

**Information provided by the Government of North Macedonia as contribution to the Report of the
Special Rapporteur on extrajudicial, summary or arbitrary executions,
on the topic of „ Deaths in custody ”**

In reply to the letter and Questionnaire of the Special Rapporteur on extrajudicial, summary or arbitrary executions of 7 February 2023, the Government of North Macedonia provides the following information:

The Republic of North Macedonia has the honour to inform that the country has signed several international documents that regulate the issue of detention, such as: the European Convention on Human Rights and the International Convention on Civil and Political Rights. These international documents are incorporated into national legislation in order to improve legal regulation. Another important international source covering this matter is the practice of the European Court of Human Rights (ECHR).

The detention measure in the constitutional law of the Republic of North Macedonia is a constitutional category regulated in the section dedicated to the basic rights and freedoms of people and citizens. The Constitution determines the basic conditions and the method of restriction, so that it ensures that no one's freedom can be restricted, except by court decision and in cases and procedures established by the law.

Detention contains elements of a preventive nature, which limits one of the basic human freedoms, that is, the freedom of movement. The detainees are dealt with in accordance with the ratified international conventions as well as the constitutional and legal provisions that regulate the legal status of the detained persons.

Directorate for the Execution of Sanctions, in addition to monitoring the work of institutions for the execution of the sanctions and the measure of referral to a correctional institution; monitors and studies the application of the regulations for the execution of sanctions and the measure of detention, immediately takes measures or proposes measures to improve the conditions in which the sanctions and the measure of detention are carried out, provides expert assistance for the execution of the sanctions, collects and processes statistical data and performs other tasks provided for by this law or other regulations.

In that direction, on the basis of Article 39 paragraph 3 of the Law on Execution of the Sanctions ("Official Gazette No. 99/19 and 220/19), the Minister of Justice adopted the Rules of Procedure for the Execution of Detention in the detention departments of prisons. (Official Gazette No. 01-1363/1 of 26.03.2020).

According to the domestic regulation, the measure of detention is carried out in the detention departments of the penitentiary institutions of the Republic of North Macedonia. The persons who have been sentenced to detention serve the measure in separate rooms of the so-called detention sections. The persons who are in detention are separated from the convicted persons who are serving a prison sentence.

According to the Decision on the placement of convicted persons and children in penal and correctional and educational correctional institutions, as well as for detained persons in detention sections of penal and correctional institutions, there are detention sections in the following institutions: Skopje Prison, Bitola Prison, Gevgelija Prison, Prison Ohrid and Kumanovo Prison with an open section in Kriva Palanka.

Directorate for the Execution of Sanctions has requested data from the above-mentioned correctional institutions regarding the number of detained persons who died in their detention units in the last few years, as well as data related to their practices and actions in the event of the death of detained person within their jurisdiction.

● **Number of deceased detained persons (statistical data)**

- In the period from 2020-2023, Skopje prison has a total of four deaths of persons serving detention.
- Kumanovo prison in the period from 2013-2023 has a total of three deceased detained persons (one person committed suicide while the other two died in hospital conditions).
- In the period from 2017-2023, Bitola prison has a total of two deceased detainees (suicide).
- Ohrid Prison has no deaths of detained persons.
- In the period from 2017-2023, there were no deaths of detained persons in Gevgelija prison.

● **Procedures and measures that are taken in case of death in prison departments within the PCI**

1. Pursuant to the legal provisions, the investigation of death in detention units is mandatory;
 2. Investigative procedures and accountability mechanisms for deaths in detention units are under the jurisdiction of the competent court and the competent public prosecutor's office;
 3. For each death in custody, the degree of forensic-medical involvement in the investigation of deaths is competent with the full post-mortem investigation;
 4. An ambulance is called if the person died in the institution in order to determine the death.
- 5. The procedure for the death of a detained person within the penitentiary institutions is regulated in the Rulebook on house order for the execution of the measure of detention in the detention departments of prisons, specifically in article 53 of the same, the following is stated:
 - In case of death of a detained person, the director of the prison immediately informs the Ministry of Justice, the competent court, the competent public prosecutor and the family of the deceased person.
 - The Ministry of the Interior-Public Security Bureau is notified, where the Department for Criminal Technical Examinations and Expertises inspects the place.
 - After an inspection by the Ministry of Interior in the presence of the Public Prosecutor, the body is handed over for an autopsy in forensic medicine by order of the Public Prosecutor.
 - After the established causes of death by the competent court, the deceased person is handed over to their family. In the event that the deceased person has no family or for any reason the family does not want to carry out the burial, the cost of burial falls on the competent court.
 - About the death of the detained person, the prison notifies in writing the competent authority for keeping civil records.

Penal and correctional institutions in the Republic of North Macedonia follow the defined legal regulations that refer to the treatment of detained persons and the transparent and timely notification of all concerned institutions.