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AVOKATI I POPULLIT

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

According to its mandate and competencies, the National Preventive Mechanism (NPM) carried out an unannounced visit to the Center for Foreigners - Gazi Baba, Skopje on 26.05.2016 in order to assess the treatment of the persons accommodated in this Center, paying particular attention to the degree of realization of the rights of these persons guaranteed with the national laws and international treaties.

The aim of the visit was getting insight into the living conditions in the Center, and gathering information from the discussions with officials and the Red Cross representative responsible for providing health care in the Center. NPM has also spoken with several residents of the Center, and thereby was informed of the legal basis for their detention and their treatment at the Center.

It was found that the Reception Center for Foreigners - Gazi Baba has accommodation capacity of 80 - 85 persons. At the time of the visit there were 33 persons accommodated in the Center, of which 29 were men, and 4 women. There weren't any minors accommodated in the Center. Regarding the country of origin, the out of the total number of 33 persons, 3 were from Iraq, 2 from Morocco, 1 from Iran, 6 persons from Syria, 13 from Afghanistan, 4 from Pakistan, 1 from Bangladesh and 3 persons were from India. The management of the Center keeps records (both paper and electronic) which contain the personal details of each the person, date of birth, sex, nationality, the admission and the release date, the authority that brought the person at the center, the consent for admission and the legal basis upon which the person is placed in the Center.

The Ombudsman stated that the Ministry of Interior adopts Decisions that restrict freedom of movement of these persons contrary to the laws governing detention of foreigners in the Reception Centre for Foreigners.

From the interviews conducted with the biggest part of the detainees, it was found that these persons are detained in the Center for more than a month, and the real reason for their detention is in order to ensure their presence as witnesses in the criminal proceedings taking place against third parties.

Additionally, it was found that all of the persons are not equally exercising the rights envisaged in the House Rules. Not everybody is allowed to take a walk outside and the permission is left at the discretion of the security service. The persons do not have access to an interpreter and the communication is mostly carried on by persons

who speak English and provide translation to the migrants / refugees of concern, while the complaints are submitted orally.

Furthermore, the living conditions in the Reception Center for Foreigners are extremely bad. The rooms are unventilated, the walls are not painted, and there was an infestation of insects. Most of the premises have old furniture, tables and only a few chairs. There was also lack of lockers. The toilets in the men's ward were completely ruined.

The Ombudsman considers that this situation, starting with the unlawful detention of persons at the Center, then the poor material conditions in the facility as well as their treatment and restriction of the rights which, according to the internal regulations of the Center they are entitled to, is unacceptable and therefore urges to authorities to take measures in order to terminate the current practice established by the Center.