



## **Report**

**to the Government of  
“the former Yugoslav Republic of Macedonia”  
on the visit to “the former Yugoslav Republic of  
Macedonia” carried out by the European Committee  
for the Prevention of Torture and Inhuman or  
Degrading Treatment or Punishment (CPT)**

**from 6 to 9 December 2016**

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

Strasbourg, 12 October 2017

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## I. INTRODUCTION

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT carried out an ad hoc visit to “the former Yugoslav Republic of Macedonia” from 6 to 9 December 2016. The report on the visit was submitted to the national authorities on 20 March 2017 and they were requested to provide a response within three months. See Appendix I for information on the delegation’s composition and on the national authorities and organisations met, and Appendix II for a copy of the letter transmitting the CPT’s report.

2. The primary objective of the visit was to look into the conditions of detention and treatment of inmates at Idrizovo Prison, in which some three-fifths of the country’s prisoners are held. Since 2006, the CPT has repeatedly criticised the situation in this establishment, stating that the conditions in certain wings could be described as amounting to inhuman and degrading treatment. During its October 2014 visit, the CPT’s delegation had once again found the conditions unacceptable and the CPT wished to examine whether two years later its recommendations had been implemented and the situation had improved.

The CPT’s delegation also visited the remand section of Skopje Prison and the closed section of Štip Prison.

3. As was the case in previous visits, the delegation was granted immediate access to the prison establishments it wished to visit and to the persons it wanted to interview, and information requested was promptly provided.

However, the CPT has emphasised on numerous occasions that the principle of cooperation set out in Article 3 of the Convention also requires that decisive action be taken to improve the situation in the light of the Committee’s recommendations. Unfortunately, no fundamental progress had been made to improve the situation in much of the prison system in the light of the Committee’s previous recommendations, as can clearly be seen from this report. In many aspects, the situation has further deteriorated since the 2014 visit, notably as regards Idrizovo Prison. Even the standards laid down in the 2006 Law on Execution of Sanctions have simply not been implemented. Further, the CPT continues to receive responses from the national authorities which turn out to be unreliable (for example, as regards medical examinations of newly-admitted prisoners).

**The persistent non-implementation of its recommendations by the national authorities has left the CPT with no choice but to set in motion the procedure provided for in Article 10, paragraph 2, of the Convention.<sup>1</sup> The Committee would hope that the action taken in response to this report will render the issuing of a public statement unnecessary.**

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<sup>1</sup> Article 10, paragraph 2, reads as follows: "If the Party fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two-thirds of its members to make a public statement on the matter."

4. At the end of the visit, the CPT's delegation requested that the following information be forwarded to it by 3 February 2017:

- information on the progress and outcome of the investigation into the allegations of ill-treatment of the prisoner RS by prison officers at Idrizovo Prison in September 2016;
- information on the action taken to provide the prisoner FA with appropriate care and support as his current care and conditions of detention on the first floor of the "ambulanta" in Idrizovo Prison are unacceptable;
- a copy of the autopsy report for each of the nine deaths of prisoners that occurred at Idrizovo Prison in the course of 2016.

By correspondence of 1 February 2017, the authorities informed the CPT of the measures taken in response to the aforementioned requests for information. This information has been taken into account in the relevant sections of the present report.

## II. PRISON ESTABLISHMENTS

### 1. Preliminary remarks

5. In its report on the May 2006 periodic visit, the CPT highlighted that certain fundamental structural issues were undermining attempts to provide appropriate conditions of detention and treatment for persons deprived of their liberty. In relation to prisons, it pointed to a lack of policy on how to manage complex institutions, an inadequate system of reporting and supervision, and the poor management and performance of staff. It was also deeply concerned by the continued inadequate provision of health-care at Idrizovo and Skopje Prisons, the very low staffing levels (and the effects this had upon professionalism and morale), the lack of any appropriate regime, and the existence of conditions of detention that could be considered as inhuman.

Ten years and six visits<sup>2</sup> later, despite many promises from the authorities, the situation in the prisons visited remains highly precarious or, as the inmates themselves said, a “Katastrofa”. The stated goal of providing “security and rehabilitation”, as articulated in the 2006 Law on the Execution of Sanctions, remains an illusion.

The systemic problems identified at the time of the 2006 visit as catalogued above have still not been addressed. Indeed, a further pernicious element has spread its tentacles into the system, namely, that of corruption. At Idrizovo Prison, every aspect of imprisonment is up for sale, from obtaining a place in a decent cell, to home leave, to medication, to mobile phones and drugs. The investment in the prison estate will not of itself result in improved treatment of prisoners and better working conditions for staff unless there is a comprehensive reform to create a modern prison system.

6. The CPT is fully aware of the various plans and programmes put forward by the Directorate for the Execution of Sanctions to implement the strategy for prisons adopted by the Government in December 2014. However, despite this reform process having started as far back as 2007 there have, to date, been no fundamental improvements in respect of Idrizovo Prison, which accommodates more than three-fifths of the country’s prison population. It thus remains the case that a considerable number of the Committee’s long-standing and repeated recommendations have still not been implemented. More fundamentally, hundreds of prisoners continue to be held in conditions of detention which, the CPT has stated repeatedly, could amount to inhuman and degrading treatment.

7. At the time of the December 2016 visit, Idrizovo Prison was holding 1,840 prisoners, including 75 women for an “official” capacity of 900. Every available building within the secure perimeter was used for accommodating prisoners, including the school and offices of the educators. Suffice it to say that it was extremely overcrowded.

Štip Prison was also overcrowded, accommodating 359 prisoners for an official capacity of 210. More particularly, the closed section was holding 115 inmates for an official capacity of 72.

By contrast, the numbers in the remand section of Skopje Prison had decreased significantly over the past years and it was holding 200 prisoners for an official capacity of 210.

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<sup>2</sup> <http://www.coe.int/en/web/cpt/states> for the reports on these visits and the responses of the national authorities.

## 2. Ill-treatment and corruption

8. The CPT's delegation received no allegations of ill-treatment by prison officers of inmates at the remand section of Skopje Prison. At Štip Prison, a few allegations were received; for example, in early December 2016, a prisoner alleged that he was taken into an office where he was slapped, punched and hit with a baton by four officers for having complained to staff about the overcrowding in his cell. Complaints were also heard about verbal abuse by prison officers, particularly in relation to Roma prisoners.

9. By contrast, ill-treatment by staff and inter-prisoner violence at Idrizovo Prison remain serious problems.

The CPT's delegation received a number of consistent allegations of deliberate physical ill-treatment of prisoners by prison officers. The alleged ill-treatment consisted mainly of slaps, punches, kicks and blows with a baton to various parts of the body and once again apparently occurred in the control room<sup>3</sup> on the ground floor of the main closed accommodation building and dormitories. Physical violence was said to be used by prison staff as a tool to impose discipline, as an unofficial punishment for possession of illicit items such as mobile phones and following instances of inter-prisoner fights, or as a reaction to requests and complaints made by the prisoners concerned. Several of the prisoners interviewed also stated that during frequent cell searches, prison staff behaved roughly and often destroyed inmates' property.

The delegation again found that newly-arrived prisoners sentenced for sexual offences were ill-treated by other inmates in the admission unit. The ill-treatment consisted of punches and blows with hard objects (such as brooms) to the torso and was repeatedly inflicted by groups of inmates. Not only were no measures taken by the prison staff to protect these prisoners but many persons stated that prison officers deliberately incited prisoners to ill-treat the sex offenders; allegations were also received that officers themselves hit these prisoners with their batons. A number of Roma prisoners in the unreconstructed part of the prison alleged that prison staff incited other prisoners to attack them.

Further, some prisoners claimed that they had been beaten by other inmates due to their inability to pay off debts incurred while in prison.

**10. In the light of the information gathered during the 2016 visit, the CPT recommends that the national authorities hold to account all senior staff in the prison, including the Director and Deputy Director, to ensure that they fulfil their basic responsibility of guaranteeing that prison staff respect the right of prisoners to physical and mental integrity.**

**The CPT recalls that any form of ill-treatment is totally unacceptable and must be subject to appropriate sanctions. This demands that all senior and middle managers pay special attention to the actions of staff, notably prison officers, under their responsibility and take immediate steps to address any indications that staff are abusing prisoners. Failure on the part of supervisory staff to fulfil this role is, in itself, a serious dereliction of duty.**

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<sup>3</sup> See, for example, the reports on the last three visits: CPT/Inf (2016) 8, paragraph 32; CPT/Inf (2012) 38, paragraph 9; and CPT/Inf (2012) 4, paragraph 31.

**Prison officers too must be made fully aware that no more force than is strictly necessary should be used to control violent and/or recalcitrant prisoners and that once prisoners have been brought under control, there can be no justification for them being struck. In this context, the authorities should ensure that all prison officers are trained in recognised control and restraint techniques.**

**Moreover, it goes without saying that prisoners should be able to make requests and complaints without fear of reprisals.**

11. The CPT has stressed in the past that the duty of care, which is owed by the prison authorities to prisoners in their charge, includes the responsibility to protect them from other prisoners who might wish to cause them harm. In particular, prison staff must be alert to signs of trouble and be both resolved and properly trained to intervene. Such a capacity to intervene will of course depend, inter alia, on an adequate staff/prisoner ratio (see also paragraph 18 below). In addition, the prison system as a whole may need to develop the capacity to ensure that potentially incompatible categories of prisoners are not accommodated together.

Further, prison staff are unlikely to be able to protect prisoners if they fear for their own safety or if they lack effective management support. Tackling effectively the problems posed by inter-prisoner violence requires the implementation of an individualised risk and needs assessment, the availability of sufficient members of staff and ensuring that staff receive the requisite initial and advanced training throughout their careers. Further, prisoners need to be offered a constructive regime, with a range of purposeful activities.

**The CPT again calls upon the national authorities to devise a strategy to combat inter-prisoner violence at Idrizovo Prison; part of this strategy will have to include investing far more resources in recruiting additional staff and developing staff professionalism.**

12. As noted in the past, the credibility of the prohibition of torture and other forms of ill-treatment is undermined each time officials responsible for such offences are not held to account for their actions. For this reason it is essential that whenever there are grounds to believe that an inmate may have been ill-treated either within the prison or by law enforcement officials prior to being remanded in prison, the prison authorities should bring this matter to the attention of the relevant prosecutorial authorities. In this respect, a fundamental safeguard against ill-treatment and impunity is the requirement that a thorough medical examination be conducted on prisoners following a violent incident or use of force within an establishment, as well as on all newly-admitted inmates.

**The CPT reiterates its recommendation that the national authorities put in place a comprehensive policy for the identification and investigation of allegations of ill-treatment. In this context, where the results of a medical examination suggest that a prisoner has suffered ill-treatment, there should be an obligation on doctors automatically to notify the prosecutor's office, regardless of the wishes of the person concerned; any statement made by the prisoner concerned should also be transmitted (see also paragraph 39 below).**

13. The violence in Idrizovo Prison is integrally linked to the endemic corruption that has pervaded the whole prison and implicates prison officers, including officers of all grades up to the most senior officers, and educators. Detailed allegations were received of the way in which payments were conducted between relatives of prisoners and prison officers for all manner of privileges. Prisoners said that they paid up to 2,000 Euros to be allocated to a cell rather than a dormitory and allegedly 400 Euros for home leave. Mobile phones were present throughout the prison, with smart phones costing some 300 Euros plus a small daily payment to prison officers to look the other way. Indeed, the fact that almost all the “public” card phones were out of order at the time of the visit contributed to feed the business of mobile phones. Mobile phones were openly used. Each wing had a prisoner (“winger”) who acted as the prison staff’s intermediary for all transactions and usually had better living conditions.

The case of RS who was severely beaten by prison officers on 14 September 2016 was apparently linked to the question of corruption and payments to prison officers. The communication of 1 February 2017 from the national authorities to the CPT confirmed that this case is now being investigated by the Skopje Public Prosecutor’s Office. **The CPT would like to be informed of the outcome of the investigation and any subsequent action taken.**

14. The authorities are aware that corruption exists within Idrizovo Prison; seven officers have been dismissed and 16 disciplined in the past two years, and a recent case of a prison officer selling drugs to inmates made national news. However, there does not appear to be a realisation that the problem is endemic. Virtually every aspect of prison life is up for sale. There is a need to put in place a robust strategy which diminishes the opportunities for corruption, for example by reducing the overcrowding and improving the living conditions so that prisoners do not have to buy a place in a better cell; enabling all prisoners to have access to the public pay phones at a reasonable price to stay in contact with the outside world; addressing the number, conditions of work and professionalism (education, training and oversight) of prison officers and educators as a priority. Health care services must also be reinforced.

At Štip Prison too, allegations of corruption against staff were received but to a lesser degree, while at the remand section of Skopje Prison almost every inmate met made allegations that prison staff stole items from the parcels sent to them by relatives or even from their cells during exercise periods.

The CPT wishes to recall that the widespread conviction alone of the existence of a culture of corruption (as well as favouritism) in a place of detention brings in its wake discrimination, violence, insecurity and, ultimately, a total lack of respect for authority. All these elements are only too evident at Idrizovo Prison and without active interventions will continue to flourish and become more difficult to root out. It goes without saying that in order to effectively address corruption it is necessary to understand the elements driving it.

**The CPT calls upon the national authorities to take concrete action to combat the phenomena of corruption and favouritism at all prisons, especially at Idrizovo Prison, through prevention, education and the application of appropriate sanctions. In this context, all prison staff should clearly understand that obtaining or demanding advantages from prisoners is not acceptable and will not be tolerated. Further, the screening of all persons entering and leaving the prison needs to be further improved; consideration might be given to the employment of a special dedicated team. Middle managers and their superiors have a particular responsibility to monitor staff and the operation of discretionary decision-making.**

15. In the report on the 2014 visit, the CPT had recommended that potentially incompatible categories of prisoners should be accommodated separately. On Sunday, 2 December 2016, two days before the CPT's delegation visited Idrizovo Prison, some 50 vulnerable prisoners, many of them sentenced for sexual offences, were transferred to Wing 7 of the closed part of the prison. It had taken four months of negotiations between the Director of the Prison and the inmates in Wing 9, who were primarily life-sentenced prisoners and who were considered by inmates to represent the real authority in the prison, to allow the transfer of the vulnerable prisoners. Apparently, the vulnerable prisoners were not considered to possess sufficient funds for "engaging in business". The consequence of transferring the group of vulnerable prisoners to Wing 7 meant that another group of prisoners, many of whom had paid a lot of money to be allocated to a cell on Wing 7, were now displaced to other wings where the conditions were less good. Interestingly, they expected to be transferred back to their cells on Wing 7 after the CPT's visit.

It should also be stated that the vulnerable prisoners transferred to Wing 7 still felt under pressure as inmates from both Wings 8 and 9 seemed to be able to freely enter their wing and walk about, inspecting the situation.

**The CPT recommends that the prison management of Idrizovo Prison ensure that the vulnerable prisoners on Wing 7 are effectively held in safe conditions, and are not subject to intimidation or bullying.**

### 3. Staffing

16. The CPT has repeatedly emphasised the critical role that prison staff play in ensuring that a prison is able to meet its goal of holding prisoners in a secure and safe environment, and providing support to them in preparation of reintegrating into the outside community.

To achieve this difficult task, not only must there be a sufficient number of staff, both prison officers and educators, but they must also be provided with the necessary support and the appropriate knowledge and skills to carry out their tasks.

17. At *Skopje Prison*, the number of prison officers remained the same as that observed during the October 2014 visit (i.e. 110, with each 12 hour shift consisting of 17 custodial staff and an additional 17 prison officers on duty every working day between 9 a.m. and 5 p.m.). However, given the decrease in the number of prisoners on remand from 313 to 198, the staffing ratio was much improved. Nevertheless, **steps should be taken to ensure that at least one female prison officer is on duty at all times in the detention area** which was not the case at the time of the visit.

At *Štip Prison*, the complement of prison officers was 64, with 14 officers on duty each shift, for a prison population of 359. Within the closed section, there were usually four officers on duty for 115 inmates. Such staffing levels are hardly sufficient when the establishment operates within its official capacity of 210, let alone when it is so overcrowded. **The CPT recommends that the number of prison officers be increased at Štip Prison.**

18. The inadequate complement of prison officers at *Idrizovo Prison* remained particularly acute. The number of prison officers remained essentially the same as in 2014 whereas the prison population had risen by an additional 300 inmates. The 219 officers were organised into 12 hour shifts of 33 officers with an additional 15 officers working from 8.30 a.m. to 2.30 p.m. during weekdays. The delegation noted that the numbers of prison officers on duty at any given time in each of the units was woefully low. For example, at many times of the day there was only one officer on duty on each of the three floors in the closed sections of the prison (Wings 1 to 9), which accommodated 670 prisoners in total. Some six officers were present on the ground floor, primarily around the staff office at the entrance to the building; however, they were not only responsible for the 123 prisoners on the ground floor but also for the adjacent “school” and Unit I which accommodated 116 and 69 inmates respectively. It should be noted that staff were not present on a permanent basis inside any of the accommodation wings (see paragraph 13).

The CPT wishes to re-emphasise that issues such as ill-treatment, inter-prisoner violence, corruption and a lack of activities offered to prisoners at Idrizovo Prison are intrinsically linked to the insufficient number of prison staff and the lack of training and support provided to them.

19. The CPT has repeatedly underlined in the past that the climate in a prison is largely dependent on the quality and resources of its personnel. Ensuring a positive climate requires a professional team of staff, who must be present in adequate numbers at any given time in detention areas and in facilities used by prisoners for activities. An overall low staff complement which diminishes the possibilities of direct contact with prisoners will certainly impede the development of positive relations; more generally, it will hinder any efforts to maintain effective control and will generate an insecure environment for both staff and prisoners. Furthermore, low staffing levels make it nearly impossible to provide an acceptable regime for prisoners.

**The CPT reiterates its recommendation that prison officer levels at Idrizovo Prison be substantially increased with a view to ensuring that staff are in a position to maintain effective control in the establishments, to guarantee a secure environment for themselves and prisoners alike and to provide a regime of activities for prisoners.**

20. Along with increasing the number of staff, it is essential that a greater emphasis be placed upon ensuring that staff are provided with the necessary support and the appropriate knowledge, and skills to carry out their tasks. Regrettably, the new staff training facility at Idrizovo Prison was still not operational, and there was still no initial or regular in-service training to allow both updated and new skills to be learned. The long-awaited training package for staff was supposed to be launched in the first quarter of 2017.

**The CPT reiterates its recommendation that all prison staff be provided with adequate training. Further, it would like to receive information regarding when the training package will be provided, both initial and in-service, to prison officers and what it will contain.**

21. The situation regarding “educators” (воспитачи) at Idrizovo remains the same as that observed at the time of the 2014 visit.<sup>4</sup> Many prisoners complained that they hardly ever saw their educator and a considerable number of inmates alleged that educators usually sought a reward whenever they were asked to make a recommendation about home leave or another prison-related matter. Similar complaints were received at Štip Prison concerning the educators.

The CPT reiterates the importance of having a sufficient number of properly qualified educators in place who are properly supervised by management. Further, there remains a need to increase the number of Albanian speaking educators and to employ at least one Roma educator.

**The CPT reiterates its recommendation once again to increase the number of educators at Idrizovo Prison to enable the establishment to effectively address the needs identified by them, and to ensure that a significant proportion of the newly-appointed educators are able to speak Albanian. Further, educators capable of addressing the specific needs of the Roma inmate population should also be appointed. In addition, there is a need to put in place proper management and oversight mechanisms on the work of educators.**

22. As regards the development of a professional management approach within the prison system, which the CPT has been advocating repeatedly since 2006, there is still no career development, no job security and no planning among the senior prison managers. Prison directors and their deputies are not generally appointed to their posts on the basis of their competence, nor are prison directors provided with the necessary management training to ensure that they are able to run their prisons effectively and plan for the future. Such a state of affairs undermines any attempt to reform the prison system.

The delegation was again struck by the fact that poor management of staff compounded the genuine challenges facing the institutions visited. The delegation noted the acute underemployment of staff at Idrizovo Prison, and observed that for significant periods of the day many of the staff appeared to be doing nothing, and they displayed a general disregard for the safety, hygiene, welfare, discipline or activity of the prisoners. Such behaviour would indicate that the management of the prison had not communicated the importance of the role of the prison officers to fulfil the duty of care for the prisoners under their responsibility

Measures should be taken to ensure that each director is carefully selected for his or her ability to carry out “what is one of the most complex tasks in public service”, which includes bringing a sense of purpose, leadership and vision to the post.<sup>5</sup> Further, for the coherency of the management of prisons the CPT repeats that there should be a clearly defined hierarchical relationship between the prison directors and the Director of the Prison Administration (Director of the Directorate for the Execution of Sentences).

**The CPT calls upon the national authorities to introduce a professional management career path within the prison system and to ensure that prison directors and senior managers are recruited and given security of employment subject to satisfactory performance and are provided with relevant management training to enable them to fulfil their tasks competently. Further, the hierarchical relationship between prison directors and the Director of Prison Administration should be clearly defined.**

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<sup>4</sup> See CPT/Inf 2016 (8), paragraph 40.

<sup>5</sup> See Rule 84 of the European Prison Rules (2006) and the commentary on this rule.

#### 4. Conditions of detention

##### a. **Idrizovo and Štip Prisons**

23. The CPT has described the appalling conditions of detention at *Idrizovo Prison* in each one of its six visit reports since September 2006. Some modest efforts were made after the 2010 and 2011 visits to render Wings 5 and 2, respectively, of the closed section less squalid. However, at the time of the 2016 visit, insalubrious and severely overcrowded<sup>6</sup> living conditions in an unsafe and unhygienic environment prevailed in many of the living quarters. Two days of intense cleaning prior to the delegation's visit made little difference. The conditions of detention in the unrenovated B Wing (notably Wings 2 and 5) of the closed section of the prison, most of the rooms in the "school", the admission unit and the "ambulanta" could certainly be described as inhuman and degrading treatment taking into consideration the European Court of Human Rights' most authoritative judgment to date on this matter.<sup>7</sup>

The sanitary annexes to these areas were in an appalling state (filthy, foul-smelling, damaged and leaking), many of the showers did not work and there was hardly any provision of hot water. The heating was working for a few hours a day. Not surprisingly, the delegation observed that many prisoners were suffering from insect bites and infections such as scabies.

The situation is further compounded by the absence of any meaningful activities (work, sport, leisure or educational opportunities) and by the fact that prisoners in the closed sections of the prison (apart from those in the "ambulanta" and "geriatric" units) are confined inside their wings for 22 or more hours per day.

24. The building of a new accommodation block for prisoners in the closed section of the establishment has been promised since 2007 by the authorities. However, this "panacea" to the conditions described above has proved illusory. It now appears that the new closed prison will only begin to be built sometime in 2018 and will thereafter take several years to complete. Such a state of affairs is unacceptable. The conditions of detention are so deleterious that **the CPT calls upon the national authorities to take:**

- **immediate steps at Idrizovo Prison to devise a phased programme to reduce the occupancy levels in multiple-occupancy dormitories to ensure a minimum of 4m<sup>2</sup> of living space per prisoner, excluding the sanitary facilities;**
- **immediate steps to render Idrizovo Prison safe and hygienic through repairing the sanitary facilities, providing sufficient detergent and hygienic products, instituting a preventive health care programme that emphasises cleanliness, replacing decrepit mattresses, furnishing clean bedding, eradicating the infestation of cockroaches and other vermin, replacing broken window panes and repairing the floors and roofs, ensuring adequate heating and artificial lighting in all living areas, etc.**

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<sup>6</sup> For example : 18 persons in 38m<sup>2</sup> in Room 9 of the "school" ; 30 persons in 64m<sup>2</sup> in Room 28 of Wing 5, but with only 24 beds; 25 persons in 44m<sup>2</sup> in Room 13 of Wing 2; six persons in 14m<sup>2</sup> in the "ambulanta". In the two Admission unit rooms, one accommodated 32 inmates in 55m<sup>2</sup> and the other 28 inmates in 50m<sup>2</sup>, with eight inmates sharing beds. Such overcrowding had been a feature of this unit since 2014.

<sup>7</sup> See the decision of the European Court of Human Rights in the case of *Muršić v. Croatia*, (Grand Chamber) of 20 October 2016, in particular paragraphs 137 to 141.

- **immediate action to ensure that all prisoners held at Idrizovo Prison, including in the admission unit, are now provided with their own bed.**

**The Committee would like to receive details of the occupancy numbers for each of the accommodation blocks in Idrizovo Prison on an ongoing quarterly basis.**

25. In the midst of a sea of misery at Idrizovo Prison, the CPT's delegation found a wing (No.9) with excellent conditions; cells of 11m<sup>2</sup> accommodating two persons, in a good state of repair with carpets on the floors and furnished with leather sofas and wooden framed beds, plasma screen TV sets, fridges, cooking appliances and individual air conditioning systems, all bought with the inmates' own funds. The common areas were pleasant with an aquarium, tables, chairs and sofas, a freezer and a gym with weights equipment and exercise bicycles. The contrast was striking. Unfortunately, it was a flagrant manifestation of a corrupt system and showed clearly where the power within the prison lay.

26. The closed section of *Štip Prison* consists of three accommodation wings, each with eight cells and a common room. Access to natural light was adequate, as was the artificial lighting. However, the cells (mostly measuring some 8m<sup>2</sup>, including the sanitary annexe) were overcrowded, each accommodating three to five persons, and were not equipped with a table or chairs. The conditions in Wing 2 were particularly poor, filthy and overcrowded with the common room turned into a small dormitory. For example, one cell in Wing 2 (measuring 10.5m<sup>2</sup>), equipped with a triple and a double bunk-bed, was accommodating eight persons and, as in every cell, the sanitary annexe was not fully partitioned. Ventilation was inadequate in all wings which in summer rendered the cells stifling. Inmates complained about not being provided with hygiene and cleaning products as well as about having to buy bottles of water as the water was not potable and usually there was no running water at all. The central heating did not function properly and those cells without a precarious personal heating device were cold (measuring some 12°C).

**The CPT reiterates its recommendation that immediate steps be taken to reduce the occupancy levels in the closed section of Štip Prison so as to meet the requirements of at least 4m<sup>2</sup> of living space per prisoner in multiple-occupancy cells. Further, it recommends that prisoners be supplied with the necessary hygiene and cleaning products, and that every effort be made to maintain the prison in a decent state. All cells should be properly heated.**

27. The disciplinary unit on the ground floor of the closed section of *Štip Prison* consisted of eight cells and was being used primarily to accommodate ordinary sentenced prisoners as well as some persons serving a disciplinary punishment. Six of the cells measured 6m<sup>2</sup>. Five of them accommodated three or four prisoners, with one or two persons sleeping on mattresses on the floor. The cells were humid, smelly, filthy and extremely dilapidated and infested with cockroaches and bedbugs. The two larger cells (10.5m<sup>2</sup>) were not much better and accommodated six prisoners each at the time of the visit but had held as many as nine in the recent past. Many of the inmates had been held in these cells for many months, after having completed their disciplinary punishments. They were allowed to leave their cells for most of the day and associate with other prisoners in the closed section although several chose not to due to the overcrowding in the common room on the wing.

The CPT considers that the six 6m<sup>2</sup> cells in the disciplinary unit should not be used for holding prisoners who are not serving a disciplinary sanction. Further, such cells should in no case accommodate more than one prisoner; indeed, following the 2010 periodic visit the CPT had received assurances from the national authorities that no more than one prisoner would be held in these cells. The two larger cells should not accommodate more than two prisoners.<sup>8</sup>

**The CPT reiterates its recommendation that the national authorities ensure that the six disciplinary cells do not hold more than one prisoner at any one time and that they are only used to accommodate prisoners undergoing disciplinary punishment. Further, the two larger disciplinary cells should not accommodate more than two prisoners.<sup>9</sup> All the cells should be refurbished and subjected to a deep clean.**

28. In one of the disciplinary cells measuring 6m<sup>2</sup>, the delegation met a prisoner sentenced to life imprisonment who was confined alone in the cell for 22 to 23 hours a day. He also had to take his outdoor exercise alone in the internal concrete courtyard every day. Upon arrival at Štip Prison, he had shared his 6m<sup>2</sup> cell with three other prisoners for three months after which he had been held alone in the cell for the five months prior to the visit. There was no official reason given for placing him in de facto solitary confinement. Such arbitrary treatment is totally unacceptable. He should be offered a full range of purposeful activities and, at a minimum, granted the possibility to be out of his cell and associate with other prisoners for the most part of the day, in line with the policy for all prisoners in the closed section. **The CPT recommends that this life-sentenced prisoner be offered a full range of activities and offered the possibility to associate with other prisoners. Any restrictions to his regime should be fully reasoned and in accordance with the law, and subject to appeal.**

29. As for the food at Idrizovo Prison, the delegation once again was able to observe for itself both the meagre portions and the inadequacy of the diet, including no fresh fruit. For example, on one day of the visit, lunch was potato and chicken stew, except that the portions the delegation observed being served out of large containers to the prisoners contained no chicken, only potato. Further, the manner in which the food was distributed had little regard to hygiene or to the dignity of prisoners.

**The CPT once again calls upon the national authorities to ensure that all meals correspond to the legal norms and to the daily menu. Further, all meals should be distributed to prisoners in a respectful manner, with due regard to hygiene.**

30. The *regime* on offer to *sentenced prisoners in Idrizovo and Štip Prisons* remains as impoverished as that observed on previous visits. Prisoners continue to be offered no purposeful activities, contrary to the provisions of the 2006 Law on Execution of Sanctions. The CPT remains convinced that until such time as a full and purposeful regime is introduced, imprisonment will only serve to ensure that prisoners at the end of their incarceration are less capable of coping in the outside law-abiding community and even more dependent on the criminal sub-culture.

**The CPT once again calls upon the national authorities to take the necessary measures to ensure that all prisoners in Idrizovo and Štip Prisons are offered activities of a purposeful and diverse nature, in order to comply with the basic aims of imprisonment.**

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<sup>8</sup> See the report on the 2010 periodic visit - CPT/Inf (2012) 4, paragraph 84.

<sup>9</sup> See *Living space per prisoner in prison establishments*: CPT standards - CPT/Inf (2015) 44.

**b. remand section of Skopje Prison**

31. Once again, the CPT's delegation found that most parts of the remand section of Skopje Prison were in a poor state of repair and hygiene (e.g. damaged floors, dirty crumbling walls, broken tiles, damaged and filthy mattresses, insect infestation). The cells remained poorly lit and inadequately ventilated and there was still no personal lockable space or call bells. In-cell toilets were not fully partitioned up to the ceiling. Further, inmates were still not provided with the necessary cleaning products to maintain their cells in an appropriate state of hygiene. The cells were also very cold with the heating only operating a few hours a day. The delegation also found that female inmates were not offered the possibility to shower at all, which is clearly discriminatory given that male inmates accommodated on the same corridor were provided access to the showers.

**The CPT reiterates its recommendation that a rolling programme of maintenance and refurbishment of all cells be instituted throughout the remand section. In addition, prisoners should be provided with appropriate quantities of hygiene products and have daily access to warm water, and cells should be adequately heated. Every prisoner should be offered the possibility of two hot showers or more a week in the light of the poor hygiene and decrepit conditions in the establishment.<sup>10</sup>**

32. The regime offered to inmates on remand remains a relic of the repressive past. Inmates were confined to their cells for up to 23 hours a day,<sup>11</sup> for periods of up to two years with nothing to do apart from reading, playing cards and listening to a radio. No activities of any sort were offered to inmates. Television sets had still not been installed in the cells despite the 2011 Rulebook for remand prisoners providing for such a possibility. The delegation was informed that the sets had been purchased and the necessary wiring would be undertaken shortly.

The CPT has stressed in the past that in addition to the regular reviews of the necessity of continuing remand custody, the judicial authorities should also examine the necessity of maintaining any other restrictions they might have put in place. For example, the requirement of investigative judges to keep separate all inmates associated with the same case, even after the persons concerned had spent several months in remand custody constrained the prison management in its efforts to provide more out-of-cell time.<sup>12</sup>

**The CPT calls upon the national authorities to take the necessary steps to provide educational, cultural and sports activities for remand prisoners with a view to enabling them to spend a reasonable part of the day outside their cells. It also wishes to receive confirmation that all remand prisoners are offered two hours of outdoor exercise every day, in accordance with the Code of Criminal Procedure.**

**The CPT also recalls the general principle that restrictions on prisoners should only be applied when this is strictly necessary for the maintenance of good order or the administration of justice, and for the shortest period of time necessary for this purpose.**

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<sup>10</sup> Rule 19.4 of the European Prison Rules (2006) refers to daily showers if possible "but at least twice a week or more frequently if necessary in the interest of general hygiene".

<sup>11</sup> The delegation was informed that the recent flood and earthquake (August 2016) had caused damage to an internal wall in the exercise yards which had restricted outdoor exercise to 30 minutes per day. However, many inmates stated that they had never been offered more than 30 minutes of outdoor exercise.

<sup>12</sup> At the time of the visit, a group of 28 persons suspected of involvement in the May 2015 Kumanova armed attack, who had been in pre-trial detention for 19 months, still had to be kept separated at all times.

## 5. Health care

33. The CPT's delegation was informed that the process of transferring the responsibility for health care in prisons to the Agency for public health administration under the Ministry of Health will be completed by March 2017. This step is to be welcomed. The challenges facing health care in prisons are enormous including a woeful lack of staff, inadequate screening of new arrivals in prison which has consequences both for the prevention of ill-treatment and public health, inadequate dental and psychiatric care and poor drug treatment practices.

Further, in April 2016, health care staff were placed under the authority of the head of the re-socialisation department in each prison. The CPT considers that such a move impacts negatively on the independence of the health care staff and undermines their relationship of trust with prisoners.

**The CPT recommends that health care staff constitute an autonomous department within prisons and not subordinate to any other department within the prison. Further, the Committee would like to receive detailed information on the authority now responsible for health care in each of the prisons within the country and the steps taken, to date, to tackle the deficiencies in prison health care.**

34. The health care staffing team at *Idrizovo Prison* consisted of two doctors<sup>13</sup> (a general practitioner and a psychiatrist) and two nurses for a population of over 1,800 prisoners. This is totally inadequate and, consequently, the team was overwhelmed.<sup>14</sup>

The delegation received many complaints relating to access to health care which is scarcely surprising. Officially, inmates made a request to the director to see the doctor, which was filtered by the prison officers. Weeks could go by before the request reached the doctors and even then it was not certain that the doctor would call the inmate. Alternatively, an inmate could persuade a prison officer that he needed to see a doctor urgently.

The material conditions of the medical facilities remained inadequate and in a state of neglect and dilapidation. They need to be completely renovated and re-equipped. Further, the dental equipment should be repaired to enable the full-time dentist to work.

**The CPT reiterates its recommendation that a detailed needs assessment be carried out to determine the precise requirements in terms of health care staff, facilities and equipment for Idrizovo Prison. The results of the needs assessment should be communicated to the CPT, along with a plan for taking the necessary measures.**

**In the meantime, the number of doctors and qualified nurses should be substantially increased as soon as possible. At least one psychologist should also be recruited.**

**Further, there should be no filtering of prisoners' access to a doctor. Prisoners should be able to approach the health care service on a confidential basis, for example, by means of a message in a sealed envelope.**

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<sup>13</sup> A third doctor employed by the prison had effectively been on long-term sick leave for a number of years.

<sup>14</sup> It should be noted that prison health care staff received lower salaries than those working in the public health care system.

35. The Idrizovo health care team was supported by six “assistant” prisoners who were essentially performing nursing duties such as maintaining the health care registers, distributing medication and being on-call to deliver care to other prisoners when no member of the health care team was present (notably deciding on whether to call the emergency response service in Skopje which they did on more than 200 occasions in 2016). In the CPT’s opinion, prisoners should never be involved in health care duties. **The CPT reiterates its recommendation that immediate steps be taken to replace prisoners performing such nursing duties with qualified health care staff.**

36. The health care staffing team had halved in size at *Skopje Prison* since 2014 and consisted of one doctor and one nurse for 198 remand and 117 sentenced prisoners. At *Štip Prison*, there was one general practitioner and one nursing assistant for 359 prisoners. **The CPT recommends that at both of these prisons the number of nurses be increased to at least five.**

37. At Idrizovo Prison, newly-arrived inmates were examined by a doctor only after several days or even weeks and there was no system in place to inform doctors about new admissions. At both the remand section of Skopje Prison and at Štip Prison, the first medical examination did not always take place within 24 or even 72 hours.

Further, the medical examination at all three prisons visited consisted merely of a short anamnesis with no physical examination performed<sup>15</sup> and no screening for infectious diseases offered. There was no official information on the number of hepatitis and HIV+ prisoners in the prisons visited; at Štip Prison, an NGO offered free voluntary testing once a year and the doctor estimated that there were 70 hepatitis C and one HIV+ inmates in the prison. Given the large number of drug users, the availability of illicit drugs in the prisons, especially Idrizovo, and the low levels of hygiene, the number of prisoners infected with hepatitis C is likely to be high. Leaving these prisoners undiagnosed and untreated poses a risk to their health and to that of other persons.

**The CPT reiterates its recommendation that the national authorities remind all prison health care staff that every newly-arrived prisoner should be properly interviewed and physically examined as soon as possible, and no later than 24 hours after admission by a doctor or by a fully-qualified nurse reporting to a doctor, and that any allegations of ill-treatment and signs of injury should be fully recorded, in accordance with the relevant Instructions. Further, the screening of inmates for infectious diseases, notably hepatitis and HIV, should be offered along with voluntary counselling.**

38. As regards medical confidentiality, the situation at Idrizovo and Skopje Prisons remained unchanged with medical examinations routinely taking place in the presence of prison staff and “nurse” prisoners, despite the existence of several House Rules and Guidelines that medical examinations should be conducted out of sight and hearing of prison officers. Once again, the reality within the prisons was not aligning with the policy being promoted by the Directorate for the Execution of Sanctions. Further, confidentiality of medical data was not at all respected at Idrizovo Prison. In addition, inmates should not have to make requests to the Director to see a doctor; all prisoners should be able to make a confidential request to see a member of the health care service directly without prison staff, including the director, knowing the reason for such a request.

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<sup>15</sup> The 2011 Instruction on Medical Examinations was still not being followed.

**The CPT calls upon the national authorities to take steps to ensure that medical confidentiality is fully guaranteed in all prisons.**

39. As regards the recording and reporting of injuries observed by health care staff upon arrival of an inmate at a prison establishment, the CPT has noted that the Director for the Execution of Sanctions issued Instructions to all prisons on 20 November 2014 obliging them to keep a record of all prisoner injuries noted either upon admission or during the period of custody. Further, the Instructions require prison directors to notify in writing the competent Public Prosecutor's Office, the competent first instance Court, as well as to the Directorate for the Execution of Sanctions each time injuries are recorded on a prisoner. From the information gathered by the CPT's delegation, these procedures and the Instruction on medical examinations were not being followed. Injuries were not being recorded by doctors nor conclusions as to the origins of such injuries and there was no register of all cases.

**The CPT once again calls upon the national authorities to take steps to ensure that the practice in all prisons regarding the recording and reporting of injuries is brought into line with the standards elaborated by the Committee (see the report on the 2014 visit - CPT/Inf (2016) 8, paragraph 78).**

40. The CPT's delegation observed once again that drug misuse remains a major problem at Idrizovo Prison. Indeed, the current application of the drug substitution programme represents a constant risk to life. The intake of substitution drugs, methadone and buprenorphine (as well as of other psychoactive substances) is not supervised. At the time of the 2016 visit, 200 prisoners were on a methadone maintenance programme following a positive urine test for heroin which had been taken on a voluntary basis. However, methadone detoxification was still not offered nor was there any psycho-social support to accompany the methadone maintenance. The delegation noted that the extremely time consuming, inefficient and potentially dangerous manual dispensing of 200 accurate single doses of methadone every day remained a major task for the two nurses; it is high time that a methadone dispenser is purchased.

The current approach towards providing support for those prisoners who have drug-related problems remains totally inadequate at Idrizovo Prison. The assistance offered to such persons should be varied as no single treatment will be effective for all prisoners; services need to be tailored to the needs of prisoners, the severity of their dependence, their personal circumstances, motivation and response to interventions. The management of opioid dependence requires a balanced approach involving a combination of pharmacotherapy, psychotherapy, psychosocial rehabilitation and risk reduction interventions. Ideally, prisoners with a drug addiction should be presented with a range of options for treatment when admitted to prison, such as harm-reduction programmes, substitution treatment and detoxification. Further, the setting up of a drug-free wing for certain categories of prisoner might also be considered.

In addition, the criteria for entering the existing methadone maintenance programme should be amended so that it is not merely based on one positive urine test. Instead, age, length of opioid dependence, physical and mental health and personal motivation should also be considered in order to evaluate whether to admit a prisoner to the maintenance programme. In sum, a prisoner should only be considered suitable for substitution treatment if the individual and social harms associated with the opioid use are likely to be reduced by entering into treatment.

**The CPT reiterates its recommendation that the national authorities take urgent action to review the management of the methadone maintenance programme at Idrizovo Prison, in the light of the above remarks. As part of this review, a methadone dispenser should be purchased immediately.**

**Further, any preventive measures must also be accompanied by a genuinely multidisciplinary therapeutic programme to help drug addicted prisoners and an effective drug awareness training should be offered to prison staff, which would provide a basis for establishing constructive, helping relationships with prisoners.**

41. In the course of the visit to Idrizovo Prison, the CPT's delegation met a prisoner (FA) in a decrepit cell on the first floor of the "ambulanta". The prisoner in question was bedridden, diagnosed with *paraplegia flaccida*, and since being placed in this cell in June 2015 he had never left the building. His wheelchair was broken and had no tyres. He was looked after by one of his cell mates in particular who had to assist him each time he went to the toilet; his cell mate had had to cut a hole in a wooden chair to serve as a seat above the floor-level toilet. Once a week his cell mate went to the infirmary where he was provided with a box of medication by a "nurse" prisoner. At the time of the visit, a huge array of medication was spread across a side table and FA decided each day which medication to take.<sup>16</sup> He was unfamiliar with the indication of each medication, maximum dosages and interaction between medications. Yet, no advice had been provided and he had not seen a member of the health care team since arriving in the prison. The polypharmacy was particularly serious given that prisoner suffered from hepatitis B and hepatitis C.

His conditions of detention and the lack of care afforded this prisoner constitute an affront to human dignity and the CPT's delegation requested that urgent steps be taken to provide him with the appropriate care and support he required. By correspondence of 1 February 2017, the national authorities stated that his prison sentence has been suspended temporarily pending the outcome of a request to the competent court to allow a longer stay outside of prison until the completion of his medical treatment. The CPT welcomes this preliminary step and **would like to be informed of the court's decision.**

42. The CPT remains concerned that deaths in custody are not systematically the subject of a thorough investigation to ascertain, inter alia, the cause of death, the facts leading up to the death, including any contributing factors, and whether the death might have been prevented. Such inquiries are necessary in order to identify possible means to improve the system of prevention in place as well as to provide the relatives of the deceased person(s) with relevant information concerning the circumstances of the death.

At Idrizovo Prison, nine inmates died in 2016 and another three in January 2017. Autopsies were carried out by the Institute for Forensic Medicine but the prison was not always informed of the outcome and no steps were taken to investigate the cause of the death.

**The CPT reiterates its recommendation that the national authorities introduce a clear policy and comprehensive procedure on the identification of the causes of death of detained persons – including when the death occurs in (or on the way to) hospital – and clear criteria on the classification of deaths as suicides.**

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<sup>16</sup> For example, he stated that he had taken that day an opiate painkiller, two different benzodiazepines drugs, an antidepressant drug, two antipsychotic drugs and an anticholinergic drug.

In particular, every death of a prisoner should be the subject of a thorough investigation to ascertain, inter alia, the cause of death, the facts leading up to the death, including any contributing factors, and whether the death might have been prevented. Further, whenever a person dies in prison (or soon after transfer from prison), an autopsy should be carried out<sup>17</sup> and the prison's management and medical services should be informed of the outcome.

Finally, an analysis should be undertaken of each death in prison to consider what general lessons may be learned for the prison in which the death occurred and whether in the case of self-inflicted death there are any systemic, nationwide measures that need to be taken.

## 6. Other issues

43. The disciplinary procedure remained the same as that observed at the time of the 2014 visit. Prisoners are interviewed but cannot cross-examine witnesses, have no further involvement in the disciplinary process and are given no advance notice when they are sentenced to a period of solitary confinement.

**The CPT once again reiterates its recommendation that prisoners facing disciplinary charges be formally guaranteed the following additional rights:**

- to be informed in writing of the charges against them and to be given sufficient time to prepare their defence;
- to call witnesses on their own behalf and to cross-examine evidence given against them;
- to remain seated during adjudications and to have facilities to take notes;
- to appeal to an independent authority against any sanctions imposed;
- to receive a copy of the disciplinary decision, informing them about the reasons for the decision and the avenues for lodging an appeal, as soon as possible in order to maximise the effectiveness of any appeal.

**In the case of the heavier disciplinary sanctions (such as cell confinement), the prisoner should be able to receive, if desired, the assistance of a lawyer throughout the disciplinary procedure.**

44. Prisoners serving a sanction of solitary confinement at Idrizovo Prison were still not offered a shower during their period of isolation nor were they offered their legal entitlement of one hour of outdoor exercise every day - instead they were given irregular access to the corridor outside their cells to exercise. **The CPT reiterates its recommendation that all prisoners in solitary confinement be offered at least one hour of outdoor exercise every day and the possibility of taking a shower at least twice a week.**

45. According to Article 183, paragraph 4, of the 2006 Law on the Execution of Sanctions (LES), it is possible for a prisoner to be given a disciplinary sanction of 30 days of solitary confinement.

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<sup>17</sup> The Committee acknowledges that there may be highly exceptional cases in which, as prescribed by law, an independent authority may decide that an autopsy is not required.

Solitary confinement can have an extremely damaging effect on the mental, somatic and social health of those concerned. Therefore, it should only be imposed as a disciplinary sanction in exceptional cases and as a last resort, and for the shortest possible period of time. The Committee considers that the maximum period of solitary confinement as a punishment should be no more than 14 days for a given offence, and preferably lower.<sup>18</sup> Any offences committed by a prisoner which might call for more severe sanctions should be dealt with through the criminal justice system. **The CPT recommends that 2006 LES be revised accordingly.**

Further, in respect of juveniles the current legislation foresees the possibility of 10 days of solitary confinement as a disciplinary sanction. **The CPT recommends that solitary confinement as a disciplinary punishment for juveniles be abolished.**

46. The CPT's delegation found once again that prison doctors were still obliged to certify that prisoners were fit to undergo a disciplinary punishment of solitary confinement. This is in direct contradiction to the response to the report on the 2014 visit, wherein the Directorate for the Execution of Sanctions stated that the relevant provisions (Article 182, paragraph 4, of the LES) would be amended to comply with the CPT's position. **The Committee reiterates its recommendation that this obligation be rescinded.**

47. The situation observed in the course of the 2016 visit showed that no steps had been taken to improve prisoner contacts with the outside world, in particular for remand prisoners, in spite of repeated recommendations by the Committee.

*Remand prisoners* at Skopje Prison were still restricted to two visits per month for a duration of 30 minutes or less. Further, the conditions under which the visits took place remain totally inappropriate for promoting meaningful contact.<sup>19</sup> Several complaints were again received from prisoners about the ban imposed by judges on children from visiting their parent(s) held on remand in Skopje Prison; such a measure appeared totally arbitrary and certainly caused additional stress for several remand prisoners (men and women) who had children, not to mention the potential effect on the children.

Further, access to a telephone for remand prisoners was restricted, requiring the permission of the investigative judge and taking place in a specific room where the calls were monitored by prison staff. The CPT has consistently stated that any decision to prohibit or impose restrictions on a given prisoner's access to a telephone should be based on a substantiated risk of collusion, intimidation or another illegal activity and be for a specified period. If there is a risk of collusion, particular telephone calls can always be monitored. However, the general principle should be to permit regular and frequent access to the telephone.

For *sentenced prisoners*, the visiting conditions at both Idrizovo and Štip Prisons were acceptable; however, the number of visits permitted should be raised from two to four visits of one hour per month.

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<sup>18</sup> See the 21st General Report of the CPT – CPT/Inf (2011) 28, paragraph 56 (b).

<sup>19</sup> The visits room (24m<sup>2</sup>) is divided down its length by a floor to ceiling partition, the top half of which is a Perspex screen. Inmates were placed shoulder to shoulder on one side of this partition communicating with two or three visitors each on the other side via several small pierced holes in the screen; the resulting noise can easily be imagined.

**The CPT calls upon the national authorities to review the arrangements for visits in all prisons, and particularly at Skopje Prison, with a view to:**

- **increasing the amount of visiting time offered to both remand and sentenced prisoners, preferably to at least one hour every week;**
- **ensuring that prisoners and their families can conduct visits with dignity and respect of privacy (i.e. with appropriate seating arrangements and in an environment which does not require them to raise their voices to communicate); as far as possible, remand prisoners should also be able to receive visits under open conditions.**

**In addition, the CPT reiterates its recommendations that the ban on children from visiting their parent(s) at Skopje Prison be rescinded, and that remand prisoners be provided with regular and frequent access to the telephone.**

48. As was the case in the past, prisoners in all three establishments visited expressed a total lack of confidence in the complaints procedures. Indeed, there was no functioning internal complaints system. At Idrizovo Prison, the “complaints” register consisted of only requests, mainly for an interview with the director, but there was no record of the subject matter or of the outcome.

The CPT considers that a proper internal complaints system needs to be put in place; for example, prisoners ought to be able to make written complaints at any moment and place them in a locked complaints box located in each accommodation unit (forms should be freely available); and all written complaints should be registered centrally within the prison before being allocated to a particular service for investigation or follow up. In all cases, the investigation should be carried out expeditiously (with any delays justified) and prisoners should be informed within clearly defined time periods of the action taken to address their concern or of the reasons for considering the complaint not justified. In addition, statistics on the types of complaints made should be kept as an indicator to management of areas of discontent within the prison. Prisoners should also be able to appeal any decision to an external body, which must be competent to redress the situation. All prisoners should be informed upon admission about how to lodge complaints in a manner that instils trust (for example, complaints boxes which may only be opened by certain persons).

**The CPT reiterates its recommendation that the national authorities introduce a uniform internal complaints system, taking into account the above remarks.**

49. As for inspections, none of the supervisory bodies (Ministry of Justice inspectorate, Court supervision) appeared to be exercising their supervisory tasks with due diligence. Inmates on remand continued to be scathing of the perfunctory visits performed by judges once a week. Judges merely opened the cell doors in the company of prison staff and asked the rhetorical question of whether everything was alright. In the register on the visits, not one issue had been noted by the judges.

The State Commission, which is supposed to conduct visits to prison establishments with a view to supervising the application of the 2006 Law on Execution of Sanctions, was still not functioning at the time of the 2016 visit. **The CPT once again reiterates its recommendation that the State Commission be established without further delay and that steps be taken to ensure that it and existing supervisory mechanisms operate in a professional, transparent and independent manner.**

### III. CONCLUSION

50. It is with a degree of dismay that the Committee finds itself for a second time in the position of having to qualify the quality of its relationship with “the former Yugoslav Republic of Macedonia” as profoundly unsatisfactory.

In the report on the 2008 visit, the CPT concluded that the “national authorities do not appear to take seriously their fundamental obligation to provide protection for persons deprived of their liberty”. A Public Statement by the CPT on the situation was seriously considered at the time. However, the CPT decided to engage in an intensive dialogue with the national authorities, including raising its concerns directly with the Prime Minister in early 2009, with a view to averting such a drastic step.

Regrettably, the subsequent reports on the 2010, 2011 and 2014 visits highlighted only too graphically the lack of action taken to address the very real concerns in the prison system that the Committee has been raising since 2006 or even earlier. In addition, the problem of receiving responses which were neither complete nor reliable persisted. The CPT notes that a strategic plan for the reform of the prison system has been developed and that, inter alia, new open and semi-open units have been built at Idrizovo Prison. However, the squalid conditions of detention for hundreds of prisoners at Idrizovo Prison have worsened over the past 10 years as this report lays out starkly. Moreover, prisoners are not safe. Nothing, in practice, has been done to address the lack of a professional management approach in prisons or to develop a corps of sufficient numbers of well-trained prison officers. Without addressing these systemic problems any new prison buildings will not signal the development of a modern prison system but rather come to symbolise a failure to reform as they too fall into a state of neglect. Further, the inaction has bred endemic corruption, notably at Idrizovo Prison.

The CPT is conscious of the many challenges facing the country and has always patiently sought to promote a constructive dialogue to effectively improve the situation in prisons, notably at Idrizovo Prison. Such an approach has not been reciprocated by the national authorities despite certain efforts of the Directorate of Execution of Sanctions and the Committee has been left with a clear impression of indifference. Investing in the prison system is essential to ensure that those persons sentenced for crimes (as well as those remanded) are held in safe and secure conditions, and offered opportunities to prepare themselves for reintegration into the community.

Many commentators have pointed to the state of the prison system being a reflection of the development of that society. Time has come for the rule of law and protection of human rights to be applied fully in the prison system and for “the former Yugoslav Republic of Macedonia” to abide by its international obligations to cooperate with the CPT. Such cooperation should be based upon mutual trust and understanding, and requires not only a stated commitment but concrete action to implement the Committee’s recommendations. **The CPT trusts that the response to this report will show that such an approach is now being followed.**

## APPENDIX I

### **Composition of the CPT's delegation and list of the national authorities and organisations met by the CPT's delegation**

#### **1. Composition of the CPT's delegation**

The visit was carried out by the following members of the CPT:

- Mykola Gnatovskyy (Head of delegation and President of the CPT)
- James McManus
- Olivera Vulić.

They were supported by Hugh Chetwynd (Head of Division) and Christian Loda of the CPT's Secretariat.

#### **2. List of national authorities and organisations met by the delegation**

##### Ministry of Foreign Affairs

Duško Uzunovski	Deputy Director for Multilateral Relations
Zoran Barbutov	Head of Unit, Directorate for Multilateral Relations

##### Ministry of Health

Vasiljka Trajkova Salevska	State Counsellor for International Relations
Sasho Dimitrovski	Secondary Care Sector

##### Ministry of Justice

Lidja Gavriloska	Director of the Directorate for the Execution of Sanctions
Ana Boskoska	Directorate of Prison Administration

##### International Organisations

Samuel Žbogar	Head of the Delegation of the European Union
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## APPENDIX II

### Copy of the letter transmitting the CPT's report

Mr Petar Pop-Arsov  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of "the former  
Yugoslav Republic of Macedonia"  
to the Council of Europe  
13 rue André Jung  
67000 Strasbourg

Strasbourg, 20 March 2017

Dear Ambassador,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I have the honour to enclose herewith the report drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visits to "the former Yugoslav Republic of Macedonia" from 6 to 9 December 2016. The report was adopted by the CPT at its 92<sup>nd</sup> meeting, held from 6 to 10 March 2017.

The various recommendations, comments and requests for information formulated by the CPT are highlighted in bold in the body of the report. As regards more particularly the CPT's recommendations, having regard to Article 10, paragraph 1, of the Convention, the Committee requests the national authorities to provide **within three months** a response giving a full account of action taken to implement them. The CPT trusts that it will also be possible for the national authorities to provide, in their response, reactions to the comments formulated in this report as well as replies to the requests for information made.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Yours sincerely,

Mykola Gnatovskyy  
President of the European Committee for the  
Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment

Copy: Mr Zoran Barbutov, Head of Unit, Directorate for Multilateral Relations, Ministry of Foreign Affairs