

**Report on
Implementation of Convention against Torture and Other Cruel,
Inhuman or Degrading Treatment and Punishment (CAT)
in Bosnia and Herzegovina (BiH)**

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**Jointly prepared by
Helsinki Committee for Human Rights in BiH
Human Rights House of Sarajevo**

1. In this report, the Helsinki Committee for Human Rights in BiH and the Human Rights House in Sarajevo, as non-governmental organizations dealing with protection of human rights, wish to highlight some issues concerning implementation of the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment.
2. Since the very entry into force of CAT, non-governmental organizations have noted an increasing interest in its application and a considerable number of non-governmental organizations have demonstrated will to contribute to its implementation. Non-governmental organizations have monitored implementation of CAT, reported on the implementation and initiated necessary legal and other changes in order for the Convention to be fully implemented and adhered to.
3. We welcome the fact that a number of important laws stemming from international obligations have been adopted. However, despite some positive moves, political will for some solutions for the whole Bosnia and Herzegovina is still lacking, thus preventing overcoming of some serious issues.

Most powers related to justice, judiciary and execution of sanctions lie with the two entities. The divisions between the entities are strong and agreements on harmonization of legislation, more rational use of prison capacities, joint approach to prisoners who require psychiatric treatment and similar issues, are hard to reach.

4. Bosnia and Herzegovina has not ensured conditions for execution of sentences by men, women and juveniles in separate facilities. Some institutions accommodate long-term prisoners, juveniles and women. A number of penal institutions have detention units, where persons under investigation are placed, which is contrary to international standards.
5. Despite numerous warnings that prisoners must be ensured access to independent doctors and lawyers, this right has not always been granted. There are no genuine independent mechanisms for provision of legal aid and consideration of prisoners' complaints. Access of prisoners to independent doctors is not guaranteed, which makes verification of torture allegations in prisons very difficult.

However, independent lawyers and doctors are not prohibited from entering penal institutions, but there is no established procedure that would guarantee this.

6. Database on alleged torture and inhumane treatment cases has not been established, or on negative court opinions or rejections of allegations as unfounded. Furthermore, there are no exact data on cases of compensation and reparation for victims of torture and inhuman treatment.

7. Persons who require psychiatric supervision and psychiatric treatment, and who had committed criminal acts, are currently accommodated in Zenica Prison and Sokolac Psychiatric Clinic, which is absolutely inadequate and constitutes breach of international standards. This situation was supposed to be temporary, but continues until the present day despite the fact that there is a plan to reconstruct a part of Sokolac Psychiatric Clinic and specialize it for admission of convicts with psychiatric problems.
8. Bosnia and Herzegovina has deported a number of persons to countries where they can face threat of death penalty, torture or inhuman and degrading treatment, which constitutes violation of obligations from international conventions.

A number of foreign nationals are still held in the immigration and asylum centre and are facing deportation to Kosovo, despite threat of prohibited treatment.

9. Needs assessment concerning establishment of a National Mechanism for Prevention of Torture in Bosnia and Herzegovina, as part of implementation of the Optional Protocol to the Convention against Torture, is still on-going. The Helsinki Committee and Human Rights House warn of the fact that most authorities have not demonstrated understanding of the concept and the need for such a mechanism to be independent in order to be fit for purpose
10. Non-governmental organizations expect from the authorities to remove all obstacles to consistent implementation of the Convention against Treatment in the next reporting period. Non-governmental organizations express readiness to work with the authorities in this field and participate in monitoring bodies and independent bodies for independent medical and legal assistance to prisoners and persons in psychiatric institutions.
11. Although this Report treated only some of the issues related to CAT, our organizations fully support the TRIAL report, which refers to the agonizing issue of missing persons, their families and issues related to rape victims.
We also support the Amnesty International report and views expressed therein.