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**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 18 to 27 November 2002**

The Government of "the former Yugoslav Republic of Macedonia" has requested the publication of the report on the CPT's visit to "the former Yugoslav Republic of Macedonia" from 18 to 27 November 2002 (see CPT/Inf (2004) 29) and of its response. The Government's response is set out in this document.

Strasbourg, 9 September 2004

**Response by the Government of the Republic of Macedonia on the Report on the Visit to the Republic of Macedonia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (18-27 November 2002)**

**Cooperation between the CPT and the Macedonian authorities**

As stated on previous occasions, the Government of the Republic of Macedonia remains fully committed to fulfilling its obligation arising from the Convention for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment and to complying with the recommendations contained in the CPT reports, including the one to which this Response refers to. As mentioned in the Report and our Response to the previous visit, in response to the CPT recommendation that a formal statement at the highest political level be delivered to law enforcement officials, the Government of the Republic of Macedonia adopted a number of conclusions regarding the implementation of the CPT recommendations and the improvement of the situation in the sphere of the CPT competence, and is working on their implementation.

The Ministry of Justice, in contacts with the resident representative of the Council of Europe in Macedonia informed about the intention to organize a seminar for judges and prosecutors related to the implementation of the European Convention against Torture and Inhuman or Degrading Treatment and Punishment and on the powers of the Committee and asked to convey the request for the support of the Council of Europe. The same proposal is contained in the program for cooperation of the Republic of Macedonia with the Council of Europe for 2004. Although initially planned for prosecutors and judges, representatives of other institutions responsible for the implementation of the Convention may be also invited. **(paragraph 12)**

In connection with **paragraph 14**, the Ministry of Justice, in its communication No. 11-81/9, dated 3 March 2003, forwarded the Conclusions of the Government of the Republic of Macedonia adopted at the XVII session held on 10 February 2003, and the Information on the Report by the European Committee Against Torture (CPT) on the visit carried out in July 2002, and the preliminary remarks regarding the visit of November 2002, to the Supreme Court of the Republic of Macedonia, the Public Prosecutor of the Republic of Macedonia, the State Judicial Council, the Bar Association of the Republic of Macedonia the Ombudsman of the Republic of Macedonia, the Skopje I First Instance Court, Skopje, the Kocani First Instance Court, the Skopje II First Instance Court, Skopje, the Tetovo First Instance Court, the Tetovo First Instance Public Prosecutor, the Kocani Public Prosecutor's Office.

Furthermore, the Conclusion of the Government adopted at the XVII session held on 10 February 2003, and the Information on the CPT Report about the Republic of Macedonia carried out in July 2002 and the preliminary remarks upon the visit of November 2002 were also submitted to the penitentiaries and correctional facilities.

The Government conclusions have been transmitted to all departments of the Ministry of Interior as well.

***Establishments under the authority of the Ministry of the Interior***

At the beginning of March last year, after the Ministry of the Interior received complaints by the damaged persons involved in the case referred to in **paragraph 26**, which occurred on 7 February 2003, when two persons were beaten by plainclothes police officers (Criminal Police inspectors) at the time of their apprehension and during their detention at the Kumanovo Police Station, it undertook activities to investigate the case, in which the Professional standards unit was involved for purposes of establishing the facts of the case. Having been established that in the treatment of the detained persons, operative and other police officers used physical force in violation of the legal regulations, disciplinary proceedings were instituted against the said persons and they were punished. Two officers were fined with 15% off their salary in the period of four and six months, respectively, while three officers were fined with 15% off one-month salary.

In connection with the recommendation that victims of ill-treatment are not discouraged to file complaints (**paragraph 32**) the Internal Control and Professional Standards Unit at the Ministry of the Interior continuously undertakes measures by which citizens are encouraged to file complaints against officers of the Ministry if they consider that the officers have used force or if they consider that they have been victims of ill-treatment. Citizens can file complaints in writing or orally directly at the seat either of the above mentioned Unit, or with the detached inspectors at the regional units, or at any police station. In this respect, in accordance with the Rules of the Internal Control and Professional Standards Unit each police officer is obliged to fill in a form on the oral complaints of citizens and to immediately submit the form to the seat of this Sector or to the detached inspector.

In respect of the request that competent authorities are notified about every case in which the conduct of police officers may be criminal in nature (**paragraph 33**), in cases in which it has been established that a crime has been committed, supported by legally valid material evidence, the Internal Control and Professional Standards Unit immediately submits the entire case file to the Criminal police which submits a proposal for institution of criminal charges to the relevant Public Prosecutor's Office against the officer of the Ministry regarding whom there are reasonable grounds to suspect that he/she has committed a crime.

As requested in **paragraph 31**, the copy of the Rules on the work of the Internal Control and professional Standards Unit of the Ministry of the Interior EPS, effective since September 2003, has been sent to the CPT.

Regarding the issues related to the **Security and Counterintelligence Directorate (UBK)**, contained in **paragraph 34**, underlining that the competencies of the UBK in respect of citizens are not clearly defined, it should be taken into consideration that the UBK is an organizational unit of the Ministry of the Interior and is governed by the regulations which apply to the Ministry overall.

In accordance with the Law on the organization and work of the state administration organs and the Law on Internal Affairs, the Security and Counterintelligence Directorate is an organ within the Ministry of the Interior, which performs tasks related to the system of state security. Its competencies are clearly defined in the Law on Internal Affairs.

Furthermore, this Law does not make a difference in terms of the competencies of authorized officers of the Ministry, which means that formally-legally authorized officers of the Security and Counterintelligence Directorate and of the Public Security Bureau have the same position and authorization.

All regulations approved by the Minister of the Interior are obligatory for all organizational units of the Ministry of the Interior, including thus the Security and Counterintelligence Directorate. The Minister approves regulations in the form of Rules and Instructions related to specific functions fulfilled by the Directorate. The Instruction for performance of the duties of the Security and Counterintelligence Directorate adopted in 1998, which is still in force, is part of such bylaws, and regulates only one specific aspect different in respect of the competencies of the Ministry of the Interior. However, this regulation is in compliance with the rules applied for all authorized employees of the Ministry of the Interior.

The legislation applied to police custody of persons and the rights they are to be provided for are obligatory for all authorized personnel of the Ministry of the Interior and are respected also by the authorized officers of the UBK.

The recommendation to introduce a separate regulation for the authorized officers of the Security and Counterintelligence Directorate at this moment would be contrary to the applicable regulations, since the relevant regulation is applicable to all units of the Ministry of the Interior, including the Security and Counterintelligence Directorate.

For the purpose of improving the cooperation and avoiding eventual misunderstandings in the relations with the European Committee for Protection from Torture and Inhuman or Degrading Treatment or Punishment, the UBK prepared **Instructions for procedures applied in the relations with the CPT (already submitted to the CPT)**.

As requested in **paragraph 34**, the summary of the 2000 Report on the work of the Security and Counter Intelligence Unit has been sent to the CPT.

In respect of **paragraph 35** of the CPT Report related to the Special police units, the **Rapid Intervention Unit Lions** no longer exists i.e. it has been dissolved. However, based on the established needs for a qualitatively new multiethnic organizational a Rapid Deployment Unit has been established, which encompasses part of the Lions officers, which fulfill the basic and special criteria for employment at the Ministry of the Interior. Experts of the Ministry of the Interior and the international community conduct the education of this new unit. All reported cases of ill-treatment, perpetrated by officers of the former unit, are appropriately considered or are currently processes and if the grounds are established the perpetrators are criminally prosecuted.

In respect of **paragraph 36**, related to the issue of **safeguards against ill-treatment**, the Ministry of the Interior has established Registers of persons in police custody. In connection with certain established omissions when entering data in these registers, there are appropriate control measures undertaken in order to secure careful and responsible filling in and use of the Registers. Furthermore, in January 2002 brochures entitled "Lessons for the rights of citizens" were printed in seven languages and distributed to all police stations.

In November 2003, the Ministry of the Interior in cooperation with the OSCE, prepared 450 plastic coated posters in seven languages (Macedonian, Albanian, Turkish, Serbian, Roma Vlach and English) called "Advise about citizen's rights" which were distributed to each police station of the Ministry of the Interior, to be visible and transparent for all citizens.

In **paragraph 37**, regarding the **Material conditions** for work it should be noticed that part of the established deficiencies have been eliminated, while the elimination of the deficiencies depends on the financial material possibilities of the Ministry of the Interior. However, efforts are made to improve the hygiene and humane conditions in the facilities for detention of persons in police custody.

Human right education is an important segment of the professional training in the Ministry. During 2003, in cooperation with the OSCE the total of 2953 police officers were trained in human rights, and 182 in arrest and detention.

In January 2004 the Minister of the Interior endorsed the Code of Ethics as part of the overall police reform.

Since December last year, EU Police mission Proxima has been deployed in the Republic of Macedonia. The basic aims of this mission are to speed up the ongoing activities in the field of institutional capacity building, rule of law, promotion of the reform in the criminal justice system, fight against organized crime and development of policing standards in accordance with internationally accepted standards.

### ***Establishments under the authority of the Ministry of Justice***

In its communication No. 11-81/11, dated 2 October 2003 that the Ministry of Justice forwarded to the Supreme Court of the Republic of Macedonia, the Public Prosecutor of the Republic of Macedonia, the State Judicial Council, all appellate and first instance courts in the Republic of Macedonia underlined the considerations of the CPT contained in **paragraph 54** of the Report and requested that activities are undertaken in order to implement the recommendation regarding the practice of supervising the contacts between detainees and their defense.

The Bar Association of the Republic of Macedonia was sent a copy of the same communication.

In its communication No. 11-81/11, dated 19 September 2003, the Ministry of Justice forwarded to all penitentiaries and correctional facilities in the Republic of Macedonia the Recommendations contained in the CPT Report, upon its visit to the Republic of Macedonia from 18 to 27 November 2002, along with a request that they be implemented, requesting also to submit a report to the Ministry of Justice on undertaken activities in this respect.

Regarding the first and second recommendations (**paragraph 40 and 41**) related to ill-treatment as it has been stated thus far, there is due consideration for the respect for the person and integrity of each detained, convicted person or a juvenile, placed in the penitentiary or correctional facility, which in fact has been established in the CPT Report, i.e. that there are no evidence that the referred to persons have been subject to ill-treatment by the personnel in these institutions. At the meeting organized by the Department for Execution of Sanctions with the Directors of the penitentiaries and the correctional facility in Tetovo, it has been again underlined that there must not be ill treatment of inmates in these institutions. This position has been supported by all directors without any exception, with the remark that the use of means of coercion has been reduced to absolutely necessary and only in cases envisaged by law.

As regards **paragraph 43**, acting upon the recommendation of the Department for Execution of Sanctions, which has informed the Government about the problems that penitentiaries and the Tetovo Correctional Institution have due to the lack of personnel in the security units, and based on the Framework Agreement, the Government adopted a conclusion for approval of funds for employment of 34 persons, out of whom 20 have already been employed and 14 are in an employment procedure. Furthermore, in cooperation with the Ministry of the Interior, 6 officers of the Ministry have been transferred to two penitentiaries, by which the situation with lack of uniformed police personnel in these institutions will be alleviated.

The Ministry of Justice and the Department for Execution of Sanctions forwarded an Information about the personnel situation in penitentiaries and correctional facilities in the Republic of Macedonia to the Government of the Republic of Macedonia in which these organs request approval of funds for employment of 64 persons of all profiles, necessary for the proper functioning of these institutions.

Furthermore, the Department for Execution of Sanctions will make efforts for continuation of the work of the Training Center for penitentiaries personnel situated in the Idrizovo penitentiary, by which it will start realizing its commitments to more practical training of personnel.

As regards **paragraph 49**, in order to improve the conditions in the penitentiaries for accommodation of inmates, efforts are made to secure funds for improvement of the conditions for their stay and work, so that each year following the Program adopted by the Government of the Republic of Macedonia new facilities are constructed (some are already constructed others are under way) for the stay of convicted persons, as well as a medical facility for ill convicted persons and for addicts (Idrizovo Penitentiary), then there is renovation of existing detention facilities (Skopje Penitentiary). The renovation and rehabilitation of facilities and other construction works for improvement of the quality of conditions for execution of sanctions and detention (in this context the activities for separating the lavatories from the facilities for stay of detained person have been taken into consideration) will continue taking into consideration the recommendations and remarks of the CPT, in accordance with the financial possibilities.

As regards **paragraph 50**, within the possibilities and depending on the number and structure of detained person efforts are made for extending the duration of the outdoor activities, while in respect of the regime of activities for detainees i.e. enabling them to listen to the radio and watch TV the regime can be changed upon amending the legislation related to treatment of detainees.

As regards **paragraph 52**, the Ministry of Justice and the Department for Execution of Sanction in the Information about the personnel situation in the penitentiaries and correctional facilities in the Republic of Macedonia especially underscored the situation with the lack of personnel in health care services at these institutions, in respect of which it has been reiterated that it is necessary to employ nurses and doctors-psychiatrists.

As regards **paragraph 53**, dealing with the issue of regular medical check ups for newly admitted detainees and convicts, such examinations are conducted without exceptions within 24 hours from their admittance to the institution. In intuitions where there is no doctor, a part time doctor is engaged. In all institutions where a part time doctor is engaged, he/she works two times a week and is available for emergency cases.

In the communication with the Directors of all institutions it has been underlined that medical examinations performed within 24 hours upon the admittance of the detainees, need to be registered and all details of the examinations are to be entered upon registration. The medical report contains the following details:

- Complete review of the statements of the ill-treated detained describing the injuries and manner in which the injuries have been inflicted, of importance for the medical examination;
- Complete review of the objective medical findings of the doctor made based on thorough examination;
- Findings of the prison doctor based on the objective medical examination and the assessment of the grounds of the statements of the detainee for alleged ill treatment.

The results of each examination, statements and findings of the doctor are to be available for the detainee and his/her lawyer.

Medical examinations as a rule are performed without the presence of the security department or other non-medical personnel, except when the doctor requests the presence of security officers because of the aggressiveness of the detainee.

As regards **paragraphs 55, 57**, the Ministry of Justice and the Department of Execution of Sanctions forwarded to the Government of the Republic of Macedonia Information about the current situation in the functioning of the Tetovo Correctional Institution, in which they urgently request operation of this institution in the proper location, where there are appropriate facilities for correctional activities for juveniles. Until the final resolution of the problem, i.e. until the juveniles serve correctional measures in the Skopje Penitentiary, there are activities undertaken for separation of the juvenals from adults: the canteen has been dislocated at a place where juveniles do not have contacts with prisoners from the penitentiary, and more often and intensive contacts are organized of the Correctional Institution expert personnel, thus their security has been enhanced. The same has been done in respect of the sports-recreational activities, in order to decrease the opportunities for contacts with adult convicts.

There is organized education within the Correctional institution, conducted by appropriate teaching staff for adult education with whom this facility has concluded contracts.

***Establishments under the authority of the Ministry of Health and the Ministry of Labor and Social Policy***

Ministry of Health

In the period following the visit of the CPT, the Ministry of Health has undertaken significant activities aimed at improving mental health.

The CPT findings and recommendations, as well as the information provided to the CPT in this response have been sent to all Psychiatric Hospitals and Medical Centers in the Republic of Macedonia.

In connection with the case of inappropriate treatment of a patient by an orderly in the period from 12 to 14 November 2002 (**paragraph 61**), the Ministry of Health has submitted written communications to: the Ministry of the Interior, Forensic Institute, Skopje I First Instance Court and the Skopje Psychiatric Hospital, in which it requested information about the activities undertaken within the investigation about the case of use of physical force against the patient of the Skopje Psychiatric Hospital.

The competent investigative judge replied that an order was given (oral order at the place of the event and a written order the following day) to the Forensic Institute for full examination of the attacked person. The Court informed that even upon written order it has not received the expert opinion and findings regarding the given order for examination of the attacked person – hence the court has not undertaken any further activities.

The Skopje Psychiatric Hospital informed that immediately upon receiving the report for the incident, a five member Commission was established at the Hospital. Upon the proposal of the Commission, the orderly on duty who attacked the person was suspended from work with patients and was transferred to the handicraft department of the Hospital and the Head of the department was dismissed from the managerial position and was transferred to the Hospital's dispensary. The Commission's report has been submitted to the Ombudsman of the Republic of Macedonia and to the Ministry of the Interior.

As regards **paragraph 71**, the Ministry of Health has formed an expert team tasked with establishing the situation in psychiatric hospitals in the Republic of Macedonia (Skopje Psychiatric Hospital, Demir Hisar Psychiatric Hospital, Negorci Mental Hospital).

The expert team submitted its report, which has been sent to the CPT.

The expert report was also submitted to the psychiatric hospitals since the implementation of the proposed measures requires preparation of investment-technical documentation for advancement of the situation, and for securing information about the financial capacities of the hospitals to cover the expenses for implementation of the measures contained in the investment-technical documentation.



The Ministry of Health is currently preparing an Information to be submitted to the Government of the Republic of Macedonia about the situation in the psychiatric hospitals in the Republic of Macedonia in which there will be measures defined, as well as the dynamics of the implementation activities and financial analysis of the needs, all for the purpose of improving the situation.

The Ministry of Health is currently preparing an analysis in cooperation with the Director of the Psychiatric Hospital in Skopje regarding the closing the somatic ward and the opportunities for the use of the ECT machine only in the general hospital (**Paragraph 89**).

In connection with **paragraph 121** and the recommendations contained therein, the Ministry informs about the following:

Taking into consideration the complexity of the issue, on 24 June 2003, the Minister of Health established a multi-sector and multidisciplinary commission for promotion of mental health. The need for establishing such a team is based on the fact that in the field of health care, i.e. mental health promotion in the Republic of Macedonia there are intensive activities, but not coordinated ones. Namely:

- Despite limited resource, the Republic of Macedonia is making efforts to fulfill the obligations contained in the Convention Against Torture, Inhuman or Degrading Treatment or Punishment, and in other international acts it has acceded to or ratified, in the field of human rights;
- The Republic of Macedonia actively participates in the Project for Mental Health Promotion developed within the Stability Pact in the field of health.
- The Ministry of Health implements a number of activities together with the World Health Organization for the promotion of mental health. As a result of these efforts, five mental health centers have been established in the country. This is an indicator that further development will be aimed at socially and community needs oriented services. In 2001, at the Psychiatrist Congress, the Minister of Health expressed the commitment that the public health policy be developed in this direction.

In the field of health care, there is a clear political commitment to promoting this specific area in the interest of the beneficiaries and the entire population.

The Ministry of Health considers that it is necessary to focus the activities and resources for purposes of greater efficiency and cost effectiveness. Hence, it has established a commission as referred above.

The basic goal of this body is to implement the reform in the field of mental health, in light of the present situation and comparing it to the legally binding documents and recommendations by the international community in this field. Special focus is placed on the rights of beneficiaries.

Currently there are intensive activities for the revision of the first draft of the Strategy for Mental Health, then for preparation of the Plan of Activities and its implementation, as well as for preparation of an analysis of the national legislation from the comparative perspective, applying the instruments prepared by the World Health Organization in this field.

The Assessment of the Mental Health Policy and Legislation has been sent to the CPT.

The analysis of the legal aspects is under way. Once finalized it will serve as a basis for the new Law on Mental Health. It will be submitted to the Committee upon its completion.

The Strategy and the Action Plan are to establish a system by which the CPT recommendations for staff training, use of certain methods and measures, and special attention to the involuntary admission, will be incorporated. Presentation of the draft Strategy in the Stability Pact framework has been sent to the CPT.

In addition to the work aimed at prompt establishment of solid political and legal bases, there is a number of intensive activities in several areas aimed at implementation of the existing legal obligations in the country:

- As stated above the Information to be submitted to the Government is being prepared by which there will be additional funds secured for physical renovation of the health protection facilities- not only hospitals;
- The activities of several relevant organs are coordinated: the Ministry of Health, the Ministry of Labor and Social Policy, the Ministry of the Interior, the Ministry of Justice, which is facilitated with the establishment of the inter-sector team.
- Intensive work in the mental health centers, which signals the new era in the establishment of community needs oriented services.
- Anti-stigma campaign, education and promotion.

The Government Program of Work for 2004 includes the adoption of the Strategy for Mental Health which will identify deficiencies and work on the promotion of mental health.

The Ministry of Health is negotiating with the OSCE – the investor- for training of staff by the Council of Europe experts. All health care organizations were distributed the CPT standards against torture, with a reference that they are obligatorily applicable.

The team for analysis and drafting of new legislation in this field is intensively working. In cooperation with the WHO, it has prepared a brochure for protection of rights of patients.

The Ministry of Health sincerely hopes that all these efforts will change the situation overall. Any CPT recommendations in this respect are welcomed.

The Code of Medical Deontology, adopted by the Doctor's Association of the Republic of Macedonia, which contains the ethic norms governing the doctors' conduct in performing their duties, has been sent to the CPT.

The Doctor's Association has an Ethics Commission, which intensifies its activities and is very active in amending the legislative measures, which are being strengthened.

## Ministry of Labor and Social Policy

Upon the request by the CPT, representatives of the Department for mentally disabled persons at the Ministry of Labor and Social Policy and the State sanitary and health care inspectorate at the Ministry of Health in February 2003 inspected the work of the Demir Kapija Special Institution which accommodates, cares, affords health care protection and education for persons with serious and grave mental disabilities.

More particularly the team inspected various aspects of the work (sanitary-hygiene, facilities, manner of records keeping of the delivered health services, staff, obligatory immunization, etc). The Minutes of the supervision and the proposed measures for overcoming the established deficiencies have been sent to the CPT.

Furthermore, copies of two reports submitted by the Director of the Demir Kapija Special institution to the Ministry are attached. These reports are related to the activities undertaken to overcome the deficiencies observed in the course of the CPT visit.

The undertaken measures are aimed at eliminating any forms of ill-treatment by the staff i.e. the staff members have been appropriately informed and reminded regularly that the treatment of the patients is to be significantly improved and that if they act contrary to the instructions they will be subject to severe sanctions (**paragraph 64**).

Furthermore, greater attention is paid to the selection, training and supervision of the auxiliary staff, which is confirmed with the opening of the new facility at this Institution on 10 October 2003, with offers facilities for 72 patients some of which have been transferred from the Health Ward in order that the workload of this Department is alleviated, while part of the patients with light disabilities have been transferred from the Dependans in order that mutual assistance among the patients is encouraged. (**paragraph 65**).

Regarding the living conditions of the patients, appropriate measures are undertaken to overcome the deficiencies established at the B1, B2, B4 and B5 Wards. Thus, the Ministry of Labour and Social Policy provided additional funds to alleviate poor conditions (**pp. 77 and 78**). The Minister of Labour and Social Policy himself, Mr. Jovan Manasievski, visited the ward and gave instruction for urgent overcoming of the deficiencies.

With the establishment of the new facility and the transfer of a number of patients from the Health Care Ward, the situation in the overcrowded dormitories of the A1 and A4 wards, was improved. (**paragraph 76**)

In connection with the patient treatment and care recommendations, it is underlined that the UNICEF funded project for deinstitutionalization of the patients which live in public social protection facilities, implemented with the support of the Ministry of Labour and Social policy, was carried out in the period from February 2001 to December 2003. The project continues this year too. Namely, until the end of last year a total number of 26 children were deinstitutionalized, i.e., were accommodated in foster families throughout the country and they visit the daily children's centres with special needs under the auspices of this Ministry (**paragraph 93**).

Furthermore, the volunteers of the international non-governmental organization VSO seated in the UK, along with the auxiliary personnel at the Institution were engaged on the stimulation, treatment, support and care tailored according to the individual situation of the patients (**paragraph 94**).

The nurses working in the B Ward were appropriately trained by neuro-psychiatrists, physiotherapists and medical staff of the Skopje Mental Health Institute and the Skopje Medical Rehabilitation Institute.

The food distribution for patients that are bedridden in the B ward was re-examined. Patients are now placed in seating position and are fed normally. The patients of the B3 ward are seated at the table at this ward and some of them use the dining room used by the other wards as well. (**paragraph 96**).

A pediatrician working in the Negotino Medical Centre, a municipality closest to Demir Kapija, visits the Institution twice a week and performs medical examinations of the patients. At the new facility, there is a dentist that gives stomatological services (**paragraph 98**).

The Italian non-governmental organization EduKeid, in cooperation with the relevant structures in the social protection system of the Republic of Macedonia made a comprehensive medical and social assessment of the patients in the Demir Kapija Special Institution and established complete medical and social case files for each individual patient (**paragraph 99**).

The Negotino regional unit of the Health Care Institute established a team of doctors – epidemiologists that regularly control the hygiene at the Demir Kapija Institution. The patients wear clothes most often donated by humanitarian organizations.

Regarding the number of defectologists, psychotherapists, nurses and medical personnel the number of whom in pursuance with the recommendations is to be increased in the Health Ward, especially in the afternoon and night shifts, the Ministry of Labour and Social Policy makes efforts to gradually increase their number in accordance with the available funds of the Budget of the Republic of Macedonia, which on the other hand is restrictive in terms of salaries of the public sector employees, following the recommendations of the International Monetary Fund and the World Bank (**paragraph 106**).

In respect of the requested information about the social protection sector (**paragraph 121**) the main features of the designing of the social policy and social protection are the following:

1. The Ministry of Labour and Social Policy together with the Sector for European Integration at the Government of the Republic of Macedonia work of the approximation of the legislation in the field of social protection and social policy with the European legislation;
2. The amendments to the Law on Social Protection envisage development of non-institutional forms of care for physically and mentally disabled persons in order to encourage and continue the process of deinstitutionalization which on its part is aimed at decreasing the number of patients living in public institutions for social protection. Such activities can be implemented by citizens' association and associations that work in the local communities in cooperation with the government institutions, within the social protection system. This would improve the care for the persons with special needs in the local community and they would remain in the places of their residence.
3. The decentralization laws envisage greater level cooperation of the inter-municipal social work centres and the social protection institutions with the relevant subjects in the health care sector, in education and other subjects in the local community in order to find best solutions for the social protection of persons with special needs and their families.

The Ministry of Labor and Social Policy regularly, at least once a month, reminds the Management of the Special Institution Demir Kapija of the measures to be undertaken for the decent and humane treatment of beneficiaries.

## **Additional Information on July 2002 visit**

### **Ministry of the Interior**

Regarding the request for additional information about the detention of the three persons in the Kumanovo region, these are, in fact, two cases. In the first case, the persons S. S. and R. B., both from the village of Sopot, were apprehended as part of the activities for detection of perpetrators of the terrorist act that occurred on 4 March 2003, near the village of Sopot when in the explosion of a vehicle of the Allied Harmony mission, caused by previously installed explosive device, three persons were killed and another person was injured. In this connection, on 26 May 2003, the police undertook planned and organized activities in the area of the village of Sopot. As part of the related activities, for purposes of examining the legality of the acts of the authorized officers in the Sopot action, the Minister of the Interior established a Commission composed of representatives of the Ministry belonging to the Macedonian and Albanian ethnic communities, and a representative of the OSCE. Upon completing its activities, the Commission prepared a Report, in which in addition to other considerations, the procedure for detention of S. S. and R. B. was commented. In accordance with the CPT request the Commission Report has been sent to the CPT.

The second case is the case of detention of A. A., against whom measures were undertaken on reasonable grounds that he had committed the punishable grievous form of crime under Article 327, referring to Article 313 (terrorism) of the Criminal Code: intending to threaten the constitutional order and security in the Republic of Macedonia on 17 March 2003 the above stated person placed a mine on the Kumanovo-Tabanovce railway line, near the village of Vaksince, and than on 5 June 2003 he set an explosive device at the entrance of the betting café of the Kumanovo Football Club. One person was injured in the explosion that caused great material damage. The person thus created the sense of insecurity and fear among the citizens of the Republic of Macedonia. On 10 June 2003, the Ministry of the Interior deprived the said person of his freedom.

In pursuance with Article 3, paragraphs 1 and 2 and in accordance with Article 188, paragraphs 4 and 5 of the Criminal Procedure Code, the person was advised of his right to legal counsel and the right to defense lawyer of his choosing. However, the person refused to exercise this right. In this respect, Minutes No. 684/3498, dated 10 June 2003 were made, signed by the said person.

In order to secure the traces and evidence in support of the reasonable suspicion that a crime had been committed, by an order of the Investigative Judge of the Kumanovo First instance Court (Kri. No. 69/03, dated 10 June 2003) a search was conducted of the suspect's home.

In accordance with Article 188, paragraphs 3 and 6 of the Criminal Procedure Code the person A. A. was kept in custody at the premises of the Kumanovo Interior Department from 10.00 hrs. on 10 June 2003, until 10.00 hrs. on 11 June 2003, after which detention was prescribed by the Investigative Judge of the Kumanovo First Instance Court – Decision No. KI No. 209/03.

The Ministry of the Interior submitted proposal for institution of criminal charges KU No. 25.3-3358/464 vv 7121/859, dated 12 June 2003 for the punishable most grievous form of crime under Article 327, referring to the crime of terrorism, under Article 313 of the Criminal Code.

Regarding his allegations that the authorized officers of the Ministry of the Interior applied physical force in conducting the activities, i.e. that the official authorities were overstepped, the Ministry has examined all circumstances of the case and established that these allegations are not grounded.

The freedoms and rights of the suspect A. A. in the pre-trial procedure were limited only to the extent necessary for the successful conduct of the criminal procedure within the limits prescribed by the Criminal Procedure Code.

In connection with the request that the Ministry of the Interior present more detailed information about the detention of V. Q., the information based on the official documents prepared by the officers of the Security and Counter Intelligence Unit engaged on this case, has been sent to the CPT.

As requested, the instruction of the Director of the Public Security Bureau dated 18 December 2002 has been sent to the CPT.

### **Ministry of Justice**

As requested, the instruction by the Public Prosecutor's Office of the Republic of Macedonia to the higher instance public prosecutor's offices in Skopje, Bitola, and Stip is hereby enclosed. These offices are instructed to inform the first instance public prosecutor's offices within their area, about the recommendations, including the recommendation contained in paragraph 31 of the Report.

Furthermore, regarding the CPT findings in the Ratae case and the acknowledgement by the Tetovo First Instance Court President that they are accurate and realistically described and the related CPT comments, there are continuous efforts made to sanction perpetrators of crimes in accordance with the CPT recommendations. Namely, there are concrete efforts made to ensure systematic, proper and detailed investigation by all competent authorities— investigating judges, public prosecutors and police officers in all cases in which there is a suspicion that a person was subject to ill-treatment.

In pursuance with the recommendations, contained in this and in the previous CPT Report, the Ministry of Justice has forwarded guidelines to all courts in the Republic of Macedonia. According to these guidelines judges are to immediately request evidence gathering medical examination in all cases in which the suspects of crimes are brought before the judge before the end of detention and they claim to have been ill-treated.