

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture**  
*(Extracts for follow-up of CAT/C/MKD/CO/3)*

**THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA**

(...)

**C. Principal subjects of concern and recommendations**

(...)

**The so-called wiretapping affair and State institutions**

8. The Committee notes with concern the recent allegations that senior officials of the State party were allegedly involved in a number of apparent human rights abuses, including election fraud, harassment of civil society and opposition members and interference with the Public Prosecutor and some members of the judiciary. The allegations arising from this so-called wiretapping affair have resulted in mass demonstrations, claims that police and law enforcement officials have used excessive force, and media reports of a loss of confidence in the integrity of State institutions (arts. 2, 13, 15 and 16).

**As a matter of urgency, the State party should take measures to demonstrate respect for and strengthen the independence of the judiciary and the integrity of public institutions. It should ensure prompt, independent, thorough and impartial investigations into all allegations of wrongdoing emerging from the wiretapping affair, regardless of their source, prosecution when warranted and punishment of anyone found guilty. The Committee is particularly concerned about allegations of abuse of force by officials of the State party in response to protests motivated by the revelations of official misconduct, and expresses concern about the potential for further abuses to occur unless accountability is ensured, including investigations, prosecutions and punishments as warranted (arts. 2, 13, 15 and 16).**

**Absence of requested data**

9. Despite having previously recommended that the State party provide the Committee with statistical data (see CAT/C/MKD/CO/2, para. 25), and despite the Committee's specific requests in the list of issues prior to reporting (CAT/C/MKD/Q/3) for information on investigations, prosecution and penal or disciplinary sanctions, the Committee regrets that, in response to many questions, data was provided only on the number of cases registered, specifically on the questions related to articles 12–16, and that no data was provided about the results of

investigations, prosecution or sanctions. The absence of the requested data on investigations, prosecutions and convictions in cases of torture and ill-treatment, as well as of violence against women and ethnic and religious minorities, severely hampers the identification of possible patterns of abuse requiring immediate response (arts. 2 and 12–16).

**The State party should compile and provide to the Committee statistical data relevant to the monitoring of the implementation of the Convention at the national level, including the data requested on investigations, prosecutions and convictions in cases of torture and ill-treatment, detention conditions and violence against women and ethnic and religious minorities**

### **Inter-prisoner violence and prison conditions**

10 While appreciating the measures already taken to reform the penitentiary system, the Committee is seriously concerned at the current conditions in penitentiaries, particularly in Idrizovo and Skopje prisons, which hold 75 per cent of the country's inmates and have been described by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment as deplorable (CPT/Inf (2012) 38). It is deeply concerned by the European Committee's reports that the illegitimate use of force was frequent at Idrizovo Prison, and that a high rate of inter-prisoner violence was prevalent in conditions described as being run on the basis of "collusion" between staff and convicted inmates. The Committee is also concerned that, despite efforts to improve the facilities of such places of detention, the European Committee found that insufficient action had been taken to ensure that they are properly staffed or offer appropriate material conditions for prisoners. The Committee is also concerned by reportedly high rates of overcrowding and that the training of prison guards and personnel is inadequate. The Committee is further concerned that the State party's monitoring and documenting of such abuses is inadequate (arts. 2 and 10–13).

#### **The State party should:**

- (a) **Take immediate action to put an end to ill-treatment in prisons. The State party should ensure that all staff in Idrizovo Prison using illegitimate force against prisoners are subject to suspension, investigation, prosecution and penalties commensurate with the gravity of their acts. Furthermore, the State party should devise a national strategy to combat inter-prisoner violence in Idrizovo and Skopje prisons. Part of this strategy should include investing more resources in recruiting and training additional professional staff in the requirements of the Convention;**
- (b) **Improve material conditions in detention facilities in accordance with relevant international norms and standards, including by renovating existing prisons and speeding up the scheduled building of new prisons, and report to the Committee on progress made in the implementation of the project to reconstruct prisons;**

**(c) Enhance measures to reduce overcrowding by introducing alternative measures such as those envisaged as part of the State party's project on the probation service and alternative sanctions, ensuring they are in accordance with the provisions of the Convention and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);**

**(d) Institute appropriate prevention strategies to monitor and document incidents of inter-prisoner violence with a view to investigating all allegations of abuse and holding those responsible accountable, whether inmates or guards.**

### **Impunity for acts of torture and ill-treatment**

11. The Committee notes with concern that 242 complaints of excessive use of force and violence by police officers were filed with the Ombudsman and the Sector for Internal Control and Professional Standards between 2009 and 2013. The Committee notes with regret that, despite the allegations from non-governmental organizations (NGOs) of widespread corruption in prison and the reports of the Ombudsman (the National Preventive Mechanism) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment that assault or violence in prison is common, no persons were charged under article 142 of the Criminal Code during several of years covered by the reporting period and there were no prosecutions brought or resulting convictions and sentences for the crime of torture. Additionally, the State party did not provide the requested information on effective investigations undertaken when assault or violence was suspected in prison, which is particularly worrisome in view of the report of the European Committee that the illegitimate use of force in prisons was frequent and that there was a lack of external supervision or independent oversight by the police. NGO sources also point to a lack of transparency of the parliamentary oversight committee, which has allegedly not taken any action on torture or ill-treatment by the police.

(...)

#### **The State party should:**

**(a) Take measures to ensure prompt, thorough and impartial investigations into allegations of torture and ill-treatment by law enforcement officials leading to the prosecution and punishment of those responsible with penalties that are consistent with the gravity of the act committed;**

**(b) Ensure that all officials alleged to be responsible for violations of the Convention are suspended from their duties while any investigation into the allegations is in progress and, upon conviction, are not permitted to return to a position in which they place inmates at risk of further abuse. (...)**

(...)

## **Detention of migrants, refugees and asylum seekers**

19. The Committee is concerned that irregular migrants are transferred and detained in the Gazi Baba Reception Centre for Foreigners, where conditions of detention reportedly amount to inhuman and degrading treatment in violation of the Convention, including overcrowding. The Committee is concerned about information received that unaccompanied minors are detained, including in the same facilities as adults, and that special guardians appointed to help the minors allegedly have not established contact or obtained legal aid for them. The Committee is further concerned by the State party's reported practice of denying or revoking the applications of refugees and asylum seekers on grounds of a threat to national security, without allowing for the applicant to challenge those decisions, such as before an appeal body. The Committee is deeply concerned by the reported practice of expulsions without a proper assessment of whether an individual may be subjected to torture, inhuman or degrading treatment or punishment on return to the country to which they are expelled (art. 3).

### **The State party should:**

(...)

**(c) Immediately take measures to put an end to the inhuman and degrading conditions of detention in the Gazi Baba detention centre, for example by closing it and establishing alternative punishments;**

(...)

### **Follow-up procedure**

25. The Committee requests the State party to provide, by 7 May 2016, follow-up information in response to the Committee's recommendations contained in paragraph 8, concerning the investigations into allegations of wrongdoing emerging from the so-called "wiretapping" affair; paragraph 9, on the absence of requested data; paragraph 10, on inter-prisoner violence and prison conditions; paragraph 11, on impunity for acts of torture and ill-treatment; and paragraph 19 (c), on the conditions of detention in the Gazi Baba detention centre.

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