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НАРОДЕН ПРАВОБРАНИТЕЛ

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O M B U D S M A N
Republic of Macedonia

The National Preventive Mechanism (NPM) on **19.12.2014** carried out unannounced visit to the Kumanovo Prison. This visit was in line with the mandate and competences arising from the Optional Protocol to the Convention against torture and other cruel, inhuman or degrading treatment or punishment and the Law on Ombudsman. An external collaborator from the Association for Criminal Law and Criminology was part of the NPM team on the basis of the previously signed Memorandum of Cooperation.

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.

Kumanovo Prison with an open unit in Kriva Palanka is a penitentiary-correctional facility of semi-open type where the security is based on physical strength given by the members of the Security Department. The sentenced persons are male-primary perpetrators, convicted to effective sentence imprisonment in duration of 3 years i.e. when the remaining time of imprisonment after the time spent in detention is up to 3 years. Male repeat offenders, convicted to effective sentence imprisonment up to 6 months, i.e. when the remaining time of imprisonment after the time spent in detention is up to 6 months. In Kumanovo prison there is a detention part where during the time of the visit there were 32 detained persons.

The National Preventive Mechanism team at the beginning of the visit talked to the commander of the prison police, and then inspected the detention unit, the solitary confinement, the reception unit, the closed unit of the prison, the semi open and open unit, the room where the inmates meet with their lawyers, the sanitary knots in all units of the convict and detention part of the prison, the sick bay, the kitchen with the canteen and other premises.

During the visit interviews were conducted with persons deprived of liberty and several detained persons, with persons in the solitary confinement, persons in the reception unit, persons accommodated in the semi-open unit and those in the open and closed units.

In terms of the officials' conduct, the inmates complained about the sector for re-socialization, explaining that this sector works only on demand of the inmates, no additional activities are undertaken, nor there is an organized process of re-socialization by the team who is responsible for this sector. It was confirmed that there is no violence among the inmates, but is of concern the fact that there is a mixture of various categories of convicted persons. There is a direct contact among persons from the semi-open and open unit.

It is also of concern that Kumanovo Prison although newly constructed, does not have workshops where the inmates could be involved nor there are business units that could be used for agricultural activities. During the summer a small part of inmates were engaged in the neighboring firms in the vicinity of the prison. During the visit only 4 inmates were

occupied outside the prison. Within the prison the inmates are engaged in the kitchen, while as two inmates are responsible for arranging the library and evidence of the books that are at disposal in the prison.

In accordance with the amendments to the Law on Execution of Sanctions, in Kumanovo Prison the health care is given by a doctor from the Public Health Institution Kumanovo. The doctor comes to the prison and examines the inmates every Tuesday and Friday hence, the nurse is in the prison on a daily basis and gives the therapy. On Friday the inmates are visited by a dentist, while as twice a week to the prison comes a psychiatrist on the basis of an agreement with the hospital in Kumanovo. For emergency cases when there is no doctor, an ambulance is called.

In terms of professional education and trainings, that is also not conducted, the premises/workshops designed for this purpose are not equipped and they cannot be used. The prison has classrooms but they are not used. In addition, the prison has a library which has already secured a greater stock of books. The prison lacks instructors, there is only one instructor-a cook who teaches the inmates to cook.

The persons in the semi-open and open unit has the possibility to stay outdoor, but some of the complaints refer to incomplete application of this treatment. The inmates are locked in their units and are not fully free in terms of going outdoors, out of the prison building. These complaints were mainly made by the inmates who come from the Penitentiary-correctional facility Idrizovo who used to stay there in the open unit which is outside the security walls.

During the visit the NPM team inspected several books and evidences and they concluded that the registries, the prison books are kept on a satisfactory level. The prison keeps a separate evidence for usage of physical power and means of restrain, disciplinary sentences, however the evidence does not contain information about usage of handcuffs nor about the segregation as a means of restrain.

As a result of this follow up visit, the National Preventive Mechanism prepared a separate report where the situations were duly noted and gave appropriate recommendations to the Directorate for Execution of Sanctions and Prison Kumanovo.