



CPT/Inf (2006) 37

**Response of the Government of
"the former Yugoslav Republic of Macedonia"
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to "the former Yugoslav Republic
of Macedonia"**

from 12 to 19 July 2004

The Government of "the former Yugoslav Republic of Macedonia" has requested the publication of this response. The report on the CPT's visit to "the former Yugoslav Republic of Macedonia" in July 2004 is set out in document CPT/Inf (2006) 36.

Strasbourg, 15 November 2006

Comments on the Report of the European Committee against Torture or Inhuman or Degrading Treatment or Punishment after the CPT visit to the Republic of Macedonia from 12 to 19 July 2004

GENERAL COMMENT

As stated in the comments on previous reports and during CPT delegations visits to the Republic of Macedonia, the Government of the Republic of Macedonia highly values the role of the Committee and is firmly committed to implementing its recommendations. The Government is glad to note that the CPT delegation is largely satisfied with the frank and constructive exchange of views and good reception during the visit as indicated in the report.

The Government is also aware that meeting the principles of cooperation entails taking effective measures to implement Committee's key recommendations. Therefore, the European Partnership Action Programme, in the section related to human rights, has given emphasis on the implementation of the recommendations contained in the Reports of the CPT's visits to the Republic of Macedonia, and first of all the recommendations on combating impunity and safeguards against ill-treatment. Another key activity is continuous training of all institutions involved in the implementation of the Convention.

The Government believes that the ongoing reforms in the justice system and police will largely contribute to the elimination of the problems identified by the CPT.

SPECIFIC COMMENTS

Cooperation between the CPT and Macedonian authorities

Paragraphs 5 and 8 – Ministry of the Interior

Abiding by the applicable legislation in the Republic of Macedonia and the obligations resulting from the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Ministry of the Interior will continue making efforts in order that all relevant authorities, including those at the local level, receive detailed information about the mandate and tasks of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as well as our obligations vis-à-vis visiting delegations. The aim is to further improve the already established cooperation.

The Ministry will continue to disseminate information contained in the CPT reports to all relevant authorities and staff. The findings and recommendations will be used in the process of training and education of personnel in the area of CPT mandate.

Paragraphs 5 and 8 - Ministry of Justice

The Ministry of Justice will continue the efforts in order that relevant bodies, including those at the local level, continuously receive detailed information on the mandate and competencies of the CPT and their obligations towards the visiting Delegation.

In this respect, the CPT Report (translated into the Macedonian language) has been distributed to all first instance courts, courts of appeal and the Supreme Court of the Republic of Macedonia, then to all basic Public Prosecutors' Offices, Higher Public Prosecutors' Offices, to the Public Prosecutor's Office of the Republic of Macedonia, as well as to the State Judicial Council, the Ombudsman of the Republic of Macedonia and to the Bar Association of the Republic of Macedonia.

In the information distributed to the mentioned institutions, it is underlined that the key issues to which the greatest attention should be paid are again the issues of combating **impunity and safeguards against ill-treatment** (deficiencies that have been pointed out in the course of all visits thus far) and the material conditions at the facilities within the competencies of the Ministry of Justice.

For instance, in its reply, the **Skopje Court of Appeals** underscores the justification and the need for enhanced efforts in order to ensure information about the mandate of the CPT and about the contents of the CPT Reports that would have a positive effect on the education of persons holding relevant competencies in this area.

Request for information/Paragraph 6 – Ministry of the Interior

In late 2002 and in the first half of 2003, in Kumanovo and in the wider Kumanovo region there were several explosions of improvised explosive devices and formation explosive devices, causing death of a number of persons. In respect of the planted explosions, the Ministry of the Interior submitted several proposals for institution of criminal charges against unknown perpetrators. In the context of its legally prescribed competencies, the Security and Counterintelligence Directorate undertook operative measures and activities to identify the motives, goals, organizers and perpetrators. These activities involved about 60 to 70 persons (among which the person A.A.) in respect of whom there were operative measures and activities undertaken to examine their eventual involvement in some of these events.

The Security and Counterintelligence Directorate conducted the initial interview with A.A. in June 2003, which means that no prior interviews, including any “informal talks” had been conducted with A.A.

The above-mentioned operative measures and activities which the Security and Counterintelligence Directorate undertook in respect of a wider circle of possible perpetrators (the above mentioned 60 to 70 persons) are registered in the Directorate's Operative Records.

Ill-treatment

Paragraphs 15 and 16

The Ministry of the Interior has been working for a longer period on the process of police reform. This process is in its final stage, facilitating the establishment of structure and organizational prerequisites necessary for the attainment of European standards in the police work. In parallel with the police reforms, there are legislative reforms as well, especially in connection with the competencies of the Ministry of the Interior which on its part will ensure legal basis for full respect for the rights of persons deprived of freedom.

There is continuous communication with senior police officers, which will be further intensified in order to create preconditions to overcome the situation of ill treatment of persons deprived of freedom. Senior police officers are regularly advised to instruct their subordinates that ill-treatment will not be tolerated, that allegations will be thoroughly investigated and that perpetrators will be sanctioned.

The Ministry of the Interior will continue the education and training of police officers in order to avoid use of excessive force or of fire arms in cases when the relevant regulations do not allow so.

The European Partnership Action Plan obliges the Ministry of the Interior to submit annual reports to the Government on the identified cases of overstepping of authorities and on undertaken disciplinary and criminal proceedings. It also foresees advancement of procedures for detection and investigation of irregularities and their appropriate implementation.

Request for information: Paragraph 14

Detailed information on the case of A.A. is given under paragraph 19 to 26.

Combating impunity

Paragraph 17

In connection with the law enforcement officers allegedly involved in cases of ill-treatment, in the Information submitted to all relevant bodies, the Ministry of Justice has again underlined that the investigative judge or the Public Prosecutor need to demonstrate greater interest when there is clear evidence of ill-treatment and to institute relevant proceedings against the perpetrators.

Article 20, paragraph 4 of the new Law on the Public Prosecutor's Office (Official Gazette No. 38/04) stipulates that in the exercise of the competence of prosecuting perpetrators of crimes or other offences punishable by law, the Public Prosecutor is obliged to take into consideration the protection of the rights of persons against whom detention has been ordered.

Paragraphs 19-26

Regarding the cases of A.A. and R.B., in respect of whom the CPT concluded they were not treated in accordance with the law and the CPT recommendations, the Ministry of Justice sent the Report to the President of the Kumanovo First Instance Court and to the Kumanovo Basic Public Prosecutor, along with a request for their urgent reply in connection with the allegations.

In its reply, **the Kumanovo basic Public Prosecutor** states that there was a procedure instituted against A.A. and other persons, under registry No. KO 493/03 on charges of the crime of terrorism, under Article 313. The proceedings have been completed. However, there was no separate case build regarding the allegations of A.A. about ill-treatment and abuse while in police custody, in light of the fact that there were no reasonable grounds to institute relevant procedure against a specific person on the allegations presented as late as the main hearing held on 30 October 2003, which were inconsistent and were not corroborated with any evidence. If evidence is submitted regarding the treatment of these persons by the police that would raise the issue of the police officers' responsibility, the Public Prosecutor's Office of Kumanovo will process the case within its legal competencies.

Namely, in the interview of A.A. with the investigative judge at which the defense lawyer, the public prosecutor and the investigative judge were present, after which minutes were done, dated 12 June 2003, he did not complain about ill treatment while in police custody or against illegal deprivation of freedom. A.A. was advised of all his rights under the Law on Criminal Procedure, including about his right to remain silent. Therefore, there could be no case of extorting a confession. The fact that there was no extortion of a confession and instruction by the police to admit to the guilt is confirmed by the statement given before the investigative judge, when in fact A.A. did not admit to all the charges. Thus, in order to diminish his criminal liability, he stated that he had planted the explosives for a certain amount of money, since he owed money to some person in Kosovo, i.e. that his intention was not to threaten the constitutional order and security of the Republic of Macedonia.

In the defense statement presented at the main hearing of 30 October 2005, A.A. stated that he was brought in with visible injuries caused by physical violence, pains in the kidney area and that he had been visited by police inspectors who subjected him to physical violence in order to force him to repeat the confession given before the investigative judge and the deputy public prosecutor. The judge asked the defendant to describe and identify the persons that were ill-treating him but A.A. did not reply to this question.

Afterwards, the Basic Public Prosecutor in Kumanovo forwarded to the Skopje Penitentiary a request, dated 5 November 2003, asking for information about these allegations. On 10 November 2003, the Basic Public Prosecutor received information from the Director of the Skopje Penitentiary, containing an enclosed list of persons who had visited the said person while in detention. In the information it is stated that the person was not visited by inspectors of the Ministry of the Interior. Instead only the members of the forensic department at the Ministry of the Interior visited him. On 8 October 2003 in a telephone conversation the President of the Court gave the approval for the visit of the then Minister of Justice Mr. Ismail Darlista, without the presence of the prison staff and upon the Minister's insistence the person was also visited by the Director of the Penitentiary on 25 October 2003, at 23.00 hrs. Furthermore, none of his family members or the lawyer N. L. addressed the Basic Public Prosecutor in Kumanovo with regard to alleged ill treatment in the course of detention, while the President of the Court also visited the person to whom he also complained of ill treatment.

Furthermore, in the reply the Kumanovo Basic Public Prosecutor also states that thus far here have been no official findings by the Sector for Professional Standards of the Ministry of the Interior regarding the official notes submitted by the Office of the Ombudsman of the Republic of Macedonia.

In the case No. Ko 493.03, the Kumanovo Internal Affairs Department submitted a request to the investigative judge for continuation of the police custody for another 24 hours (48 hours in total) which is in accordance with Article 186 of the Law on criminal procedure, in light of the fact that after the search of the A.A.'s apartment conducted upon a warrant issued by the investigative judge No. Kri 69/03, he was kept in police custody from 10 June 2003 as of 10.00 hrs. until 11 June 2003 until 1000 hrs.

The measure of 30 day detention was pronounced by a decision of the investigative judge dated 11 June 2003, detention to start from 11 June 2003 at 10.00 hrs. and the period in which the investigative measures undertaken upon the proposal of the Public Prosecutor's Office of Kumanovo of 19 May 2005 was taken into consideration, meaning that A.A. was not kept in police custody for more than 24 hours. This matter was considered in the appeal proceedings before the Skopje Court of Appeals, case No. Kz 894/04, dated 8 June 2004.

In connection with the R.B. case, in its reply the basic Public Prosecutor's Office clarifies that he was a witness in a case registered at the Public Prosecutor's Office under No. KO 447/03 against several persons from the village of Sopot. R.B. gave a statement as a witness and he did not complain to anyone, including the family members that he was pressured to give such a statement or that he was allegedly kept at a secret place by the police. The person did not present such a complaint neither to the Basic Public prosecutor, who afterwards would react accordingly in pursuance with the legal competencies. The person gave a statement as a witness before the Deputy Public Prosecutor and before the Investigative Judge and he did not complain that he was pressured to give such a statement. On 21 October 2003, the person gave a statement to the contrary, entered into the minutes, and afterwards he was presented the statement he had given before the investigative judge.

The first statement was clear and unequivocal, presenting facts and evidence that he could not fabricate, nor could anyone make up such a story or make R.B. repeat it before an investigative judge. Upon an appeal procedure (Kz No. 281/04) the Skopje Court of Appeals adopted a relevant decision.

Request for information - Paragraph 27

The copy of the amendments to the Rulebook of the Internal Control Sector according to which a new paragraph is added to Article 1 of the Rulebook as follows: The Sector shall directly inform the competent Public Prosecutor about investigations of illegal treatment by an employee of the Ministry having criminal elements" is enclosed herewith

Paragraphs 31-37

In connection with the recommendation presented in the previous CPT Reports for decisive action by judges and public prosecutors for the application of recommendations referred to in paragraphs 31-37 of this Report, the Ministry of Justice has accordingly instructed, as on previous occasions, all relevant bodies about the necessity to respect the said recommendations.

In its reply the **Skopje Court of Appeals** underlines the necessity of systematic practical implementation of these rules and the necessity of enhanced engagement of persons with relevant competencies in this context.

The role of the court is to control the manner of fulfillment of competencies by relevant persons in compliance with rules 31 to 37 of the Report. The Court controls the deprivation of freedom presenting assessment of its legality, in accordance with Article 3, paragraph 3; referring to Article 188, paragraph 8 of the Law on Criminal Procedure.

The **Skopje Higher Public Prosecutor's Office** has replied in communication No. dov. 4/2005 confirming that all conclusions and recommendation by the CPT have been forwarded to all offices of public prosecutors including the Kumanovo Basic Public Prosecutor's Office, accompanied with instructions for exercise of competencies in accordance with the law.

In its reply, the **Skopje Higher Public Prosecutor's Office** states that it is correct that there is little number of applications by possible victims in the course of pre-trial and investigative proceedings, stating further that the public prosecutors will always and exclusively act upon the submitted evidence which raises reasonable suspicions that a criminal offense has been committed and the rights of imprisoned or detained persons have been violated. Most of the findings of the public prosecutors are contained in the case files, presented in official notes, however in respect of the further development of the proceedings it was not sufficient to present them at the main hearing when several months of the investigative procedure have passed, when it was not possible to examine the allegations of the eventually ill-treated detainee, even less when there have been no findings in this respect by the investigative judge.

In continuation, the Skopje Public Prosecutor's Office states that the prosecutors are aware of the key role in the supervision and detection of possible ill-treatment by law enforcement officers and are also aware of the practice in the recent period according to which large number of persons against whom there are investigations and who have been detained on various grounds present at the main hearing statements that they have been ill-treated by the police in the pre-trial procedure, yet there is not evidence upon which the Public Prosecutor could act.

Safeguards against ill treatment

Paragraph 39

In terms of undertaking relevant action in order to ensure that the right to information about detention is fully implemented in the practice, the Ministry of Justice has communicated all bodies, reminding and underscoring their duty to respect this right.

The Internal Control Sector of the Ministry of the Interior will undertake all necessary measures in order to ensure consistent application of the right to inform a family member by persons in police custody. Namely, in accordance with the provisions of the Law on Criminal Procedure, when a person is in police custody at the Ministry of the Interior, minutes are done of the given advise and the exercise of the right to defense and other rights of the summoned, arrested or persons in police custody and persons deprived of freedom. The minutes inter alia contain information about the family member of the person in police custody, that the person deprived of freedom requests to be informed about the deprivation of freedom: name and surname of the informed person, residence, telephone number and the type of family relations. Furthermore, the minutes contain information on the day and hour the information has been communicated. Such minutes are personally signed by the authorized officer (police officer), the summoned, apprehended or detained person and person deprived of freedom and the defense lawyer if the person asked for a lawyer in the course of the police procedure.

The Internal Affairs Sector once again underscores that it will send clear message to all employees of the Ministry of the Interior to fully respect the provisions of the Law on Criminal Procedure when treating a person in police custody or a person deprived of freedom especially in terms of timely information of their relatives about the police custody or deprivation of freedom.

Paragraph 40

The Ministry of Justice confirms that under the amended Law on Criminal Procedure, persons without means to pay for legal services will be provided with such services free of charge at all stages of police procedure.

Namely, under the amended Law of Criminal Procedure (Official Gazette of the Republic of Macedonia No. 74/04), Article 74, amending paragraph 5 of the existing Article 188, which reads as follows: “When in police custody a person deprived of freedom asks assistance from a lawyer, the authorized officer of the Ministry of the Interior shall enable the person to call a defense counsel or defense counsel shall be provided, and the authorized officers shall delay the undertaking of all actions until the defense counsel has appeared, or up to two hours from the moment the defense counsel has been informed.” the right to access to lawyer from the very outset of deprivation of liberty is guaranteed.

Paragraph 41

In accordance with the requirement for promotion of the applicable legal regulations in the Republic of Macedonia, aimed at attaining the European legal standards, the Ministry of the Interior will continue developing the applicable legal regulations of the Republic of Macedonia in order to create conditions for exercise of rights by persons deprived of freedom.

The issues related to the right to medical examination, the right to choose a doctor and accepting the findings of the medical experts regardless of where the medical examination is conducted are considered in this context.

Paragraph 42

In connection with paragraph 42, the Internal Control Sector will undertake measures by issuing appropriate instructions for full respect and application of provisions contained in the Law on Criminal Procedure, especially the amended Article 188, paragraph 7 related to the introduction of separate records (separate register) containing detailed headings on specific issues such as: data and time of deprivation of freedom, the time and date of the release, presented information to persons deprived of freedom and the signature of the person deprived of freedom on minutes to be made at the police station.

The police stations keep records of persons in custody and the above referred to data is entered, while in accordance with the CPT recommendation these records will be extended to cover the necessary signature of the person in custody, all complemented with minutes about the person kept in custody, then report about the deprivation of freedom and official note regarding the detained person.

In line with the recommendations of the CPT there will be measures undertaken for the full implementation of Article 188, paragraph 7 of the Law on Criminal Procedure.

Enclosures:

- Amendment to the Rulebook of the Internal Control Sector (paragraph 27)
- 5 minutes on the advice and exercise of the right to defense counsel and other rights by summoned, apprehended, persons in police custody and persons deprived of freedom (paragraph 39)
- Form of the records about summoned, apprehended, and persons in custody or persons deprived of freedom, minutes regarding the police custody of a person, official note about the person in police custody and report on the deprivation of freedom (paragraph 42).

Paragraph 43

The Ministry of the Interior and the Security and Counter-Intelligence Sector as a body within the Ministry remain on the previously presented positions that the Security and Counterintelligence Sector does not use “incommunicado detention” or “clandestine locations” for conducting interviews with persons. Instead, interviews are conducted at the premises of the Ministry.

Under its constitutional and legal competencies the Security and Counterintelligence Sector does not apply the measure of “incommunicado detention” nor does it use so called “clandestine locations”. In light of the above stated, referring to the comments under paragraph 43, all actions have been undertaken in accordance with the Law on Internal Affairs and the Law on Criminal Procedure. The interviews with the persons mentioned in paragraph 43 have been conducted at the premises of the Gevgelija Section of the Security and Counterintelligence Sector, that has brought the persons before an investigative judge, who has pronounced the measure of detention.

As regards the remarks that an omission has been made, i.e. that the information about the persons has not been entered in the records, the Ministry will undertake all measures in order to eliminate any future possibility for such or similar omissions.

Remand Prisons

Ill-treatment

Paragraph 46

In connection with the allegations of ill-treatment of a minor detained at the Skopje Penitentiary by way of excessive use of means of coercion i.e. that an officer hit the person with a truncheon and kicked him after which the medical examination by a doctor of the Delegation established that the minor had injuries consistent with the description of the ill-treatment by the minor, the Directorate for Execution of Sanctions has reiterated the instructions regarding the strict respect for the person and integrity of each detained person, convicted or minor person placed at correctional or penitentiary facility. It has furthermore contacted the directors of educational-correctional facilities and the Tetovo correctional facility that in these institutions ill treatment of persons deprived of freedom is prohibited. This position was accepted by all Directors, with the remarks that the application of specific means of coercion must be reduced to the minimum and only in cases envisaged by law, i.e. only when this is the last resort to overcome the resistance of the person. There has been a warning issued that each violation of the law in this context and overstepping of authorities shall be strictly punished.

Request for information

The Directorate for execution of sanctions has not received applications in writing by prisoners complaining of ill-treatment by the officers in the establishments under the authority of the Ministry of Justice. Based on the received information about the use of means of coercion by officers, in 2004 the rubber truncheon has been used only in 3 cases – one case in the Stip Penitentiary and two in the Idrizovo Correctional Facility. In two of the cases the means of coercion have been used within the legal framework, i.e. the rubber truncheon has been used to overcome resistance of a convicted person (at the Stip Penitentiary) or to prevent the escape of a convicted person (at the Idrizovo correctional facility), while in the third case involving three officers (guards) at the Idrizovo Correctional Facility who have used excessive force i.e. rubber truncheon, the three officers involved were subject to disciplinary proceedings after which they were disciplinary sanctioned i.e. their employment was terminated, that was afterwards replaced with a fine of 10% of the salary for three month period.

Paragraph 47

In respect of visits of detained persons, the Sector stands firmly on the position that the legal provisions must be respected without any exceptions i.e. the visits are to be realized only upon an approval of the judge in charge.

The Sector examined the claims of the detained A.A. in order that if the allegations were confirmed, strict measures were undertaken to prevent any such deficiencies in the future. The documentation and case file of this detained person have been examined and the information from the Skopje Prison shows that the detainee was not visited at the Prison by inspectors of the Ministry of the Interior. The only representatives of the Ministry of the Interior who have had contacted the detained A.A. were officers of the Forensics Department who photograph all detained persons in the presence of a prison security guard, which is the usual admission procedure of detained persons at this facility. The photographs of the said person and of other detained person were taken on 24 June 2003 and five hours later the person claimed that the officers taking the photos have used physical force. Hence, an emergency medical team was called that did not establish any injuries. A.A. was visited by the then Minister of Justice Mr. Ismail Darlista and by the President of the Kumanovo First Instance Court, while on 25 October 2003 upon intervention of the Minister of Justice, the Director of the Skopje Prison visited the said person, who stated that he had never been beaten at this prison facility.

Furthermore, all penitentiaries and correctional facilities are obliged to keep records of all visits to prisoners and especially to detainees, i.e. keep records of who and when approved the visit.

Paragraph 48

Following-up on the allegations of ill-treatment at the Skopje Prison by handcuffing persons to fixtures (pipes) for longer periods, the Directorate for Execution of Sanctions has reaffirmed the instructions that there must be the respect for the person and integrity of each detainee, convicted or minor person placed at the correctional facility or prison. Directors of the penitentiaries and correctional facilities including the Tetovo correctional facility were contacted and once again underlined that ill-treatment of persons deprived of freedom is strictly prohibited.

Conditions of detention

Paragraph 52

In order to improve the conditions in penitentiary and correctional institutions the Republic of Macedonia makes continuous efforts within its potentials. In the last few years, in accordance with programmes adopted by the Government, new penitentiary and correctional facilities have been built and the existing ones are being renovated. This includes the Skopje Prison, where part of the accommodation premises have been refurbished at the detention ward, however in light of the continuous overcrowding of this ward of the penitentiary which is the largest facility of this type in the country, this process has not been completed. However, the reconstruction and refurbishment of the facilities and other construction works to improve the quality of the conditions for detention, will continue in the future, within the financial possibilities, taking into consideration the CPT recommendations.

Paragraph 53

Following the recommendations contained in the Report related to the regime of activities of detainees in order that they are trained, or are enabled to recreate and do sports activities, watch TV or listen to the radio, the regime could be changed upon revision of the legal regulations regarding the treatment of detainees.

Paragraph 54

Request for information -

There are efforts made to extend the period for walks and ensure at least one hour walk in the open and at least one hot water shower a week, within the legal possibilities, depending on the occupancy level of the detention facilities and mutual connections of the court cases of the detainees

Medical Care

Paragraph 55

The Ministry of Justice and the Directorate for Execution of Sanctions continually brief the Government about the situation with the lack of medical personnel at the facilities, and regularly remind of the necessity of employing medical staff. However, even in a situation of lack of staff, in most facilities there are regular medical check ups organized for newly admitted detainees and convicted persons, by way of outsourcing doctors that are available any time to respond to emergency cases.

Paragraph 57

Despite the problems with the lack of medical personnel at the facilities, the Directors of all facilities have been instructed to undertake activities to improve the quality of medical check-ups and the comprehensive documentation of the data in the medical records, reiterating that the medical report about each prisoner should contain:

- Full account of the statements on the health condition of the person deprived of freedom of relevance for the medical examination, and especially if there are allegations of ill-treatment and a description of the injuries and how they have been inflicted;
- Full review of the objective medical findings of the doctor upon a comprehensive examination;
- Conclusions of the prison doctor given based on the objective findings after the medical examinations and assessment of the grounds for the statements of the person deprived of freedom about the alleged ill treatment.

In cases when it shall have been noticed that the injuries that the doctor established are consistent with the claims of the detainee about ill treatment, the Public Prosecutor is accordingly informed.

Paragraph 58

The Directors of the facilities will be appropriately instructed regarding the confidentiality of the findings in the medical records and consequently regarding the performance of medical examinations of prisoners by the prison doctor without the presence of the prison security officers, except when the doctor on security and safety grounds requests protection in specific cases.

Other issues

Paragraph 59

The law does not define the number and duration of visits to detainees. Therefore, there is no an objective obstacle for the implementation of this recommendation, according to which there should be possibility ensured for at least one visit per week of minimum 30 minutes, by which the existing practice of approving one or two visits a month, of 15 to 20 minute duration, referred to in paragraph 59 of the Report, would be overcome.

Paragraph 60

In respect of recommendation contained in paragraph 60 it will be insisted that all possible efforts are made within the spatial possibilities of the detention facilities, in order to improve the conditions for visits to detainees approved by the court.

Paragraph 61

As regards the principles of confidentiality of contacts between remand prisoners and their lawyers, the Ministry of Justice continues the efforts and measures in this context and accordingly reacts with judges for purposes of interrupting the practice of supervision of contacts between these persons.

Paragraph 62

In connection with the recommendation to separate detained minors from adults in pre-trial detention, there are efforts made to separate them whenever possible. In respect of the execution of legally valid verdicts regarding minors, referring them to correctional-educational facilities, the Ministry of Justice and the Directorate for Execution of Sanctions, in close contacts with the Government of the Republic of Macedonia, undertake activities to find appropriate location, where there would be facilities constructed for this type of measures. Until this problem is finally resolved, there are measures undertaken to completely separate the minors serving the correctional-education measure from the adults, providing them with general education and vocational training conducted by relevant teaching staff from the adult education school, with which this facility has concluded a contract.

The Directorate for Execution of Sanctions will continue following the situation with the protection of human rights in the course of execution of sanctions and detention at penitentiaries and correctional facilities through regular expert-instructional supervision and close contacts with the wards and services at these facilities.