



CPT/Inf (2008) 32

**Response of the Government of
"the former Yugoslav Republic of Macedonia"
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to "the former Yugoslav Republic
of Macedonia"**

from 30 June to 3 July 2008

The Government of "the former Yugoslav Republic of Macedonia" has requested the publication of this response. The report on the CPT's visit to "the former Yugoslav Republic of Macedonia" in June/July 2008 is set out in document CPT/Inf (2008) 31.

Strasbourg, 4 November 2008

R E S P O N S E
by the Ministry of Justice
to the report on the visit of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment
30.06 -3.07.2008

I

The Ministry of Justice - Directorate for the Execution of Sanctions, on the occasion of the most recent ad hoc visit of the Council of Europe's European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment 30.06. – 3.07.2008, processing the Report of the Council of Europe's European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment, informs that, as always, it accepts the critics, comments and observations made and makes efforts to continue undertaking activities to overcome the identified weaknesses.

In relation to the findings in the first part of the Report, where the preliminary recommendations for overcoming the weaknesses and improving the prison conditions are made, the Ministry of Justice - Directorate for the Execution of Sanctions informs that they intensively and continuously undertake a series of activities and measures to overcome certain situations and remove the irregularities in the treatment of the remand and the sentenced prisoners, while ongoing are also capital efforts, for reform improvement of the accommodation facilities in the penitentiary institutions. As you were already informed, a number of specific activities related to building and renovation of penitentiary institutions are undertaken in the period 2008 – 2011, investing 14.000.000 EUR, funds provided from the Budget of the Republic of Macedonia and a loan from the Council of Europe Development Bank. This reform will achieve a changed face of the prisons in the Republic of Macedonia, and the benefits will be:

1. Prisons corresponding to the European standards
2. Re-socialization and human treatment of the sentenced individuals
3. Creating optimal circumstances for accommodation and work of the inmates, as well as prison staff.
4. Strengthening of medical service and health care.
5. Employment of new staff in the prisons
6. Training centre for continuous education of staff (including managerial skills for prison governors)
7. Accountability for violation of provisions of Law on Execution of Sanctions.

In the period 19 September – 2 October 2008 an expert team of the Council of Europe Development Bank (CEB) paid a visit to the ministry in order to further define the priorities of the technical assistance for the project Reconstruction of the Penitentiary Institutions, whereby a detailed overview and review of the technical documentation for the foreseen facilities and infrastructure in the prison complexes in the Republic of Macedonia was made. The report of the expert team will be distributed to CEB and the European Commission, as well as to Directorate for the Execution of Sanctions by the end of October 2008.

KPD Idrizovo

The largest portion of the investments, more than 8 million EUR will be allocated to the largest penitentiary institution in the Republic of Macedonia, KPD Idrizovo, for the following purposes:

1. Building a new wing with the capacity of 750 inmates
2. Building a prison hospital with the capacity of 250 individuals
3. Building a geriatric ward, with capacity of 100 individuals.
4. Building a training centre in the KPD Idrizovo
5. The open ward, with capacity of 250 individuals will be fully renovated, and several other works will be performed to improve the conditions in the prison
6. Building of semi-open ward, with the capacity of 120 individuals.

With support b the European Agency for Reconstruction, new facilities for kitchen, bakery, boiler room and laundry room have already been built in KPD Idrizovo

KPD Shtip

In the KPD Shtip, which will start operating on 22 October 2008, the following works have been performed, with support and funds from the European Agency for Reconstruction (EAR) and partially financed from the budget:

1. Upgrade of the closed ward
2. Building a daily hospital
3. Creating sanitary-hygienic conditions in the prison
4. Building an outer security wall
5. Installing central heating

Prison Skopje

In the Prison Skopje, building of a new remand wing is under way, with capacity of 170 individuals, and also complete renovation of the existing remand section of the prison will take place.

In addition to this, the following activities will continue:

1. Building of open ward
2. Building of offices for the prison staff
3. Reconstruction of the kitchen
4. Building a partition wall with control towers
5. Renovation of the building façade.

Prison Prilep

The Prison Prilep is an institution of semi-open type, the capacity of which is 180 inmates, out of which 30 in the remand section.

A complete reconstruction and rehabilitation of the building was carried out, as well as building of a partition wall with control towers. The renovation of the building was carried out with financial assistance from EAR.

The building was launched in March 2008.

Prison Kumanovo

The prison Kumanovo is a new penitentiary institution of semi-open type, with a total capacity of 250 inmates, out of which 50 in the remand section.

The prison is built with funds from the budget of the Republic of Macedonia, the prison building is fully completed, and ongoing are construction activities for completion of infrastructure for the facility, and it should start operating in the first trimester of 2009. The prison and the remand section within it will contribute significantly towards alleviating the overcrowding in the prison Skopje.

Prison Tetovo

In the prison in Tetovo, the kitchen and the dining hall were completely renovated and new equipment was installed in them, and the procedure of renovation of toilets is under way. Foreseen are also:

1. reconstruction and rehabilitation, with building an additional annex intended for offices for the staff of the sector Re-socialization;
2. renovation of all existing rooms.

Prison Gevgelija

In the prison Gevgelija, an institution of semi-open type, the remand section will be expanded and the roof of the administrative building will be replaced.

Prison Ohrid

In the prison Ohrid, where the sentence of juvenile imprisonment is served, and there is also a remand section, foreseen are:

1. internal partial reconstruction of the remand facilities, and
2. renovation of toilets.

KPD of open type - Struga

In the penitentiary establishment of open type Struga foreseen are:

1. rehabilitation and reconstruction of the building;
2. rehabilitation of toilets; and
3. building of an outside security wall

Prison Bitola

In the prison Bitola, an establishment of semi-open type, envisaged is:

1. complete reconstruction and rehabilitation of the facility;
2. additional construction of a new wing where the new dining hall and kitchen will be situated

Prison Strumica

The prison Strumica is an establishment of semi-open type, with capacity of 200 inmates. A remand section will also be operational in the prison. Foreseen are:

1. complete rehabilitation and upgrade of the existing facility,
2. building a new facility for the remand section and administrative part of the prison.

II

Specific measures according to the recommendations

1. Directorate for the Execution of Sanctions and the Ministry of Justice of the Republic of Macedonia, following the Recommendations in the Report of the European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe on the visit 30.06 - 3.07.2008, submits the following response:

With regards to paragraph 12, the Ministry of Justice and Directorate for the Execution of Sanctions are continuously undertaking activities to improve the conditions in the penitentiary institutions, as foreseen by the national programme for adoption of EU acquis, as well as the mid-term Strategic Plan of Directorate for the Execution of Sanctions 2008 – 2010 , which will be updated by the new Strategic Plan 2009-2011. In this respect, the CPT recommendations will be taken in consideration to cover all areas of execution of sanctions.

With regards to paragraph 13 regarding dislocation of the Educational and correctional institution in Tetovo, it is necessary to stress that several activities have been undertaken: a state-owned location was decided to build the new facility for the Institution, near Tetovo, and the procedure for its cadastre registering and measurements, after which other activities will continue to build the new building for the Institution, for which a project is already developed.

Paragraph 10

a) With funds from the Programme EC/CARDS 2006 of EAR completed were construction works transforming the prison Shtip into a KPD (penitentiary establishment) Shtip as the second institution of closed type, the operation of which is expected to reduce the overcrowding in the KPD Idrizovo. The activities carried out there were:

- upgrade of a closed ward and prison hospital with increased control,
- a daily hospital is built.
- built are smaller facilities, necessary for the functioning of the institution.

Other works were carried out, as follows:

In the semi-open ward:

- winter and summer gym;
- football playground with spectators seats;
- barber shop for the inmates;

In the closed wards:

- summer gym;
- basketball field;
- volleyball field;
- 4 kitchenettes;
- 4 day (common) rooms for the inmates and
- library.

KPD Shtip, which is fully renovate and equipped will start working on 22 October 2008 when it will be officially launched.

b) With EAR funds completed are construction works in the KPD Idrizovo, within which a new bakery was built, new laundry and new boiler room, and the renovation of the kitchen in the female ward was completed. A procedure of securing funds for equipment of these facilities is under way, in order to meet the needs of the prison population in KPD Idrizovo.

Recently, in the establishment are undertaken activities to improve the basic hygiene conditions, provided are cleaning agents, and the rooms where the inmates are residing were painted, disinfected and pest control was carried out.

In the semi-open ward construction works were carried out to repair the ceilings (ROOFS) , and the kitchen and the dinning hall were painted.

The admission ward was fully renovated, all rooms and the outer security wall were painted. The beds were painted and all defects were repaired. New boilers and washing basins were installed.

Painted were also the rooms in the geriatric ward and the school.

Also, in this institution fully reconstructed were the visit room and the five conjugal visit rooms which are completely equipped with beds, linen and bathroom with shower. Opened were special canteens in several wards, as follows: admission, female, open ward, visit room and two canteens in the closed ward.

c) In the prison Skopje the construction of a new remand wing for 170 individuals is under way, as are intensive preparations for construction of the building for a new open ward , in the course of which the other buildings of the Establishment will be completely reconstructed. This will significantly improve the conditions of stay for the remand and sentenced prisoners, and also the hygiene, both personal and that of the rooms will be greatly improved.

Following the recommendation to enforce the right of the remand prisoners for two hours outdoors exercise, the problem was overcome in the following way: the two previously existing outdoor areas were partitioned into four, in order to provide for all remand prisoners 2 hours outdoors exercise during the day.

d) the building of the new Prison Kumanovo is completely built. There are intensive construction activities to install the prison infrastructure: power station, purification station, water supply and construction of the access road. The procure is under way and a tender has been published to procure equipment for the residential rooms for the inmates. The full completion and start of work of this prison is expected in the first quarter of 2009. The functioning of this prison and the remand section within it will significantly contribute towards decreasing the overcrowding of inmates in the prison Skopje.

e) In the prison Tetovo the kitchen and dining hall were completely renovated and fitted with new equipment, and funds were approved for renovation of toilets, regarding which the procedure for selection of best bidder is under way.

2. With regards to the Programme for financing of building, reconstruction, renovation and expanding of the penitentiary institutions and the educational and correctional institution Tetovo, the Ministry of Justice – Directorate for Execution of Sanctions will in the forthcoming period continue improving the situation in the penitentiary institutions, particularly regarding:

a) KPD Idrizovo:

- building and equipping of a prison hospital;
- building of a new wing in the closed ward;
- building and equipping of a semi-open ward;
- building of a geriatric ward;
- renovation of the female and open ward;
- building of a facility and start of operation of training center for continuous education of the staff;
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b) construction of an open ward for KPD Shtip;

c) upgrade and additional constructions for the prison Strumica;

d) reconstruction and rehabilitation of the building of the prison Bitola, as well as building an additional wing where the new kitchen and dining hall will be located;

e) renovation of the corridors, toilets, bathrooms, remand facilities and solitary cells in the remand section of the prison Ohrid

f) reconstruction and rehabilitation with additional construction of an annex to the prison Tetovo;

g) rehabilitation and upgrade of the remand section and replacing of the roof of the administrative building of the prison Gevgelija;

e) dislocation and rehabilitation of the toilets and building an outer security wall of the penitentiary establishment of open type Struga.

3. To improve the conditions in the penitentiary institutions, last month (September), the Government of the Republic of Macedonia approved funds to purchase 4 vehicles for transfer of inmates, which will be allocated to the penitentiary institutions Idrizovo, Shtip and Skopje.

4. Also, in order to improve the security in the establishments, an Information is submitted to the Government, requesting funds for purchase of 8 detector doors and 8 hand-luggage scanning tunnels, to screen everyone entering the premises of penitentiary institutions, including all employees.

5. In September 2008, secured were 500 each beds and mattresses with 2000 blankets, which were allocated to the penitentiary institutions as follows:

- 1) KPD Idrizovo: 280 beds, 280 mattresses and 1120 blankets;
- 2) KPD Shtip: 100 beds, 100 mattresses and 400 blankets;
- 3) Prison Strumica: 20 beds, 20 mattresses and 80 blankets;
- 4) Prison Gevgelija 20 beds, 20 mattresses and 80 blankets;
- 5) Prison Bitola 20 beds, 20 mattresses and 80 blankets;
- 6) Prison Prilep 20 beds, 20 mattresses and 80 blankets;
- 7) Prison Tetovo 20 beds, 20 mattresses and 80 blankets;
- 8) Prison Skopje 20 beds, 20 mattresses and 80 blankets;

The procedure is under way ad a tender was published to procure additional 500 beds, 500 mattresses, 500 pillows, 500 lockers and 1000 each of blankets, sheets and pillow covers.

6. There have been training activities for the staff in the penitentiary institutions, in terms of seminars financed by the European Agency for Reconstruction. The course for training of 109 employees of the institutions, from all target groups: security, resocialization, healthcare and group of management of penitentiary institutions which created educated and well-prepared staff, which will be able to deal with the prison population. In the beginning of October 2008, the initial training for 100 newly employed Security Sector staff commenced. The newly employed personnel are going through the programs for continuous trainings, daily trainings and mentor trainings. In the future, a programme for continious training of the current personnel is devised allowing for trainings for treatment of paedophiles' as well as addicts. Special attention will be devoted to the training of managerial stuff in order to allow them to better manage the institutions.

Paragraph 14

a) Regarding the allegations of ill-treatment of inmates by the staff in KPD Idrizovo, after the inspections carried out by the Prison director and the Directorate for the Execution of Sanctions, no unlawful use of truncheons was found. In this context, in several meetings with the Security Sector members, the rules for use of means of restraint were reviewed and it was concluded that it must be reduced to a minimum, only as far as it is necessary to prevent the resistance or counter an attack, and that it must not be a way to punish for a disciplinary offence. The appropriate legal procedure must be followed in cases of disciplinary offences.

b) The Minister of Justice, immediately after the CPT visit in July, as the Committee was informed, issued a written order to the Director of the Educational and correctional Establishment Tetovo, which prohibits carrying and use of truncheons by the members of Security sector in the Establishment, and also to designate a special place for their safekeeping in the room where the other equipment of this Sector is kept. The Director of the Establishment was charged with enforcing the order and informing about it the Director of the Directorate for the Execution of Sanctions (Order No.07 -814/7 of 8.07.2008 submitted to you with the correspondence No. 07-814/7 of 8.07.2008.) .

The director of the Educational and Correctional Institution in Tetovo, having in mind the CPT recommendations and the order of the Minister of Justice, undertook the necessary measures and activities for preventive action and prevention of use of means of restraint. To follow the Minister's order, the Director of ECI Tetovo issued an order prescribing the tasks and procedures of the security sector members when using means of restraint, according to which the truncheons and handcuffs were removed. In addition to this, a meeting took place with all employees – member of the Security Sector, where it was stressed again that they should consistently apply the regulations on use of means of restraint, and it was stressed that for failure to follow the rules, disciplinary measures and sanctions will follow.

Paragraph 15

Regarding the conclusion on the use of means of restraint in the remand section of the prison Skopje, it has to be taken into account that this measure is applied as an exception, only when all possibilities to calm the remand prisoner down have been exhausted, and handcuffs are used for short periods of time, and based on a written recommendation of a medical doctor, specialist in psychiatry, to avoid the risk of self-injury. The investigating judge is informed in writing of the need to restrain a remand prisoner, and it is also recorded in the personal file of the remand prisoner. Also, in terms of used of specially designed restraint equipment, leather hand- and ankle-cuffs were put into use, and also central registering of the use of means of restraint was introduced. The restrained individuals are under video surveillance, and during the day they are checked-up several times by the guards. All performed check-ups are registered , recording which guard performed it, indicating the time and the condition of the remand prisoner.

Paragraph 16

In the penitentiary institutions there is mandatory medical examination of every prisoner within 24 hours from the admission, and the medical record from that is enclosed into the individual's file. If it is assessed and if there are information that it is necessary, also a psychiatric examination is carried out, after which further medical treatment and care is prescribed, either within the penitentiary institution or with referral to a specialized medical institutions. When hospitalization of a remand prisoner in a specialized medical institution is needed, the approval of the investigating judge is requested. In case there are signs of previous violence on the detainee established with the examination, this is immediately registered and the investigative judge is immediately informed. The Ministry of Justice and the Directorate for Execution of Sanctions requested from the institutions to ensure a 24 hour shifts of the medical personnel in order to ensure regular medical examinations. The Directorate has already issued an order to the inspectors for comprehensive monitoring of the work of the institutions with the focus on checking the manner of functioning of the medical service.

Paragraph 17

Having in mind the recommendations of the Committee related to the treatment of juveniles sentenced to education measure, The Ministry of Justice issued an order 01.10.2008 to strictly enforce the House Rules of the Establishment , as well as an order 01.10.2008 to create conditions for teaching, primary and secondary education, inside the educational and correctional institution.

Also, depending on the aptitude of the juvenile, they are able to learn certain skills or craft through practical work. An order of the Ministry of Justice requested that the programme for work with juveniles is improved, i.e., harmonized with the modern methods of work with juveniles sentenced to education measure.

The treatment of juveniles in the Educational and Correctional institution is regulated with the respective work programme. In line with the new programme, during the morning, for the juveniles needing enhanced re-education impact there is a theoretical training, as well as regular teaching, together with the other minors from open groups, and during their spare time, for them there are free activities organized in the common room, such as: playing table tennis, chess, various board games, organized are visual arts and music section, watching TV programmes, reading books from the establishment's library etc. Also, stay in the open air is organized mandatorily, in the duration of 1 hour in the morning and 1 hour in the afternoon, in the area in front of the ward. We mention that juveniles who committed a grave violation of the house rules can be given disciplinary sanctions – solitary cell which, pursuant to the Law on Execution of Sanctions can last between 3 and 7 days, while minors with neglected education and upbringing and bad behaviour can be placed in the Section for Enhanced Re-education impact, the can reside, where the re-education treatment is usually carried out for a period of 1-1,5 month.

Paragraph 18

KPD Idrizovo issued an order and developed a schedule for daily regular maintenance of hygiene. Provided were cleaning equipment and hygiene solvents, the dormitories of inmates were painted, disinfected and subjected to pest control. In that respect, in the semi-open ward construction work was carried out to repair the ceilings, painted were the kitchen and the dining hall. The admission ward was completely renovated, all rooms and the outer security wall were painted, the beds were painted and all deficiencies were repaired. Installed were also new boilers and wash basins. The rooms in the geriatric ward and in the school were painted. Also, in this establishment, the visit rooms were reconstructed and adapted – visits room and the five rooms for conjugal visits, which are completely equipped. Opened were special canteens in several wards, such as: admission, female, open ward, , visits room and two canteens in the closed ward.

With these activities, the conditions for accommodation and stay of the sentenced prisoners in the KPD Idrizovo were significantly improved. When new facilities are built as well, the Institution will provide higher standards of stay of sentenced prisoners in the establishment, and the start of operation of KPD Shtip this month will significantly reduce the number of inmates serving their sentence here.

Paragraph 19

The situation in the remand section of the prison Skopje will be overcome with the additional construction of a new remand wing (the construction is under way) , so the capacity of 140 will be increased for additional 170 individuals, i.e., the total number of inmates that this Institution could house would be 310.

The remand wing is built between the two existing wings of the prison, and the prison building will be “E”-shaped.

Every remand room in the new wing will have a toilet, and two remand prisoners would be placed in each of the rooms. Also, the existing remand rooms will be completely renovated, by insulating them against damp and the toilets will be completely replaced, while there are also construction works carried out to completely renovate the prison kitchen where the food for all prisoners is prepared.

Paragraph 20

The Minister of Justice, with Order No.07-814/6 of 8.07.2008 (submitted alongside other materials immediately after your ad hoc visits) , has tasked the directors of all penitentiary institutions where there are remand prisoners, to provide mandatory two-hour outdoor exercise for both the remand prisoners in the remand sections, and the sentenced prisoners who serve the prison sentence in the closed wards of the penitentiary institutions.

This order is fully implemented and in all penitentiary institutions, including also the prison Skopje, the prison Tetovo and KPD Idrizovo, are created conditions and possibilities for all remand and sentenced prisoners to stay in the open air for 2 hours every day, through new employments and strengthening of the security sector in the establishments, while in the prison Skopje the number of outdoor exercise areas is increased from 2 to 4.

Paragraph 21

Part of the response to Paragraph 21 is contained in the response to Paragraph 16, and in addition efforts are made to make the stay of the juveniles more adequate, within the limitations of the available space; the juveniles under treatment in the Section with enhanced re-education impact (where the stay is between 1 and 1,5 month) are accommodated in 2 rooms of 11 m² as dormitories, while during the day they use the common room (25 m²), where they are served food 4 times a day, there is teaching organized and the free-time activities are organized.

Paragraph 22, 23 and 24

The new employments in the health sector provided significant improving to the quality of medical examinations and healthcare for the inmates. A part of them were already implemented:

- in KPD Idrizovo, as opposed to the previous situation of 1 employed doctor, there are now 8 medical doctors, as follows: 5 general practitioners, 1 psychiatrist, 1 dentist and 5 nurses, and under contract are hired 1 ophthalmologist and 1 gynaecologist;

- in the prison Skopje with the employment of 1 additional doctor, the medical team now consists of 2 doctors and 2 nurses;

- in the prison Tetovo an ad was placed and procedure of employment of 1 doctor is under way, while 1 nurse was already employed;

- in KPD Shtip a medical team consisting 2 medical doctors, 1 dentist and 2 nurses is employed.

In cooperation with the Ministry of Justice, in April and May 2008 screening (systematic medical examination) of 1350 inmates in the KPD Idrizovo was organized, checking the lungs, cardio-vascular system – ECG, blood pressure and the level of blood sugar, and later, medical examinations were carried out for inmates in other penitentiary institutions. Also, the Institute for Pulmonary Diseases has carried out a regular fluorography screening of all inmates who are serving the prison sentence in the Republic of Macedonia.

The directors of all penitentiary institutions, in addition to the distributed report of the Committee, have been sent a letter with guidelines on treatment of sentenced, juvenile and remand prisoners, in order to improve the quality of medical examinations, and thoroughness of registering the data, which, inter alia, again stresses the obligation to secure that medical confidentiality is fully guaranteed, meaning that all medical examinations of inmates are carried out of the hearing and seeing range of the prison staff, except in cases where the doctor themselves justifiably requests otherwise.

Paragraph 25

With regards to Paragraph 25 on developing a methadone therapy programme in KPD Idrizovo, since this is a interdisciplinary activity in cooperation with the Ministry of Health, these issues were reviewed. It was already stressed that several doctors and other medical personnel were employed in KPD Idrizovo, which provides for regular control and treatment of the sentenced prisoners, and in addition to this, possibilities were created for these individuals to be included also in the development of a programme of treatment of sentenced prisoners addicted to narcotics. In this context, the efforts to build a prison hospital within KPD Idrizovo must be highlighted (response to paragraph 10)

Significant increase in the number of prison staff, with the employment of 214 staff

Paragraph 26

In the last 2 years, funds were approved and jobs were filled or the employment procedure is currently under way for 214 staff of all profiles, out of which most numerous are the employments in the security sector, and also in the health care sector, which greatly alleviated the situation with prison staff shortages, and this also increases the guarantee that the work in the establishments, alongside improved accommodation facilities, will provide full respect of the guaranteed human rights of the inmates. The newly employed staff was deployed across the following penitentiary establishments:

1.KPD Shtip:	33 staff
2.Prison Tetovo	20 staff
3.Prison Strumica	3 staff
4.KPD of open type Struga	4 staff
5.Prison Skopje	38 staff
6.Prison Prilep	3 staff
7.Prison Ohrid	4 staff
8.KPD Idrizovo	86 staff
9.Prison Gevgelija	11 staff
10.Prison Kumanovo with Open Ward in Kriva Palanka	12 staff
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Total:	214 staff

Most of the employments were effectuated at the end of 2007 and the beginning of 2008.

The Committee's recommendations were reviewed in the prison Skopje and measures for more adequate organization and deployment of Security Sector are undertaken.

In relation to the salaries of the prison staff, the Ministry of Justice – Directorate for the Execution of Sanctions undertakes concrete activities to improve the situation.

Paragraph 27

With regards to the comment on unlawful and illegal activities in the penitentiary institutions and the alleged involvement of the prison staff in such activities, the Ministry of Justice and Directorate for the Execution of Sanctions, in direct cooperation with the governors of penitentiary institutions agreed to take energetic steps to make impossible and eliminate such illegal deeds, by strengthening the control of every entry into the institution, and to have increased examination of every entry of objects and packages in the institutions, and with more frequent checks and searches to make it impossible to keep drugs inside the institutions.

To be more efficient in the prevention of illegal activities, the Ministry of Justice has requested from the Government of the Republic of Macedonia allocation of funds for procurement of 8 detector doors and 8 hand-luggage scanning tunnels to screen every person entering the prison, including all employees. It is expected that this will provide for more successful fight against criminal deeds and prevention of introducing illegal objects and substances inside the prison, by the inmates and their visitors, as well as the staff introducing objects that could be used for unlawful purposes.

Paragraph 28

The Ministry of Justice, in relation to the request to receive copies of court acts and autopsy report for Vlado Taneski, informs you that it has sent them via the Ministry of Foreign Affairs of the Republic of Macedonia, with the correspondence No. 07-814/10 of 21.07.2008.

The Ministry of Justice expresses his high respect for the European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment of Council of Europe and uses this opportunity to express its gratitude for the recommendations on how to improve the conditions in the penitentiary institutions and respect for the standards in them. We are hereby at your disposal for further information as well as to send you further documentation for the achieved thus far, we would be grateful for any additional recommendation which would assist the transition period until the new institutions are completed.

**MINISTER OF JUSTICE,
MIHAJLO MANEVSKI**



**Republic of Macedonia
MINISTRY OF JUSTICE**

**No .07-1340/1
17.10.2008
Skopje**

Appendix

TO THE DIRECTOR OF

SUBJECT: Guidelines on treatment of sentenced, juveniles and remand prisoners to improve the quality of medical examinations and thoroughness of recording of data

The Ministry of Justice, in relation to the comments and observations made by the Delegation of the European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe, regarding the quality of medical examinations and thoroughness in the registering of data presented in the earlier, as well as in the most recent report from the visit to the Republic of Macedonia from 30 June – 3 July 2008, and having in mind that in many of the penitentiary institutions the staffing in the medical sector has been improved, informs of the following.

A recommendation was made to improve the quality of medical examinations and thoroughness in the registering of data. Thereby, it was indicated that when maintaining the medical files of the newly arrived inmates, filled out by the prison doctors, after the medical examination is performed within 24 hours upon their admission, the medical file must contain:

- recorded statements of the individual that are relevant for the medical examinations (as well as their own description of the health status or any allegations of ill-treatment);
- recorded objective medical findings, based on detailed examinations;
- doctor's conclusions that indicate the degree of correspondence of any allegations made to the objective medical findings.

The results of any examination, including the aforementioned statements and doctor's conclusions, should be available to the prisoner and their attorney.

Additionally, competent judges and prosecutors must be informed, in writing, by the prison governor about any findings related to cases of police ill-treatment discovered after the admission of the individual into the institution.

Also, of no lesser importance is the recommendation to guarantee medical confidentiality in the penitentiary institutions. This presupposes that all medical examinations of inmates should be conducted outside of the hearing and visual range of the prison staff, unless in specific cases, the doctor requests otherwise.

In relation to inmates sentenced to long imprisonment for severe crimes and who have serious mental health problems, they are to be subjected to additional psychiatric observation by specialist psychiatrists who will make a consiliary opinion on their health status, on the basis of which they will be referred for hospitalization, treatment and therapy to the competent psychiatric institution.

It is necessary to mandatory have in mind the aforementioned guidelines by the Ministry of Justice in the course of treatment of and conduct towards the sentenced, remand and juvenile prisoners, and therefore all institutions need to give feedback on their conduct in the aforementioned cases and regarding any identified ill-treatment and abuse of powers by officers information should be communicated regarding measures taken against them.

**DIRECTOR OF DIRECTORATE FOR
EXECUTION OF SANCTIONS,**
Lidija Gavriloska

KJI/

**Response
of the Ministry of Interior
to the report of the European Committee for the Prevention of Torture and Inhuman or
Degrading Treatment or Punishment on its visit to the
Republic of Macedonia
from 30 June to 3 July 2008**

In reference to the observations and the recommendations made by the Delegation of the CPT at the occasion of their visit to the Republic of Macedonia in June/July 2008, as stated in the letter of Mr Mauro Palma, President of the CPT, sent on 22 July 2008, the Ministry of Interior is submitting their responses, which are due to be provided in the three months period:

1. In the previous period the Sector for public peace and order, i.e. the Section for public peace and order (according to the new organization) has undertaken certain activities in interest of improving the police procedure with persons detained in the Police Stations.

On the 24.04.2008 the Standard operative procedures for detention and procedure with detained persons were prepared. It is stated:

- the legal framework on exercising this police authorization and
- the procedure for detention of the persons as well as the procedure with the detained persons.

The Standard Operative procedures are an internal act which will be useful to the police officers for accurate appliance of the police authorization, but also in the interest of the detained persons, because if applied appropriately the possibility of misuse of the detained persons is decreased. In the procedure the schedule of the rules used is in frame, the registering of the detained persons in the records files, the treatment of the persons, including the realization of the rights of the detained with accurate instructions for realization of the right to a defender, offering medical help, informing a family member or third person. The instructions for making conversation for the detained persons, providing food to a detained person for more than six hours, the treatment of juveniles, the treatment of detained female persons, treatment of persons with special needs as well as persons under alcohol or psychoactive substances.

A copy from the Standard operative procedures was given to all Police Stations and Police sections in the R. of Macedonia.

By submitting the copy the managers of the Police Stations were tasked to hold working meetings in order to inform and prepare the entire uniform members with the Standard operative procedures.

By a special telegram of 24.04.2008 to the managers, it was pointed out that for every procedure for detention which is opposite of the Standard operative procedure for detention and the procedure for detained persons, the competent officer for the procedure as well as the managers shall bear the responsibility.

2. The Sector for police prepares special plan for professional surveillance in the PS, in order to establish the consistency in applying the legal and by-law acts as well as the Standard operative procedures and stating the situation.

3. The Sector for police prepares a Plan for training of the police officers for acceptance - shift managers, related to the procedure with the detained persons and shall conduct in order to remove all misuses during the police procedure. Apart of the police officers, training shall be provided also for the managers in order to strengthen the control mechanisms in the police stations and to raise the level of responsibility for every type of misuse of the authorizations.

4. Regarding the material conditions (item 38 from the CPT Report), activities are ongoing for standardization of the detention facilities according to the CPT standards. These activities are in compatibility of the National IPA Program.

Regarding the state of affairs in PS Tetovo which is stated in the report, based on made insight, PS Tetovo shall not be included with the reconstruction in the first group because the entire station shall be renovated and shall be adapted to the needs. Building the new object the detention facilities shall be foreseen in accordance with the standards.

5. By the Sector for police - Section for public peace and order - continuously shall be undertaken measures for monitoring the state of affairs and ascertaining irregularities in order to remove them as well as to bear responsibility of the police officers who have misused the authorizations.

6. In order to overcome the conditions referred to in the CPT Report, by a Decision from the Minister for Internal Affairs from the 23.09.2008 a Working Group was established for removing the notifications and to act upon the recommendations given by the CPT.

The Ministry for Internal Affairs of the Republic of Macedonia, upon a Proposal of the Sector for internal control and professional standards, and coming from recommendations of the CPT, has prepared an Action Plan for overcoming the stated situation. The Action Plan was consisted of activities undertaken, which organizational units are the holders of the specific activities, deadline for its realization, indicators of success and planned means.

The Sector for internal control and professional standards in February this year has visited and performed insight of 20 regional police stations from general competence on the territory of the RM and has stated the entire situation. In that direction, an insight to the records on detained persons was made, as well as on the manner of exercising their rights, thus it was stated variety in keeping records, and substandard situation in the detention facilities. In order to overcome this situation appropriate measures were suggested by the Sector. The Sector for public peace and order from the Bureau for public security, as competent to monitor the affairs in this field, has prepared standard operative procedures for acting with the detained and arrested persons in the Police stations, and thus has standardized the records and templates which should be fulfilled.

The same were distributed to all police stations with manuals and instructions for acting upon them, thus are fully operational.

By establishing the new templates, the request for medical help was pointed out to the detained and arrested persons in the police stations.

Regarding the conditions on the detained persons priorities were determined for rebuilding and constructing the detention facilities.

Otherwise, the controls to the police stations regarding the detained and arrested persons are done regularly, thus in the previous period it is stated that the standard procedures are applying.

Regarding the notification of the CPT that the Sector for internal control and professional standards not yet can be regarded as an independent body tasked to make insights of the detention facilities, we can say that with the process of reforms of the Macedonian police, the Sector for internal control and professional standards is positioned within the Ministry of Internal Affairs, as a classical body of the state administration competent for conducting the governmental policy in the sphere of the internal affairs. This position makes the Sector independent regarding the control over the police work, including the detention facilities and respecting the freedoms and rights of the detained persons. Otherwise, the Sector for internal control and professional standards, for its work and activities directly responds to the Minister for Internal Affairs, regularly informs for its work, and the Report -annual and periodical- regularly is set on the web site of the Ministry.

- regarding the comment set out in the CPT Report for alleged sexual abuse of the detained person by a uniform police officer, and after the person was splashed with water in the cell by two younger police officers, in the Sector such event is not reported nor in the evidence book in the police station of Tetovo.

- The Sector has acted upon one report for activities of the members of the Special mobile unit for fight against crime from Tetovo, but whilst investigating the event, the Sector does not stated any irregularities in the procedure.

- Regarding the operation “Planinska Bura”, conducted in the village of Brodec, the Sector for internal control and professional standards has performed detailed investigation regarding the operation, thus has estimated that it is a professionally planned, professionally performed and the goals for which is planned are achieved, and the means of force and firearms are used according to the legal regulations.