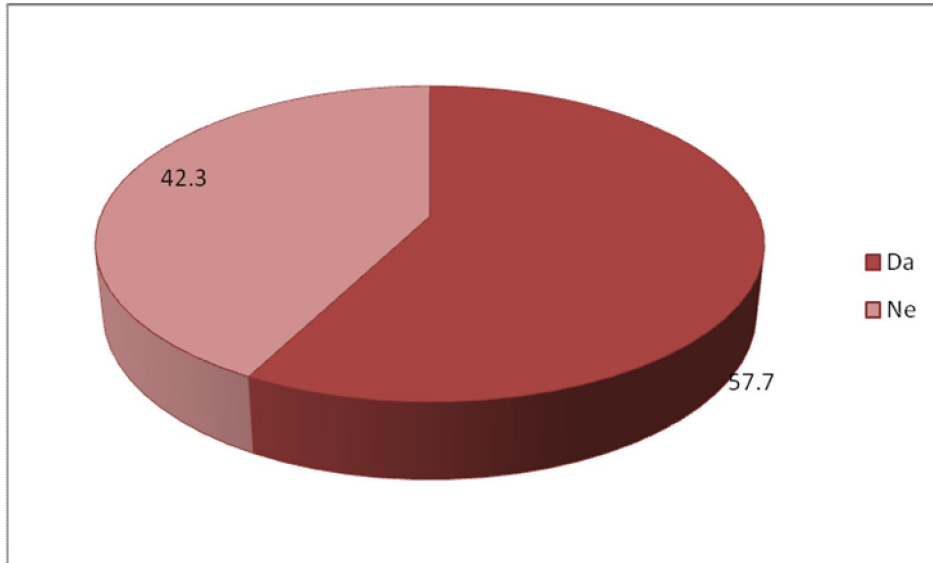
N=470
YES=58, NO=412, No answer: 25

Prison for short-term sentences:



N=83
YES=2, NO=81, No answer: 2

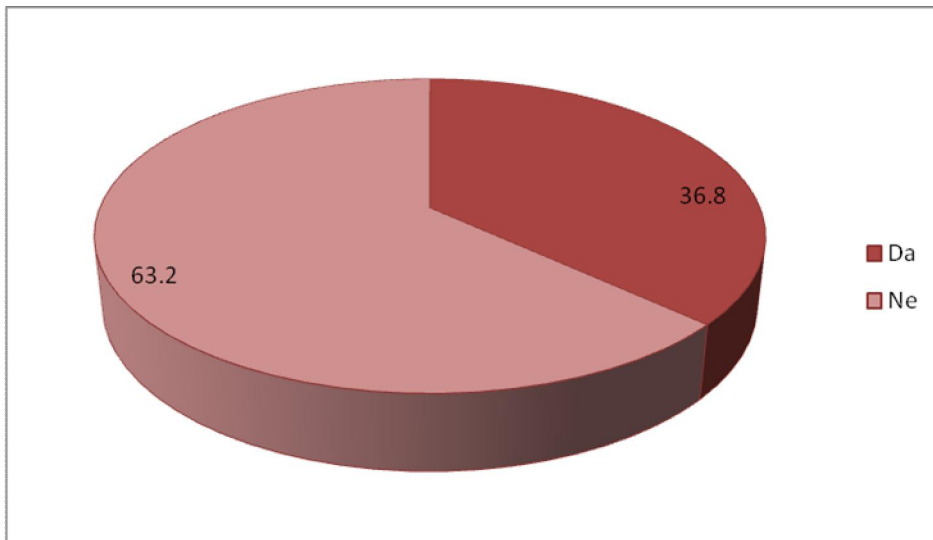
Question 7: If so, did the ZIKS officials react, if they were aware of the event and able to react?



N=52
YES=30, NO=22, No answer: 6

NOTE: Prison for short-term sentences – out of two respondents who answered this question, none responded affirmatively.

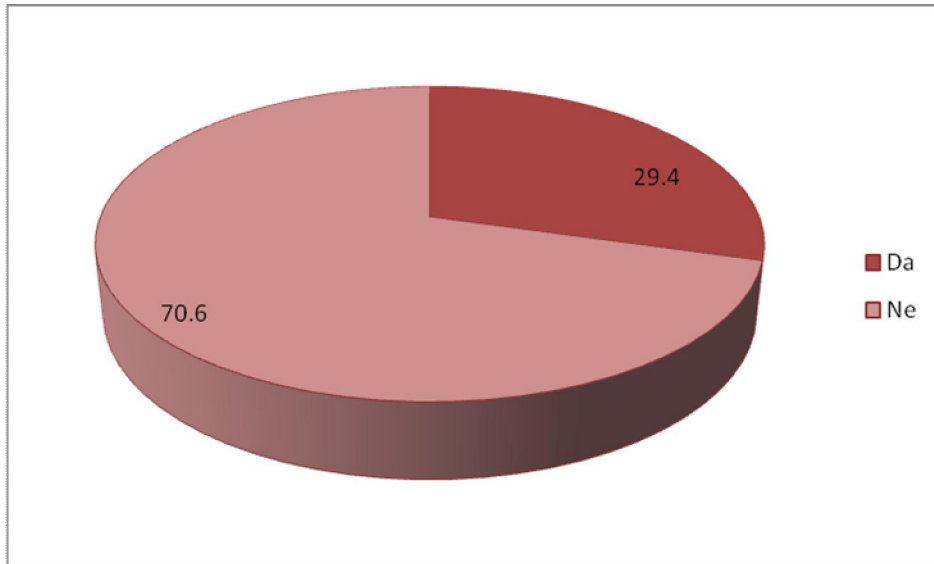
Question 8: Was that case documented – did any prisoner give a written statement?



N=57
YES=21, NO=36, No answer: 1

NOTE: Prison for short-term sentences – out of two respondents who answered this question, none responded affirmatively.

Question 9: If injured by use of force, were you examined by a doctor?

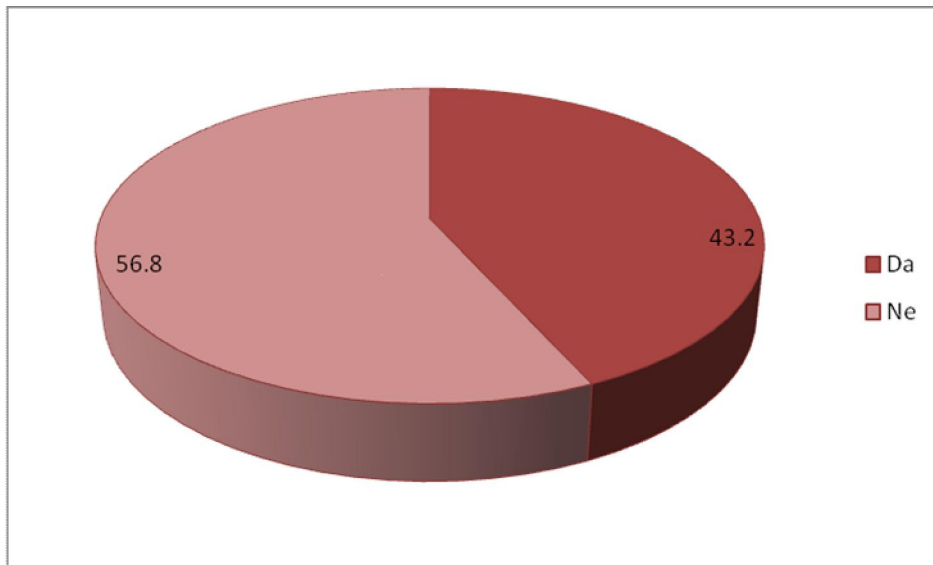


N=126
YES=37, NO=89, No answer: 17

NOTE: Prison for short-term sentences – out of 15 respondents who answered this question, 13 responded negatively, 2 did not answer.

NOTE: Question was answered by respondents claiming to have been injured by use of force by officers and/or other inmates (Questions 2 and 6).

Question 10: Were you satisfied with the provided medical help?



N=37

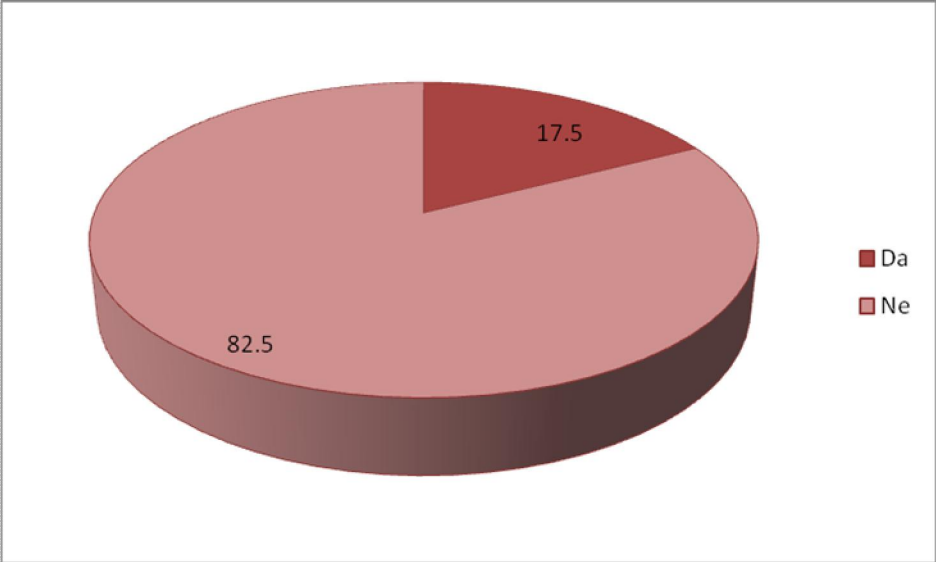
YES=16, NO=21, No answer: 0

NOTE: Respondents not satisfied with the medical help have been offered an opportunity to explain their reasons for dissatisfaction.

Main objections can be classified into:

- § Very negative comments about professional work of doctors,
- § Very negative comments about the relationship of doctors and persons in this service towards prisoners,
- § Inefficiency and inexpediency of the service.

Question 11: If you have been harmed by use of force within ZIKS, did you or your family seek medical opinion from another doctor outside of ZIKS?

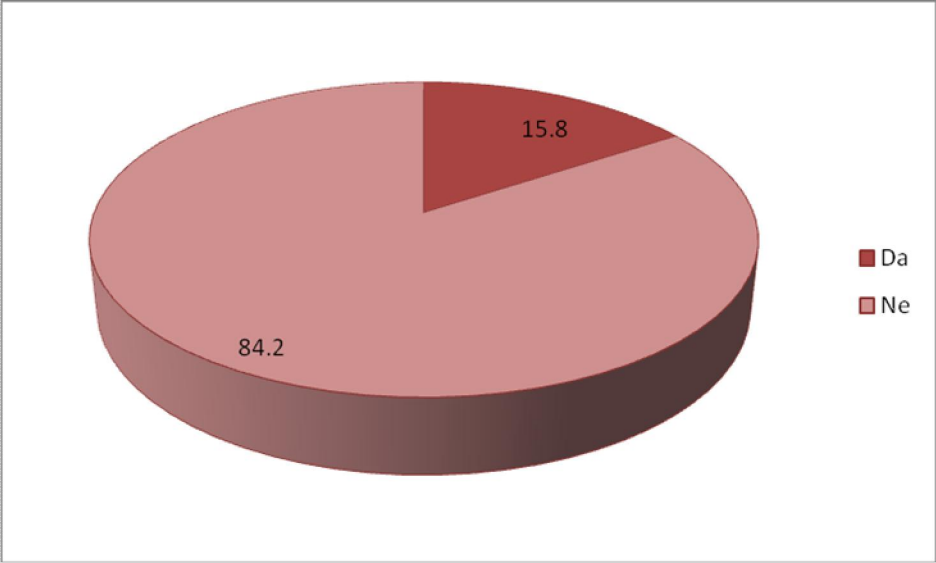


N=114

YES=20, NO=94, No answer 29

NOTE: Prison for short-term sentences – of 15 respondents, 11 responded negatively, 4 did not answer.

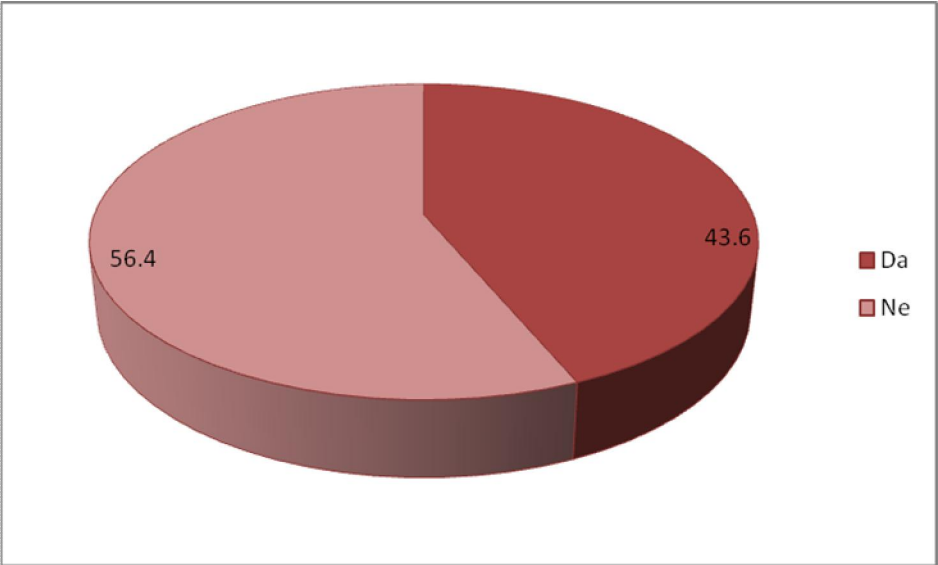
Question 12: Were you provided an opportunity to see another doctor?



N=19

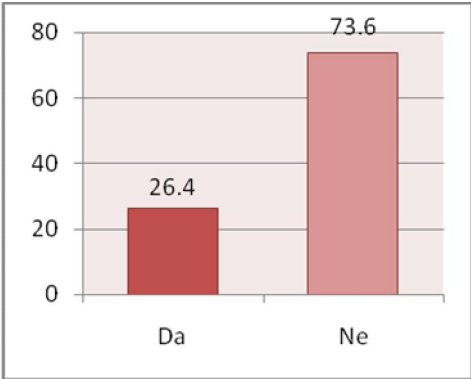
YES=3, NO=16, No answer:1

Question 13: Do officials insult prisoners, i.e. use derogatory words when addressing them?



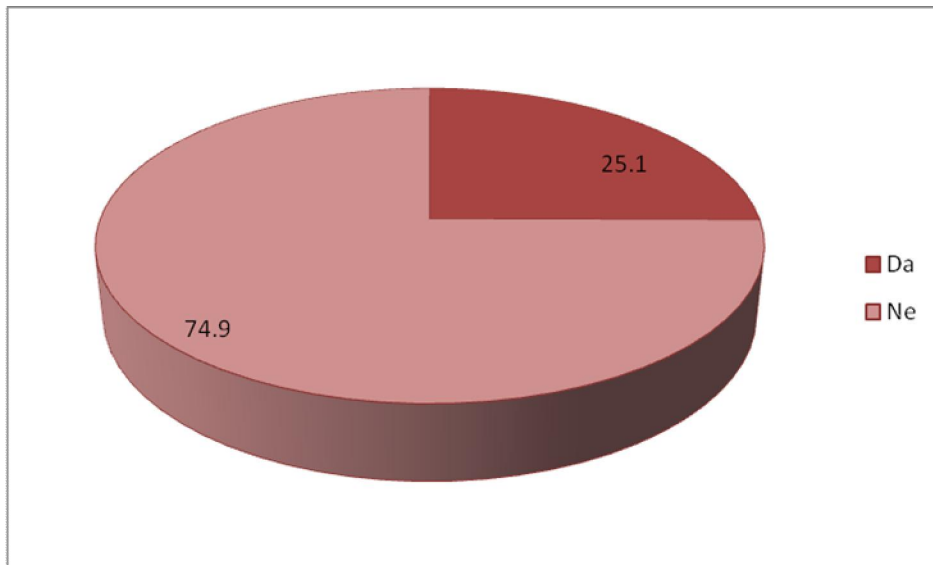
N=429
YES=187, NO=242, No answer: 66

Prison for short-term sentences:



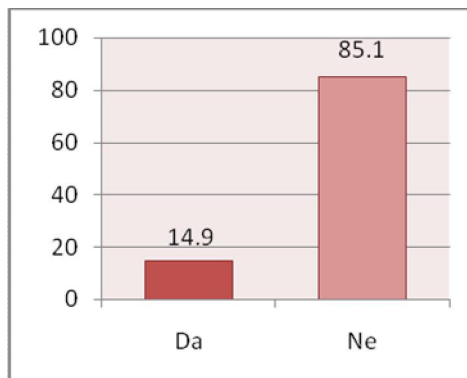
N=72
YES=19, NO=53, No answer: 13

Question 14: Have you ever been seriously threatened by ZIKS officer?



N=434
YES=109, NO=325, No answer: 61

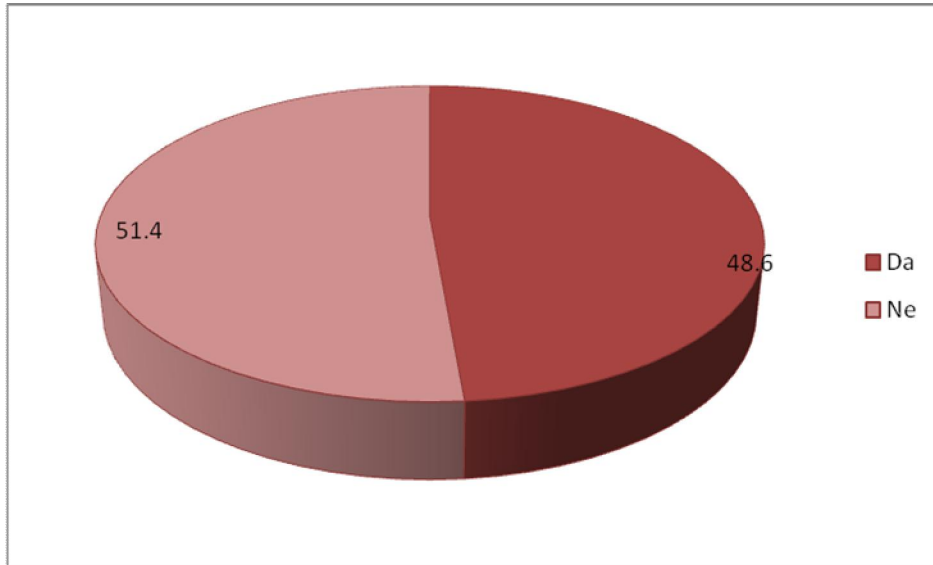
Prison for short-term sentences:



N=74
YES=11, NO=63, No answer: 11

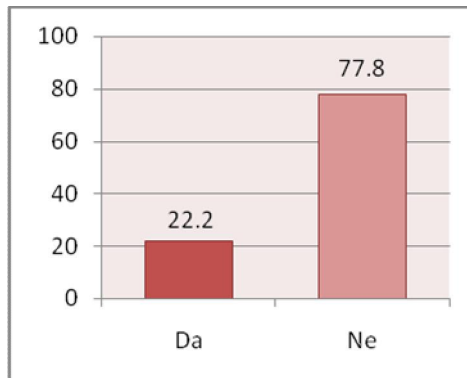
NOTE: Prisoners were offered to write down what they have been threatened with. Their responses can be classified into two categories, those who reported direct threats and those who feared to provide details because of the possible consequences.

Question 15: Are there any hidden places in prison units that you suspect or know of, used for applying or concealing excessive use of force?



N=389
YES=189, NO=200, No answer: 106

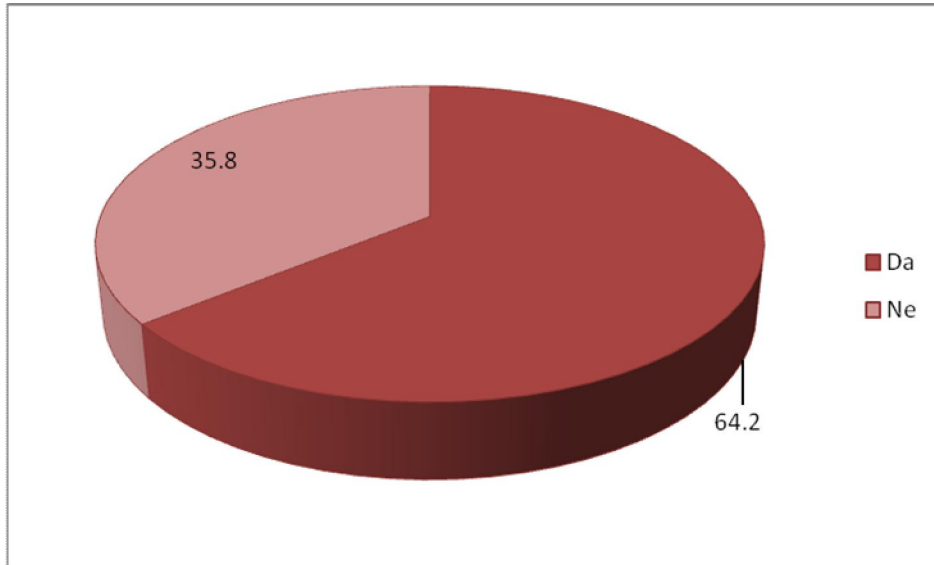
Prison for short-term sentences:



N= 63
YES=14, NO=49, No answer: 22

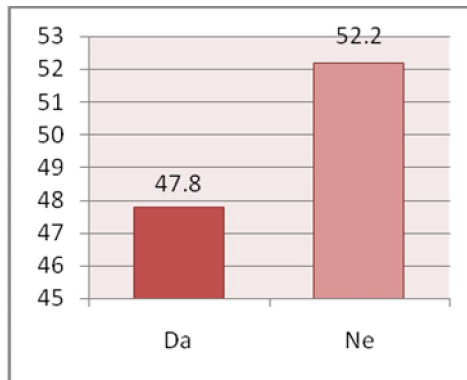
NOTE: When asked about places potentially used for applying force, respondents most often identified places in unit A ("next to the admission section", "special rooms in unit A") specific places with no cameras, space behind the commander's office, toilet in the commander's office, walking path in disciplinary department and solitary confinement. Respondents also stated that force had been applied in situations when "the power goes out."

Question 16: Is the prohibition of contact with family applied as a disciplinary measure?



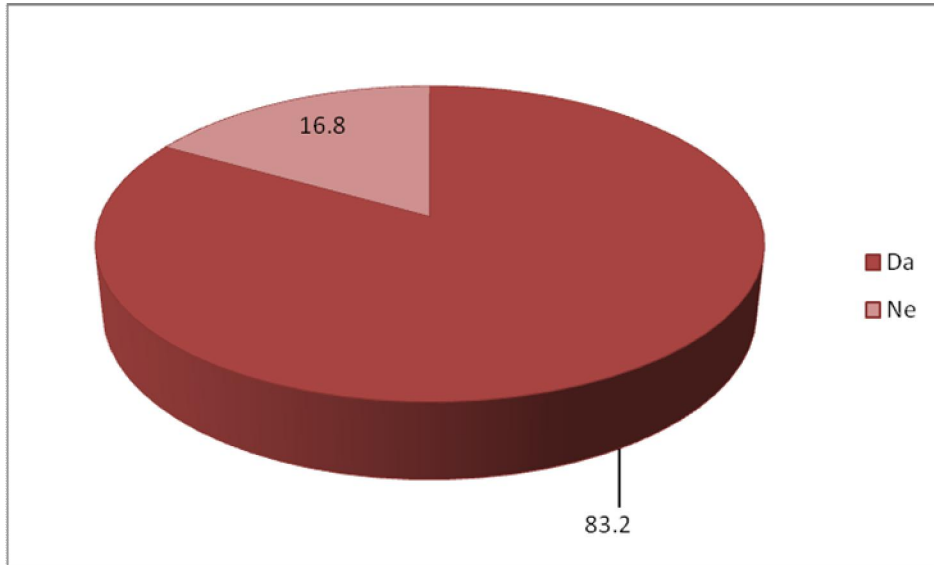
N=187
YES=120, NO=67, No answer: 308

NOTE: Prison for short-term sentences:



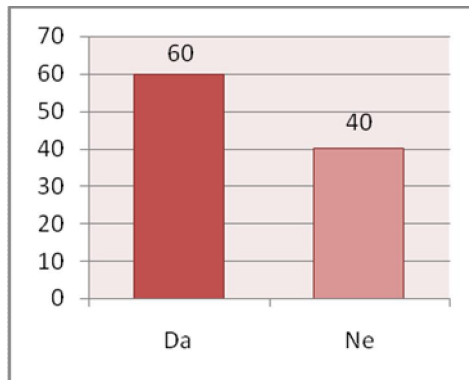
N=23
YES=11, NO=12, No answer 62

Question 17: If so (prohibition of contact with family), is this measure applied only when a prisoner is sent to solitary confinement?



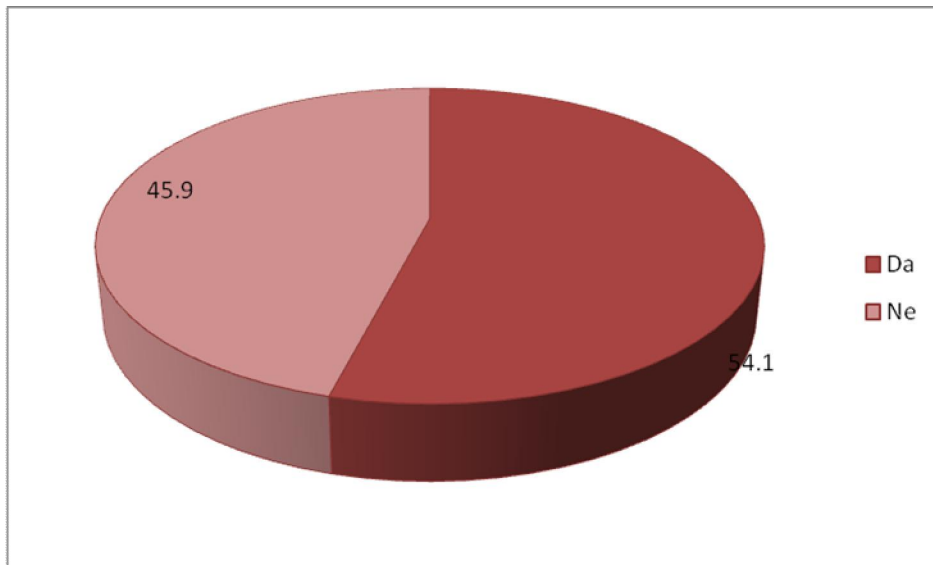
N=113
YES=94, NO=19, No answer: 7

NOTE: Prison for short-term sentences:



N=10
YES=6, NO=4, No answer: 1

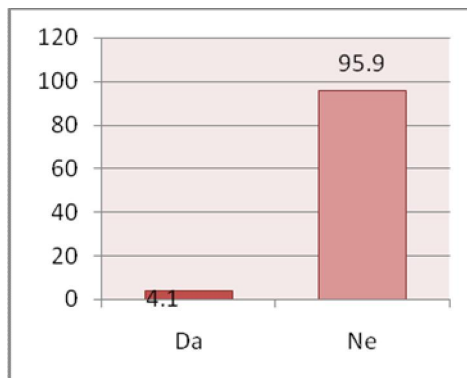
Question 18: Do ZIKS officers typically carry truncheons?



N=438

YES=237, NO=201, No answer: 57

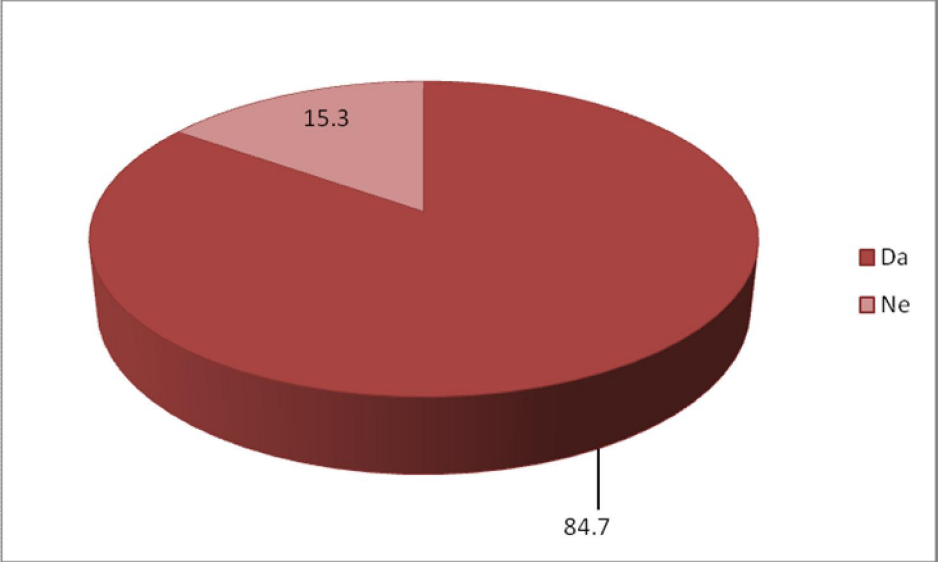
Prison for short-term sentences:



N=73

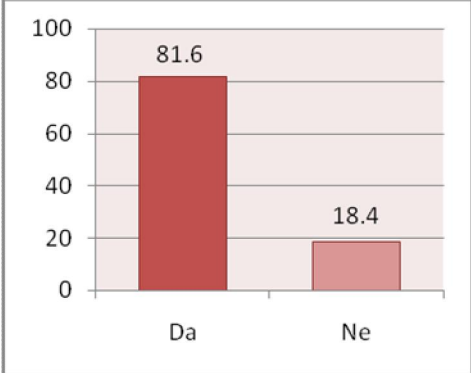
YES=3, NO=70, No answer: 12

Question 19: Are you allowed to spend two hours outdoors every day?



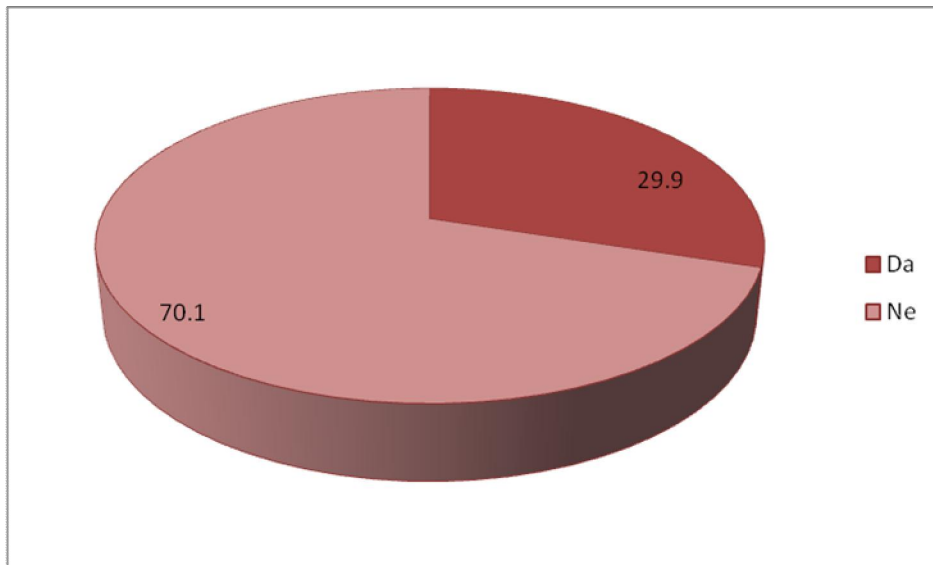
N=459
YES=389, NO=70, No answer: 36

NOTE: Prison for short-term sentences:



N=76
YES=62, NO=14, No answer: 9

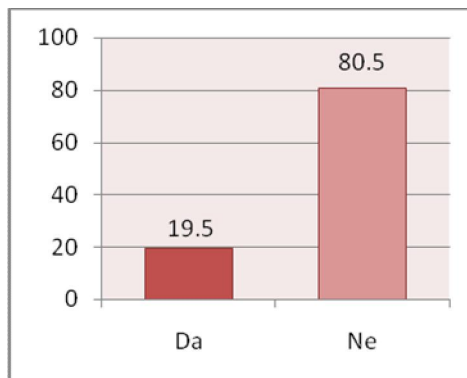
Question 20: Have you ever been in solitary confinement?



N=464

YES=139, NO=325, No answer: 31

NOTE: Prison for short-term sentences:

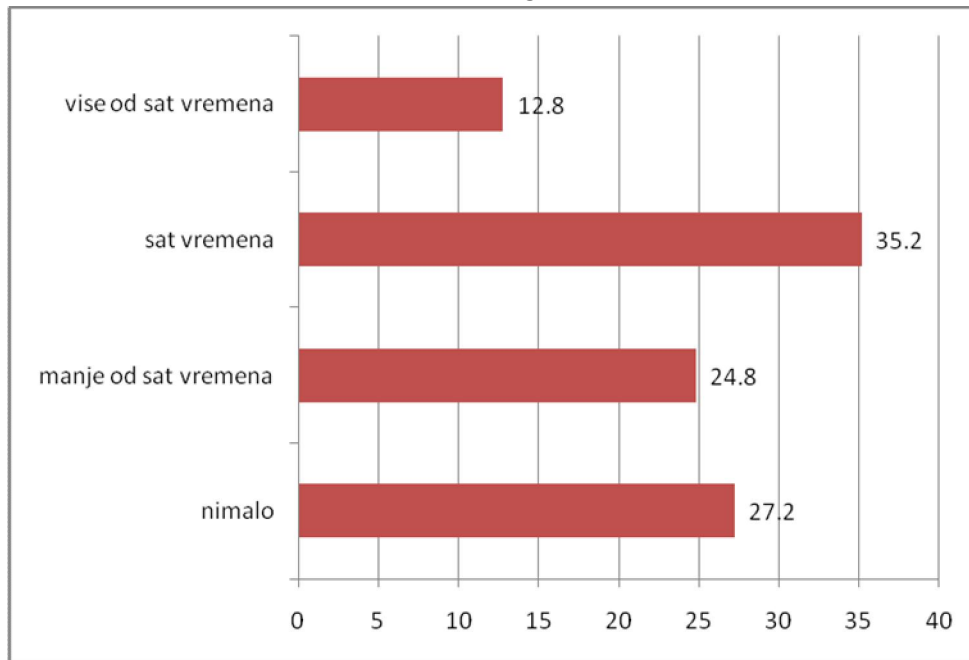


N=77

YES=15, NO=62, No answer: 8

NOTE: In an open form, respondents were asked how many days they had spent in solitary confinement. The number varies from two and a half days to year and a half.

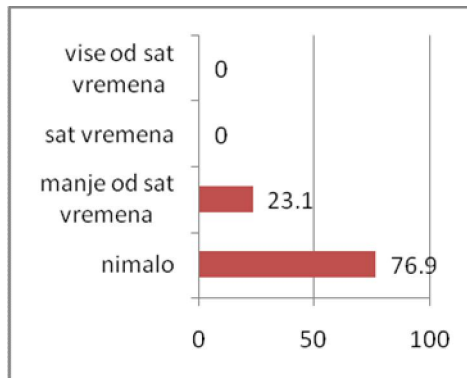
Question 21: While in solitary confinement, how many hours per day have you spent "walking"?



N=125

More then an hour=16, An hour=44, Less then an hour=31, No time=34, No answer: 14

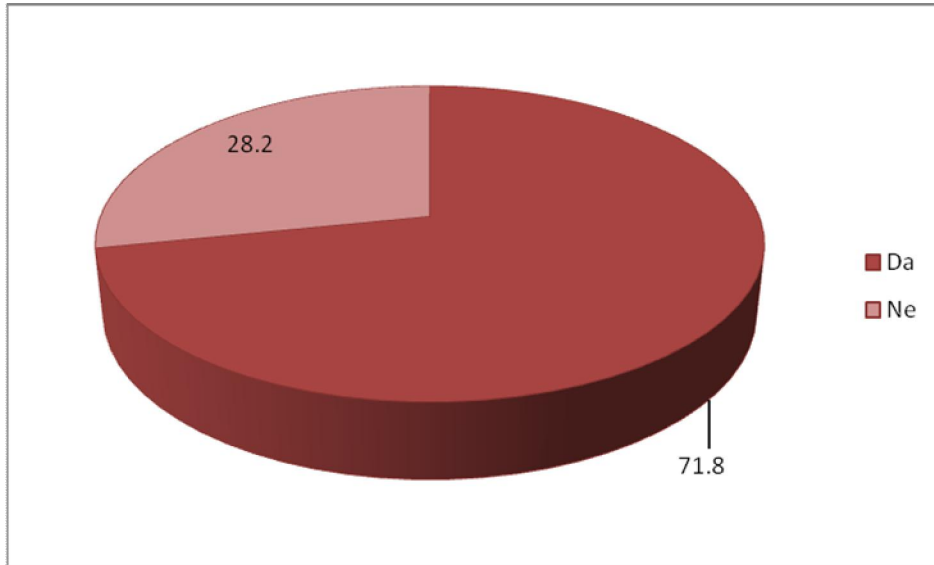
Prison for short-term sentences:



N=13

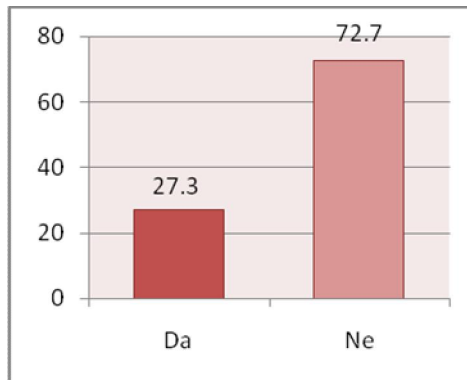
No time=10, Less then an hour=3, No answer: 2

Question 22: Were you sent to solitary confinement on the basis of the decision on solitary confinement?



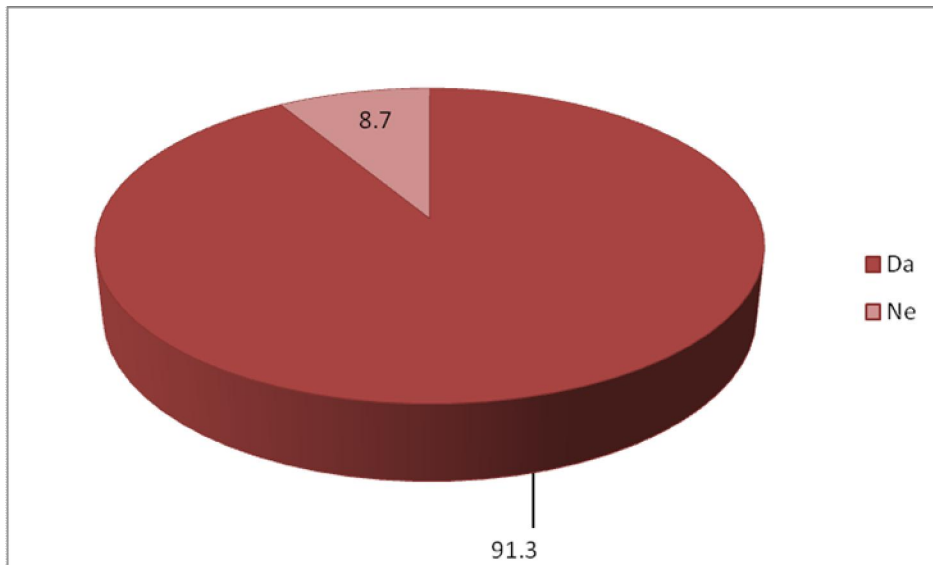
N=131
YES=94, NO=37, No answer: 8

Prison for short-term sentences:



N=11
YES=3, NO=8, No answer: 4

Question 23: Was the decision on solitary confinement delivered to you?

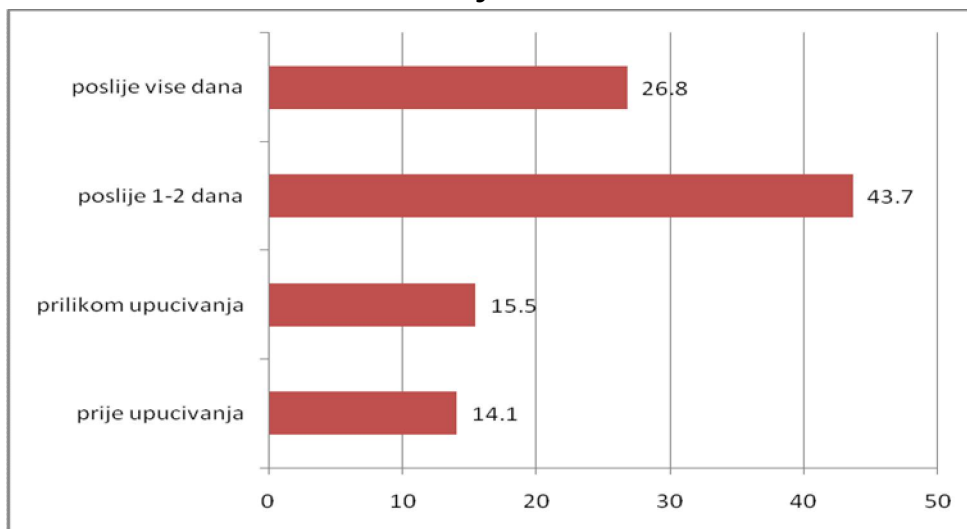


N=92

YES=84, NO=8, No answer: 2

NOTE: Prison for short-term sentences – of 3 respondents who answered this question, 1 answered affirmatively and 2 negatively.

Question 24: When did you receive the decision?

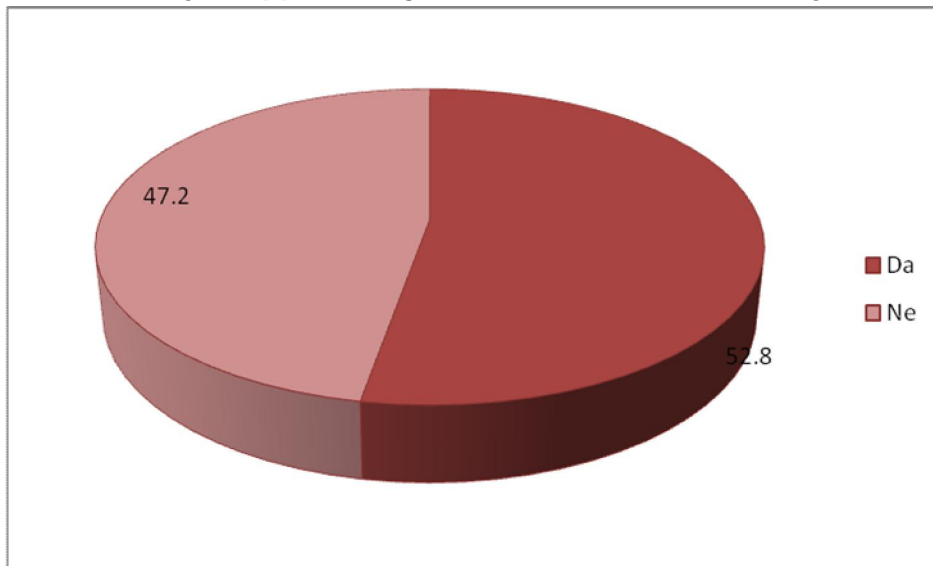


N=71

After several days=19, After 1-2 days=31, While being taken to solitary confinement=11,
Before being taken to solitary confinement=10, No answer: 13

NOTE: Prison for short-term sentences – one respondent who answered this question stated that the decision had been delivered to him prior to going into solitary confinement.

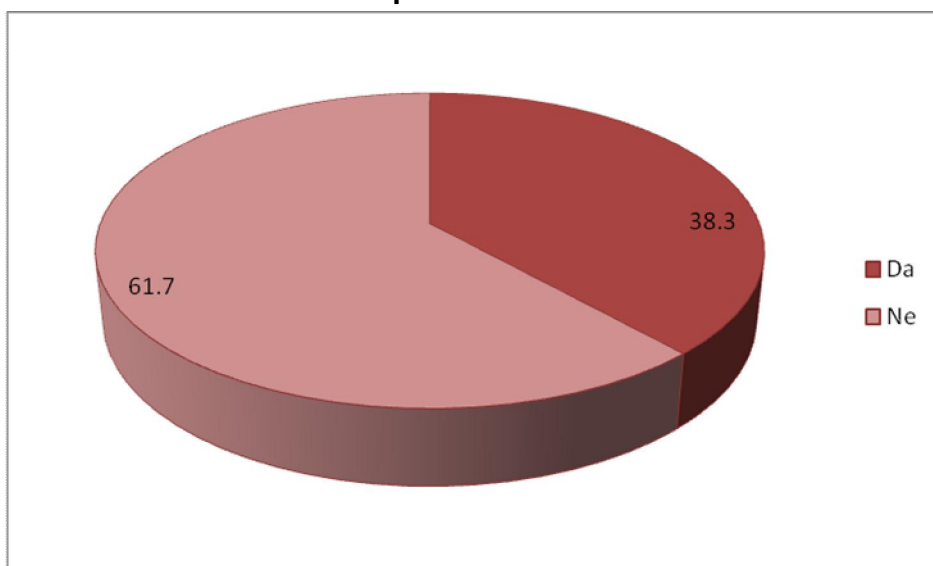
Question 25: Have you appealed against the decision on solitary confinement?



N=89
YES=47, NO=42, No answer: 5

NOTE: Prison for short-term sentences – of 3 respondents who answered this question, 1 answered affirmatively and 2 negatively.

Question 26: Have you been provided with legal aid in the course of that disciplinary procedure?

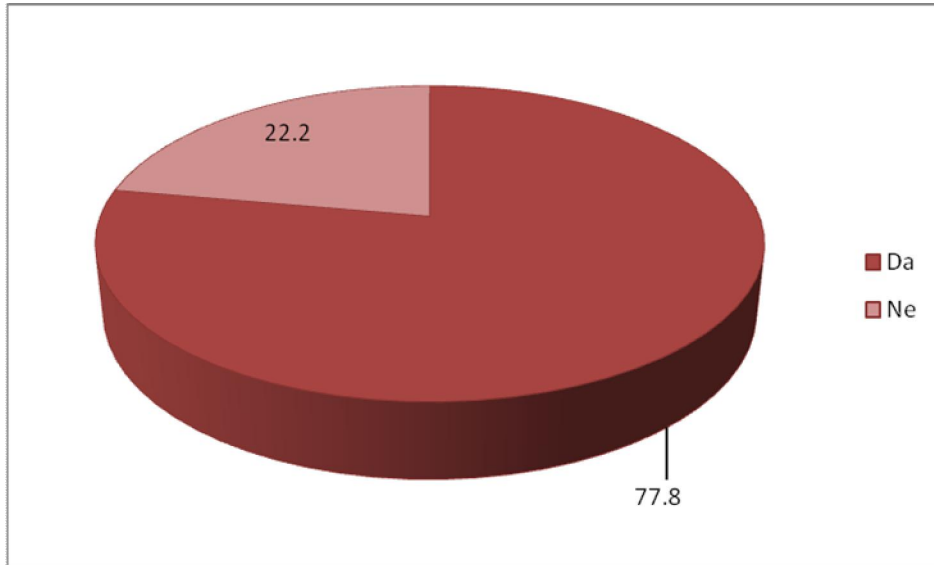


N=47

YES=18, NO=29, No answer: 0

NOTE: Prison for short-term sentences – 1 respondent who filed an appeal said that he had been provided legal aid.

Question 27: Was legal aid provided by a lawyer employed at ZIKS?

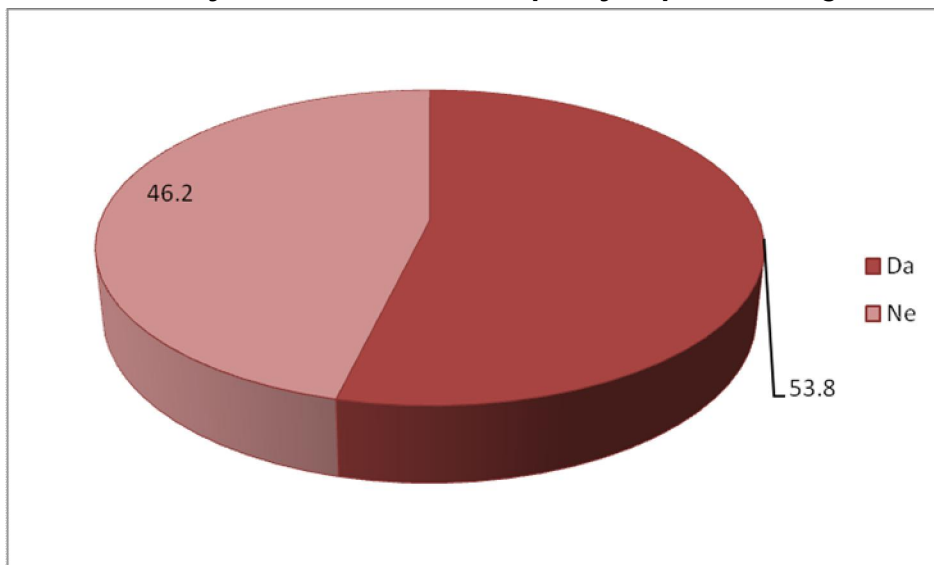


YES=14, NO=4, N=18

No answer: 0

NOTE: Prison for short-term sentences – 1 respondent who provided an answer in this category responded negatively.

Question 28: If so, were you satisfied with the quality of provided legal aid?

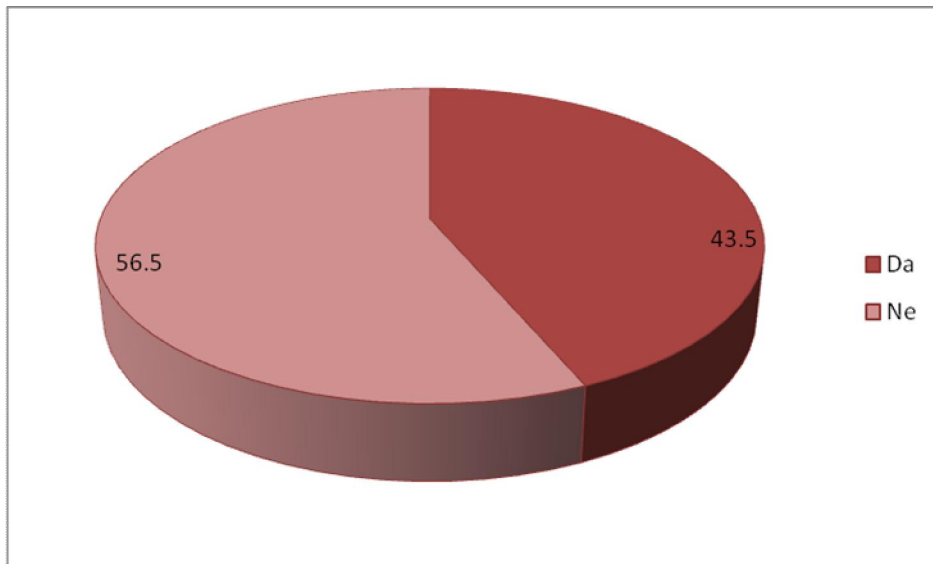


N=13

YES=7, NO=6, No answer: 1

NOTE: Prison for short-term sentences – No person responded to this question.

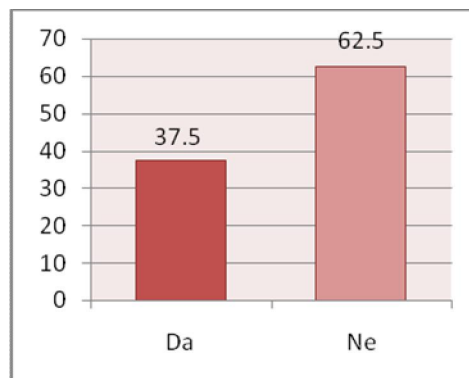
Question 29: Does smoking in rooms bother you?



N=453

YES=197, NO=256, No answer: 42

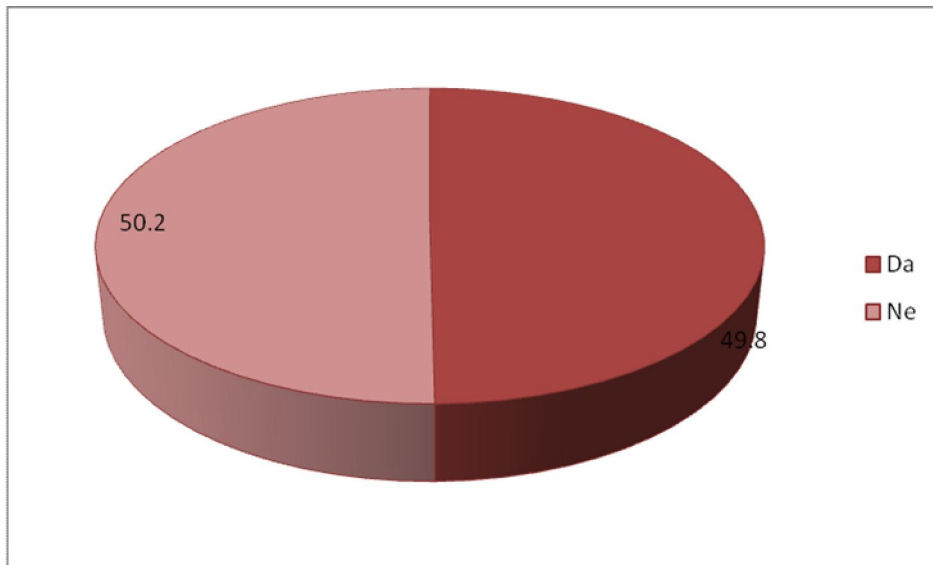
Prison for short-term sentences:



N=72

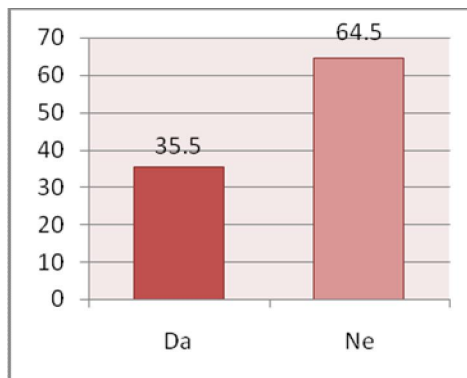
YES=27, NO=45, No answer: 13

Question 30: Are you provided hot water and heating at all times?



N=450
YES=224, NO=226, No answer: 45

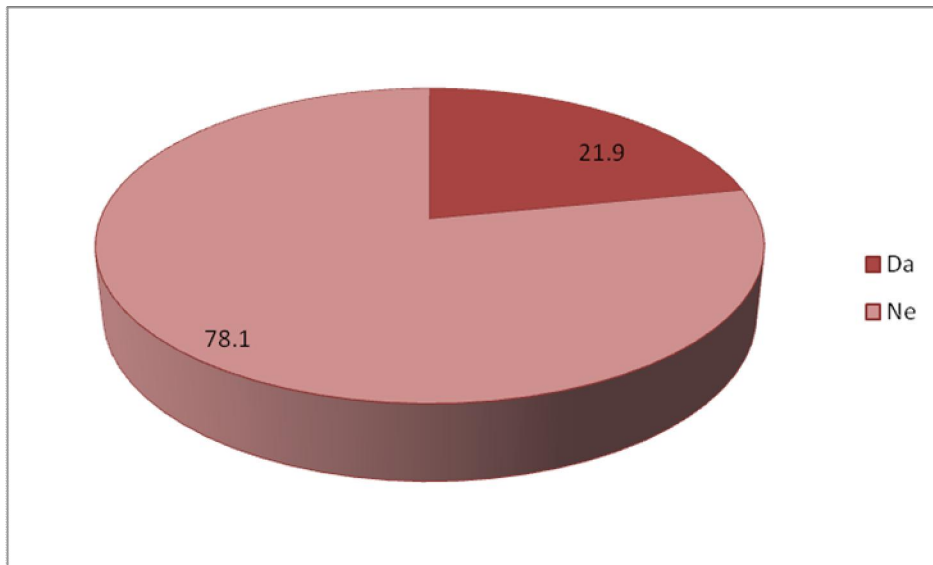
Prison for short-term sentences:



N=76
YES=27, NO=49, No answer: 9

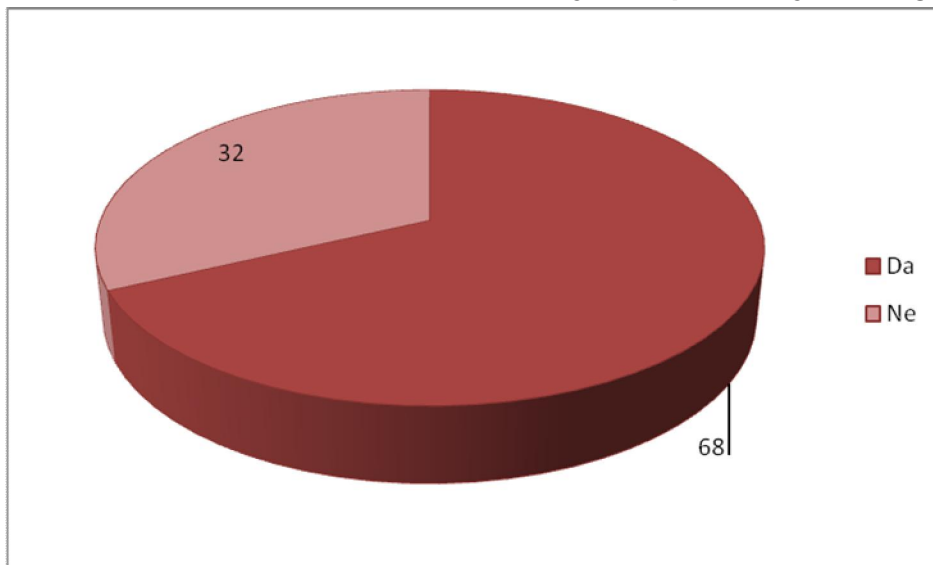
NOTE: Those who responded negatively were asked in which part of ZIKS they are situated. The answers often included rooms in unit A, but also in units B, D, F and semi-open section.

Question 31: Are you satisfied with the quality of food offered in ZIKS kitchen?



N=443
YES=97, NO=346, No answer: 52

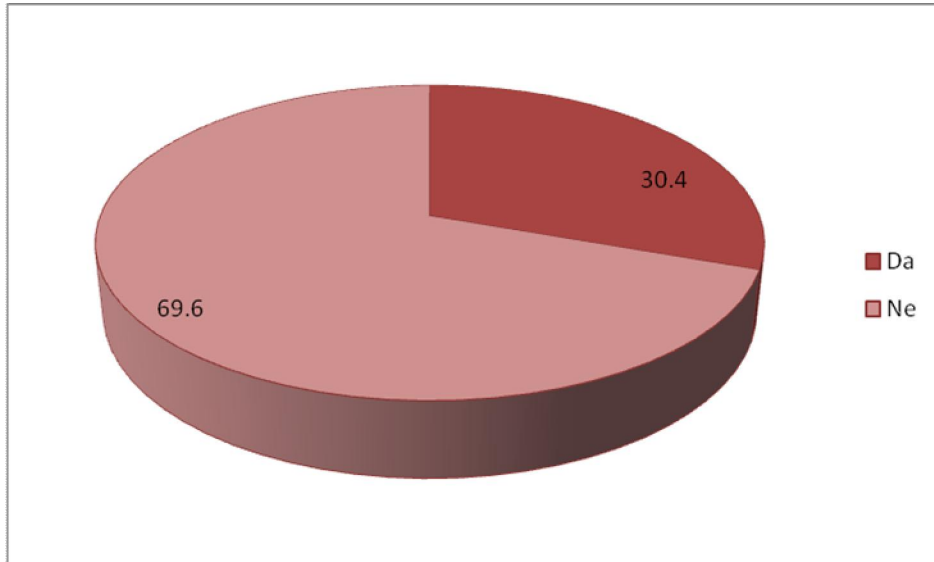
Question 32: Does the choice of food allow you to practice your religion?



N=150
YES=102, NO=48, No answer=345

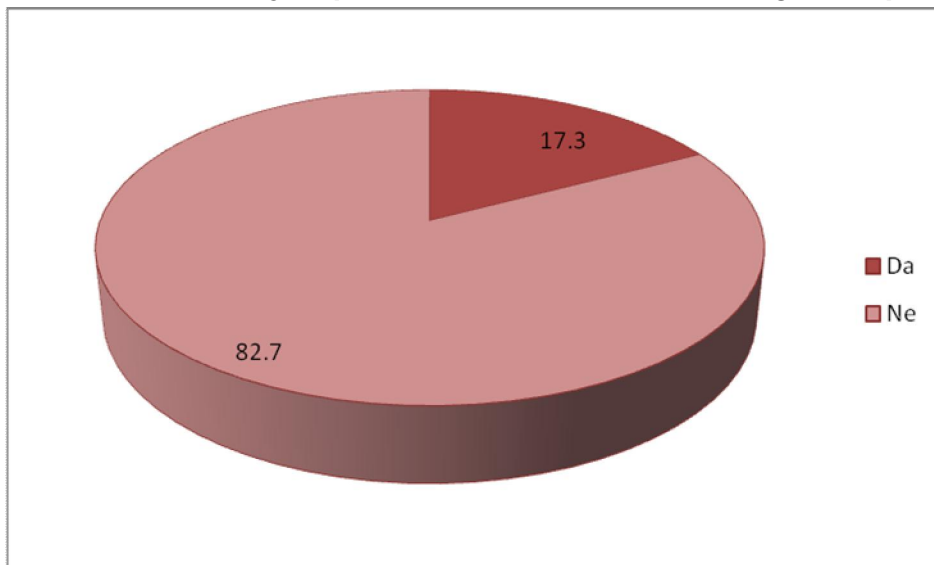
NOTE: In an open form, prisoners complained of not having access to Lenten (fasting) food and of lack of respect for the fact that Muslims do not eat pork.

Question 33: Is there a possibility of submitting a complaint in relation to food?



N=391
YES=119, NO=272, No answer: 104

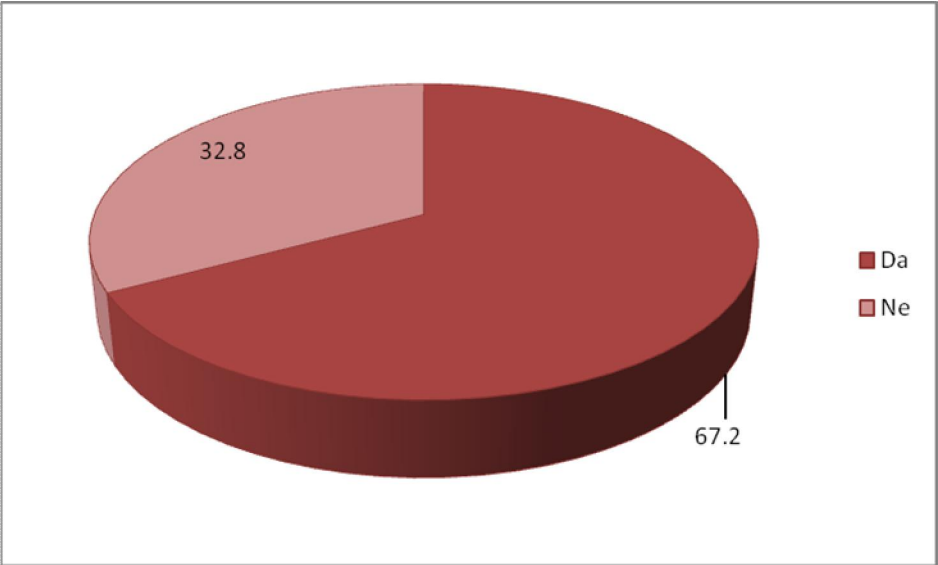
Question 34: Have any requests been met after submitting a complaint?



N=335
YES=58, NO=277, No answer: 160

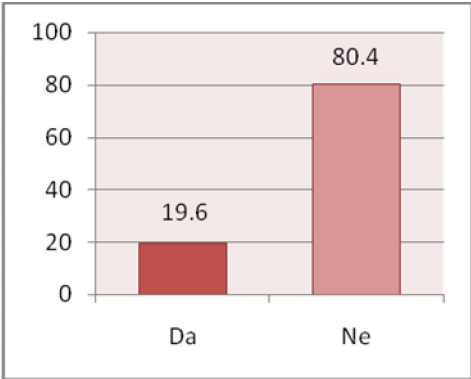
NOTE: In an open form, inmates stated that they continue submitting complaints about the quality of food although so far they have been ineffective.

Question 35: Are you able to maintain contact with a representative of your religious community?



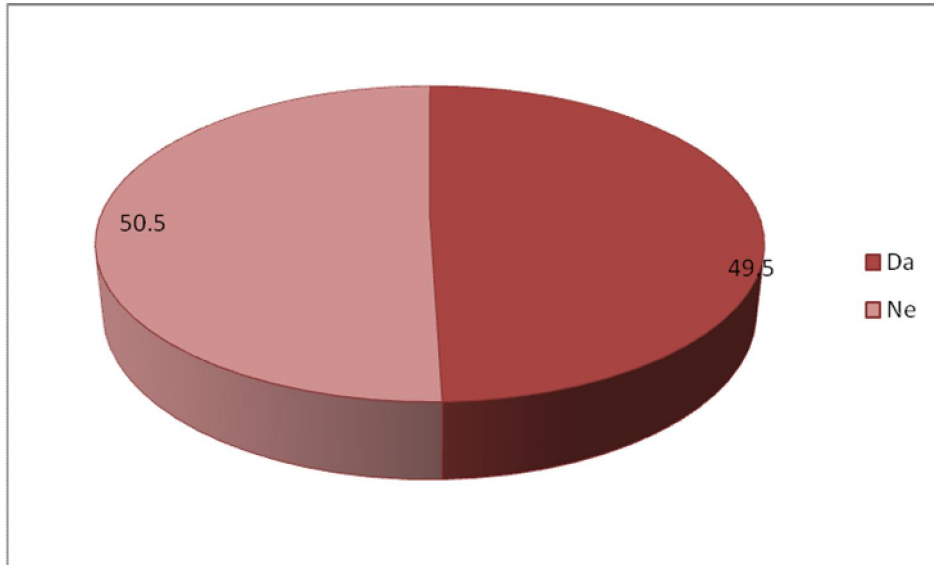
N=354
YES=238, NO=116, No answer: 141

Prison for short-term sentences:



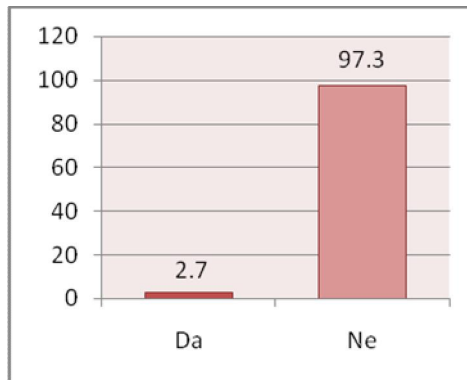
N=51
YES=10, NO=41, No answer: 34

Question 36: Do you have a possibility to regularly wash your bedding in the laundry room?



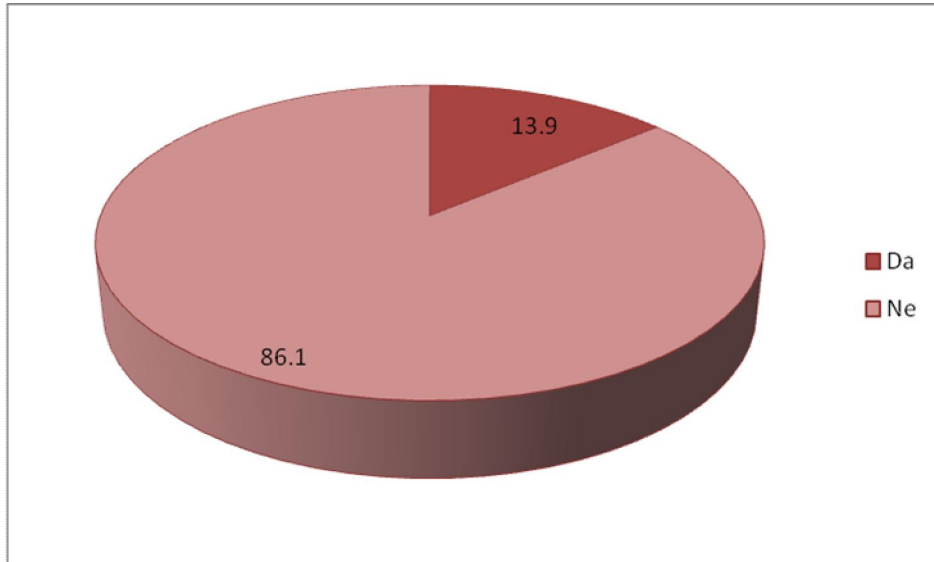
N=442
YES=219, NO=223, No answer: 53

Prison for short-term sentences:



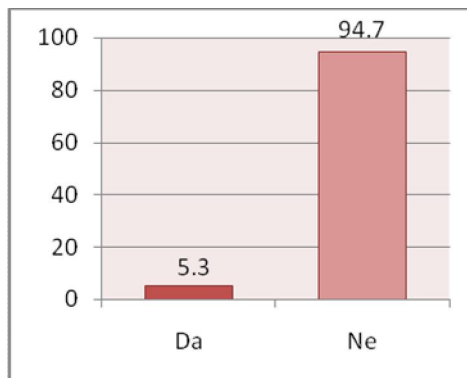
N=73
YES=2, NO=71, No answer: 12

Question 37: Are you provided a possibility to use prison bedding?



N=433
YES=60, NO=373, No answer: 62

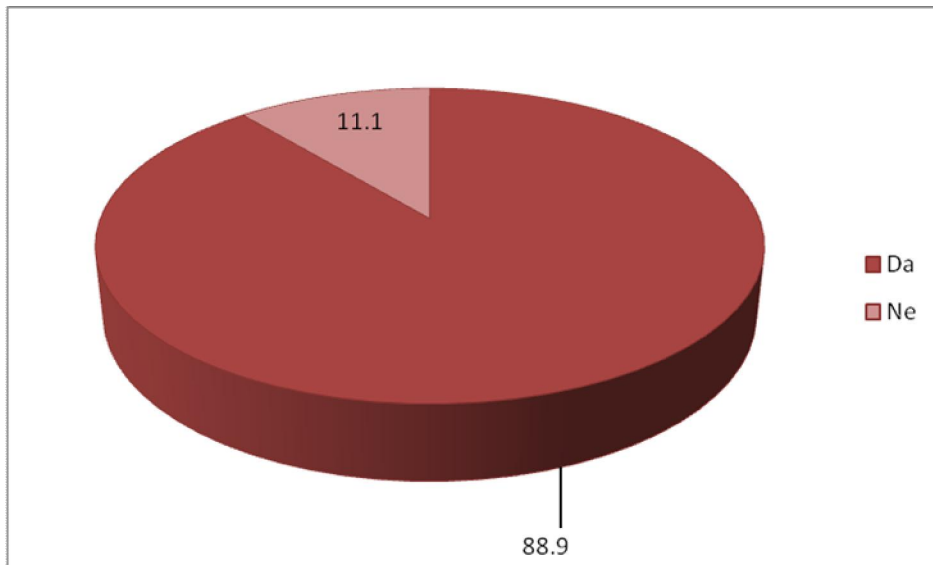
Prison for short-term sentences:



N=76
YES=4, NO=72, No answer: 9

NOTE: In an open form, inmates complained about bringing their own bedding since the prison administration provides them only with blankets.

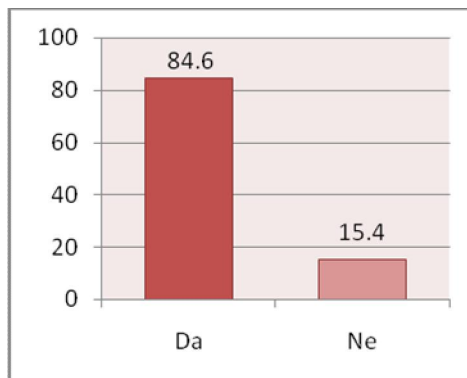
Question 38: Have you expressed a desire to be engaged in work?



N=407

YES=362, NO=45, No answer: 88

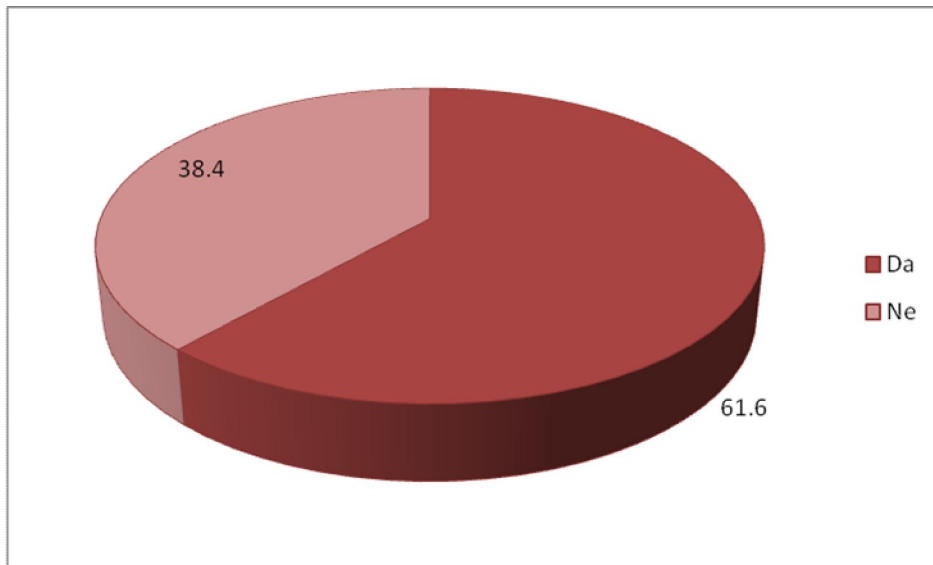
Prison for short-term sentences:



N=65

YES=55, NO=10, No answer: 20

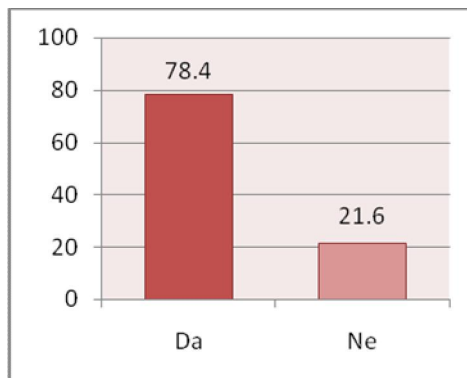
Question 39: If so, were you provided with that possibility?



N=328

YES=202, NO=126, No answer: 34

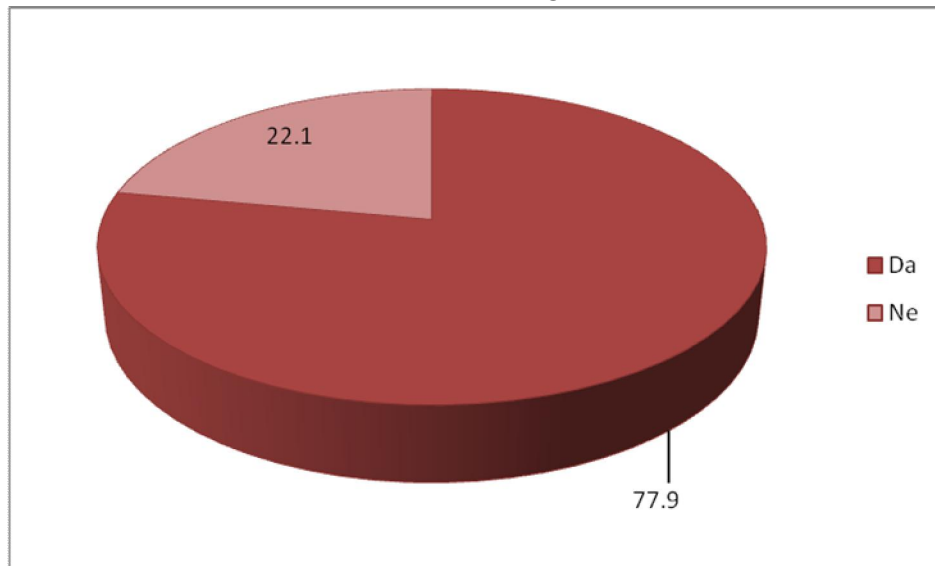
Prison for short-term sentences:



N=51

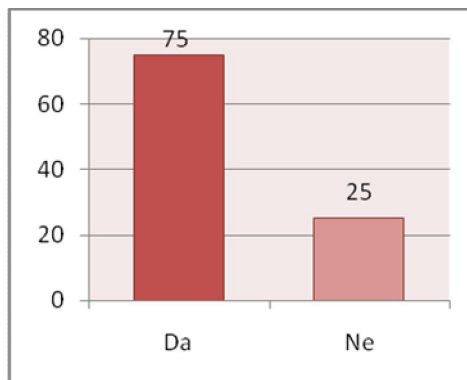
YES=40, NO=11, No answer: 4

Question 40: Would you like to obtain some sort of training, for example computer skills training?



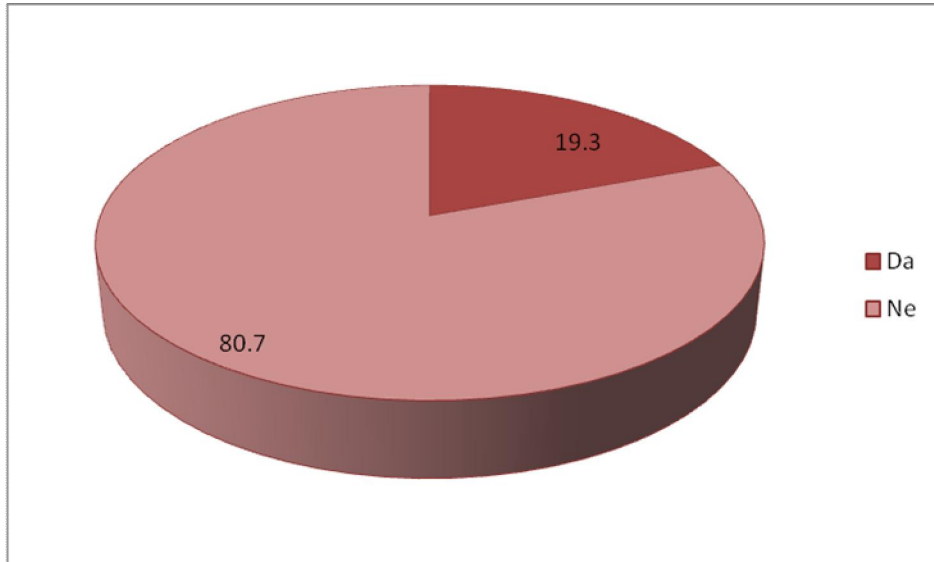
N=439
YES=342, NO=97, No answer: 56

Prison for short-term sentences:



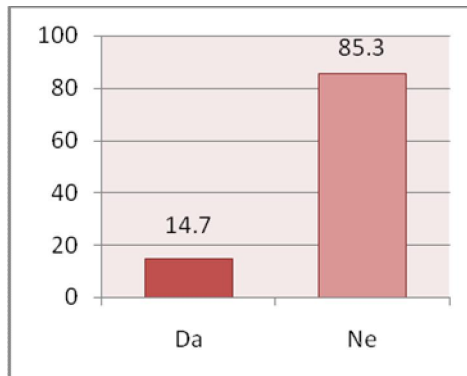
N=72
YES=54, NO=18, No answer: 13

Question 41: Have you ever requested to be enabled to take exams?



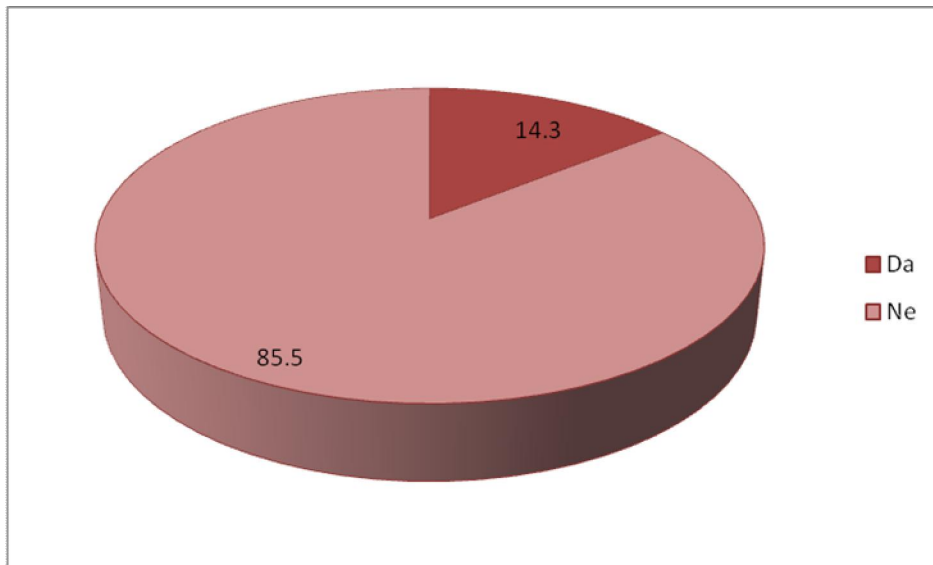
N=420
YES=81, NO=339, No answer: 75

Prison for short-term sentences:



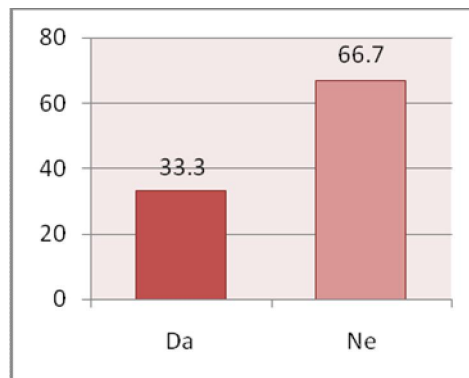
N=68
YES=10, NO=58, No answer: 17

Question 42: If so, were you provided with that possibility?



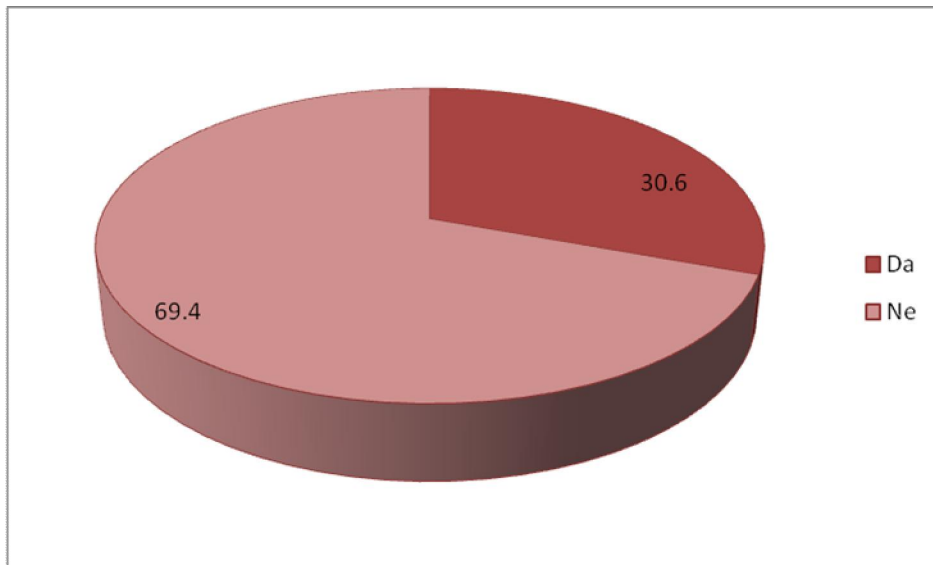
N=76
YES=11, NO=65, No answer: 5

Prison for short-term sentences:



N=9
YES=3, NO=6, No answer: 1

Question 43: Are you satisfied with the library?

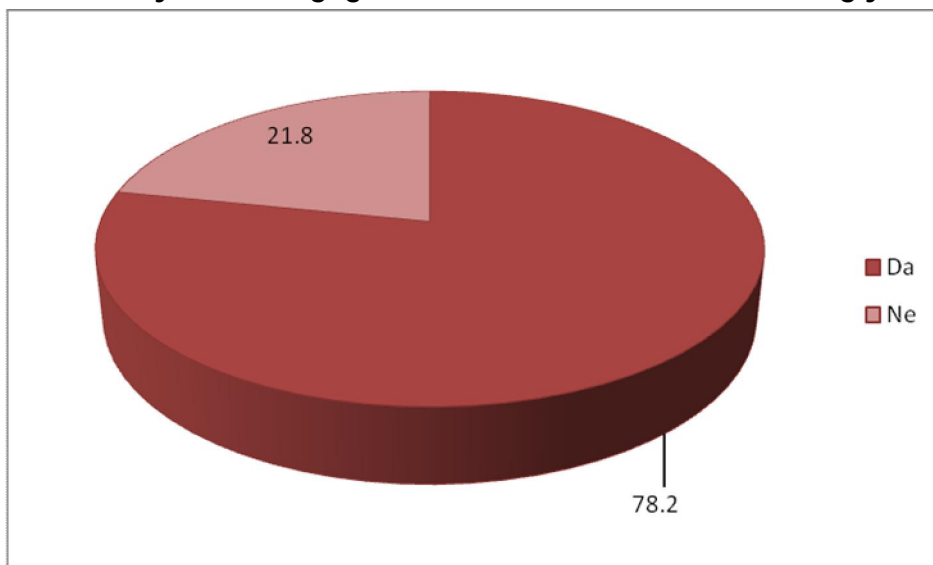


N=327

YES=100, NO=227, No answer: 83

NOTE: Prisoners serving short sentences did not respond to question 46 because they do not have access to the library, which is why the total number of respondents was 410.

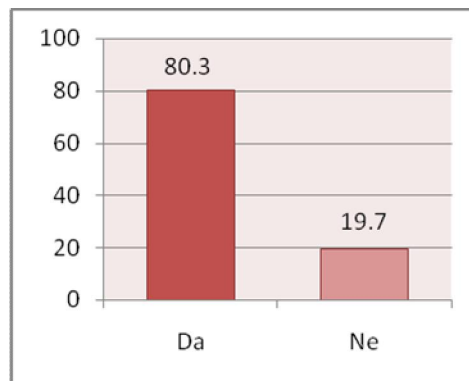
Question 44: Would you like engage in some creative activities during your free time?



N=403

YES=315, NO=88, No answer: 92

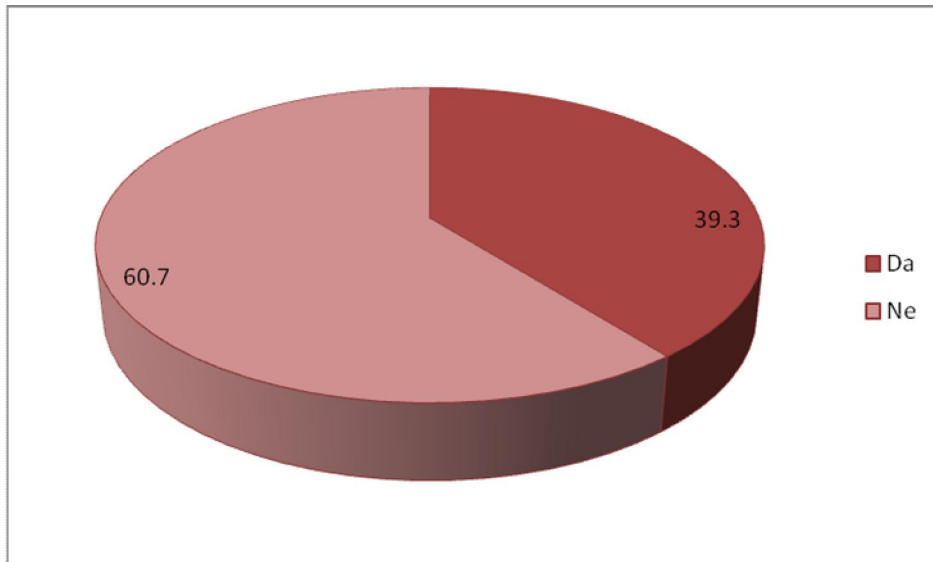
Prison for short-term sentences:



N=61

YES=49, NO=12, No answer: 24

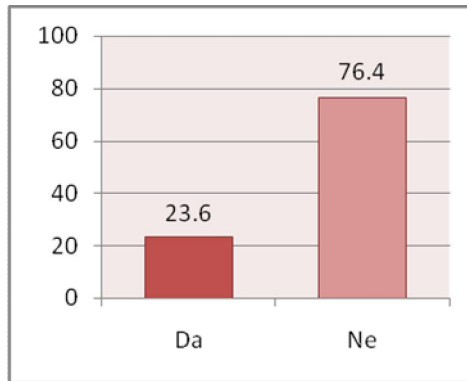
Question 45: When you ask to speak with the professor, do you wait a long time?



N=450

YES=177, NO=273, No answer: 45

Prison for short-term sentences:

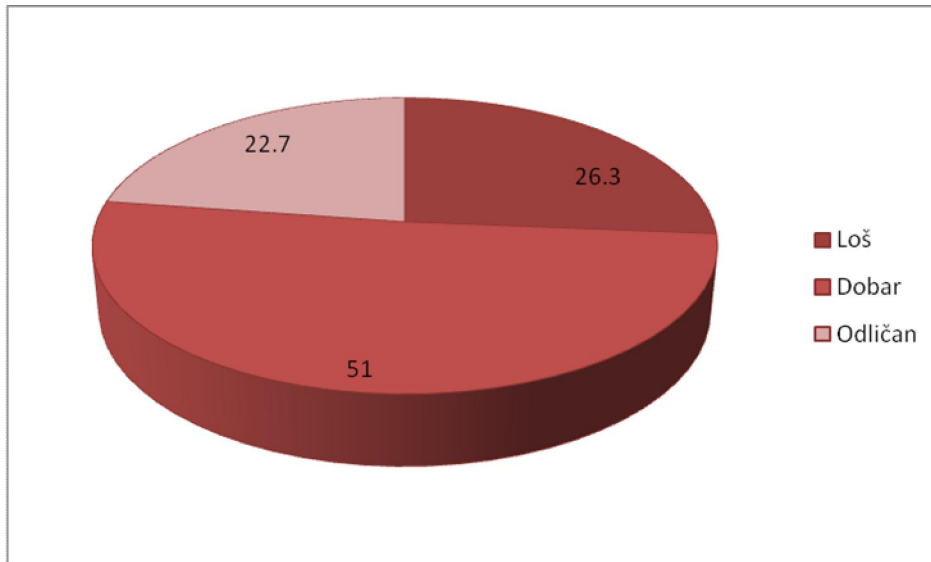


N=72

YES=17, NO=55, No answer: 13

NOTE: In an open form, prisoners expressed very different experiences regarding their contact with the professor. Some expressed their satisfaction noting that they do not have to wait long, while others complained of waiting for too long.

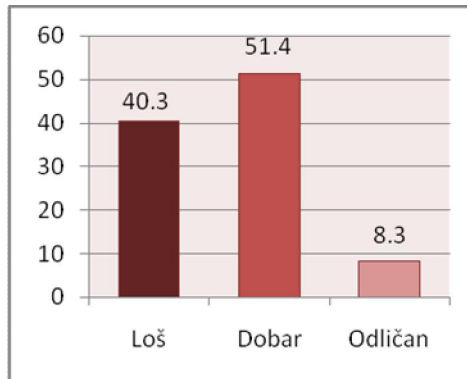
Question 46: How would you assess your relationship with the professor?



N=441

Poor=116, Good=225, Excellent=100, No answer: 54

Prison for short-term sentences:

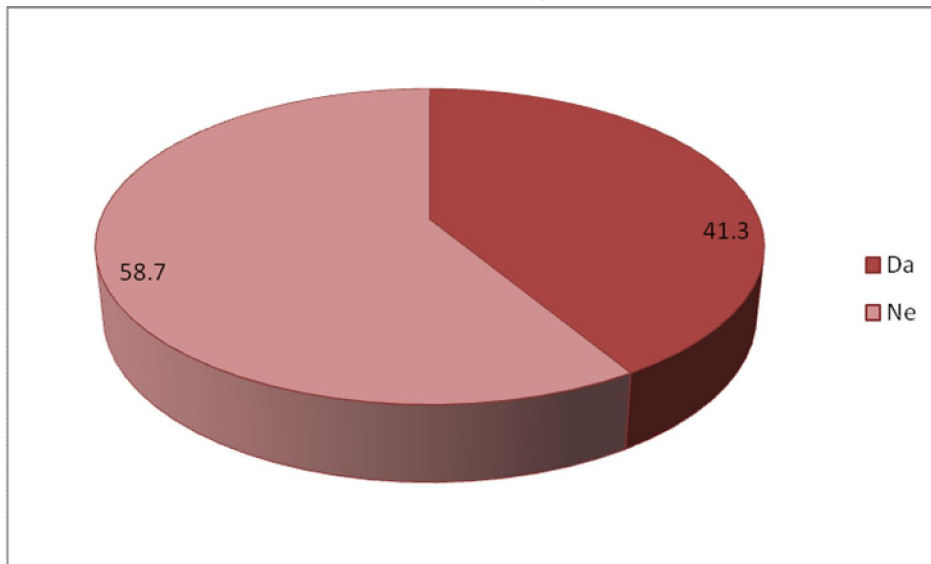


N=72

Poor=29, Good=37, Excellent=6, No answer: 13

NOTE: In an open form, inmates provided very different answers about their experience with the professor. Some were very satisfied and expressed their compliments while others were rather unhappy and critical.

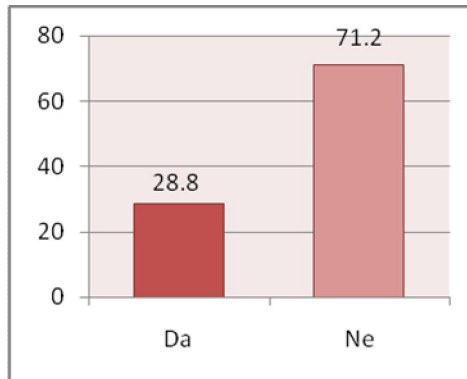
Question 47: Does your relationship with the professors help you prepare better for the release from prison?



N=448

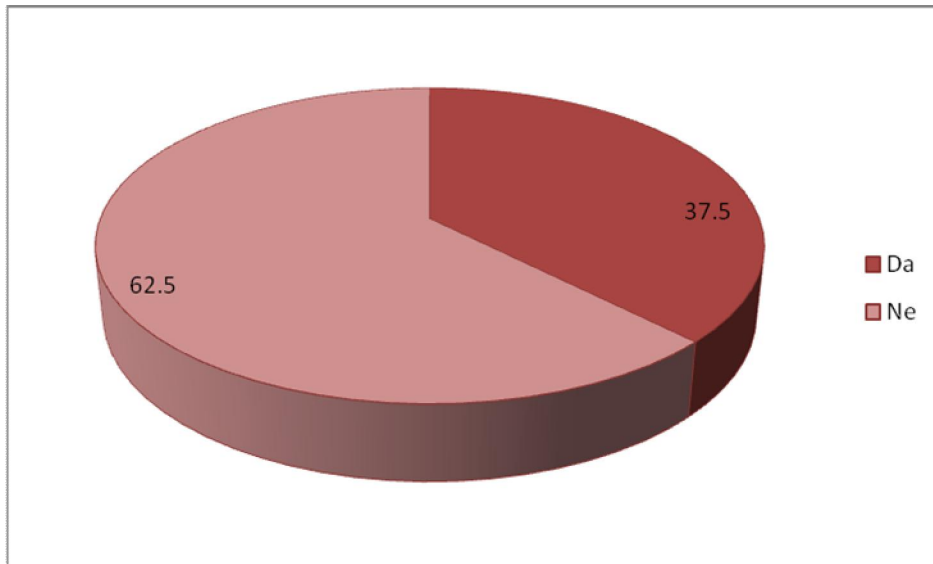
YES=185, NO=263, No answer: 47

Prison for short-term sentences:



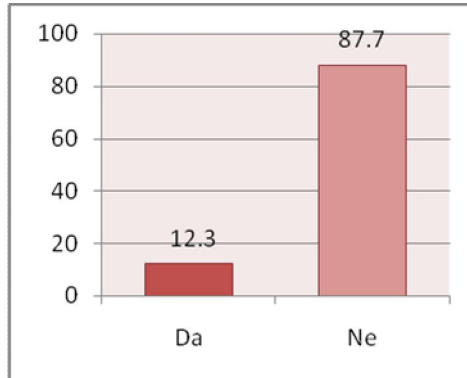
N=73
YES=21, NO=52, No answer: 12

Question 48: Do you know how to address the Protector of Human Rights and Freedoms?



N=459
YES=172, NO=287, No answer: 36

Prison for short-term sentences:

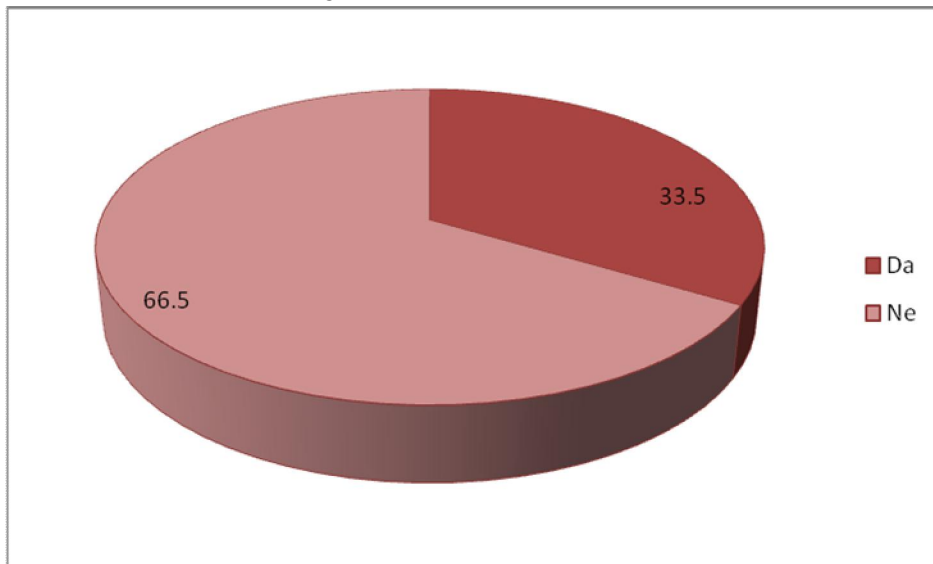


N=73

YES=9, NO=64, No answer: 12

NOTE: Respondents have answered this question prior to setting up mail boxes in ZIKS for letters addressed to the Protector of Human Rights and Freedoms.

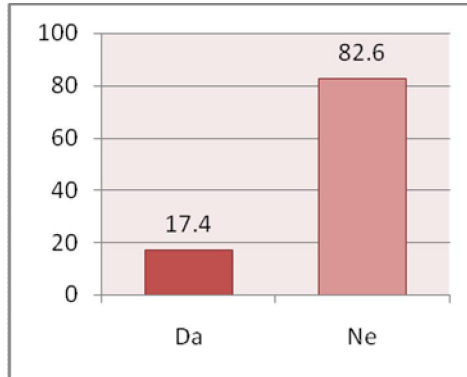
Question 49: Do you have access to the House Rules?



N=448

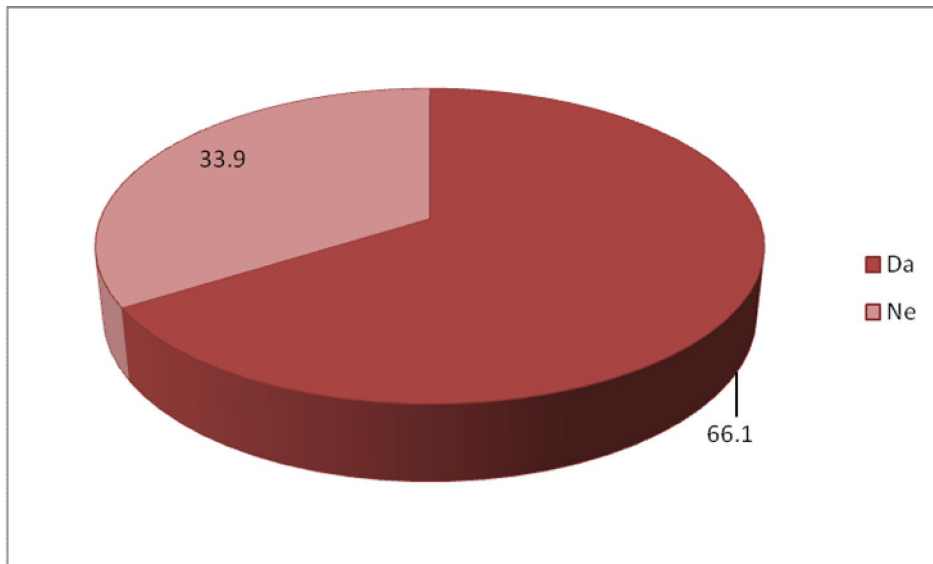
YES=150, NO=298, No answer: 47

Prison for short-term sentences:



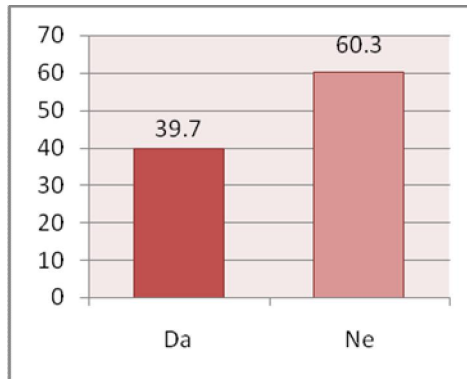
N=69
YES=12, NO=57, No answer:16

Question 50: Are the prices in the canteen higher than in stores outside of ZIKS?



N=425
YES=281, NO=144, No answer: 70

Prison for short-term sentences:

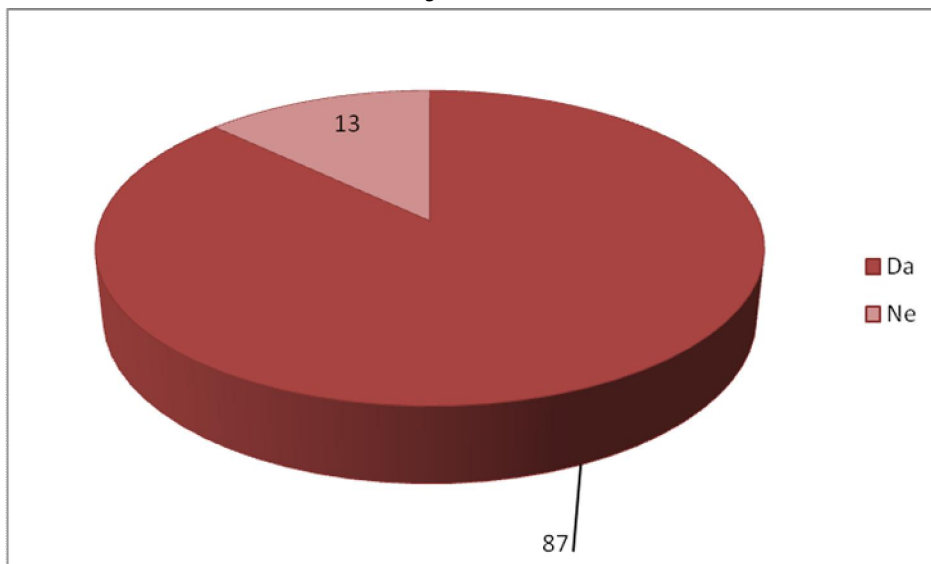


N=68

YES=27, NO=41, No answer: 17

NOTE: The answers to this question pointed to the need to check the price list in ZIKS's canteen. The majority of items (92%) is cheaper comparing to the market price (out of total 116 items, 107 are cheaper in ZIKS for 0.01-2.50 Euros, 6 is slightly more expensive for 0.01-0.36Euros, while 3 items have the same price).

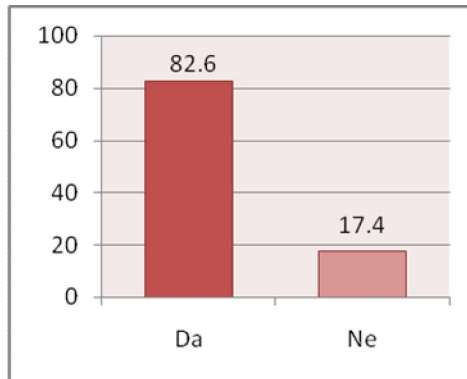
Question 51: Is there a need to set up more shelters from inclement weather in prison yards?



N=437

YES=380, NO=57, No answer: 58

Prison for short-term sentences:

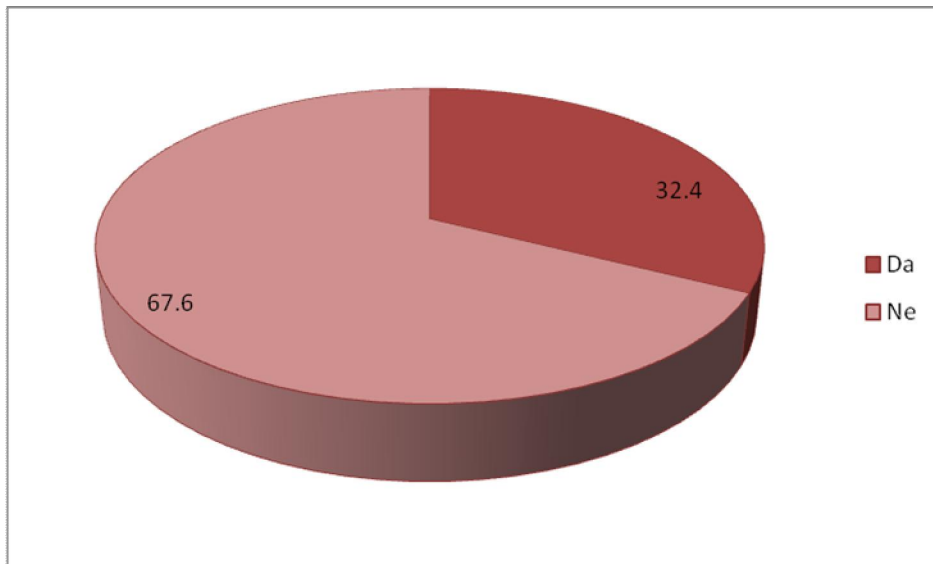


N=69

YES=57, NO=12, No answer: 17

The European Committee for the Prevention of Torture concluded in its report on the visit to Montenegro in September 2008 that there are not enough shelters in the yards.

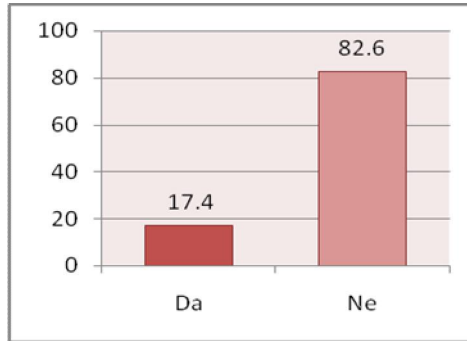
Question 52: Have you ever been denied the right to a phone call?



N=448

YES=145, NO=303, No answer: 47

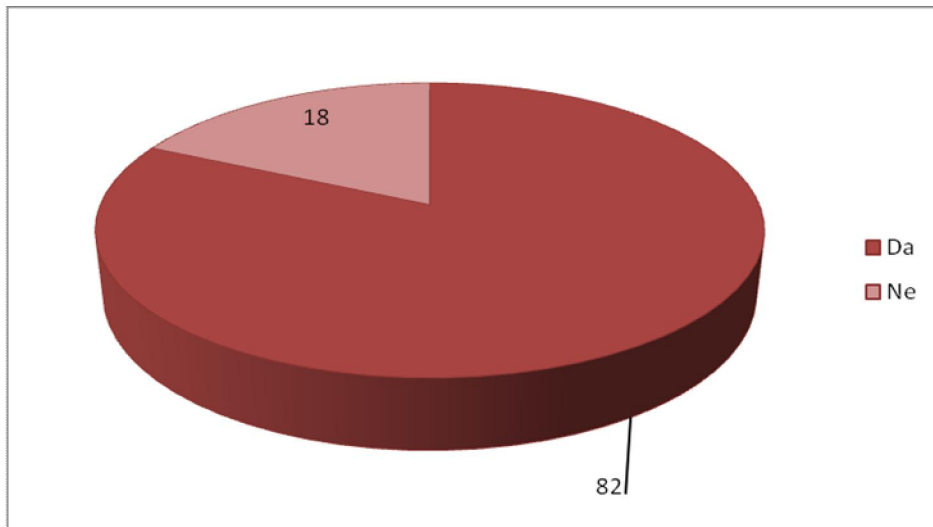
Prison for short-term sentences:



N=69

YES=12, NO=57, No answer: 17

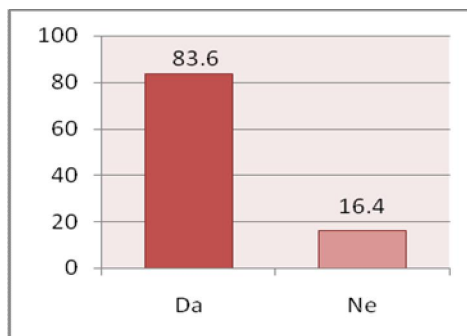
Question 53: Are there any overcrowded rooms?



N=427

YES=350, NO=77, No answer: 68

Prison for short-term sentences:

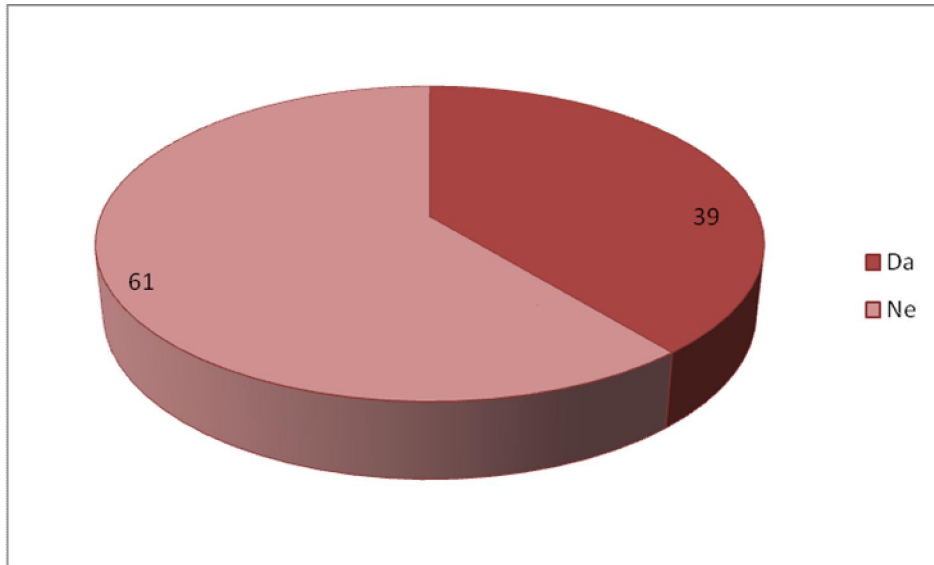


N=67

YES=56, NO=11, No answer: 18

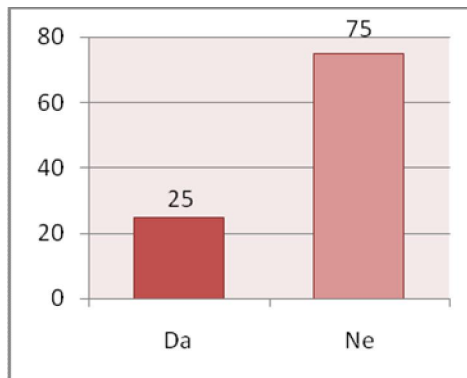
NOTE: In an open form, respondents were able to specify the parts of ZIKS with this problem. Answers included almost all parts of the prison, the only difference being bearable/unbearable conditions. According to respondents, in rooms in unit A there were 25, 27 or 30 prisoners per room, some inmates in the Remand Prison slept on the floor, five prisoners were placed in 16 m2 in unit B and semi-open section, and 6 persons stayed in a 10 m2 room in unit F.

Question 54: Have you ever addressed the Director or Head of ZIKS in written form, without receiving any response?



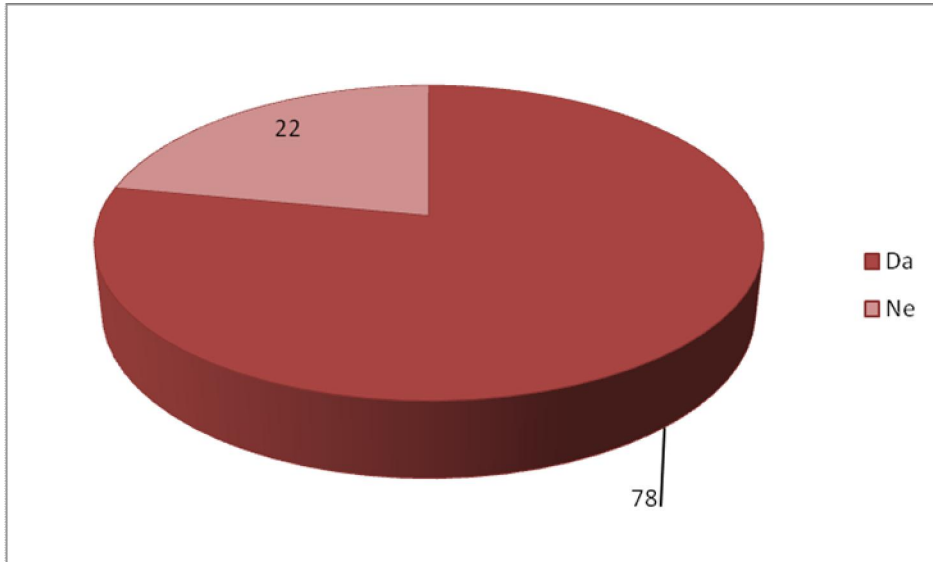
N=410
YES=160, NO=250, No answer: 85

Prison for short-term sentences:



N=64
YES=16, NO=48, No answer: 21

Question 55: If you are married, can your spouse visit you on a regular basis?

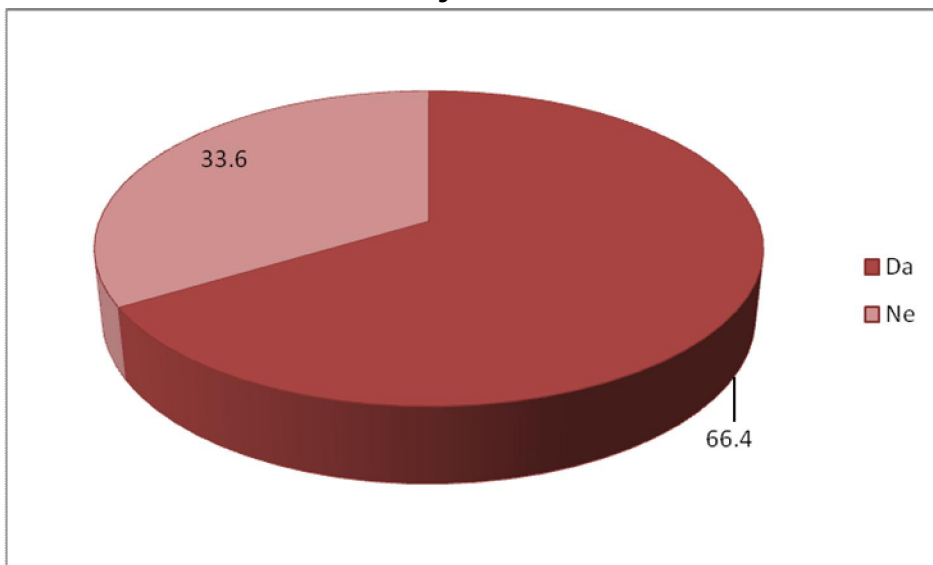


N=214

YES=167, NO=47, No answer: 196

NOTE: This question does not include answers provided by prisoners serving short sentences.

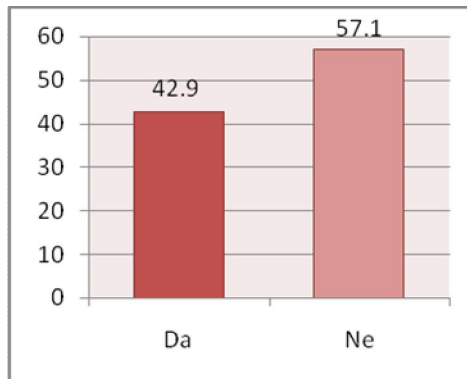
Question 56: Can you regularly receive the treatment your doctor has prescribed to you?



N=405

YES=269, NO=136, No answer: 90

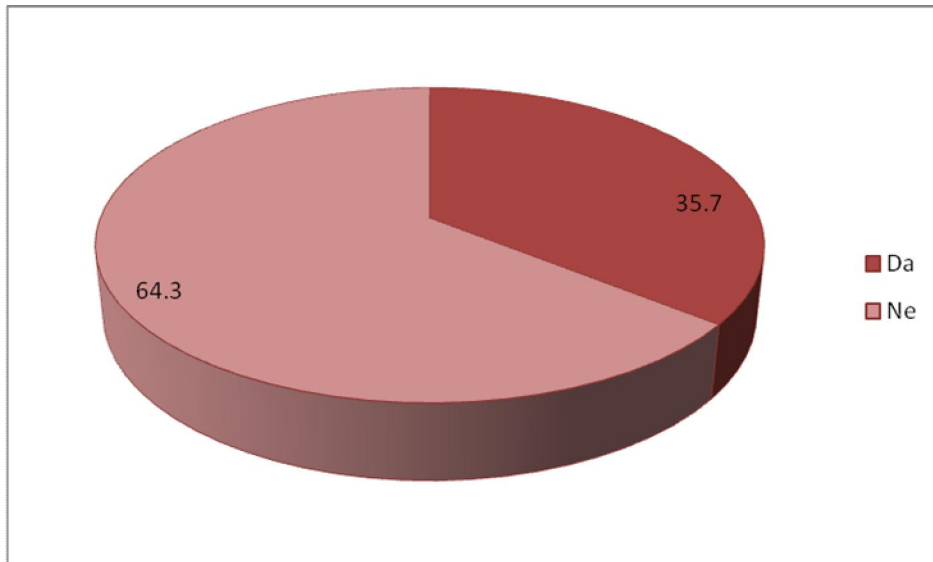
NOTE: Prison for short-term sentences:



N=63

YES=27, NO=36, No answer: 22

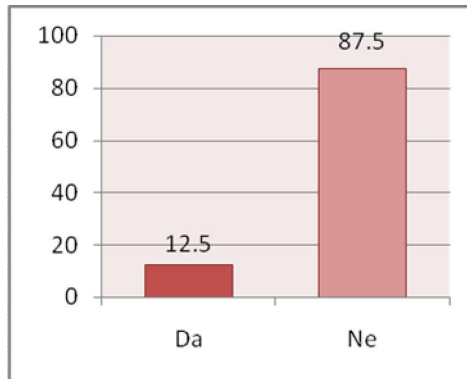
Question 57: Does the doctor respond in time to your call?



N=409

YES=146, NO=263, No answer: 86

Prison for short-term sentences:

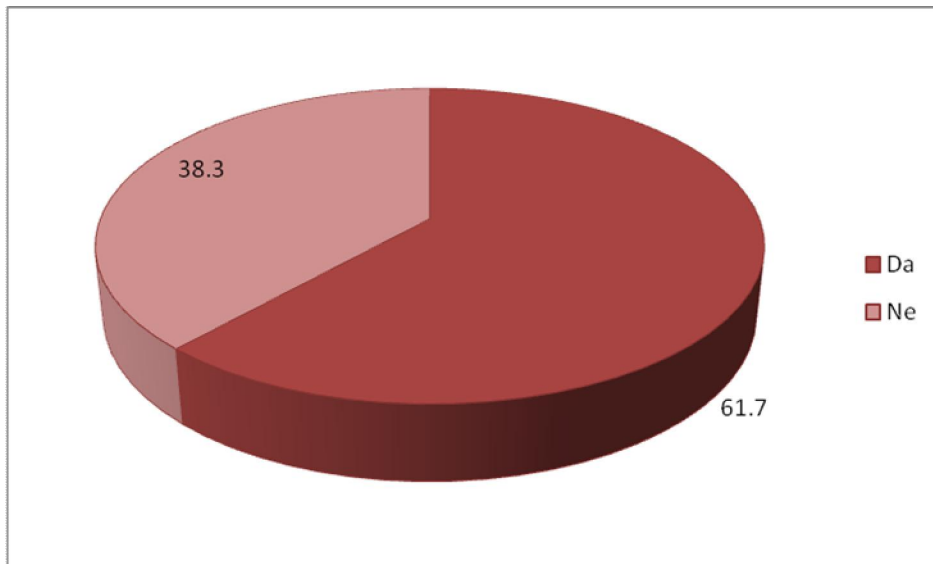


N=64

YES=8, NO=56, No answer: 21

NOTE: In an open form, prisoners were offered to state how long they have waited in cases when a doctor does not respond in time. The shortest period was 2-3 hours, the longest half a year.

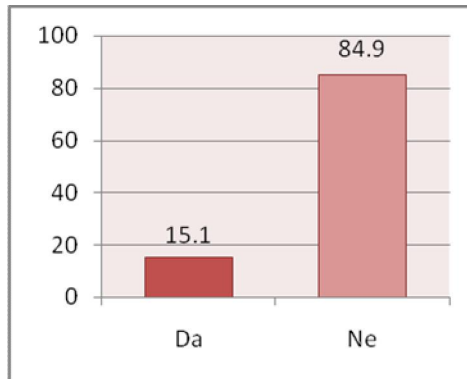
Question 58: Has the situation improved with new doctors hired?



N=366

YES=226, NO=140, No answer: 129

Prison for short-term sentences:

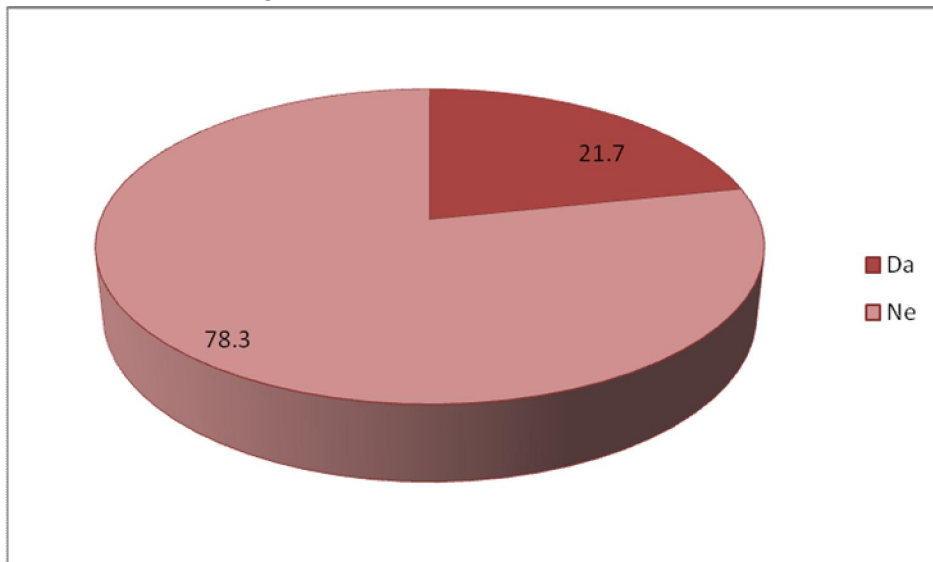


N=53

YES=8, NO=45, No answer: 32

NOTE: Those who responded negatively had an opportunity to provide their explanation, in an open form. Their responses usually contained complaints to the fact that nothing has changed.

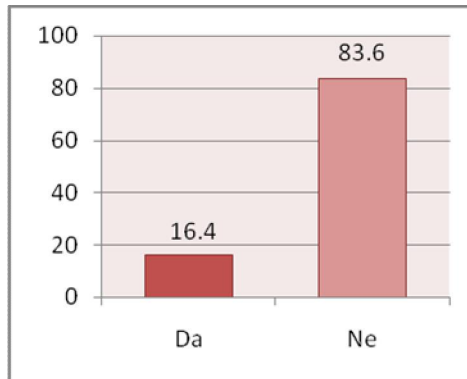
Question 59: Have you ever been threatened by the prohibition of contact with your family, or denial of visits, or otherwise?



N=391

YES=85, NO=306, No answer: 104

Prison for short-term sentences:

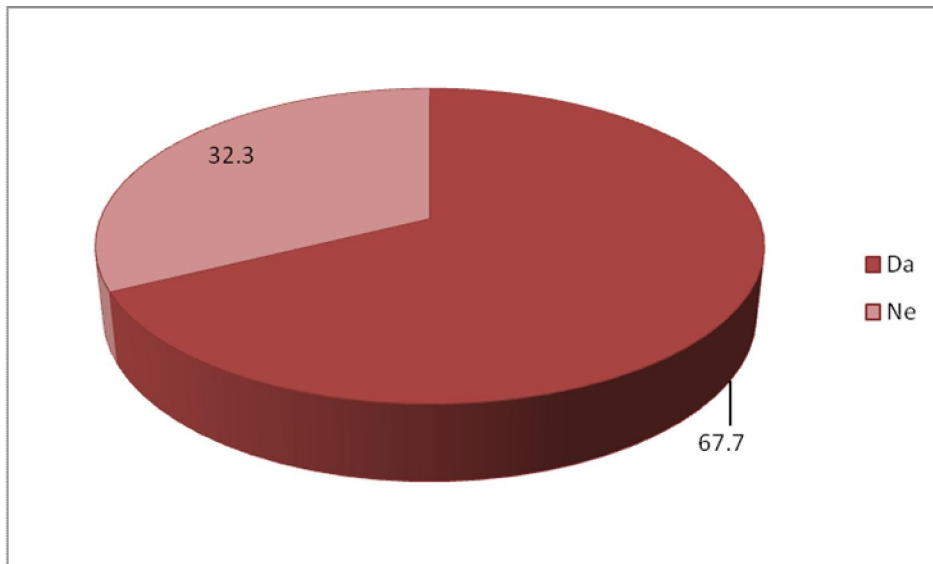


N=67

YES=11, NO=56, No answer: 18

NOTE: In an open form, prisoners listed numerous examples of being punished in this manner. One of them pointed out that prisoners are constantly being blackmailed in such manner.

Question 60: Were you on a hunger strike during the past month?

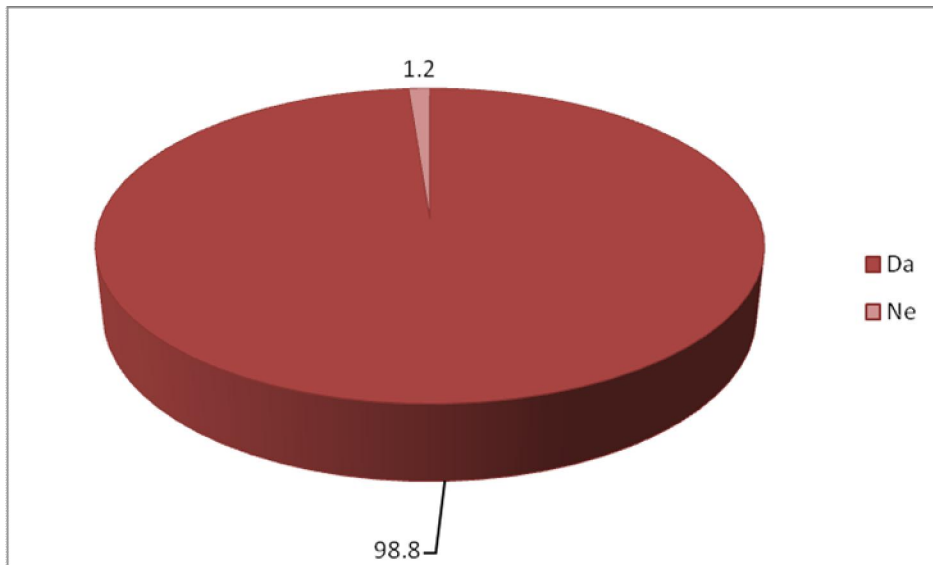


N=362

YES= 245, NO= 117, No answer: 48

NOTE: Most of respondents stated that they were on strike because of the probation, while other reasons include solidarity, overcrowded rooms, transfer or improper treatment. Research excluded prisoners serving short sentences.

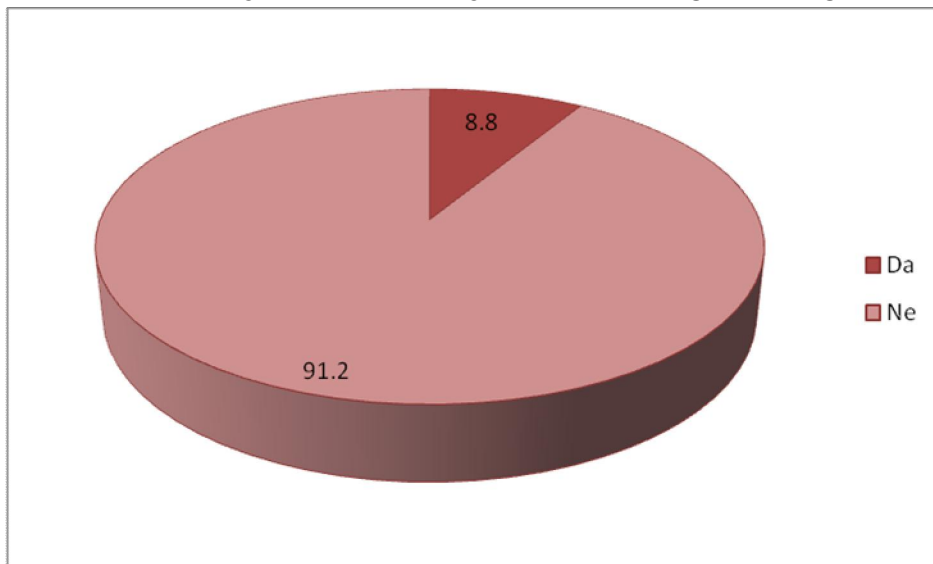
Question 61: Did you voluntarily agree to the hunger strike?



N=239

YES=236, NO=3, No answer: 6

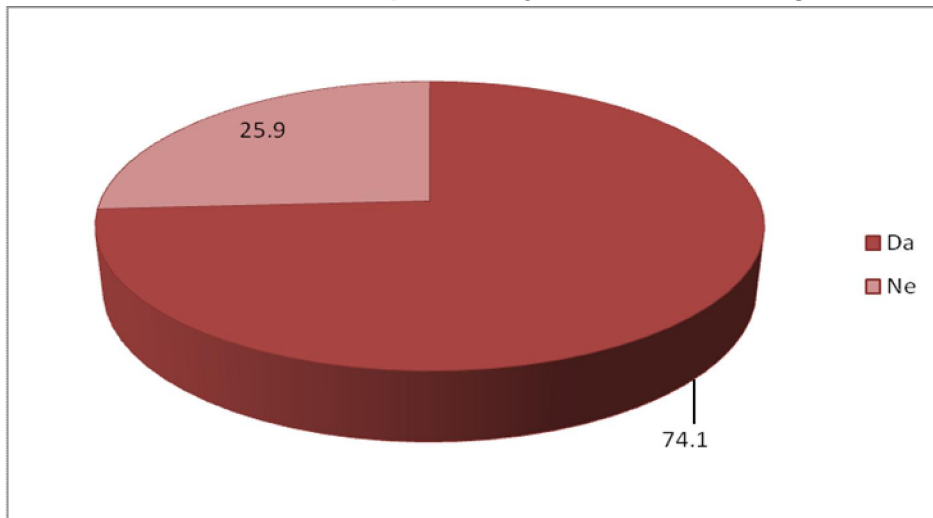
Question 62: Were you examined by doctors during the hunger strike?



N=239

YES=21, NO=218, No answer: 6

Question 63: Did someone pressure you to end the hunger strike?

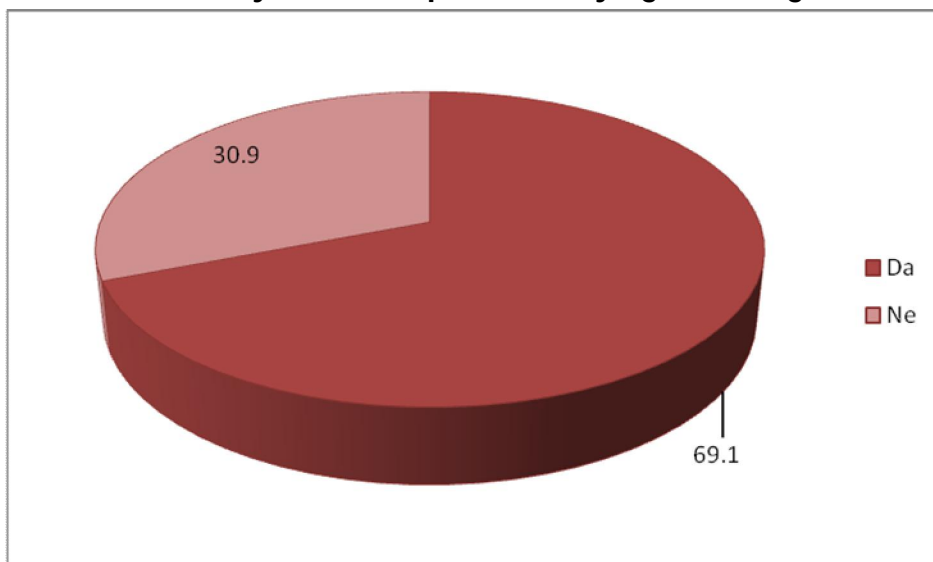


N=232

YES=172, NO=60, No answer: 13

NOTE: In an open form, prisoners were very specific in their answers in terms of pointing out persons who apply force and are officials at ZIKS. Relevant persons were informed about this after the conducted research.

Question 64: Have you been deprived of any rights during the strike?



N=223

YES=154, NO=69, No answer: 22

NOTE: As an example inmates stated a denial of phone calls, showers, visits, walks, right to medical care etc.