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НАРОДЕН ПРАВОБРАНИТЕЛ

Republika e Maqedonisë  
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**O M B U D S M A N**  
Republic of Macedonia

On **24.03.2014** the National Preventive Mechanism carried out unannounced follow up visit to the police station for border control at the airport “Alexander the Great”. The visit was conducted with an external collaborator from the Macedonian Young Lawyers Association, registered association for free legal aid and involved in the procedures for legal aid to asylum seekers at the Reception centre for asylum seekers.

The purpose of the visit according to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, is identifying risks with aim of prevention of torture or other cruel, inhuman or degrading treatment or punishment.

During the visit of the police station for border control at the airport “Alexander the Great”, the NPM team met with the commander of the police station, then inspected the premises of the police station, and the evidence of persons deprived of liberty. The NPM also monitored the return of Macedonian citizens who illegally sojourned in foreign countries. The return was organized by the European Agency FRONTEX. By talking directly to the persons, the NPM received information on the manner and conditions these persons were deported, as well as on the treatment towards them in the Republic of Macedonia at the entrance of the Airport “Alexander the Great”.

The police station for border control (PSBC) “Alexander the Great” is based in two objects, few premises used by the police officers are in the same building of the airport “Alexander the Great”, while as the police station itself is based in a barrack nearby the old airport “Petrovec”.

Pursuant to the information received from the commander of the police station, the temporary deprivation of liberty is done in the room of the Shift Leader of the airport, where persons deprived of liberty are taught of their rights and the reasons they are detained for. In the same room the medical checks are performed as well as the official notes taken. Once it is concluded that the required conditions for detention of persons are met, the persons are transported from the airport to the police station.

The commander introduced the NPM that detention in this police station is up to 3 hours, although this is not regulated with the Decision of the Ministry of Internal Affairs which encompasses police stations where detention could be performed. In the police station persons stay in the meeting room. The premises of the police station are new, regularly maintained, while as the rights of persons deprived of liberty are visibly exposed.

Skopje airport has on its disposal specialized premises for detention of persons seeking asylum. When inspecting these premises, it was noticed that they contain brochures of the Asylum Department of the MOIA written in several languages among which Arabic, Somali, Farsi etc.

The police station for border control at the airport has on its disposal premises for overnight stay (2 rooms with 2 beds and a toilet), a quarantine-room linked to a sickbay. So far no asylum seekers stayed in these premises, but persons who were not allowed entrance into the country were accommodated there. They usually had their return flight within two or three days from the day of their arrival. They had a freedom of movement in the transit zone of the airport and were provided food by the airline they travelled with.

During the monitoring of the return of Macedonian citizens due to illegal stay in foreign countries, it was concluded that the officials conduct themselves in accordance with the national legal framework and international standards. All the persons who seek asylum in other member states of the European Union were members of the Roma community.

Through an informative discussion, the police inspected the way they exited the country and the reasons of their return. The interview was conducted in a specialized room equipped with video surveillance. The rights of persons deprived of liberty were visibly pinned in the room where interviews take place. Additionally the commander informed them that their travel documents would be taken from them.

In this PSBC the temporarily deprived of liberty persons are taught of the possibility to have a lawyer i.e. they can engage a lawyer on their own personal choice or chose someone from the list of lawyers at the disposal of the police station. The police station secures 24 hours medical support from the sickbay at the airport.

During its visit to the police station for border control at the airport, the National Preventive Mechanism inspected the whole evidence for persons deprived of liberty, more precisely the Book of persons deprived of liberty, the Book of daily events, the Book of arrested persons, the evidence of temporarily seized objects, and by random choice inspected the individual files of persons deprived of liberty. During the inspection it was concluded that all of these documents are kept tidily and timely. By inspecting the minutes for detentions, the NPM concluded that it is filled regularly, the person is adequately taught of his rights in police procedure. All minutes contained the section regarding instruction of the rights, the section for injuries of a person (whether there are some injuries, visible or not), symptoms of sickness and a need for a doctor at the moment of profiling the person.

The National Preventive Mechanism prepared a separate report where the positive and the negative situations were duly noted and gave appropriate recommendations to the Ministry of Internal Affairs and to commander of the police station for border control "Alexander the Great" with aim to eliminate the identified shortcomings.