

Unofficial translationANNEX 1Article 36

After article 74 (of the law on the rights and treatment of convicted persons), are added the following articles; 74/1, 74/2 and 74/3:

Article 74/1

The National Mechanism for the Prevention of torture, cruel, or degrading treatment or punishment and its competencies.

The People's Advocate, through the National Mechanism for the Prevention of torture, cruel, or degrading treatment or punishment, subsequently the National Mechanism, which acts as a special structure under its authority, monitors the implementation and realisation of this law for the protection of rights of convicted persons.

The National Mechanism has the following competencies:

- a) regularly monitors treatment of individuals deprived of their liberty in places of detention, arrest, or imprisonment, with the objective when necessary, to protect individuals from torture, cruel, or degrading treatment or punishment;
- b) submits recommendations to relevant institutions, aiming at improving the treatment and living conditions of individuals deprived of their liberty and to prevent torture and cruel, or degrading treatment or punishment.

Article 74/2

Guarantees for the functioning of the National Mechanism.

During the exercise of its responsibilities to the National Mechanism is guaranteed:

- a) receiving information concerning the number of individuals deprived of their liberty in the places of deprivation from liberty, number of available places and their location;
- b) receiving full information on the treatment of these individuals, as well as their living conditions;
- c) unimpeded entry in all places where individuals have been deprived of their liberty;
- ç) private interviews with individuals deprived from their liberty, personally, or if necessary through interpreters, as well as with any other individual who can provide the necessary information;
- d) free choice of places it want to visit and individuals to interview.

Article 74/3

Monitoring methods

The National Mechanism conducts its monitoring functions through:

- a) receiving written or oral requests or complaints from convicted or detained persons;
- b) receiving information, complaints, or requests from inmates, or visiting individuals, governmental or non-governmental bodies, which have carried out controls or visited the institution, according to the competencies given by the law, as well as from the legal representative of the inmate, or the detained person;
- c) request for information from the administration of the given institution;
- d) verification of documents, objects, articles or premises connected with convicted or the detained person, within the institution or out of it.

In conducting its monitoring functions the National Mechanism may also use expertise of specialists from relevant fields. In any case, even if breaches and irregularities may be identified during verification process, experts of these mechanism compile minutes of it, which is signed by the Head of Institution, or his/her deputy, retaining the right to express objections.