

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

LAWFULNESS OF PRE-TRIAL DETENTION AND SECURING PROCEDURAL SAFEGUARDS FOR DETAINEES

6 December 2021

Agenda

10:00-10:20 Brief opening and presentation of the objective of this webinar

Ms Natasa Gaber, Director of the Academy for judges and prosecutors of North Macedonia

Ms Lejla Derwisagic, Head of Operation, Council of Europe Programme Office in Skopje

10:20- 11:00 Overview of the deprivation of liberty within the scope of Article 5 of the European Convention of Human Rights

Q&A session

Speaker/moderator: Ms Elena Jovanovska Brezoska, Head of South East Europe Unit;
Department for the implementation of human rights, justice and legal co-cooperation
standards; Council of Europe

11:00-11:15 Break

11:15- 12:15 Relevant and sufficient reasons for the pre-trial detention under the case-law of the European Court of Human Rights (focus on the cases against North Macedonia)

Discussion points

- *Requirement of “reasonable suspicion that an offence has been committed” under Article 5(1)(c) of the ECHR*
- *Reasoned grounds for the pre-trial detention by prosecutors and judges to avoid arbitrariness and continued and lengthy detention (risk of absconding; risk of administration of justice; risk of reoffending; threat to public order and protection of detainee)*

Case-study work and Q & A session

Speaker/moderator: Mr Simeon Petrovski, Senior Legal Advisor; Registry, European Court of Human Rights

12:15 -13:30 Lunch break

13:30- 14:30 Rights of the detained persons while reviewing lawfulness of detention

Discussion points

- *Court's review (oral hearing) of the lawfulness of the pre-trial detention*
- *Speediness*
- *Presence of the defendant at the hearing and assistance of lawyer;*
- *Access to file of the defendant*
- *Equality of arms;*
- *Right to compensation for unlawful detention*

Case-study work and Q & A session

Speaker/moderator: Mr Hristijan Koneski, Legal Advisor; Registry, European Court of Human Rights

14:30-14:45 Break

14:45- 15:15 Overview of the case-law of the Supreme Court of North Macedonia in relation to pre-trial detention- challenges and perspective

Speaker: Ms Mirjana Lazarova Trajkovska, Judge of the Supreme Court of North Macedonia

15:15-15:35 Presentation of HELP courses (Pre-trial detention and alternatives to detention courses)

Speaker: Ms Ana Medarska Lazova; Deputy Head of Judicial training Division

15:35-15:50 Coffee break

15:50- 16:30 Challenges and most pertaining outstanding issues related to the execution of judgments of the ECtHR rendered in respect of North Macedonia in relation to pre-trial detention Q&A session included

Speakers:

Ms Bojana Nikolin, Head of Section; Department for the Execution of judgments of the European Court of Human Rights

Ms Danica Djonova; Government Agent of North Macedonia before the European Court of Human Rights

16:30- 16: 45 Way forwards/challenges/needs/good practices

16:45 End of the programme