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НАРОДЕН ПРАВОБРАНИТЕЛ
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AVOKATI I POPULLIT
O M B U D S M A N
Republic of Macedonia

On September, 29, 2017 the National Preventive Mechanism by the Ombudsman carried out sequential visit at the Police Station in Ohrid, in order to check on the implementation of the recommendations given in the report from June, 5, 2013.

The NPM team carried out an unannounced sequential visit at the PS Ohrid according to the mandate of the Ombudsman - National Preventive Mechanism, arising from the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Law on the Ombudsman.

The NPM's visit was focused on several negative establishments from the Special report from 2013 and to check on the given recommendations for improving the conditions and eliminating the weaknesses and the risks which can lead to torture or another cruel, inhuman or degrading treatment or punishment.

On the first visit NPM team recommended that the police station should install a calling system (electrical ringing bell or speaking tube) in the detain premises. This system should be in function until the new detain premises are done. The NPM team noted that in both premises this kind of system is being installed. The system includes functional speaking tubes, calling system with taster, which immediately alarms the duty office.

On the first visit was also recommended to provide heating system during the winter period. This system will meet the international standards for temperature in detained premises. On the sequential visit the NPM team noted that the police station hasn't provided heating system, for the winter period yet.

The NPM team on the first visit gave recommendation to the police station, when a person that is highly alcoholized a doctor should be called immediately in order to protect the health of the person deprived form liberty.

The NPM team on the sequential visit inspected the whole documentation with personal files from the detainees. They also inspected the books for evidence. They noted that the above mentioned recommendation is implemented. The police station is calling a doctor when needed, when a detained person is in alcoholized condition or when the detainee himself asks for doctor.

The NPM recommended a regular visit and control on the detainees in order to protect their rights and to note the visits in a special control list.

The NPM team noted that in the detain premises cameras are installed so the detainees are under constant monitoring during their time in detention. There is no special control list for the visits the officials are making, because they are visiting the detainees any time when needed or on request of the detainees.

A recommendation was given by the NPM concerning the rights of the detainees. They recommended that in all the detaining premises, a copy from the detainees rights, in A4 format, should be placed on a visible spot. This copy should be placed on the back of the door and in the shift manager's office. On the sequential visit, the NPM team noted that there is a poster with information about the detainees rights, the rights of the persons deprived from liberty, the rights of arrested persons. This poster was properly posted on a visible spot, but in the detain premises the copy with information was put on the front side of the door instead of the back side. On the first visit a recommendation was given to the Police station, to keep the evidence lists neat, the individual register to contain necessary reports that confirm, that the person is introduced with his rights and to be specified the exact time of the first detain along with chronological order of the events. The NPM inspected part of the individual files of the detainees, the book for evidence, and noted omission in keeping the evidence, important documents are missing in the files such as detain decision, the time of detain written in the book of evidence does not correspond with the time written in the Record for detainees.

Recommendation was given, the mistaken data written in the register not to be erased with correction fluid, instead, to be crossed with one line, so in future the mistake can be clearly seen.

On the sequential visit, was noted that correction fluid is no longer used. The mistakes are crossed with one line.

The NPM team noted that this PS doesn't have budget for providing food for the detainees. A recommendation was given to the Ministry of Interior to provide special food budget for the detain persons and persons deprived from liberty in the PS Ohrid. On the sequential visit the NPM noted that this PS hasn't provided special food budget for the detainees, yet. The police officials are providing food with their personal resources.

During the visit, the NPM did not run across detained person, but conducted a conversation with a minor and his / her parent, who were summoned to the police station for giving a statement regarding a criminal act for which the juvenile was suspected. In this regard, it was pointed out that the juvenile and his/her parents, before giving the statement, were introduced with the reasons for which they were summoned, and were also introduced with the right to call a defense counsel.

During the conversation, the NPM team received information that the juvenile's parent was detained in the station few weeks before the visit. This visit was

noted in the book for evidence and in the personal files of the detainees. During the conversation, the NPM team was informed that the detained person was verbally informed about his rights (to inform a third person for his detain, to call lawyer, to ask for medical help...) before he was placed in the detention facilities. The detained person, on his request, was examined by a doctor, which was properly evidenced in the records (the registers and the individual file), and he was also provided with a meal, since the detention lasted more than 6 hours.

As a result of the realized visit the NPM prepared report in which noted the conditions and gave proper recommendations to the Ministry of Interior and to the Police station, in order to eliminate the weakness and the risks.