

ЕЛИМИНАЦИЈА НА МАЧЕЊЕТО
И НЕЧОВЕЧКОТО ПОСТАПУВАЊЕ
ВО ЗАТВОРИТЕ И УСТАНОВИТЕ
ЗА ЛИШУВАЊЕ ОД СЛОБОДА

REPORT ON THE SITUATION AND CONDITIONS IN THE POLICE STATIONS IN THE REPUBLIC OF NORTH MACEDONIA MARCH - JUNE 2021

SKOPJE, JUNE 2021



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USED ABBREVIATIONS

- NMBA** – North Macedonian Bar Association
- CPTCE** – Committee for the Prevention of Torture of the Council of Europe
- PS** – Police Station
- CSW** – Center for Social Work

INTRODUCTION

This report was prepared within the framework of the project "Elimination of Torture and Inhuman Treatment in Prisons and Facilities for Deprivation of Liberty", funded by the European Union. For the purposes of the project, a Memorandum of Cooperation was signed between the Macedonian Young Lawyers Association, the Helsinki Committee for Human Rights, and the Ministry of Interior.

The aim of this project is to address the systematic problems in ensuring the protection of persons deprived of their liberty from all forms of torture, inhuman treatment, and punishment; to identify the key challenges for establishing an effective mechanism for the protection of the human rights of persons deprived of their liberty, and to prioritize the measures needed to establish such a mechanism.

The report is based on field visits made by a representative of the Helsinki Committee for Human Rights – Ina Dzugumanova, representatives of the Macedonian Young Lawyers Association – Irena Zdravkova and Arben Gudachi, as well as the Department of Internal Control, Criminal Investigations and Professional Standards at the Ministry of Interior – Tatjana Kalajdziska, Biljana Koceva, and Cvetanka Cureva.

The need to conduct field visits to establish the factual situation in police stations stems from the constant criticism leveled at NGOs, the Ombudsman, and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) regarding material conditions in police stations, the use of excessive physical force on persons deprived of their liberty and the protection of their fundamental rights. Namely, the CPT in its latest report¹ on the fifth periodic visit to our country, which was conducted in the period from 2 to 12 December 2019, notes that although there is progress in terms of material conditions in police stations due to

¹ <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-publishes-report-on-its-2019-visit-to-north-macedonia>

reconstruction of many of them, some of the conditions are still below the standards, especially due to lack of light and heating in the detention rooms. In addition to data on material conditions, the CPT in its report notes an increase in physical harassment of persons deprived of their liberty, but also a violation of the right to information of a third party in custody and the right of access to a lawyer.

During the field visits, the lawyers hired by MYLA did not have the opportunity to talk to a detained person because in many police stations no detained person was found, and if there was, they did not want to talk to a lawyer. Hence, the representatives were not able to note the possible use of excessive physical force on a detainee or the violation of some of the rights in case of deprivation of liberty. However, in order to point out the importance of procedural rights for persons deprived of their liberty, this report will also include a brief overview of access to a lawyer as a mechanism for protection against torture and inhuman treatment.

The report contains a summary of the field monitoring carried out, focusing on the progress and main challenges documented during the visits. The report also contains recommendations for each police station, as well as general recommendations for the competent institutions in order to improve the situation and conditions in the police stations.

METODOLOGICAL FRAMEWORK

The purpose of the report is to give a detailed description of the situation and conditions in the police stations in Macedonia. The report is based on field visits in 9 police stations at the level of the 8 Sectors for Internal Affairs, as follows: PS Centar, PS Veles, PS Kumanovo, PS Tetovo, PS Shtip, PS Kisela Voda, PS Strumica, and PS Ohrid. The purpose of the field visits is to document the material conditions in the police stations in the detention facilities, rooms for talking to persons deprived of liberty, administrative premises, toilets, etc., in order to protect persons deprived of their liberty from torture and inhuman treatment for a period of time during their stay at the police station.

The visits were conducted in the period from March to June 2021, following a previously approved visit plan by the Ministry of Interior.

Representatives of the Helsinki Committee for Human Rights and the Macedonian Young Lawyers Association during the visits were guided by the established international and national standards and indicators for the human rights of persons deprived of their liberty: the standards of the European Committee for the Prevention of Torture (CPT), the Law on police, the Law on Internal Affairs, and the bylaws in force in this area.

Field visits to police stations are conducted on the basis of a pre-established methodology that focuses on material conditions in detention and conversation rooms, availability of material and technical means, number of employees, cooperation of the police station with other institutions (SWC), PHI, etc., cases of use of excessive physical force, number of persons deprived of liberty and detained, number of detained persons who sought counsel and medical assistance, etc.

The monitoring team is composed of lawyers and some of the visits to the team included lawyers hired by MYLA, in order to talk to a possible detainee and provide direct legal assistance in case of torture and inhumane treatment for the duration of retention.

During the visits, devices for measuring humidity, light, and temperature were used in order to properly determine the actual situation in the detention facilities.

Internal reports are prepared for the findings of all visits, which are submitted to the Ministry of Interior, which has the opportunity to submit their comments and remarks on the allegations and recommendations for each individual visit. Subsequent visits by the monitoring team are planned in at least three police stations where the largest number of shortcomings and omissions were noted.

CALENDAR OF ACTIVITIES		
PC Centar	–	18.03.2021
PC Bitola	–	01.04.2021
PC Veles	–	09.04.2021
PC Kumanovo	–	16.04.2021
PC Tetovo	–	23.04.2021
PC Shtip	–	20.05.2021
PC Kisela Voda	–	27.05.2021
PC Strumica	–	02.06.2021
PC Ohrid	–	11.06.2021

GENERAL RECOMMENDATIONS STAFF CONDITION

- > Staffing in accordance with the acts for systematization;
- > Improving gender representation.

GENERAL AND MATERIAL CONDITIONS

- > Reconstruction of detention facilities and facilities for conversations with detainees in order to meet international standards for the protection of the rights of persons deprived of their liberty;
- > Construction of new facilities for police stations located in old buildings, which do not meet the standards;
- > Providing a sufficient number of official vehicles in all police stations;
- > Adaptation of special rooms for talking with children in accordance with the Law on Child Justice;
- > Establishment of functional video and audio surveillance in detention rooms and rooms for conversation with detainees. The need for such a functioning system will significantly contribute to investigations into cases of excessive use of physical force as well as to cases of self-harm of detainees;
- > Emphasis on the rights of persons deprived of liberty in a place accessible to persons in order to get to know them and more often use certain legally prescribed rights;
- > Establishment of cooperation between the Ministry of Interior and NMBA in order to have unhindered access to the right to counsel of all persons deprived of liberty;
- > Providing access for persons with physical disabilities to detention and chat rooms.

PS CENTAR (BEKO)

On March 18, 2021, the monitoring team conducted a regular visit to the Police Station Centar.

General Information

The visit to PS Centar was conducted in a way that first a conversation took place with the commander and shift manager of PS.

During the conversation with the commander and the shift manager, we received information that the total number of employees in the PS is only 50% of the total number of persons who should be employed according to the prescribed staffing status with the systematization act. In terms of gender representation, out of the total number of employees, only 20 employees are women who perform police powers in the field.

The employees of the Police Station informed that due to the high frequency of the station, they often have people detained as perpetrators of various offenses and crimes. Thus, in the period from 15.02.2021 to 15.03.2021, in PS Centar 31 persons aged 16-57 were deprived of liberty. Of these, 13 persons or 42% of the detainees were detained between 1 hour and 45 minutes and 21 hours. A means of coercion was applied against 2 persons, and only 9 persons or 29% exercised their right to counsel. No person exercised the right to medical assistance and no person complained about the negligent, unprofessional, and illegal conduct of police officers.

As a significant problem, the commander pointed out the access to legal aid, i.e. the right to a lawyer that the detainees have. Namely, often the ex-officio defense attorneys do not respond to the calls made by the detained persons, and it was also pointed out that PS Centar does not have an updated list of duty lawyers who can be called, for which they addressed the NMBA.

In addition, we were informed that detainees often refused to seek medical help. For those who have been detained for more than 6 hours at the police

station, the commander informed that funds have been provided from the budget to provide a proper meal.

Material conditions

PS Centar has only 2 administrative offices and only 1 chat room and 1 detention room.

It is particularly worrying that people with physical disabilities do not have adequate access to chat and detention rooms.

The chat room was found in a clean and solid condition. There are welded tables and chairs in the room due to which there is no possibility of (self) injury to the detained person.

An audio-video system is installed in the holding room, and it is in operation.

The detention room meets the requirements provided by the CPT standards in terms of length, width, height, humidity, daylight, and artificial light. The room was clean. There was a bed in the room with a pillow and a blanket and a clean linen, which the shift manager informed us that the employees themselves wash in their homes. The room had underfloor heating and it was noticed that a functional calling system (bell) was registered in case of any need of the detained person.

There is no room for talking to children at the police station at all, although sometimes children are called for an informative talk. The commander of the police station informed us that in such cases the conversation is conducted in a separate room, and not in the one intended for conversation. We did not have the opportunity to see that special room.

The toilet for detainees was also found to have an adequate level of hygiene. The toilet had a toilet bowl, sink, and shower that was found not to be in use. There were no items in the toilet that could be used for (self) injury such as mirrors, broken items, glass, and the like.

Due to the lack of rooms for conversation and interrogation, employees face serious problems and disorganization. They pointed out that such a course

of work creates a big problem in their daily work because they have nowhere to receive the parties/detainees if there are more than 2 people. This especially affects the confidence of the citizens in the decision to report an event at the police station because they are forced to wait several hours at the police station. In addition to the lack of premises and administrative offices, the police station also faces a shortage of official vehicles. Thus, the station has only 2 intervention vehicles, which are not in proper function and are often serviced, and also face a shortage of motorcycles.

Due to its location, PS Centar is a very busy station, but the lack of material and technical conditions leads to the detainees being often transferred to the nearest police station such as PS Bit Pazar and PS Kisela Voda.

No detainee was found during the visit.



Conversation room



Room for detaining people

Recommendations:

- Providing more rooms for conversation and detention of persons deprived of liberty;
- Providing functional official vehicles for intervention;
- Providing a room for conversation with a child;
- Employment of a sufficient number of police officers.

PS BITOLA

On 02.04.2021 the monitoring team conducted a regular visit to PS Bitola.

General Information

The visit was conducted in such a way that first a conversation took place with the commander and shift manager of the police station.

During the conversation with the commander and the shift manager, we received information that the total number of employees in the police station is 79 people, and the number of people who should be employed according to the act of systematization is 130, i.e. 39% of the planned jobs are unfilled. Out of the total number of employees, only 10 are women.

In the period from 01.03.2021 to 01.04.2021 in the Police Station Bitola, 21 persons aged 22-68 were deprived of liberty. 4 of them were detained between 5 and 9 hours. A means of coercion was applied against 4 persons. No person exercised their right to counsel. Two people exercised their right to medical assistance, and no one filed a complaint due to negligent, unprofessional, and illegal actions of police officers.

As a significant problem, the commander pointed out the access to legal aid, i.e. the right to a lawyer that the detainees have. Namely, often the ex-officio defense attorneys do not answer the calls made by the detained persons.

For those people who have been detained for more than 6 hours at the police station, the commander informed that they do not have the financial means to provide them with a meal, i.e. the detainees to buy their own meals.

Material conditions

PS Bitola has 12 administrative offices and 3 rooms for detention of persons. Persons with physical disabilities have access to the police station, but do not have access to detention rooms, as they are located in the basement of the

police station where access for persons with physical disabilities is not provided.

The detention rooms meet the requirements of the CPT standards in terms of length, width, height, humidity, daylight, and artificial light. The monitoring team noticed that there was no heating in the detention facilities, which in winter conditions contributed to the detainees having to stay in low temperatures. The rooms were found in fairly good hygienic conditions. They were equipped with 2 beds each, and in two of the three rooms there were 2 tables and 2 chairs that were well fixed to the floor, so as not to serve the detainees for (self) injury. The beds in the rooms were equipped with a mattress, pillow, and blanket that were found dirty. It was noticed that in the rooms there is a registered functional calling system (bell) in case of any need of the detained person, but neither in the detention rooms, nor in the other rooms, functional video surveillance is activated.

Posters with the rights of persons deprived of their liberty were displayed in a prominent place at the entrance of the police station, as well as in the area with the detention rooms.

The toilet for the detainees was found in a visibly dirty condition. It was equipped with a squat toilet and a sink, and there were no items in the toilet that could be used for (self) injury such as mirrors, broken items, glass, and the like.

The note of the monitoring team is that there is only one toilet for all 3 detention rooms. The CPT standards require the police station to have a toilet for each detention room, and if this is not possible, detainees should have unobstructed access to the toilet without having to call the officials, which is not the case in PS Bitola where there is only 1 toilet, and in case of need for use, the detained persons should call the officials. Additionally, there was no door in the toilet, which violates the privacy of persons deprived of their liberty.

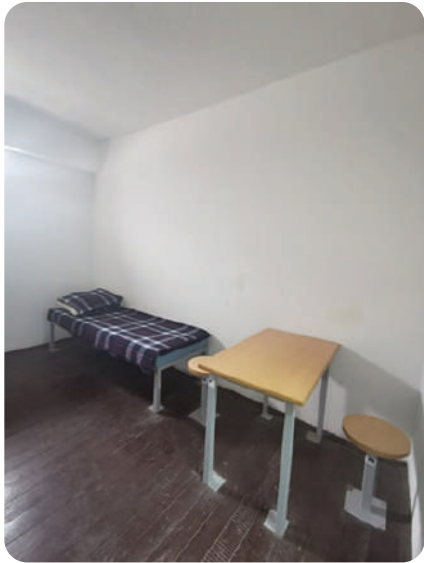
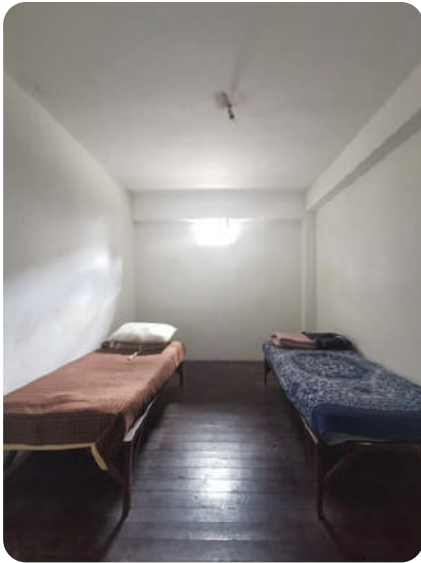
The police station also has a room for talking to children. The commander of the police station informed us that very often in cases of deprivation of liberty or calling for an informative conversation with a child, the police

station has a problem in cooperating with the SWC. Namely, the officials informed us that it happens that the SWC does not take measures to take care of the child, so the child has to spend the night in the police station.

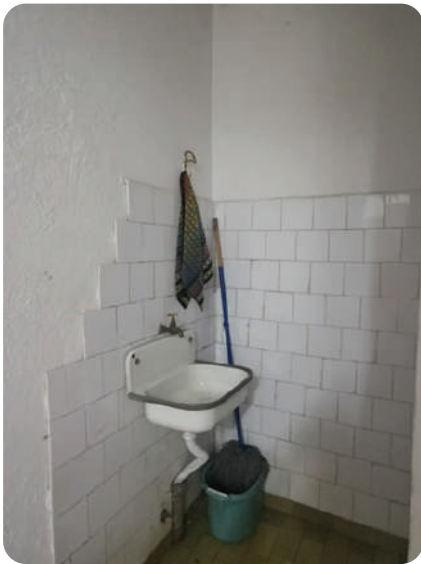
The police station also faces a shortage of official vehicles, i.e. PS Bitola has 3 intervention vehicles, of which only one is functional, and the other 2 vehicles are often serviced. At the same time, the police station does not have a "civilian" vehicle, due to which in cases of need for a child to be deprived of liberty and taken to a police station, officials are forced to escort the child in a police vehicle, which is contrary to international standards for protection of children and domestic law.

Among other things, the officials from PS Bitola pointed out that they do not have a sufficient number of uniforms for all officials, computers in each office, and as a difficulty in daily work they pointed out the overcrowding with administrative documentation that takes a lot of time.

No detainees were found during the visit.



Detention rooms



Recommendations:

- Providing functional official vehicles for intervention;
- Improving the cooperation between PS Bitola and PI Inter-Municipal SWC Bitola in cases of detention of minors;
- Employment of a sufficient number of police officers in order to meet the projected quota in accordance with the act for systematization;
- Providing material and technical conditions in the police station in terms of official uniforms and computers for the employees;
- Improving the conditions in the toilet in the detention rooms;
- Providing heating in the rooms for keeping people;
- Provision of funds from the budget for procurement of meals to persons detained in a police station for more than 6 hours.

PS VELES

On 09.04.2021 the monitoring team conducted a regular visit to PS Veles.

General Information

The visit to the police station was conducted in such a way that first a conversation took place with the commander and shift manager of the police station.

During the conversation with the commander and the shift manager, we received information that the total number of employees in the police station is 85 people. Out of the total number of employees, only 11 of them are women.

In the period from 08.03.2021 until 08.04.2021 in PS Veles, 41 persons aged 22-58 years were deprived of liberty. Of these, 18 people were detained between 8 and 14 hours. In only 1 case was a means of coercion applied, and 5 persons exercised their right to counsel. The right to medical assistance was exercised by 1 person, and no person filed a complaint due to negligent, unprofessional, and illegal behavior of police officers.

The Commander pointed out that the Police Station has good cooperation with the defense attorneys who are on the list of ex-officio lawyers, but most often the detained persons contact their lawyers.

For those people who have been detained for more than 6 hours in a police station, the commander informed that they do not have the financial means to provide them with a meal, i.e. the detainees to buy their own meals.

Material Conditions

PS Veles has about 10 administrative offices and 4 rooms for detention of persons. Persons with physical disabilities have access to the police station, but do not have access to detention rooms because they are located in the

basement of the police station where access for persons with physical disabilities is not provided.

Posters with the rights of persons deprived of their liberty were displayed at the entrance of the police station.

Detention rooms do not meet the requirements of the CPT standards in terms of length, width, height, humidity, daylight, and artificial light, mostly because they are located in basements where the humidity is high and there is no daylight. The monitoring team also noted that there is no heating in the detention facilities, which in winter conditions contributes to the detainees staying in low temperatures. The rooms were found in poor hygienic conditions. They were equipped with 2 beds each. The beds in the rooms were equipped with a mattress, pillow and blanket that were found clean, and for their washing the police station cooperates with the Army and the Public Health Institution because the station does not have a laundry. It was noted that functional video surveillance was registered in the rooms, but no calling system (bell) was registered in the detention rooms.

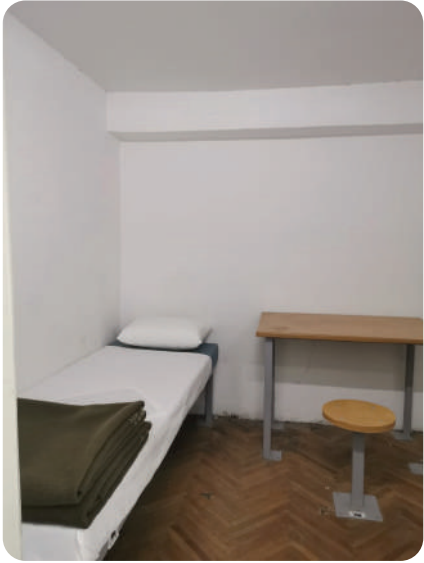
The toilet in the detention rooms was found to have a very low level of hygiene and items that could be used for (self) injury. There was no soap or water in the toilet, and one cabin was not functional at all.

The police station does not have rooms for talking to detainees, and for that purpose the police officers use their offices.

On the other hand, the police station has a room for talking to children. The commander of the police station informed us that they have good cooperation with the SWC in cases of deprivation of liberty of children.

PS Veles also faces a shortage of official vehicles because it has 1 intervention vehicle that is often serviced, due to which functional official vehicles are necessary. Off-road vehicles, the station needs 2 to 3 off-road vehicles.

No detainees were found during the visit.



Detention rooms





Toilet for detainees

Recommendations:

- Complete reconstruction of the detention rooms in accordance with the CPT standards;
- Complete reconstruction of the toilet in the detention rooms;
- Providing functional official intervention vehicles and off-road vehicles;
- Provision of funds from the budget for procurement of meals to persons detained in a police station for more than 6 hours.

PS KUMANOVO

On 16.04.2021 the monitoring team conducted a regular visit to PS Kumanovo.

General Information

The visit to the police station was conducted in such a way that first a conversation took place with the commander and the chief of the police station.

During the conversation with the commander and the chief, we received information that the total number of employees in the police station is 141 people. Out of the total number of employees, only 21 are women.

The building of the police station was built in 1929 and at the time of the monitoring visit its reconstruction was underway, i.e. reconstruction of the rooms for detention of persons and interrogation of persons. Reconstruction began in January and is expected to be completed in August 2021.

In the period from 15.03.2021 to 15.04.2021 in the Police Station Kumanovo, 31 persons aged 21-61 were deprived of liberty. All of them were detained between 35 minutes and 23 hours and 15 minutes. Only in 1 case was a means of coercion applied, and no person exercised the right to counsel, nor the right to medical assistance. No one complained about the negligent, unprofessional, and illegal conduct of police officers.

The commander noted that the police station has good cooperation with the defense attorneys who are on the list of ex-officio lawyers.

For those who have been detained for more than 6 hours at the police station, the commander informed that they have the financial means to provide them with a meal.

Material conditions

PS Kumanovo currently has only 1 room for conversation in which persons are kept. The room is equipped with tables and chairs, but there are no beds in case of prolonged detention of persons deprived of their liberty. For the duration of their detention, the persons are under constant surveillance and physical presence by police officers. People with physical disabilities have access to the police station.

Posters with the rights of persons deprived of their liberty were displayed at the entrance of the Police Station.

The detention rooms that were in the reconstruction phase are a total of 5 with 2 beds each. At the same time, one interrogation room, one for identification and one interrogation room for children and victims of domestic violence are being reconstructed.

The PS also faces a shortage of official vehicles, as it has 2 intervention vehicles and 1 escort vehicle. They have sent a request to the Public Security Bureau for procurement of 2 more off-road vehicles and 4 other vehicles.

Additionally, the PS does not have functional video surveillance in the interrogation and detention rooms, nor in the detention and interrogation rooms that are being reconstructed.

Significantly, the PA highlighted the preventive work that they carry out within their powers. The Prevention Department at the Police Station Kumanovo regularly conducts advisory conversations with the residents of the local communities, which take place with physical presence, but in times of pandemic they are mostly by phone. The department, which has 4 employees, also conducts preventive activities with young people, especially in schools and with fan groups.

During the visit, a person deprived of liberty was found, who was not detained.

Recommendations:

- Providing functional official intervention vehicles and off-road vehicles;
- Providing functional video surveillance in the rooms for detention and interrogation of persons;
- During the reconstruction of the detention facilities, the persons deprived of liberty should not be detained for more than 3 hours in the interrogation room, nor should they be allowed to spend the night in that room.

PS TETOVO

On April 23, 2021, the monitoring team conducted a regular visit to PS Tetovo.

Basic Information

The visit to the police station was conducted in a way that first a conversation took place with the Deputy Chief, Commander, Deputy Commander, Assistant Commander, and Shift Manager of the Police Station Tetovo.

During the conversation with the employees, we received information that the total number of employees in the police station is 109 people. Out of the total number of employees, only 7 are women.

In the period from March 22, 2021 to April 22, 2021, 88 people aged 18-72 were deprived of liberty in PS Tetovo. Of these, 65 were detained between 1 hour and 18 hours. In 6 cases a means of coercion was used, and only 4 persons exercised their right to counsel. No person exercised their right to medical assistance.

The PS has good cooperation with the competent SWC – Tetovo in case of a child deprived of liberty, as well as with the Public Health Institution in case of need for medical assistance to a person deprived of liberty. On the other hand, the employees informed us that they have poor cooperation with the SWC – Gostivar, and also with the Basic Public Prosecutor's Office – Tetovo, which often gives directions to persons deprived of liberty to be detained, and shortly afterwards changes the order or orders the persons to be released resulting in a large number of unjustified detainees. The employees of the Police Station Tetovo informed us that the detained persons rarely ask for a lawyer, and if they have such a need, they usually contact their private lawyers.

For those detained for more than 6 hours in a police station, the station has the financial resources to provide meals to the detainees.

Material conditions

PS Tetovo has 3 rooms for detention and 2 rooms for conversation.

The rooms for holding persons have 2 beds, a table and a chair that are fixed to the floor and meet the standards for size, width and length, light, temperature, and humidity. Additionally, posters with the rights of detainees were attached to the premises. The detention facilities also had a toilet for detainees that fully met the standards and had a satisfactory level of hygiene. There is a functional video surveillance and calling system in the detention rooms.

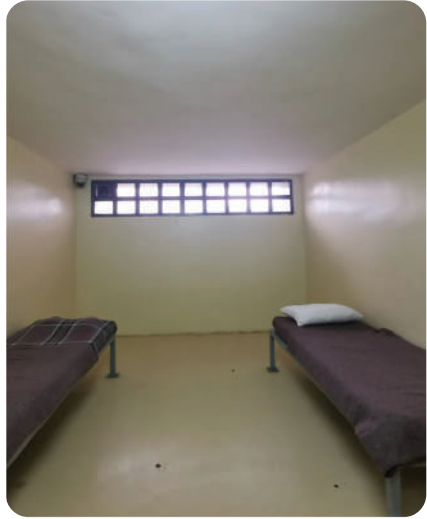
The police station is facing a shortage of official vehicles; namely it has only 1 intervention vehicle, but it is also facing a shortage of administrative premises or offices.



Toilet for detainees



Room for retention



Room for retention

Recommendations:

- Providing functional service vehicles for intervention;
- Provide access for the people with physical disabilities.

PS SHTIP

On 20.05.2021 the monitoring team conducted a regular visit to PS Shtip.

General Information

The visit was conducted in a way that first a conversation was held with the commander and the shift manager of PS Shtip.

During the conversation with the employees, we received information that the total number of employees in the police station is 69 people. Out of the total number of employees, only 7 are women.

In the period from 20.04.2021 to 20.05.2021, in PS Shtip 14 persons aged 15-65 years were deprived of liberty. 8 of them were detained, and against 4 were used means of coercion – handcuffs. Only 1 person requested a lawyer, and none requested medical assistance. The duration of detention was between 50 minutes and 11 hours and 30 minutes.

The police station has good cooperation with the competent SWC in case of a child deprived of liberty, as well as with the Public Health Institution in case of need for medical assistance to a person deprived of liberty.

For those who are detained for more than 6 hours in the police station, the station has the financial means to provide them with a meal.

Material Conditions

PS Shtip has 3 rooms for detention and 2 rooms for conversation.

The rooms for holding persons have 1 bed each, which lacked pillows. The rooms meet the standards for size, width and length, light, temperature, and humidity. The detention facilities also had a toilet for detainees that met the standards and had a satisfactory level of hygiene. There is functional video surveillance in the detention rooms, but no calling system.

PS Shtip does not have a room for conversation with a child and does not provide access for persons with physical disabilities to the rooms for detention. It is facing a shortage of official vehicles, i.e. it has only 1 patrol vehicle and 1 intervention vehicle, which is in semi-correct function. In addition to the lack of official vehicles, the Police Station is facing a serious shortage of office supplies (computers, toners, printers, etc.).

During the visit, 1 detainee was found, who did not request a lawyer.



Detention rooms



Toilet for the detainees

Recommendations:

- Providing functional official vehicles for intervention;
- Providing a calling system in the detention facilities;
- Providing pillows for beds in detention rooms.

PS KISELA VODA

On 27.05.2021 the monitoring team conducted a regular visit to PS Kisela Voda.

General Information

The visit to the police station was conducted in a way that first a conversation took place with the commander and shift manager of the Police Station Kisela Voda.

During the conversation with the employees, we received information that the total number of employees in the police station is 109 people. Of the total number of employees, 38 are women and 10 trainees.

In the period from 26.04.2021 to 26.05.2021, in PS Kisela Voda a total of 67 people aged 17-64 years were deprived of liberty. Of these, 38 were detained with an average duration of 4 hours. In 1 case, a means of coercion was used, namely handcuffs and a hand lever. The right to counsel was exercised by 12 persons, and 3 exercised the right to medical assistance: in 1 case due to previous injuries, in 1 case due to previous illnesses, and in 1 case due to mental disorders.

For those who are detained for more than 6 hours in a police station, the station has the financial means to provide them with a meal.

The commander of the police station informed the team that they often have a problem with calling the lawyers who are on the list of duty lawyers, which has a detrimental effect on the access to justice of persons deprived of their liberty. On the other hand, she stressed that whenever it comes to deprivation of liberty or talking to a child, the cooperation with the SWC is good, as well as the cooperation with the Emergency Medical Service in case of need of medical assistance to persons deprived of their liberty.

Material Conditions

PS Kisela Voda has 6 rooms for detention, 3 rooms for conducting a conversation, 1 room for talking with children, and 1 room for recognition.

The rooms for holding persons have 2 beds, a table and a chair that are fixed to the floor and meet the standards in terms of size, width and length, humidity, light, and temperature. The premises have functional video surveillance, calling system, and heating.

The police station is facing a shortage of official vehicles. Namely, the police station has 6 vehicles, of which only 2 are in operation, but there are no interventions. Due to the high frequency, the police station often borrows vehicles from other police stations.

Persons with physical disabilities do not have access to chat and detention facilities.



Room for conversation with the detainees



Room for conversation with children



Detention room



Leaflets with the detainees' rights

Recommendations:

- Providing functional official vehicles for intervention;
- Providing access for persons with physical disabilities to the room for conversation and detention;
- Establishment of cooperation with NMBA in order to overcome the problem with the lawyers who are on the list of duty lawyers but are often inaccessible to persons deprived of liberty.

PS STRUMICA

On 02.06.2021, the monitoring team conducted a regular visit to PS Strumica.

General Information

The visit to the police station was conducted in a way that first a conversation was held with the guide of the security area in PS Strumica.

During the conversation with the guide, we received information that the total number of employees in the police station is 66 people. Out of the total number of employees, only 12 are women.

In the period from 01.05.2021 to 01.06.2021, in PS Strumica 8 persons aged 21-47 years were deprived of liberty. 5 of them were detained between 7 and 21 hours. In 4 cases, a means of coercion was used: in 3 cases handcuffs, and in one case an additional hand lever. No person exercised the right to counsel or the right to medical assistance.

For those who have been detained for more than 6 hours at the police station, the commander informed that they have the financial means to provide them with a meal.

Material Conditions

PS Strumica has 3 rooms for detention, and the station does not have special rooms for talking to people.

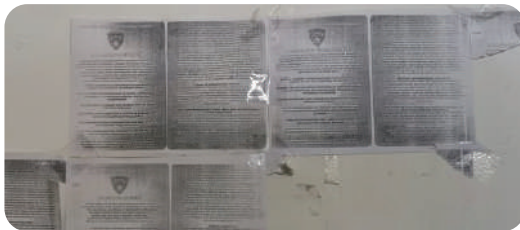
The rooms for holding persons have 2 beds, a table and a chair that are fixed to the floor and meet the standards for size, width, and length. The artificial light in the rooms was quite low and there was no heating in the rooms. Additionally, posters with the rights of the detained persons were attached to the premises, but one of the premises lacked a poster in Macedonian language. Detained persons use the same toilet as police station staff.

The police station also faces a shortage of official vehicles, i.e. it has 6 vehicles, of which only 2 are in a good condition, and there is only 1 intervention vehicle that is not in good condition.

The police station does not have functional video surveillance in the chat and detention rooms, and the calling system in the detention rooms is functional.



Detention rooms



Posters with rights of the detainees

Recommendations:

- Providing functional official vehicles for intervention;
- Providing functional video surveillance in the rooms for detention and interrogation of persons;
- Providing adequate artificial light in detention facilities;
- Providing special rooms for talking to people;
- Adjust a separate toilet for detainees.

PS OHRID

On June 11, 2021, the monitoring team conducted a regular visit to the Police Station Ohrid.

General Information

The visit to the police station was conducted in such a way that first a conversation took place with the commander and shift manager of the police station.

During the conversation with the employees, we received information that the total number of employees in the police station is 66 people. Out of the total number of employees, only 8 are women.

In the period from 11.05.2021 to 10.06.2021 in the Police Station Ohrid, a total of 12 persons aged 61-22 were deprived of liberty. Of these, a total of 5 people were detained for an average duration of 8 hours. Coercive means were used against 2 people. 5 people exercised their right to a lawyer, and 4 people sought medical help.

The police station pointed out that there is very weak cooperation with the competent SWC – Ohrid. Namely, often in cases of deprivation of liberty of a child, social workers, although called, do not come to the police station. In addition, when it comes to children, police officers informed that they have difficulties in cooperating with children's lawyers.

On the other hand, cooperation with the Emergency Medical Service is good in cases when persons deprived of their liberty want to exercise their right to medical assistance.

For those who have been detained for more than 6 hours in a police station, the station does not have the financial means to provide a meal to the detainees, so police officers sometimes provide a meal at their own expense.

Material Conditions

PS Ohrid has 2 rooms for detention, and the administrative rooms/offices of the officials are used as rooms for conversation.

The rooms for holding persons have 1 bed, a table and a chair that are fixed to the floor. The rooms meet the standards in terms of size, width, and length, as well as humidity, but not for light, which was too weak, without meeting the level of volume at which a person could read a book. During the winter months, the premises are not heated, which is why police officers adjust other premises to detain persons deprived of their liberty. There were no toilets for detainees at the detention facilities. There is a functional video surveillance in the detention rooms as well as a calling system.

The officials from the Police Station Ohrid informed us that they also face difficulties in working because there are no detention facilities in the Police Station Struga, so all persons from there are taken to the Police Station Ohrid.

The police station does not have a room for talking to a child and does not provide access for persons with physical disabilities to detention facilities.

The police station is facing a shortage of official vehicles, i.e. it has only 2 intervention vehicles, of which 1 is often serviced, and 3-4 other patrol vehicles.

No detainee was found during the visit.



Detention room and leaflet with the rights of the detainees

Recommendations:

- Providing functional official vehicles for intervention;
- Providing an adequate level of light in the detention rooms;
- Establishment of cooperation with the SWC – Ohrid as well as with AKRSM in order to have unhindered access to justice and protection of children's rights;
- To solve the problem with the heating in the detention rooms;
- Providing financial means for a meal to persons detained for more than 6 hours;
- Providing access for persons with physical disabilities to detention facilities.

Access to a lawyer at police stations as a means of preventing torture and inhuman treatment

Many international and regional standards refer to the right to a lawyer as one of the key procedural guarantees for the protection of persons deprived of their liberty from torture and inhuman treatment. The lawyer is a guarantee that the person is informed about the other rights they enjoy during the deprivation of liberty (right to inform a third party, right to a doctor, etc.), and at the same time protects persons from unlawful deprivation of liberty and imprisonment in inhuman conditions.

To this end, persons deprived of their liberty should be given the opportunity to contact a lawyer as soon as possible after their deprivation of liberty. Providing effective access to a lawyer reduces the risk of arbitrary treatment by police officers of persons deprived of their liberty.

According to the data obtained by the monitoring team regarding the access of persons to a lawyer during their deprivation of liberty, we received information that not all detainees exercise this right.

According to the obtained data, 313 persons were detained in a total of 9 police stations in the period of one month before the conducted visit. Only 36 of them exercised their right to a lawyer. According to the data, out of the total number of detained persons, only 13% of them exercised their right to a lawyer.

The problem with access to a lawyer in practice is also mentioned by police officers during monitoring visits. They stated that the detainees themselves were not interested in calling a lawyer, mostly because of the financial implications and the costs they had to cover themselves. Even when they decide to hire a lawyer at their own expense and request a list of lawyers on duty, many of the summoned lawyers refuse to appear at the police station. The absence of lawyers often indicates that the legal aid provided to the persons at this stage is "not so significant" or is difficult to collect from the persons.

However, there is a lack of data on how many of the detainees used the opportunity to hire a lawyer at night at the expense of the state budget allowed by the law and how feasible it is in practice.² Considering that the practice shows that when the costs for the lawyer are paid from the state budget, it is with a delay of one year and more, the assumption is that because of that the lawyers are not interested in getting involved in this phase of the criminal procedure.

The general opinion is that detainees need a lawyer more in court proceedings, but it is indisputable that the right to a lawyer plays a major role in terms of prevention of torture and is a basic guarantee for preventing ill-treatment of detainees and from that point of view must be make systemic changes so that it can be effectively implemented in practice.

The CPT also points out that there are problems in exercising the right to a lawyer in its latest report, which states that a large number of persons deprived of their liberty stated that they did not have the opportunity to consult a lawyer until the court hearing. On the other hand, during the inspection of the registers in a number of police stations, it was noted that a large number of persons stated that they did not need a lawyer.³

Regarding the defense of the poor and the national legislation when it comes to hiring a lawyer at the expense of the state budget for detainees, it allows it only if the detention is at night. The law also provides for the possibility of appointing a lawyer to the state budget if according to the property situation the defendant cannot bear the costs of defense, which is required by the interests of justice, and especially the gravity of the crime and the complexity of the case.⁴ There is a lack of clear provisions on whether this applies to detainees as well as clear provisions for determining and proving the financial condition of the person.

International law also suggests that when a detainee does not have sufficient funds to pay for a lawyer, he or she should receive it free of charge from the

² Law on Criminal Procedure, Official Gazette of RSM, no. 150/2010, 198/2018 (Article 161)

³ CPT report from the fifth visit to RSM conducted from 2 to 10 December 2019
<https://rm.coe.int/1680a26b8f>

⁴ Law on Criminal Procedure, Official Gazette of RSM, no. 150/2010, 198/2018 (Article 75)

state. Hence, the state must make efforts to establish a functioning system of free legal aid in which the Bar Association, the Ministry of Justice and the Ministry of Interior will actively cooperate. The system of free legal aid should provide access for persons deprived of their liberty, especially to the most marginalized groups, to quality and timely legal aid, which will also be a means of preventing torture and inhuman treatment.

TABLE OVERVIEW OF THE SITUATION IN THE VISITED POLICE STATIONS

	EMPLOYEES		RIGHTS		GENERAL CONDITIONS									
	Systematization	Women	Posters with the rights of persons deprived of liberty		Deprived of liberty one month before the visit	Detained	Duration of detention	Meal funds for detained persons	Persons against whom they were applied means for coercion	Asked for a lawyer	Cooperation with lawyers	Cooperation with SWC	Right to medical help	Charges for illegal conduct of a police officer
PS Centar	50%	20	YES	31	13	105 min-21 h	YES	2	9	Bad	/	/	/	/
PS Bitola	79 out of 130	10	YES	21	4	5-9 h	NO	4	/	Bad	Bad	2	/	/
PS Veles	85	11	YES	41	18	8-14 h	NO	1	5	Good	Good	1	/	/
PS Kumanovo	141	21	YES	31	31	35 min-23 h и 15 min	YES	1	/	Good	/	/	/	/
PS Tetovo	109	7	YES	88	65	1-18 h	/	6	4	/	Good	/	/	/
PS Shtip	69	7	YES	14	8	50 min-1.1 h 30 min	YES	4	1	/	Good	/	/	/
PS Kisela Voda	109	38	YES	67	38	4 h	YES	1	12	Bad	Good	3	/	/
PS Strumica	66	12	NO	8	5	7-21 h	YES	4	/	/	/	/	/	/
PS Ohrid	66	8	YES	12	5	8 h	NO	2	5	/	Bad	4	/	/

*"/" – nobody asked for it, or there is no information

MATERIAL CONDITIONS															
	Administrative offices	Conversation room	Hygiene in the conversation room	Detention room	Conditions according to CPT	Heating	Hygiene in the detention room	Toilet	Hygiene in the toilet	Callingsystem (a bell)	Room for conversation with children	Access for people with physical disability	Audio-video system	Audio-video systems	Vehicles
PS Centar	2	1	CLEAN	1	YES	YES	GOOD	1	GOOD	YES	NONE	NO	YES	FUNCTIONAL	2
PS Bitola	1 2	/	/	3	YES	NO	DIRTY LINENS	1 (on 3 rooms)	BAD WITH UT A DOOR	YES	1	YES	NONE	NONE	3
PS Veles	1 0	NONE	/	4	NO	NO	BAD	1	BAD	NO	1	NO	NONE	NONE	1
PS Kumanovo	1	1	SATISFACTORY	5	Reconstruction in progress										3
PS Tetovo	/	2	SATISFACTORY	3	YES	YES	SATISFACTORY	1	GOOD	YES	/	/	YES	FUNCTIONAL	1
PS Shtip	/	2	/	3	YES	YES	SATISFACTORY	1	GOOD	NO	1	NO	YES	FUNCTIONAL	2
PS Kisela Voda	/	3	SATISFACTORY	6	YES	YES	SATISFACTORY	1	GOOD	YES	1	NO	YES	FUNCTIONAL	6
PS Strumica	/	/	/	3	YES (except light)	NO	SATISFACTORY	1 (both for employees and detainees)	/	YES	NONE	YES	NONE	NONE	6
PS Ohrid	/	/	/	2	YES (except light)	NO	SATISFACTORY	NONE	/	YES	NONE	NO	YES	FUNCTIONAL	2

* / " – no information

**REPORT ON THE SITUATION AND CONDITIONS IN THE POLICE STATIONS
IN THE REPUBLIC OF NORTH MACEDONIA
MARCH - JUNE 2021**