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Response

of the Government of North 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 North Macedonia

from 7 to 9 December 2020

The Government of North Macedonia has requested the publication of this response. The CPT's report on the ad hoc visit to North Macedonia is set out in document CPT/Inf (2021) 18.

Strasbourg, 29 July 2021

**Response of the Government of North Macedonia to the Report
carried out by the European Committee for the Prevention of
Torture and Inhuman or Degrading Treatment or Punishment
(CPT)
7 to 9 December 2020**

Prison Establishments

In prison Idrizovo

Point 5

Regarding the improvement of the conditions in the Idrizovo Penitentiary and other penitentiaries, the Government of RSM in January 2021 adopted a Program for financing the construction, reconstruction, maintenance of facilities and equipping of the Penitentiary and Educational Correctional facilities for 2021.

During 2021, it is planned to realize investment activities in the total amount of 199,500,000.00 denars, which are provided from the Budget of RSM from which funds from the basic budget in the amount of 49,500,000.00 denars, from self-financing activities 1,200,000.00 denars and funds from a Loan from the Council of Europe Development Bank in the amount of MKD 148,800,000.00.

I

In relation to this, DES during regular supervision pointed out that greater vigilance is needed from the management staff in relation to this phenomenon in the institution, i.e. performing larger controls at the entry and exit of all employees and visitors. Among other things, the director of DES, gave a written order to the director of the Idrizovo Penitentiary to take measures and activities to increase video surveillance in the institution, as well as purchase of new cameras.

In that direction, Idrizovo Penitentiary installed additional security cameras that cover a larger perimeter of the institution. A special parking space was made for the vehicles of the employees in the institution, which will be fenced and under video surveillance in order to reduce the possibility for the officials to go in and out of the institution and to enter illegal means in the institution.

Among other, the National Strategy for 2021-2025 envisages activities for prevention of corruption in the Penitentiary and the Educational-Correctional facilities revising the Action Plan against Corruption as well as trainings of the prison staff in the area of the Code of Conduct.

Also, an activity is envisaged in the new National Strategy in order to introduce a systematic unified check on entry and exit in all institutions for all prison staff and keeping the records. Additionally, during the regular supervision conducted by the DES in the Idrizovo Penitentiary by the officials of the Directorate, it was pointed out that a systematic check of all employees and visitors in the institutions was needed.

II

According to the data available to the DES during 2019, in the work of this Unit were initiated 10 cases against members of the prison police (2 cases were assigned to another competent Public Prosecutor's Office, for 2 cases were adopted Resolutions and 6 cases are ongoing, i.e. are undertaken investigative actions). During 2020, 2 cases

were initiated against 5 persons - members of the prison police, who are in the phase of investigation.

III

During May 2021 the Annual Plan for employment of prison staff was prepared, and then approved by the Ministry of Finance and it envisages a total of 23 new jobs in the Directorate for Execution of Sanctions and a total of 68 people in penitentiary institutions.

Also, by the Ministry of Defense were transferred 19 people who will work as members of the prison police. They are deployed in Penitentiary Idrizovo - 13 persons, Penitentiary Stip - 4 persons and Prison Kumanovo with open ward in KrivaPalanka - 2 persons.

In order to establish a functional prison management system as well as to improve the supervisory function of the Directorate for Execution of Sanctions after seven years based on the Annual Plan for regular supervision, the director of DES issued a written order to conduct regular supervision in all penitentiaries and educational – correctional facilities. The supervisions started from February 2021 and until 01.06.2021 regular supervisions were performed in Idrizovo Penitentiary, Skopje Prison, Kumanovo Prison together with the open department in KrivaPalanka and Penitentiary Stip, and by the end of the year regular supervisions are planned in other institutions as well.

In the area of the training, DES works on staffing the training department of the staff of the Penitentiary Institution. Consent has been obtained for the employment of one person for training and one person has been assigned from the existing DES employees in the training department. Since mid-May 2021, the DES has hired two members of the prison police from Skopje Prison, Kumanovo Prison to start initial training of new members of the prison police from Skopje Prison, who together with an official from the training department conducted training on:

- Introducing the new employees of the prison police with the laws and bylaws,
- Organization, manner of work and competence of the prison police in the Penitentiary and Educational-correctional facilities;
- Firearms - acquaintance, basics of use and skills for handling;
- Participation of the Prison Police in the process of resocialization;
- The training was attended by a total of 36 newly employed members of the prison police from Skopje Prison.

Point 8

Regarding item 8 paragraph 2 of the Report, we inform you that in January 2019 the DES with the support of the Council of Europe, conducted a two-day workshop on monitoring and evaluation of the National Strategy for Penitentiary System (2015-2019) on which, by two domestic experts and a work group formed by representatives of DES, MJ, MTC, MH, CF and ECF were assessed the levels of implementation of the activities and objectives of the National Strategy 2015-2019.

The working group and the consultants agreed that some of the activities have not been implemented and some of the goals have not been achieved. Based on that, a Report was prepared in which it is noted which strategic goals and activities were realized, and which strategic goals were not realized in the previous strategy.

The Report was the basis for the preparation of the new National Strategy for the Penitentiary System (2021-2025) which was also supported by the Council of Europe office in Skopje. Additionally, for each strategic goal, international and domestic

experts in the relevant field were hired and together with the working group formed by representatives of DES, CF and ECF participated in the preparation of the strategy and the working group was guided by the Evaluation Report on the previous strategy. Additionally, same as in the old strategy it is foreseen as well in the new National Strategy (2021-2025) the obligation for monitoring and evaluation by all bodies responsible for the implementation of the Strategy.

Point 11

In the past period, as previously reported, the DES, the penitentiaries and educational correctional facilities from the beginning of the pandemic Covid 19 continuously to prevent the spread of the Covid 19 are provided disinfectants, masks and other necessary means for convicts and detainees, for employees in institutions, in order to prevent the spread of covid 19 virus in the institutions. Additionally, some of the institutions have implemented public procurement procedures for abovementioned equipment.

Attached is the table by penitentiary-correctional institutions that during 2020/2021 have provided disinfectants.

<u>donations received from:</u>	<u>donations given to:</u>	<u>Dezintal</u>	<u>Hand disinfection gel</u>	<u>Eosal</u>	<u>Face mask (disposable/reusable)</u>	<u>Pumps</u>	<u>Face shields</u>	<u>Hand gloves</u>	<u>solution</u>	<u>Hazmat suits</u>
DES	Prison Gevgelija	x160pcs.	x60pcs.	x32пар.	x300pcs.	x1pcs..	/	Ракавици x200 pcs.	x10л.	/
DES	Prison Kumanovo	x30 pcs.	x30pcs.	/	x700pcs.	/	/	x400pcs.	/	/
DES	Prison Tetovo	x36 l.	/	/	x100pcs.	/	X40pcs.	x55 pcs.	/	/
DOO KOMFI ANGEL-Prilep	Prison Prilep				x2500pcs.					/
	Prison Struga	/	/	/	/	/	/	/	/	/
YHC	Prison Idrizovo	x2232pcs.	x1565pcs.	x32пар.	x8585pcs.	x4pcs.	x285pcs.	x2600pcs.	/	/
International Red Cross	Prison Idrizovo	x12.350l.			x8000pcs.					/
DES	Prison Skopje	x112l.	x94pcs.		x2300pcs.		x166pcs..	x1300pcs.		x15pcs.
DES	Prison Tetovo	x36l.			x100pcs.		x40pcs.	x55pcs.		
DES	CEF Tetovo	/	/	/	/	/	/	/	/	/
confectionEureka	Prison Stip	/	/	/	x2000pcs.	/	/	/	/	/
confectionTarkos	Prison Stip	/	/	/	x500pcs.	/	/	/	/	/
Municipality Stip	Prison Stip	/	/	/	x600pcs.	/	/	/	/	/
KolorKomerc	Prison Stip	/	/	/	/	/	/	/	x20l.	/
	Prison Strumica	/	/	/	/	/	/	/	/	/
YHC	Prison Bitola	x20l.	x27pcs.	/	/	/	/	/	/	/

Point 13 Revised situation in the Penitentiary Institutions

<u>Penitentiary Institution</u>	<u>Capacity of the prison section in the PLs</u>	<u>Number of sentenced person in the PLs</u>	<u>Capacity of the remand Wards in the PLs</u>	<u>Number of remand person in the PLs</u>
Prison Skopje	128	138	243	216
Prison Tetovo	48	87	8	/
Prison Gevgelija	54	43	12	10
Prison Kumanovo	160	122	50	38
Prison Ohrid	27	4	12	11
Prison Bitola	77	79	33	23
Prison Strumica	95	108	/	/
PF Prilep	108	112	/	/
PF Idrizovo	1187	1178	/	/
PF Stip	139	231	/	/
PF Stuga	60	47	/	/
Open ward in KrivaPalanka	23	17	/	/
Total	2106	2166	358	298
Date: 31.03.2021				
Penitentiary institution	Capacity of prison section in the PLs	Number of sentenced juveniles		
CEF Tetovo	59	18		

Point 14-15

Ill treatment

In that direction, in accordance with the recommendation of the Committee from the Report from 2019, the activity is included in the strategic goal - Professionalization in the part of application of force goal in the National Strategy for Prison System (2021- Training of management staff for detection of cases of use of excessive force by members of the prison police is planned in III and IV quarter of 2021.

Regarding this recommendation, we would like to inform you that in the draft version submitted to the Government of RSM a strategic goal has been foreseen 'Standardized record keeping of cases of violence and security in the institution' and within the same activity:

- Introduction of a standardized form and register for incidents of violence in all penitentiaries and educational correctional facilities and the deadline is III and IV quarter of 2021. Also, pursuant with the Law on Execution of Sanctions it is foreseen in the case of exceeding the authorizations of members of the prison police to report it to the Public Prosecutor for Organized Crime - which is responsible for external control of the police and prison police.

In this regard, with the support of the Council of Europe, within the project of the Council of Europe, 4 cycles of training are provided for the directors of the Penitentiaries, the management structures (members of the prison police and officials from the treatment department) together with the prosecutors working in the above mentioned prosecution, representatives from the Ombudsman and other persons.

During April 2021, a round table was held with the participation of prosecutors from the Public Prosecutor's Office GOKK and the appellate area of Bitola, the Internal Control of the Ministry of Interior, representatives of the Ombudsman, NGOs, judges, as well as the Directorate for Execution of Sanctions and directors of CPA Prilep and Bitola Prison together with the management staff.

Regarding the remark that refers to the National Strategy (2021-2025), i.e. that no special activities are provided for the distribution of convicted persons in different wards, we clarify that:

- In accordance with the laws and bylaws, Article 151 of the LIP provides for the convicted persons during the admission period which lasts up to 30 days, depending on the institution, and is performed an assessment of the risk of the person, which determines the treatment of the convicted person, and then convicted persons are classified into closed, semi-open and open wards in the institution. The manner of placement, classification and reallocation

of convicts is regulated by a bylaw adopted by the Minister of Justice. Regarding the placement of convicted persons, they are not deployed after committing a crime or the amount of imprisonment. For an example, the sexual offenders in Idrizovo are placed in 7 wing on the prior recommendation of the Committee; convicts sentenced to life imprisonment are placed in only one ward. Furthermore, convicts convicted of the crime of terrorism or terrorist organization are located in one ward of the institution, foreigners serve their prison sentences separately from other convicts, while for convicts of very high and high risk, according to the legal provisions, special wards are established for residence.

Personnel

Point 16 - 18

The director of the Idrizovo Penitentiary was elected on a transparent manner in accordance with the established criteria provided in the new LES: upon a public announcement. Also, the director of Penitentiary Idrizovo comes from the ranks of professionals who have 33 years of work experience, member of the prison police, an official in charge of treatment of juveniles, director of Penitentiary Idrizovo and then as a director of DES.

The director of Skopje Prison is without work experience in the prison system and he was elected by the Government of RSM upon a public announcement based on the criteria of the previous Law on Execution of Sanctions which provides 5 years of work experience in the field of sanctions or related matters.

In this regard, penitentiary Idrizovo conducted operational analysis at the end of 2019 which aims to identify the main features of the existing organizational structure and functioning of the institution as a whole, in order to propose specific measures to improve the efficiency and effectiveness of the institution.

This analysis was prepared in accordance with the new Law on Execution of Sanctions and the need to create new jobs in special wards for convicts and the spatial expansion of the institution, especially construction and commissioning of new facilities (semi-open and open wards) and construction of closed ward.

Based on this analysis and the standards of the Council of Europe that the Idrizovo Penitentiary takes into account in the new wards that are in use for physical and material security of convicts, 15 members of the prison police are needed for day shift, and for night shift at least 8 members of the prison police. Due to the fact that the current situation is different, i.e. it happens that the security of one floor is performed by one member of the prison police, a new Rulebook for systematization of jobs was adopted, which provides for increasing the number of jobs of members of the prison police.

Also, other penitentiary institutions have prepared functional analyzes in order to determine the need of new employment, the existing organizational structure and functioning of the institution as a whole.

During 2021, employment of a total of 46 members of the prison police in the Penitentiary is planned.

Among other things, the National Strategy (2021-2025) envisages a special strategic goal of providing the necessary human resources and within the same it is envisaged an activity of revision and modification of the existing systematization of individual institutions according to special tasks of employees with staff / convicts. This activity is planned in the third quarter of 2021. Also, for the first time, a career plan for prison staff is planned, which will enable the prison staff to be promoted in accordance with the career plan.

Point 19 - 21

The National Strategy (2021-2025) envisages a strategic goal 'Strengthening the professionalism of the prison administration' through a structured and an advanced training, which includes activities related to the re-acquisition of the training department in DES, revision of the training strategy and adoption of a prison staff training program.

Among other things, during May 2021, the training unit at DES prepared a training program for members of the prison police, in which, in addition to the staff of the unit, two members of the prison police from the Skopje and Zatvor prisons participated. Kumanovo. From the end of May 2021, the training of some of the newly employed members of the prison police from Skopje Prison in the Training Center in the Idrizovo Penitentiary started.

A total of 35 people passed the training and through it the members of the prison police were acquainted with the nature of the work in the institutions, with the Code of Conduct for Prison Staff in the Penitentiary and educational-correcional facilities, the Instruction on the use of coercive means and the Rulebook on Arming the Prison Police. Regarding the remarks of the corrupt phenomena in the institutions, we inform that the DES started with regular inspections in the institutions, and additionally strengthened the extraordinary supervisions in the Penitentiary. Additionally, after many years, with the assistance of the Ministry of Interior and members of the prison police from another

penitentiary, a search was conducted in the Idrizovo Penitentiary in the closed department of the institution.

Among other things, the National Strategy (2021-2025) envisages a Strategic Goal - Zero tolerance for corruption, which includes several activities, as follows:

- Security screening of candidates for prison police
- Analysis of corruption risks and establishment of a mechanism for managing such risks
- Revision of the Plan for Prevention of Corruption in the National Prison System with the Action Plan;
- Training on the principles in the Code of Conduct for Prison Staff in the Penitentiary and Educational-correctional facilities (basic training for new employees and continuous training of existing staff)

Additionally, in order to reduce the corrupt activities in Skopje Prison, entry-exit controls in the institution have been intensified and in the near future work is being done on setting up a single point through which video surveillance will be performed and monitored in the institution, control of shipments and visitors by specially trained members of the prison police.

Conditions

Point 21 – 23 Penitentiary Idrizovo

In line with this recommendation, the Directorate for Execution of Sanctions carefully reviewed it from the 2019 Report and in that direction were moved Wings 2, 5 and 8 from the closed part of the institution. Additionally, during the regular supervision in February, DES pointed out to the management of the Idrizvo Penitentiary that it is necessary to take measures to relocate the old semi-open ward, for which a written order was issued by the director of DES. At the moment, activities are being taken to overcome the problem and close the old semi-open ward by the end of June 2020. It will be closed.

Its closure was postponed due to the fact that due to the situation with COVID 19 part of the activities were postponed until 01.06.2021 when the Government of the Republic of North Macedonia made a decision to relax the measures in the country due to improved epidemiological situation.

Preparations are also underway for the transfer of a group of about 50 convicts from the Idrizovo Penitentiary to other institutions in order to provide decent conditions for serving a prison sentence.

Skopje Prison – Point 24

Regarding this, we inform that Skopje Prison continued with the reconstruction of wing B where at the moment 2/3 of the rooms have been reconstructed and reconstruction is underway with variable dynamics due to the fact that the works are difficult due to the current situation with COVID 19.

During December 2020, in the semi-open ward, the electrical installation was completely replaced, and in each room where the convicts are staying, an electrical connection was installed. The electrical connections in the detention unit have not been replaced yet because in that part a complete replacement of the electrical installation is needed, which is a more serious financial undertaking and will be carefully analyzed in the period that comes.

The Directorate for Execution of Sanctions during the regular supervision of the management of Skopje Prison pointed out that it is necessary for them to respect the procedure for checking the hygiene in the institution and that it is necessary for the institution to immediately start purchasing electrical switches so that the convicts can safely put the lights on in their living quarters. Additionally, the director of DES, based on the ascertained situation, gave a written order to the director of Skopje Prison to immediately take measures and activities to improve the hygiene in the institution, as well as to organize an internal control system that will ensure a continuous process of hygiene control.

Regarding the right to have a walk on fresh air in the institution, the director of DES gave a written order to all convicts to use the right to fresh air for a period of 2 hours and not to violate it on any grounds.

Point 25

In this regard, we inform that DES during February 2021 conducted regular supervision in the Idrizovo Penitentiary, whereby the director of the institution was informed that the meals of convicts in the institution should be given in accordance with the Rulebook on food preparation norms of convicted persons in penitentiary institutions. In that direction, a written order was given by the director of DES with a deadline for an immediate action. Also, a written order was given to immediately take measures and activities for control of hygiene in the institution in accordance with the SOP - control of hygiene.

Activities

Point 26 – 28

Regarding this recommendation, we inform that the National Strategy (2021-2025) envisages strategic goals - Improving the conditions and opportunities for employment of convicts, which provides more activities and strategic goal - Improving the conditions and opportunities for engaging convicted persons in significant and constructive leisure activities within which the following activities are envisaged:

- Assessment of the current situation in the Penitentiary and Educational correctional facility and the new opportunities for organizing significant and constructive activities in the free time of the convicts;
- Provision of necessary equipment and materials for sports, artistic, creative activities and activities in the field of culture, as well as staffing

Regarding the right of education of the convicts, the same in cooperation with DES and MES started to be implemented in the women's department of Penitentiary Idrizovo, Penitentiary Stip and Educational correctional facility Tetovo.

Also, in cooperation with the Ministry of Education and Science and UNDP, the project for professional training of convicts continues, which due to the situation with COVID 19 was put on hold for a while. In cooperation with the Ministry of Education and Science, UNDP and DES, professional training for the profession of cook was conducted on 15 convicts in the Penitentiary in Prilep. All participants successfully passed the training from the professionals from the high school "NaumNaumoskiBorce" from Krushevo and they were awarded diplomas with which in the future they have a professional occupation.

By the Institute for Community Development Tetovo was conducted training of children in the Educational-Correctional Home v. Vojkovija, Municipality of Brvenica.

Through this training, the children gained knowledge and skills for information and communication technology, and certificates for the training were awarded.

Regarding point 33 which refers to Article 173 of the LES, we inform that it refers to the Right to Education, while regarding the remark that refers to health workers that they issue so-called disciplinary certificates, we clarify that Article 179 paragraph 4 of The LES from the old law has been deleted and in accordance with Article 236 paragraph 4 of the new LES from 2019 it is provided that the convicted person serving a disciplinary sentence alone should visit a doctor daily, and the director of the institution once a week. Furthermore, if the convicted person has health problems during the serving of the sentence, the disciplinary punishment of solitary confinement may be terminated.

Point 35

Namely, in order to increase the duration of the visits, we inform that the convicts, in addition to the right to visit which according to the Law on Criminal Procedure and the Rulebook for house rules of convicts is twice a month for 60 minutes, have the opportunity under Article 73 of the Rulebook for the housekeeping of convicts to gain convenience extended visits lasting 90 minutes at most once every two months if they meet the requirements of the Rulebook on Housekeeping of convicts.

Additionally, in order to facilitate communication of convicts, tablets are provided through which convicts will be able to communicate with the outside world, namely with their family members.

Also, in order to overcome the problem with the telephone booths in the Penitentiaries, the National Strategy (2021-2025) envisages a strategic goal of telecommunications and contacts with the outside world, within which several activities are envisaged, including the introduction of a reliable telecommunication system.

Regarding the recommendation regarding the ban on juveniles to visit their parents who are serving detention, the DES wrote to the Skopje Prison, where they stated that the institution in relation to the visits of detainees, namely for visits by juveniles shall be in accordance with the Rulebook on House Rules for Execution of the Measure of Detention in Detention Units in Prisons. They took place without restriction in the spaces designated for that purpose. These rooms are equipped to allow visual and audible contact between the detainee and the visitor, but prevent direct physical contact. The visits take place with the approval of a competent court which is also competent for the procedure. According to the above, the DES informs that at the moment there is no restriction on visits by minors whose parents are in custody.

Police custody

Point 39

Regarding item 39 for combating police misconduct through the application of a multidimensional approach and proper implementation measures, in terms of trainings,

which can also affect other recommendations (for modern criminal investigation, interrogation of suspects, techniques for conducting an interview, prevention, minimizing violence during apprehension, interviewing techniques for criminal inspectors, Code of Conduct, etc.) we indicate:

Regarding the educational training course with emphasis on modern criminal investigation, the Ministry of Interior (MOI) within its Training Center (TC), for all new as well as existing police officers, within the framework of basic training in Module 2 - Protection of life and property, has included a learning task on the topic: criminal investigations, but also within the frame of the whole module the material for criminal investigations is developed, including several learning tasks such as:

- Collection of information from citizens,
- Interviewing a victim, witness and suspect,
- Inspection of vehicles and others.

In relation to the mentioned module, for the permanent employees, the Ministry of Interior, through its Training Center, organizes continuous trainings.

Also, in relation to the Standard Operating Procedures (SOPs), the Ministry of Interior, i.e. the Training Centre, has been continuously implementing learning tasks arising from the SOPs, which are aligned with the laws, thus implementing the tasks in accordance with the SOPs.

Regarding the interrogation of the suspects, we inform you that the Ministry of Interior has prepared and conducted continuous training, which will be performed again depending on the needs of the Ministry of Interior.

Regarding the implementation of special training on techniques for professional conduct of interview, we hereby inform that these techniques are methodologically related to the above mentioned training and in the future, the training will be realized according to the needs of the Ministry of Interior.

In accordance with the Committee's recommendation, referring to the need for training of police officers for prevention and minimising violence during arrest and in cases where use of force is necessary, the police officers should use professional techniques, the MOI and the Training Centre of the Ministry report that as part of the basic training, in the area of defence techniques, the following techniques are covered and included:

- Overcoming passive resistance
- Use of rubber baton
- Use of means for handcuffing persons
- Self defence – defence from unarmed aggressor
- Self defence from an armed aggressor

Regarding the recommendation for professional training for criminal inspectors on appropriate techniques for interviewing and investigation and prevention of misconduct which is recommended to be a part of the regular modules, I hereby inform that the Training Centre at the Ministry shall draft a curriculum in the following 6 months for the needs of the Public Security Bureau. It will be submitted for review and approval, i.e. after its adoption, trainings will be organized in accordance with the needs of the Bureau.

In relation to the recommendation regarding the implementation of a different approach to the criminal investigation based on the rules for interrogation during the investigation, I would like to inform that the MOI i.e. the Training Centre has been continuously implementing this recommendation in the basic training, as well as in its continuous trainings.

Regarding the recommendation in relation to the Code of Conduct during Police Interview, I inform you that after its adoption, the Code shall be implemented in adequate trainings.

The Training Centre of the MOI in accordance with its competence also participates in coordination of other types of trainings that are carried out for the organisational units in the MOI according to their needs; trainings are also conducted for the needs of other national bodies in the Republic of North Macedonia.

Trainings and activities that the Training Centre of the MOI completes are derived from: the Strategic Plan of the Ministry of Interior, Training Centre Strategy and in accordance with the submitted training requests from the organisational units for human resource management in the Ministry.

There is a change in the Public Security Bureau situation in the part of conducting vocational trainings (interviewing of persons, action taking with persons with restricted right to freedom of movement, securing procedural rights.)

We report that in 2020 an expert supervision was conducted in the organisational units of the Public Security Bureau - PSB (Sectors of Internal Affairs and Regional Centres for Border Affairs (SIA and RC for BA)) to assess the situation in terms of conducting continuous professional training.

On the basis on the conducted expert supervision, a report has been containing draft measures in terms of strengthening the segment of competence development in police officers for proper exercise of police powers.

In accordance with the report, a working group was formed in order to prepare a training plan for exercise of police powers (action taking in practice and use of means and coercion). The essential commitments are: to establish an organisational system for management and coordination of issues related to practical police action taking and self-defence as well as physical condition.

In March 2021, the first training of trainers for exercising of police powers (action taking in practice and use of means of coercion) was planned and began but it was stopped and postponed due to the measures for prevention from spreading the COVID-19 disease which prohibited having training, seminars, conferences.

Point 42

Regarding the training for inspectors for interviewing techniques with summoned persons or person with restricted right to freedom of movement. (items 18 and 19 from the Report of the periodic visit), the reports state allegations of unprofessional conduct of an interview with a suspect. These allegations are based on interviews made with persons who have been summoned, taken into custody, deprived of liberty or detained at a police station (PS).

Recommendations were given for building the human resource capacities as well as a recommendation to enable application of the Standard Operating Procedures, and also legal provisions in the section for procedure with suspects.

In addition, we list the activities that the Ministry is considering in order to overcome the general ascertained conditions, to be carried out - during 2021, until the end of 2022. Regarding the activities by the Ministry that are planned in the next period, we point out:

Activity 1:

Drafting a Manual / Code for conducting an interview in accordance with the Recommendation to develop a Code for conducting an interview - Rules for conducting an interview

The manual shall be proposed by the Working Group of Organisational Units (OUs) within the framework of the Public Security Bureau-PSB (police).

Activity 2:

Drafting of Training for Interviewing Techniques for inspectors.

The proposed documents from the Report, which are available on the Council of Europe website, shall be taken as reference documents, primarily the practitioner's guide for conducting an interview (the original "A Brief Introduction to Investigative Interviewing: A Practitioner's Guide") as well as the 28th General Report of the CPT.

Competent: Training Centre for the curriculum development and the Working Group that will propose the rules for interviewing.

Expected result: 25 trained trainers who will conduct the training with the entire composition of the criminal police.

Activity 3: Putting together a test for application of the Standard Operating Procedures – SOPs for treatment of persons with restricted right to freedom of movement. The test shall be used for testing all shift leaders that are the only persons authorized to adopt a solution for detaining a person in accordance with their legal competence.

Competent actors: TC (through the Sector for Continuous Training) in cooperation with the Unit for Strategic Planning, Standards and Quality Control in the Public Security Bureau.

Activity 4: Mandatory supervision of all PSs that have the authority to detain persons. The supervision is intended to cover issues related to proper record keeping, filling out forms, ensuring the rights of persons, hygiene in detention facilities)

Dynamics of realization: twice a year on a level of sectors of internal affairs - SIA, with preparation of six-month reports.

In addition to the listed activities, regarding the protection measures from item 42 (in relation to items 24 to 29 of the previous report), we indicate:

They shall be a subject to supervision for objective documentation of the time, the will to use a certain right and the estimated need for it.

The report on detention of a person has been drafted in accordance with the Law on Criminal Procedure and it is certified with the signature of the detained person 4 times, as follows: regarding the hour and date of deprivation of liberty, regarding the fact that he was instructed about the rights, regarding the time and date of termination of detention and the entire record as confirmation that they agree with all entered data.

In the following period it is also foreseen:

Activity 1: Preparation and submission a of request to update the list of lawyers from the Lawyer Chamber through the Department for Joint Affairs and Human Resource Management at the Public Security Bureau.

Activity 2: Providing special funds from the budget for food and water for detainees. The contractor of the activity would be the Department for Financial Affairs in the Ministry, in coordination with the heads of the SIA (item 43).

Point 43

It has been noticed that in a number of the police stations (PS) there has been improvement in the condition (the renovated PS, in the part of the detention facilities).

Namely, in relation to the current condition we inform that:

Detention facilities in 13 PS are renewed and renovated in: Police station Karpoš, Gazi Baba, Bit Pazar, Centar, Štip, Gevgelija, Prilep, Gostivar, Tetovo, Probištip, Kičevo, Kumanovo and Kriva Palanka.

In 2015 in 6 Police stations, intercom was installed, as well as a system for communication with the duty service and the detainee (PS Ohrid, Bitola, Kumanovo, Kočani, Kavadarci and Strumica).

During the time of the preparation of response to the report, a completely renovated facility of the Section of Internal Affairs in the town of Resen was presented, restored for the first time in 40 years, for which 12,7 millions of MKD were invested from the budget of the Ministry of Interior.

As part of the endeavour for update and modernization of the working conditions of the police and other members of the MOI, work is underway on the reconstruction or renovation of the facilities of the SIA Kumanovo, of the Police Section Rostuše and in the upcoming period there is a working plan for the Section for Internal Affairs in Prilep, the Police Station in Kruševo and Police Section in Čaška.

Also, the Ministry of Interior conducts analyses and considers the possibility for the following:

1. The Department for Common and General Affairs – DCGA, to continue with the graduate renewal and renovation of the detention facilities in the PS.

The Ministry is also taking into consideration the inclusion of video surveillance systems.

2. The Ministry through DCGA considers the possibility to include the square footage of the detention facilities in the contracts with the company in charge for hygiene maintenance.

These proposed activities from the Public Security Bureau have been submitted to the Minister of Interior with a request for approval of the proposed activities (with a proposal, as already stated, to be implemented in the shortest time possible, i.e. during 2021 to the end of 2022).

As an addition to the above mentioned conditions in relation to item 39, the possibility is considered, in addition to the previously issued telegram in 2020, from the Ministry of Interior, i.e. the Assistant Minister in the Department of Internal Control, Criminal Investigations and Professional Standards as a competent organisational unit, which was welcomed by the Committee (otherwise reissued during 2021), and the Director of the Public Security Bureau to issue and deliver a telegram to all relevant organizational units involved in the arrest, detention, deprivation of liberty indicating that the illegal, unprofessional treatment of these persons will be subject to investigation, i.e. of appropriate sanctions - in accordance with the recommendations of the Committee.

We point out as well:

The Legal Service at the Ministry is available and will start standardizing the proposed amendments regarding the possible amendments of laws and bylaws, after receiving specific proposals/requests for changes and amendments to the regulation of the Ministry from the competent organisational units that perform tasks within the subject area.

Also, the Legal Service at the Public Security Bureau i.e. the Ministry, after the conducted analyses and depending on the need, will give their active contribution by drafting internal regulations, especially in terms of conducting interviews, taking into account the recommendations of the committee and the need of the competent organisational units.

The Ministry of Interior in accordance with the Law on Internal Affairs has its own internal controlling mechanism – Department for Internal Control, Criminal Investigations and Professional Standards (DICCIPS) that among other things, acts on determining the occurrence of illegal actions of police officers while performing police work.

Thereby, after the analysis of the recommendations contained in the Report of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe, having in mind the indicated remarks and recommendations regarding the implementation of measures for protection against torture and inhuman or degrading treatment or punishment of the detained persons, deprived of liberty i.e. detainees, especially in relation to item 39 and the basic protective measures for prevention of harassment (i.e. notifying a third party for the detention, access to a lawyer and a doctor and information on the rights), the Ministry of Interior, i.e. this department continues to suggest the need to act on telegram no. 14.2.2-85/2 dated 26.02.2020 - we would like to emphasise that such a telegram was also issued during this 2021, aiming at consistent application of all laws, bylaws and internal acts governing police powers including deprivation of liberty (apprehension and detention of persons), noting that appropriate measures will be taken for each violation found.

In particular, regarding the procedural rights, we point out that with the Memorandum of Cooperation concluded between the Ministry of Interior, the Helsinki Committee for Human Rights-HCRC and the Macedonian Young Lawyers Association-MYLA no. 03-210 from 01.03.2021 and no.13.1 -23713/1 dated 10.03.2021, a team of lawyers hired by the Macedonian Young Lawyers Association is expected to provide legal counselling to persons deprived of liberty in police stations, as well as monitor the conditions of the detention facilities for persons, the rooms for interrogation and interviewing persons deprived of liberty, the rooms for interviewing minors, as well as the toilets in the detention rooms.

The Ministry of Interior commits hereby to provide unimpeded access of persons hired by the Helsinki Committee for Human Rights and the Macedonian Young Lawyers Association to the premises for detainees in police stations.

Based on the above mentioned Memorandum of Cooperation concluded in March 2021 the Ministry i.e. the Department for Internal Control, Criminal Investigations and Professional Standards along with the Helsinki Committee for HR and Macedonian Young Lawyers Association began visiting police stations of general jurisdiction in the sectors of internal affairs-SIA and after the completion of the planned visits in all SIA by the Helsinki Committee and MYLA a report will be drafted on the ascertained situation from the conducted monitoring of the PS in SIA.

We emphasize that the the Ministry of Interior, through its Section for Integrity, Prevention of Corruption and Protection of Human Rights at the Department for Internal Control, Criminal Investigations and Professional Standards, is continuously committed to the intensification of preventive activities that are part of the "Program for Strengthening Police Integrity" by organising workshops and educational lectures, where, in addition to the other contents of the program, the part of the alternation of police powers and their exceeding will be treated separately, as well as the treatment of apprehended and detained persons.

At the same time, the Ministry of Interior conducts quality control of work within the scope of competencies of its organisational units, with mandatory inspection of the records of police stations for detainees, apprehended and persons deprived of liberty. The Ministry of Interior received the message with responsibility sent by the Committee for certain cases of inappropriate illegal and unprofessional treatment of these persons and it will be subject to appropriate sanctions. Thus, every proven overstepping of police powers and illegal actions by police officers is documented and properly processed by the Ministry.

We specifically highlight that in addition to the Department for Internal Control, Criminal Investigations and Professional Standards as an internal control mechanism in the Ministry of Interior, the citizens also have at their disposal an external mechanism, the Ombudsman-Civil Control Mechanism and the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption - Unit for Investigation and Prosecution of Crimes Committed by Persons with Police Powers and Members of the Prison Police. Thus, if the citizens are not happy with the actions of the Ministry of Interior, i.e. the Department for Internal Control, Criminal Investigations and Professional Standards, or they want to address these two other institutions directly and immediately for protection of their rights, they can do so with no restrictions.

In this regard, we stress that in police stations of general competence, the Ministry of Interior has placed bilingual educational banners with informative content, that help citizens stay informed easily and point out in which cases and where they should refer to protect their rights.

Additionally, in relation to all the mentioned activities, in accordance with previously conducted initial consultations of a number of organizational units of the Ministry, including the PSB, as well as after a meeting of representatives of several organizational units within the Ministry of Interior, i.e. PSB, we are analysing and considering the possibility for some of the mentioned activities to be included in the Strategic Plan of the Ministry of Interior 2021-2025, with an obligation for: their monitoring and mandatory action (for a good part of the activities in the shortest time, for the period 2021-2022 i.e. continuously) and drafting of reports for implementation of those activities, on a permanent, regular basis (quarterly or semi-annually).