



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 6 to 9 December 2016

The Government of the “the former Yugoslav Republic of Macedonia” has requested the publication of this response. The CPT’s report on the December 2016 visit to “the former Yugoslav Republic of Macedonia” is set out in document CPT/Inf (2017) 31.

Strasbourg, 12 October 2017

Replies of the Government of the Republic of Macedonia to the to the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on the Visit to the Republic of Macedonia (6-9 December 2016)

Regarding your letter CPT/MG/2017/14 dated 20.03.2017, please find enclosed, the replies by the Ministry of Justice - Directorate for Execution of Sanctions to the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on the Visit to the Republic of Macedonia Carried Out on 6-9 December 2016.

Items 10-14

With respect to CPT's recommendations asking for undertaking specific measures to establish efficient mechanisms for dealing with cases of ill-treatment and corruption in prisons, under the National Strategy for Development of the Penitentiary System of the Republic of Macedonia, the Directorate for Execution of Sanctions has set forth a specific Strategic Goal, which envisages a number of measures and activities to deal with these two phenomena.

Considering the significance of these two areas, under the project entitled Strengthening the Protection of Rights of Sentenced Persons, implemented by the Council of Europe, (out of a total number of 3 specific goals), one goal is related to the strengthening of the protection of rights of sentenced persons, by introducing efficient mechanisms to deal with cases of ill-treatment and corruption in penitentiaries and in educational-correctional institutions.

Thus, on 11-15 June 2016, two international consultants, recruited by the Council of Europe, carried out a situation assessment mission, examining specifically the issues of ill-treatment and corruption in the Macedonian penitentiary system. Following their mission, the consultants prepared a Report, which was presented at a workshop held on 12 October 2016 before all stakeholders involved in the functioning of the penitentiary system.

Considering the complex character of the said two phenomena (ill-treatment and corruption), two working groups were established, which in cooperation with the two international experts and one national expert, also recruited by the Council of Europe, prepared two Strategies for zero tolerance of the two problems, as follows: Strategy for Zero Tolerance of Ill-Treatment and a Plan for Prevention of Corruption, both of which the Directorate for Execution of Sanctions adopted in March 2017.

On 20-22 February 2017, there were three rounds of one-day trainings on raising the awareness of the management staff and the other prison staff, introducing them with the new Strategy for Zero Tolerance of Ill-Treatment and with the Plan for Prevention of Corruption. A total number of 90 employees in the penitentiary system attended these trainings.

Furthermore, in line with the National Strategy and with the help of an international expert, recruited by the Council of Europe, a Protocol of Standard Operative Procedures was drafted for keeping records and for reporting cases of use of means of coercion. The said Protocol is implemented in all prisons and educational-correctional institutions as of May 2017.

As set forth in the National Strategy, with the help of an international consultant, recruited by the Council of Europe, a Code of Conduct for the Staff in Prisons and in Educational -Correctional Institutions was drafted. All staff in the penitentiary system will be introduced to the Code of Conduct and there will be hard copies of the Code of Conduct printed and distributed to all prison staff.

Furthermore, the Directorate for Execution of Sanctions started implementing regular trainings of prison staff, inter alia human rights trainings with a view to preventing ill-treatment in prisons. Thus, in accordance with the 2017 Annual Plan of Trainings of the Prison Police, in April and in May 2017, at the Training Centre at the Idrizovo Prison, two representatives of the Bureau for Representation of the Republic of Macedonia before the European Court of Human Rights conducted trainings on the topic of International and National Standards for Execution of Sanctions and on the topic of Human Rights in Prison Conditions. The trainings covered 221 officers of the prison police and employees of the Sector for Resocialization at prisons, as follows: Idrizovo Prison- 113 staff members, Skopje Prison- 55 staff members, Kumanovo Prison and its open ward located in Kriva Palanka - 33 staff members and the Tetovo Prison – 2 staff members. There are plans for future training on this same topic for other employees at Sectors for Resocialization and for officers of the prison police, both from the above referred to four prisons and from other prisons and educational – correctional institutions.

On 31 May 2017, trainings started for prison police officers on the topic of Conditions for and manner of use of means of coercion and treatment in accordance with the Protocol of Standard Operative Procedures for Use of Means of Coercion. The trainings covered a total number of 54 staff members from the following prisons: Idrizovo Prison- 16 staff members, Skopje Prison – 13 staff members, Kumanovo Prison with its open ward in Kriva Palanka - 17 staff members, and Tetovo Prison – 8 staff members. The trainings were conducted by a trainer from the ranks of the prison police officers (Commander from the Skopje Prison) and there are plans for regular organization of such trainings.

In addition, on 17 May 2017, the Directorate for Execution of Sanctions and the State Commission for the Prevention of Corruption signed a Memorandum of Cooperation, which envisages that representatives of the State Commission conduct regular trainings for members of the staff of prisons and educational-correctional institutions on the topic of prevention of corruption. The trainings started on 1 June 2017, for the first 24 staff members coming from the Sectors for Resocialization and from the prison police from the following prisons: Idrizovo Prison – 7 staff members, Skopje Prison – 9 staff members, Kumanovo Prison and its open ward in Kriva Palanka - 5 staff members, and the Tetovo Prison - 3 staff members.

With reference to the recommendation that a strategy to combat inter-prisoner violence be devised, the following information is presented: the problem of inter-prisoner violence is dealt with under Strategic Goal 6 of the National Strategy. The activities and measures defined under this specific goal will be implemented in the coming period.

In connection with the statement that procedures are not abided by in keeping records by doctors in prisons of injuries inflicted upon prisoners, during an extraordinary inspection of the Idrizovo Prison conducted on 5 June 2017, authorized inspectors yet again cautioned the relevant staff in this Prison that established procedures must be dully applied. Thus, the relevant staff was cautioned that it was necessary and obligatorily to apply the Instruction on the procedure for keeping records of signs of violence at the prison, both with remand prisoners and with inmates, with relevant procedures prescribing that the doctor is obliged to immediately inform the Prison Governor in

order that in-line institutions be notified about the case and undertake further actions to process the case. Inspectors also emphasized the obligation to apply the Order, which the Director of the Directorate for Execution of Sanctions issued on 28 November 2014. This Order prescribes the obligation that prison staff compulsorily keep a separate Record Book where injuries of prisoners are to be entered, ordering furthermore prison staff that in each case of injury of a prisoner, the prison staff obligatorily report the case with the competent Public Prosecutor's Office, the competent first instance court and the Directorate for Execution of Sanctions.

Regarding allegations about possible abuses by the prison police at the Skopje Prison relating to parcels remand prisoners receive, it is underlined that with a view to preventing such abuses a new procedure for search and control of parcels has been introduced. Thus, parcels are opened in the presence of the remand prisoner concerned and an inventory list is made of all the items contained in the parcel. The remand prisoner, confirming that he/she has received all items contained in the parcel, then signs this inventory list.

With respect to the request for information about the progress made and the outcome of the investigation of the allegations of ill-treatment of the inmate Rade Stojkovski by prison police officers at the Idrizovo Prison, the Directorate for Execution of Sanctions has yet again contacted the Basic Public Prosecutor's Office inquiring about the outcome. However, no information has been received. As soon as the Directorate receives any information about this case from the Basic Public Prosecutor's Office, it will immediately convey that information to the CPT.

Item 15

As regards the vulnerable category of prisoners at the Idrizovo Prison, i.e. sexual offenders, acting upon the CPT recommendation following its visits in 2014 that measures be undertaken to separate this vulnerable category of prisoners in a separate ward, the Idrizovo Prison undertook actions in full compliance with the said recommendation and transferred the vulnerable prisoners in Wing 7 of the closed ward. They are completely separated from the rest of the prisoners. With respect to allegations that the concerned prisoners would be transferred back to their cells from Wing 7 after the CPT's visit in 2016, there was an inspection organized and conducted at the Idrizovo Prison on 5 June 2017 in order to check these allegations and to control whether the concerned group of vulnerable prisoners are still in Wing 7. After the said inspection, it was established that this vulnerable group of prisoners is still in Wing 7 and that they are protected from other prisoners. The concerned prisoners did not express any complaints against ill-treatment perpetrated by other prisoners, while newly admitted vulnerable prisoners are not kept at the admission ward at all and are directly placed in Wing 7 in order to ensure their protection against eventual ill-treatment by other prisoners.

Items 16-21

The recommendations about the staffing of prisons are very carefully reviewed and all prison staffing recommendations will be dully taken into consideration in defining and implementing the strategic priority reforms.

In the context of the recommendation that steps should be taken to ensure that at least one female prison officer is on duty at all times in the detention area in the Skopje Prison, it is underlined that depending on the requirements there is 24/7 coverage, i.e. presence of a female prison officer as follows: female prison officers are present ever day until 20:00 hrs., while after 20:00 hrs. whenever required female prison police officers are called in for duty to perform tasks outside their regular working hours.

With respect to the issue of regular training of prison staff, the following is emphasized: the process of regular trainings for prison staff started in April 2017 (Items 10-14). Before the start of regular trainings, all material preconditions required for proper conduct of the trainings were met, i.e. the Training Centre, located at the Idrizovo Prison, was fully refurbished and equipped. In the mean time, and as part of the IPA 2009 Project entitled Strengthening the Capacities of Law Enforcement Authorities for Adequately Treating Detained and Sentenced Persons, a great number of materials were drafted which have been deemed as necessary to launch the training courses. More specifically, these materials include the following documents:

- 2017-2020 Strategy for Prison Staff Training;
- Prison Management Staff Training Program and Manual;
- Prison Sentence Planning Program and Manual;
- Program and Manual on Conflict Prevention and Management Training;
- General Cognitive Program on the Treatment of Sentenced Persons and 5 modules on the treatment of the following vulnerable categories of sentenced persons: women, sex offenders, persons serving life sentences, juveniles, and convicted persons about to be released.

Furthermore, a number of prison staff training cycles have been completed, with some of the most notable being the training of trainers for applying the General Cognitive Program, training on prison sentence planning and efficient conflict management, coupled with cascade trainings on General Cognitive Program and on prison sentence planning and efficient conflict management, as well as a training of prison management staff, etc.

With the support of three international consultants working under a project entitled Strengthening the Protection of Rights of Sentenced Persons, three modules have been further developed on the treatment of the following categories of sentenced persons: persons serving life sentences, convicted women, and convicted sex offenders. The period between 13 and 17 March 2017 saw the completion of a Training of Trainers on carrying out the aforementioned three programs/modules which included a total of 10 individuals from the Resocialization Sectors of the largest part of penitentiary institutions.

In addition, in April and May 2017, three two-day cascade trainings were conducted on the application of the General Cognitive Program in conjunction with the three treatment modules, which included a total of 85 individuals from the resocialization and prison police sectors of all penitentiary institutions housing convicted persons of legal age.

A study visit to Ireland was also conducted on 24-28 April 2017 with 7 professionals working in the prison system in the Republic of Macedonia taking part in it with a view to exchanging experiences and knowledge on the treatment of specific categories of convicted persons.

The drafting of the treatment programs/modules and the completion of the trainings on their application was followed by an evaluation of the three modules on the treatment of vulnerable categories of convicted persons which is still underway. To that end, the piloting of the three programs started in April 2017 in the following order: the module on persons sentenced to life imprisonment and convicted women are piloted in the Idrizovo Prison, and the module on convicted sex offenders in the Stip Prison. The piloting of these modules will be completed in July 2017.

In keeping with the National Strategy and the Strategy on Training Prison Staff, the Directorate for Execution of Sanctions conducted the following activities:

- Three Prison Staff Training Programs were drafted (for the resocialization sectors, prison police and vocational instructors);
- An Annual Program on Prison Staff Training was prepared;
- A 2017 Annual Program on Prison Staff Training was completed;
- Individuals were assigned as training coordinators in every penitentiary institution; and
- The continued trainings under the Annual Training Plan started in April 2017.

Item 22

As regards the issue of developing a professional management approach within the prison system, the Ministry of Justice would like to inform that, in keeping with the National Strategy and as part of the project entitled Strengthening the Protection of the Rights of Sentenced Persons, on 22-24 April 2017, two international experts commissioned by the Council of Europe carried out an evaluation on the on-going state of affairs with regard to the issue of strengthening the selection criteria and the professionalism of prison directors and the structures of the Directorate for Execution of Sanctions. Once the evaluation was completed, a Report was drafted, outlining recommendations on how the situation could be improved in regard to this matter. With a view to defining draft legislative provisions to increase professionalism among prison directors and clearly defining the hierarchical relationship between them on one hand and the Director of the Directorate for Execution of Sanctions on the other, a working group was established to precisely define draft legislative provisions which would be in keeping with the recommendations as outlined by the international consultants, using their further expertise over the period ahead. This activity is underway.

Item 24

As regards the recommendations for urgently ensuring safe, hygienic and appropriate living conditions at the Idrizovo Prison, the Ministry of Justice would like to hereby inform that the Idrizovo Prison will take into consideration each individual recommendation on this matter and will accordingly act upon all of them in the period to come.

With reference to the data requested on the occupancy numbers for each separate accommodation block at the Idrizovo Prison, the Ministry would like to hereby submit the following table displaying the situation with the number of prisoners by each separate prison block as of 7 June 2017:

Table No. 1
Prisoner Occupancy Numbers by Accommodation Blocks as of 7 June 2017

Name of Accommodation Block	Number of Prisoners
Closed Ward	669
Senior Prisoners Ward	54
New Senior Prisoners Ward	49
Prison Infirmary Ward	118
Admission Ward	55
Commercial and Farming Ward	70
Semi-open Ward	137
Preporod Open Ward	29
Women's Ward	77
School Ward	106
D - Ward	88
Z - Ward	42
I - Ward	64
Ground Floor 1	14
Ground Floor 2	21
Ground Floor 3	35
Ground Floor 4	27
Veles Open Ward	51
Skopje Hospital Closed Medical Ward	5
Work Engagement at Vila Dojran	1
Total:	1712
Absconded:	117

Item 27

As regards disciplinary cells at the Stip Prison, the Ministry hereby informs that, as circumstances dictate, the authorities in charge will endeavour to accommodate only one person in each smaller cell and two prisoners punished to solitary confinement in each larger cell.

Item 28

With regard to the individual sentenced to life imprisonment who was found serving a prison sentence at the Stip Prison during the CPT's visit to the institution, the Ministry hereby informs that the foregoing individual is no longer accommodated at the Stip Prison, having had his sentence overturned to remand prison by the Skopje Appellate Court and, in accordance with the court decision, he is currently serving remand prison at the Prilep Prison.

Item 30

As regard the regime of activities offered to prisoners at the Idrizovo and Stip Prisons respectively, the Directorate for Execution of Sanctions has been issuing instructions and recommendations to improve the situation in regard to this matter. Furthermore, with a view to obtaining the full picture in this respect across all penitentiary institutions and in keeping with what has been envisaged under the National Strategy, an Evaluation Paper was drafted to gauge the capacities of all institutions for

offering prisoners sporting and other leisure activities. The Evaluation offers information on the situation established while also outlining recommendations and conclusions on each separate institution, which, by meeting the recommendations issued in the paper, is expected to introduce a greater variety of activities to be offered to prisoners.

Item 31 and 32

Concerning the issue of renovation of the remand ward at the Skopje Prison, i.e., the recommendation to introduce a permanent maintenance and renovation program for all cells at the remand ward, the Ministry hereby informs that the recommendation has been acted upon. More precisely, the Skopje Prison has adopted an Annual Facility Renovation Plan and it will be adhered to when conducting maintenance and renovation of all cells at the remand ward.

With regard to the recommendation for maintaining the hygiene of prisoners in remand, the Ministry informs that the Skopje Prison adheres to the provisions of the House Rules on Remand Prison. At the same time, the Ministry would like to emphasize that women-remand prisoners are provided with daily access to warm shower water.

The Skopje Prison is taking active measures to adapt the special prison facility planned to be fitted with fitness equipment, which would further be made available to remand prisoners too.

Moreover, all remand prisoners are allowed fresh air activity of 2 hours a day in accordance with the designed Plan on Prisoner Fresh Air Activity.

Items 33-40

As regards healthcare within the prison system, the Ministry informs that the on-going process of transferring the competence for healthcare from the prison system to the Ministry of Health has not yet been fully completed. Until the moment this issue is fully resolved, health workers will remain in the resocialization sectors at the institutions as a temporary solution to the matter, taking into account that the aforementioned transfer of competence is expected to be completed within the shortest period possible.

When it comes to other issues concerning healthcare, the Directorate for Execution of Sanctions has been constantly pointing out to everyone involved that it is mandatory to follow all instructions, procedures and protocols on healthcare. With regard to increasing the number of medical staff, the Ministry informs that calls for increasing their number have constantly been made and it is expected that this issue will be resolved once the Ministry of Health takes over the competence for healthcare within the prison system.

Item 41

Concerning the court's decision to suspend the prison sentence of the prisoner Ferat Aliji, the court has rejected the motion to continue the suspension of the prison sentence and the prison sentence of the foregoing person was suspended until 25 April 2017. The prisoner has not returned to serve the prison sentence at the Idrizovo Prison and is considered a fugitive from the institution.

Item 42

Concerning the previous requests for information about the nine prisoners who died at the Idrizovo Prison in 2016, the Directorate for Execution of Sanctions has requested the required information from the Skopje Basic Public Prosecutor's Office. Hereby attached is a copy of the Notification from the Skopje Basic Public Prosecutor's Office No. A 229/17, dated 6 April 2017.

Regarding the recommendation that prisons should always be informed about the outcome of autopsies conducted following the death of a prisoner, the Institute of Forensic Medicine has informed the Directorate for Execution of Sanctions that it delivers autopsy reports only to entities that have requested the autopsies. Therefore, the Directorate for Execution of Sanctions has sent an additional request to the Skopje Basic Public Prosecutor's Office, as the entity that has requested the autopsies, in order to provide the requested data to the CPT.

Items 43–46

The disciplinary procedure for prisoners was improved under the Project "Strengthening the Protection of the Rights of Sentenced Persons". For this purpose, with the assistance of two international experts engaged by the Council of Europe, a mission was conducted from 31 October to 2 November 2016 to assess the situation concerning the disciplinary procedure and disciplinary punishment for prisoners. Based on the report on the assessed situation, a working group composed of representatives from the Directorate for Execution of Sanctions and prisons, together with the international consultants, drafted legal provisions aimed to improve the disciplinary procedure.

Acting on the recommendations from the international consultants, part of which are also recommendations of the Committee, the following amendments have been drafted:

- the duration of the disciplinary punishment of solitary confinement is set to last no more than 14 days;
- doctors no longer give opinion on the medical condition of prisoners before adopting a decision on disciplinary punishment;
- disciplinary punishment is not inflicted on juveniles;
- an appeal by the prisoner defers the decision, except in cases of emergency when the security of the institution is threatened as assessed by the Director of the institution;
- in cases of establishing disciplinary liability for major disciplinary violations that constitute crimes punishable by a fine or a prison sentence, the prisoner may be provided with a lawyer on request;
- if the prisoner is a foreign national or a person who does not understand the Macedonian language, the prisoner may be provided with an interpreter on request; and
- other provision aimed to improve this matter.

Concerning CPT's recommendation that prisoners should have the right to appeal to an independent authority, prisoners have the right to appeal the second-instance decision adopted by the Directorate for Execution of Sanctions before the Administrative Court.

Concerning the possibility to call witnesses and receiving a copy of the disciplinary decision, these recommendations have been incorporated in the present legislation and are applied at prisons. The other recommendations – giving prisoners sufficient time to prepare their defence and enabling them to remain seated during disciplinary proceedings – will be taken into account when amending the legislation in this area.

Item 47

Concerning the duration of visits of remand prisoners, particularly at the Skopje Prison, the visits last at least 60 minutes, whereas children are allowed to visit remand prisoners if they have a court permission to visit, which the institution is obliged to respect.

Concerning the duration of visits of sentenced prisoners, they are realized in compliance with the legally set minimum of 60 minutes.

Item 48

Concerning the recommendation to establish an efficient internal complaint system at prisons – specifically, the Idrizovo Prison – on 5 June 2017, the Directorate for Execution of Sanctions conducted an extraordinary professional and instructional inspection at the Idrizovo Prison in order to establish the current situation relating to internal complaints. The inspection confirmed the situation noted by the CPT and the Director of the institution has been informed of the need to keep a complete record of internal complaints, in accordance with the CPT’s recommendations, and to install special internal complaint boxes accessible to all prisoners.

Item 49

The Directorate for Execution of Sanctions has identified the shortcomings stemming from the failure to establish the State Commission for Execution of Sanctions, which has also been noted in the National Strategy for Development of the Penitentiary System of the Republic of Macedonia. Guided by the identified shortcomings, the National Strategy also contains activities aimed at establishing the State Commission, by amending the legislation. In accordance with the envisaged activities, under the Project “Strengthening the Protection of the Rights of Sentenced Persons”, with the support from a national consultant engaged by the Council of Europe, legal amendments have been prepared to facilitate the establishment of the State Commission, which will be incorporated in the new Law on the Execution of Sanctions. The new Law on the Execution of Sanctions is planned to be adopted by the end of 2017.