



THE POLICE AND THE HUMAN RIGHTS

ANNUAL REPORT

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HUMAN RIGHTS SUPPORT PROJECT

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List of abbreviations:

ARKA	Forum for protection of the rights of Roma
BC	Border crossing
RDU	Rapid Deployment Unit
ECHR	European Convention on Human Rights
ECfHR	European Court of Human Rights
LCP	Law on Criminal Procedure
PPO	Public Prosecutor's Office
Coalition	Coalition "All for fair trials"
CC	Criminal Code
PCC	Police Code of Conduct
CPT	Committee for the Prevention of Torture of the Council of Europe
MoI	Ministry of Interior
Minop	Working advisory group for improvement of the cooperation between the MoI, NGOs and the Ombudsman Office
NGO	Non-governmental organization
OI	Ombudsman Institution
OSCE ¹	Organization for Security and Cooperation in Europe
BPPO	Basic Public Prosecutor's Office
CFI	Court of first instance
UN	United Nations
Rules	Operation Rules of the Sector for Internal Control and Professional Standards
PS	Police Station
Project	Human Rights Support Project
RM	Republic of Macedonia
Sector	Sector for Internal Control and Professional Standards within the Ministry of Interior
SIA	Sector for Internal Affairs
CCI	Center for Civic Initiative
CDD	Center for Democratic Development

¹ The content of this publication does not necessarily represent the view or the positions of the OSCE Spillover Monitor Mission to Skopje.

1. Introduction

"Every accusation, if not substantiated by evidence, is much closer to being a false denunciation than showing actual involvement of the people that are being accused; you should really provide evidence if you accuse someone" - Gordana Jankulovska, Minister of Interior of the RM, Skopje, 11 June 2007.

This statement of the Minister of Interior refers to a serious accusation made by a citizen of severe violation of his rights by the Police. If this logic is accepted, citizens will need to prove that the Police has truly inflicted visible bodily injuries on them, that they were victims of torture or that their rights and freedoms were otherwise breached. Unless they succeed in doing this, it is not excluded as an option that the MoI may bring criminal charges against the victims of police abuse for "false denunciation of a criminal offence" or "attack on an official personnel while carrying out security duties", which actually has happened in practice! As opposed to this, in any democratic country nowadays it is the duty of the Police to provide a reasonable explanation as to how the injuries of the citizens came about. Consequently, when a person is brought in a police station healthy but when released it is established that he is injured, or if the person got the injuries during contact with the Police, the burden of providing an acceptable explanation for the reasons for the injury falls on the authorities.

Hence, it can be concluded that the recommendation included in the last year's report saying that the state authorities should send a clear message at the highest political level about the zero tolerance for torture or other forms of ill-treatment and misconduct by the Police has not fulfilled its purpose. This is actually nothing new given that the responsible authorities in the RM have been neglecting for years the recommendations of both national and international governmental and non-governmental organizations for a greater respect for human rights by the Police.² Namely, the reports of the Office of the Ombudsman and of the international organizations active in the field of human rights protection have been continuously pointing to the existence of cases of police abuse in the RM, as well as expressing concern over the excessive use of force against suspected and indicted persons.³

Cases of police misconduct and ill-treatment in the RM have also been dealt with by the European Court of Human Rights in Strasbourg. On 6 March 2007, the Court made a decision on admissibility of a case related to police abuse, as a result of violation of Article 3 (prohibition of torture) and Article 13 (right to effective legal remedy) of the ECHR.⁴ Furthermore, on 18 September 2007, another decision was made on admissibility of an application against the RM, which also related to violations of the abovementioned rights provided in the ECHR.⁵ On 15 February 2007, the Court made its first ruling

² Among the national NGOs, please see the reports of the Helsinki Committee for Human Rights of the RM (<http://mhc.org.mk>).

³ The neglect of the recommendations of the Committee for the Prevention of Torture of the Council of Europe is especially worrisome (<http://cpt.coe.int>).

⁴ See: Case of Dzeladinov and others, Application No. 13252/02, (<http://www.echr.coe.int>).

⁵ See: Case of Sulejmanov, Application No. 69875/01.

against the RM for violation of Article 3 of the ECHR. The Court found that there was violation of this Article with the very fact that the allegations of the victim of injuries and police misconduct were not followed by an effective investigation by the competent authorities.⁶

In the 2006 Annual Report of the Ombudsman Institution, it is stated that a juvenile person lost his life due to unprofessional conduct of representatives of the special police unit for combating crime "ALPHA".⁷ According to the report, the Sector and the Public Prosecutor, despite the insistence of the Ombudsman, did not find it necessary to request clarification of this case via an investigation conducted by the competent investigative judge. Furthermore, the report highlights that it happens often that in cases of unlawful use of coercion means by police officers (for which there is evidence, i.e. medical documentation), the MoI brings criminal charges for "attack on an official personnel while carrying out security duties" against the person who was subject of excessive force, whereby it presents the respective police officer as a victim of the event! As regards the number of complaints filed by citizens for improper behavior by members of the Police, it increased for 27% in comparison with 2006.

The 2006 report of the State Department indicates that despite the general respect for the human rights in the RM, the Police sometimes employs excessive force against suspected and indicted individuals.⁸

It can be seen from the above that the phenomenon of police abuse continues to be identified as a serious problem of the Macedonian society. However, the highest state authorities, as well as the management officials in the MoI, are still lacking a clearly expressed position on the suppression of cases of torture and of police authorization overstepping. On the contrary, it can be concluded that the phenomenon of overstepping the police authorization does not occur only in a form of isolated cases that can be labeled as incidents, but it rather has systemic roots in the State and in the police organization. One can say that notwithstanding the declarative commitments to the rule of law and to the respect for human rights, the Government of the RM and the managerial political structure in the MoI are supportive of the conservative police subculture that views the legal procedures and the human rights as an obstacle to combating crime efficiently; hence the tolerance of police authorization overstepping that results in actual impunity of the police officers who have breached the law – all this with a view to showing results in the fight against organized crime and corruption.

⁶ See: Case of Jasar, Application No. 69908/01.

⁷ See: <http://www.ombudsman.mk/default.aspx?cId=104&Lan=MK>.

⁸ See: "Country report on human rights practices in Macedonia 2006" (<http://www.state.gov/g/drl/rls/hrrpt/2006/78826.htm>).

2. Recorded cases of police abuse

The NGOs implementing this project recorded a total of 51 cases of police misconduct and ill-treatment from 1 November 2006 until 31 October 2007, which compared to the 62 cases in the same period last year is a 16% decrease. This decrease in the number of recorded cases should be greeted. However, one should not exclude the possibility that this is due to the reduced campaign for the project itself – which is something that deserves special attention next year.

In this period, “ARKA” recorded 8 cases of police abuse involving 8 victims; the coalition “All for Fair Trials” recorded 15 cases involving 17 victims; “CHOICE” recorded 8 cases of police misconduct involving 10 victims, “CCI” recorded 6 cases involving 6 victims; and “CDD” recorded 16 victims in 14 cases.

Table 1: Recorded cases of police abuse				
NGO	2007		Total recorded cases	Total closed cases
	Recorded cases	Registered victims		
ARKA	8	8	49	31
Coalition	15	17	68	24
CHOICE	8	10	32	19
CCI	6	6	26	8
CDD	14	16	39	10
Total	51	57	214	92

Twenty-nine cases have been closed during the period covered by the Report⁹.

In this way, 92 out of 214 recorded cases have been closed, and the Project is still working on the remaining 122 cases, of which 51 were recorded in the period covered by this analysis.

The Project is again expressing its concern over the situation that a significant number of citizens-victims of police misconduct and ill-treatment do seek legal assistance, but they are afraid to institute proceedings against police officers. Particularly worrisome is that the citizens are unwilling to institute criminal proceedings against police officers. The reason for this could be sought into the slow and not always objective investigation conducted by the Public Prosecutor’s Office and by the Sector, as well as in the inadequate penalization of the offenders.

This issue will not be overcome for as long as the RM fails to take a resolute position on combating the abuse of police authorizations.

⁹ Registered cases of police abuse are closed in the following cases: 1. When misconduct was established after having used the legal protection measures and the victim finds that justice was done in his/her case (moral and/or pecuniary compensation for the injury); 2. The Sector, the Ombudsman Office and/or the Public Prosecutor’s Office established that there was no case of police abuse, and the victim was not interested in having the procedure conducted any further.

The public is familiar with the cases of "discotheque Process", "discotheque Hard Rock", and the citizen who was beaten up in front of the PS in Tetovo because he was playing loud music in his car. In these cases the offenders practically remained unpunished since all parties involved have retained their old positions, whereby they are left with the possibility to violate human rights again!

One cannot say that the system for penalization of the cases of unlawful, unjustified, inappropriate and disproportionate use of force by police officers is functioning for as long as the end of the process is not followed by a final court verdict whereby the members of the Police are punished.

This indicates a need for a systemic change in the investigation of cases of police abuse and for adequate penalization of the offenders, if the goal is that the public gains confidence in the work of the Police.

2.1. Ethnic, gender and age structure of the victims

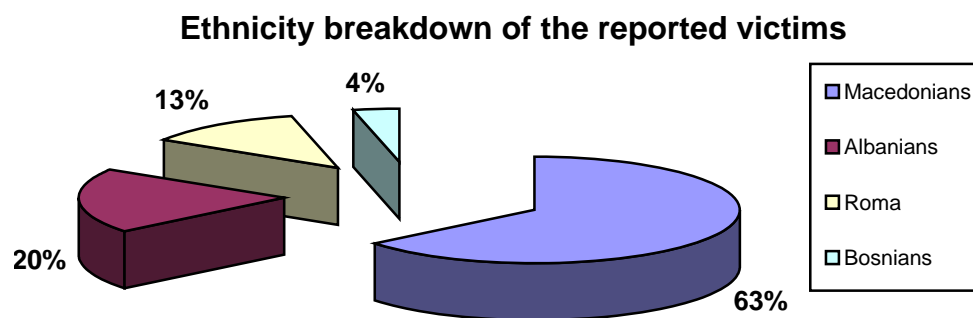
The total number of victims of police abuse recorder in the southeastern part of the RM by "CHOICE" is 10 adult Macedonian men. "CDD" recorded 16 victims of police abuse in the Polog region, among whom 9 Albanians, 4 Macedonians and 2 Bosnians; as for gender breakdown, 15 were men and 1 was a woman; age wise, 15 were adults and 1 was a juvenile person.

The Coalition (covering the regions of Skopje and Veles) identified 17 victims, of whom 12 were men and 5 were women. All victims are adults; ethnicity wise, 16 were Macedonians and 1 was Albanian.

The cases recorded in the southwestern part of the RM (by "CCI") relate to 6 adult male victims - 5 Macedonians and 1 Albanian. In the northeastern region, "ARKA" recorded 8 adult victims - 7 men and 1 woman. Among the victims 6 are Roma and 2 are Macedonians.

NGO	Ethnicity				Sex		Age		Total
	Macedonians	Albanians	Roma	Bosnians	Male	Female	Adults	Juvenile	
ARKA	2	/	6	/	7	1	8	/	8
Coalition	16	1	/	/	12	5	17	/	17
CDD	4	9	1	2	15	1	15	1	16
CHOICE	10	/	/	/	10	/	10	/	10
CCI	5	1	/	/	6	/	6	/	6
Total	37	11	7	2	50	7	56	1	57

At national level, 57 victims of police abuse or police misconduct have been recorded, which is a decrease of 25% with regard to the previous year. Among them 37 are Macedonians, 11 Albanians, 7 Roma and 2 Bosnians. In percentage terms, 64,29% of the victims were Macedonians by their ethnic background, 19,64% Albanians, 12,5% Roma and 3,57% Bosnians. 1 of the victims is a minor (1,79%), and 12,5% is women (7 victims).



Bearing in mind the fact that the victims in the three cases versus the RM before the ECHR related to police abuse are Roma, and based on the statistical data from the previous Project reports, the conclusion that Roma population is vulnerable to police abuse stands out once again.¹⁰ A similar conclusion, though to a lesser extent, can be drawn for the Bosnians.

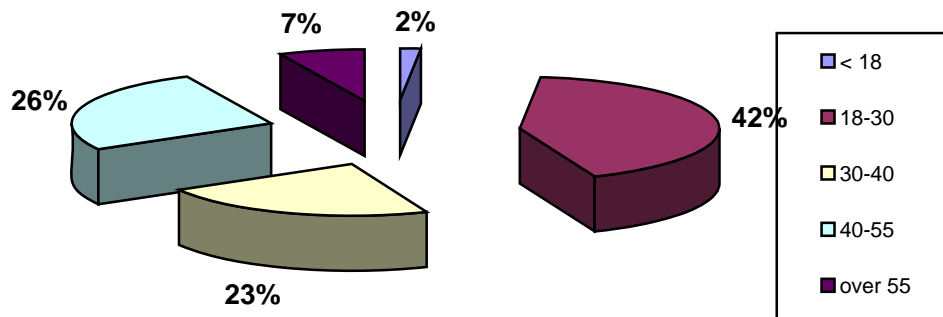
There is interesting data about the Kumanovo region where the cases registered as *KU044*, *KU045*, *KU046*, *KU047*, *KU048* and *KU049* relate to acts of insulting and use of physical violence against several

¹⁰ In the 2004 - 2006 period, 14,67% of the registered victims were Roma.

Roma (including a woman with a young child) who wanted to beg at the border crossing Tabanovce, committed by one Police officer. Even though the victims substantiated their allegations with medical documentation and photographs, the Sector found that there was no overstepping of police authorizations!

Regarding the age structure of the victims, the following can be noticed: 1 victim is a minor, 24 victims are older than 18 but younger than 30, 13 of the victims are between 30 and 40, 15 victims belong to the age group 40 - 55, and 4 victims are over 55. This makes the young people (older than 18 and younger than 30) appear vulnerable to cases of police abuse.

Age breakdown of the reported victims



Therefore, regular presentations of the Project have been given in front of the students of the Law Faculty "Justinian Primus" in Skopje, the University of Southeast Europe in Tetovo and the Police Academy in Skopje. The Project started a series of presentations in secondary schools around the RM, whereby it presented its goals and the rights of the citizens during their contact with the Police.

Conclusions:

- The number of recorded cases in 2007 decreased for 16% in comparison with the previous year;
- At national level, 57 victims of police abuse or police misconduct were reported, which marks a reduction of 25% in comparison with the previous year;
- The majority of the registered victims of police abuse are men (87,5%) and adults (98,2%);
- Regarding the ethnicity of the registered victims, 64,3% are Macedonians, 19,6% Albanians, 12,5% Roma and 3,5% Bosnians;
- The Roma population continues to be a vulnerable category with regard to the recorded cases of police abuse;

- The citizens - victims of police misconduct are afraid to institute formal proceedings against the Police.

Recommendations:

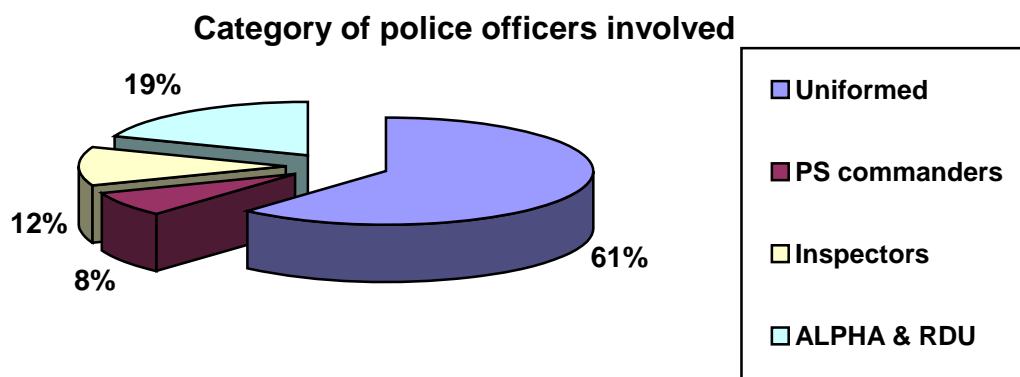
- It is necessary to further inform the citizens about their rights during their contacts with the Police, as well as to encourage them to achieve those rights by way of instituting disciplinary and criminal proceedings against police officers.

2.2. Category of police officers involved

In 30 recorded cases of police authorization overstepping, the mistreatment or the misconduct was committed by uniformed police officers, and in 4 cases by police station commanders. Six cases relate to MoI inspectors, and two cases relate to representatives of the Traffic Police. Nine cases relate to misconduct and infliction of bodily injuries by the special police units "ALPHA", and 1 case to the Rapid Deployment Unit (RDU).

Within the Project, one also observed cases when police officers acted unlawfully when not on duty. For instance, the pupil Raman Kadrievski from Skopje was beaten up in the school building by a police officer in civilian clothes, who is father of a schoolmate of Raman with whom the injured party had had a dispute before.

In Prilep as well, there were cases of use of coercion means when not on duty, registered as *PP025* and *PP026* (brawl in a restaurant in which the official gun was drawn on other people) committed by one same police inspector, who had already been sentenced to a 6-month prison sentence for a similar offence (*PP003*). The inspector was moved to another police station (from PS Prilep to PS Makedonski Brod), and was punished with the disciplinary measure of salary reduction. For the new incidents the measure of detention was pronounced on him, and at the same time he was taken away his official weapon.



This indicates the need for continuous education and training for all police officers, especially in view of the fact that in many cases the police work could have been done without any use of coercion means whereby negative consequences would have been avoided. The inexistence of a model of police education in the RM falls under this issue.¹¹

2.2.1. The problematic police units “ALPHA”

The “ALPHA” forces are established as police units for performing specific security duties within specific areas in the RM, for as long as the security problems for which they were established are there. These units have not been envisaged in the organizational structure of the MoI; however, it is the Minister who decides on the establishment of these units by issuing a Decision document. Every member of such unit receives an Order to perform the duties and an Order on termination of the assignment, following which they return to their previous position. When these units were established for the first time, the explanation given was that they were tasked to combat street crime and drug dealing in the streets, and to detect and catch individuals wanted through arrest warrants or circulars.¹²

In cases involving members of the special police units “ALPHA”, a significant level of cruelty catches one’s eyes (mistreatment, bodily injuries and severe bodily injuries). These cases, although scarce in relation to the total number of cases (15%), have received great publicity in the media for the previously mentioned reasons.

The three Skopje cases **SK034**, **SK064** and **SK068** speak about the pointlessness of the violence employed by the “ALPHA” forces.

SK034: Poto Zegovski, after telling the “ALPHA” members that he had no information about his former wife whom they were looking for, was beaten up in his own courtyard – they punched him on the head and knocked his head on the asphalt of the street. When his neighbors turned up, the “ALPHA” members cocked and drew their guns on them. Afterwards, Zegovski was brought in the PS Karpos where the beating continued.

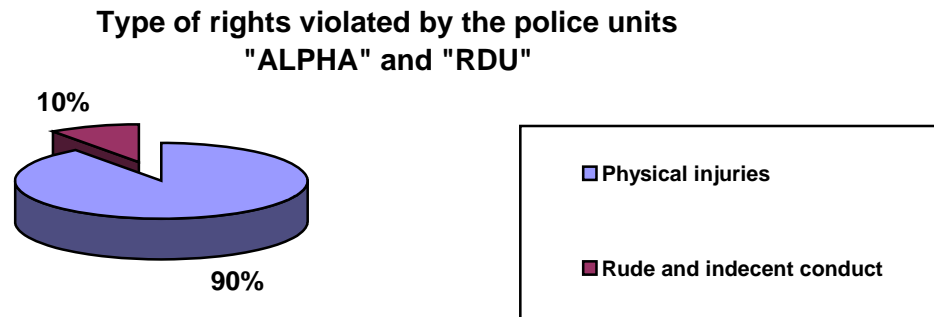
SK064: Zoran Stojcevic was brutally beaten with no reason in front of his wife and his juvenile child. After he has fainted from the strong blow with a gun on the head, the “ALPHA” members left him in front

¹¹ STOJANOVSKI, Trpe: *Overview of the grounds for application of the police authorizations in the international documents – the impact thereof in the practice in the RM*, Presentation at the round table: "Legal framework on the use of arms and coercion means by authorized officials of the Ministry of Interior", Skopje, October 17, 2007.

¹² “ALPHA” units have been established within the Sectors for Internal Affairs located in Skopje, Kumanovo, Tetovo, Ohrid i Stip.

of the hospital and went away.

SK068: The victims, who actually reported disturbance of the public order and peace, were literally beaten up because they requested the “ALPHA” members to identify the offenders who had damaged the vehicle.



The “ALPHA” units were indicated as a problematic formation by Mrs. Hina Dzilani as well, a special representative of the UN Secretary General, during her visit to the RM in September 2007, as well as by other international representatives.¹³

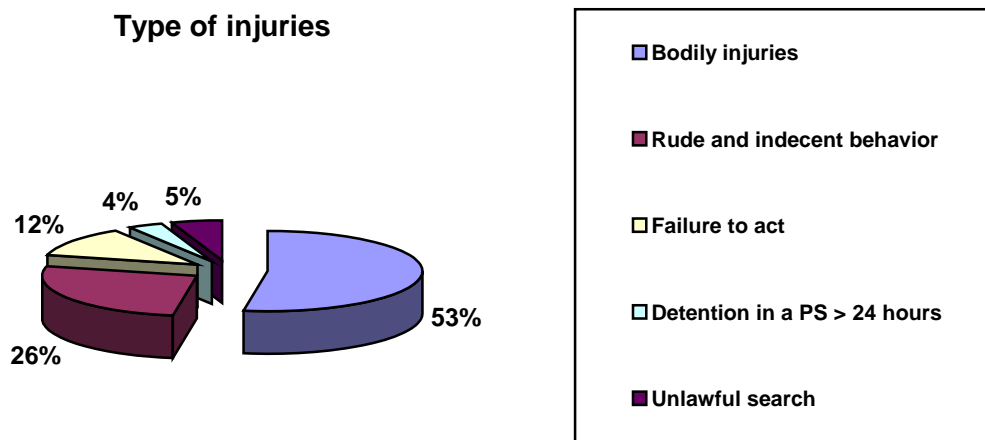
2.3. Types of injuries in the recorded cases

In 30 recorded cases, the citizens complained about mistreatment and infliction of bodily injuries by police officers, whereas in 15 cases they complained about their rude and indecent conduct. In 7 cases they complained about the failure of the police officers to take any action, and in 3 cases about unauthorized entry into private apartments. There were also 2 cases of individuals held in a PS for a period exceeding 24 hours, during which period they were not brought before an investigative judge.

It is explicitly stated in the Police Code of Conduct that force will only be used when it is indispensable given the circumstances of the case and up to an extent as required in order to fulfill the duty. The comments of the Code confirm the principle of proportionality regarding the relationship between the force used and the scourge one wants to remove therewith, whereby it is not allowed to employ force that is disproportionate to the legitimate objectives to be achieved.

It can be stated that the majority of severe violations of citizens’ rights occurred during a police intervention and during the period while they were held in a PS.

¹³ See: <http://www.netpress.com.mk/vest.asp?id=14296&kategorija=7>, and http://groups.yahoo.com/group/Macedonian_News_Service/message/8196.



In addition to the abovementioned cases of police authorization overstepping that fulfill the legal substances of several criminal offences included in the Criminal Code of the RM (Article 142 – Torture and other cruel, inhuman or degrading treatment and punishment, Article 143 – Mistreatment in performing a duty, Article 145 - Violation of the inviolability of the home, Article 146 – Unlawful search), the citizens were also complaining about violations of provisions of the Law on Criminal Procedure (right to a doctor, right to a lawyer, right to be brought before an Investigative Judge immediately or within 24 hours at the latest, to inform the person deprived of freedom/the detainee of the reasons for the deprivation, etc.), violations of provisions of the Police Code of Conduct, etc.

The cases of disrespect for the guarantees to be enjoyed by individuals held in a police station are typical to the region covered by the NGO “CHOICE”. For instance:

- in 3 cases the family member or another person chosen by the person held in the PS was not informed (**SR027, SR029 and SR030**);
- in 2 cases the individuals could not exercise their right to a defense attorney (**SR029 and SR030**);
- in 2 cases the individual held in the PS was not informed about the rights he is entitled to within the police procedure (**SR029 and SR030**);
- in 3 cases the right to humane treatment and to respect for the dignity of the personality were violated (**SR026, SR027 and SR028**).

The case **SR028** is very peculiar. The concerned citizen complained that in a separate office at the border crossing Novo Selo he was stripped to the buff and during the search the other person was fiddling in his anus with some object.

The citizen also complained about the insolent and unprofessional conduct of this police officer. The citizen requested that a witness be present during the search, and after the search he asked to be issued an official record or any kind of document stating that he was held and searched in the PS (in order to justify himself before the employer

since he was running late for work because of the search), but nothing of this was done.

It is important to indicate that the concerned citizen is not a dealer of narcotic drugs and that he has never been punished in his life.

Citizens complained about cruel treatment by police officers while held in a PS. In the case *SK061*, a citizen complained that police officers burnt him on the arms with cigarettes.

The indicated cases coincide with the conclusions that the CPT has been repeating year by year, which relate to the importance of the respect for the standards and procedures for treatment of individuals held in a police station.¹⁴ The prohibition of holding the individuals *incommunicado* and their right of access to a defense attorney and a doctor are key guarantees for prevention of torture and other forms of inhuman or degrading treatment. Both the CPT and national experts have indicated several times the importance of the implementation of the solutions transposed in 2004 from the British law into the Macedonian Law on Criminal Procedure regarding the availability of full-time, appropriately equipped PS for holding purposes, as well as about the role of the dedicated reception officer, but there has been no visible progress in practice so far.¹⁵

Similarly to this, the example from the border crossing of Novo Selo warns us against the possible violation of the human dignity and privacy due to the lack of regulation of the so-called "intimate searches" carried out by the Police and by the Customs Administration of the RM.¹⁶

2.3.1. The problem of “spectacular” arrests

There is a worrisome tendency of spectacular arrests, of cases of bringing arrested citizens or detainees before an investigative judge through the main entrance of the court building - in the eyes of the public and of the journalists, as well as the problem of statements given by high MoI officials, while bringing criminal charges, that the Police has incontrovertible evidence! The ECHR, the Constitution, the Law on Criminal Procedure and the Police Code of Conduct require that the Police should respect the principle of presumption of innocence. In this respect, Article 30, Paragraph 2 of the MoI Operation Rules stipulates that “detainees and arrested individuals shall not be exposed to public curiosity, i.e. one may not give out information about them except to the state authorities responsible for conducting the further procedures”, and in any State with rule of law it is the court of law that assesses the strength of the evidence.

¹⁴ See: <http://www.cpt.coe.int/en/states/mkd.htm>.

¹⁵ TASEVA, Slagjana, and others: *"Look from inside": Monitoring of the court procedures for criminal offences in the area of corruption in the Republic of Macedonia – volume 1 and final publication*, “Transparency Macedonia”, Skopje, 2005.

¹⁶ Example of detailed legal regulation of the strip searches and of the intimate searches can be found in Great Britain. See: Police and Criminal Evidence (PACE) Act 1984 - Code of Practice A.

If the defendant is to be considered innocent for as long as his/her guilt is not proved in a legally defined procedure, all state authorities must treat this person in a way that they must not prejudice the outcome of the trial.

According to the ECHR, a statement made in public by a high representative of the executive branch of power that someone is guilty, results in this citizen being considered guilty in advance in the eyes of the public, which exerts influence and pressure on the judicial authorities.¹⁷

It is certainly not fully prohibited to disclose official information on the progress of the investigations. The very fact that a procedure has been initiated against someone, or that someone has been arrested or detained, implies undoubtedly a certain suspicion, but the possible guilt of the suspected individual must not be prejudged. For as long as the person is treated as a suspected individual in conformity with the legal procedures rather than as guilty, there will be no violation of the presumption of innocence.

The issue of presumption of innocence became especially problematic in the last year with some (frequent) statements of MoI officials. It could be noticed that since the earliest phase of the procedure - when the Ministry had not even brought criminal charges against the suspected individuals yet - it did not always say in a clear manner that everything was about doubts only, with things becoming even further complicated when the media broadcast their stories in public, as a result of what the final picture created in the public openly implied guilt of the suspected individuals.

The ECHR sets forth that the high level of publicity prior to the trial can have a negative impact on the equity of the criminal procedure. The impact is especially negative with cases where the authorities are encouraging such publicity, whether it is the Police, the judiciary or the Public Prosecutor's Office.

Conclusions:

- Like in the previous annual reports, one can notice the severity of the injuries, as well as the high degree of cruelty in the cases involving the special police units "ALPHA";
- The majority of the citizens complain about infliction of bodily injuries and mistreatment (53%), as well as about rude and indecent conduct of police officers (26%);
- There is a worrisome tendency of spectacular arrests and statements given by high MoI officials that the Police have incontrovertible evidence. This is flagrant breaching of the right to presumption of innocence.

¹⁷ In the 1995 case of "Ribemont vs. France", the ECHR ruled that Article 6 Paragraph 2 of the ECHR was violated with the very fact that the Minister of Interior stated in public that someone was guilty before the competent court has reached any verdict.
See: <http://cmiskp.echr.coe.int/tkp197/view.asp?item=2&portal=hbkm&action=html&highlight=Ribemont&sessionId=2801744&skin=hudoc-en>.

Recommendations:

- There is a need for continuous education and training of the police officers on their rights and responsibilities, as well as on the rights and freedoms of the citizens;
- When using means of coercion, the principles of legality, validity and proportionality must be respected;
- On this occasion, we publicly call upon the top state authorities to end the practice of blatant violation of one of the basic human rights – the presumption of innocence.¹⁸

¹⁸ On 29 July 2007 the Project circulated a press release as a reaction to the spectacular arrests (<http://www.hrsp.org.mk>). TV station “Telma” took a principled position that it would no longer broadcast any spectacular arrests and police escorted transports to the court building.

3. Control over the work of the Police

The oversight and control over the work of the Police is a necessity in any democratic society. The need to control the work of the Police is not a product of the modern state. On the contrary, one of the most frequently cited questions during discussions on this topic is the question of the Roman poet and satirist Juvenal: "*Quis custodiet ipsos custodes?*" ("Who will guard the guards?").

The need for institutional control over the Police means prevention of the possibility for the Police to behave unlawfully while carrying out their functions.¹⁹ The need for control over the Police in a pluralistic society should prevent any possibility for the power given to it to be abused.

The development of systems for control over the work of police officers does not mean mistrust and attack on the police system *per se*, but rather an imperative of every democratic society in which the rule of law and the human rights concept are at the very top of the value matrix. The necessity for oversight of the work of the Police is envisaged in the Code of Conduct for Law Enforcement Officials, adopted with the Resolution 34/169 of the UN General Assembly on 17 December 1979.²⁰

Control over the work of the Macedonian Police	
Control	Responsible actor
Internal	- Immediately superior police officer - Sector for Internal Control and Professional Standards - Minister of Interior
Procedural	- Public Prosecutor's Office - Judiciary
External	- Ombudsman Institution - Parliament - Government - Citizens and non-governmental organizations
International	Bodies established on the basis of international documents

¹⁹ STOJANOVSKI, Trpe: *The Police in a democratic society*, Skopje, 1997, p. 253.

²⁰ For more details see: Code of Conduct for Law Enforcement officials (http://www.unhchr.ch/html/menu3/b/h_comp42.htm).

3.1. Internal control

In cases of police misconduct and ill-treatment, the citizens may file a complaint (submission) to the Sector for Internal Control and Professional Standards. Article 8 of the Law on Police stipulates that: "When the person towards whom police authorizations have been enforced thinks that the police officer has violated his freedoms and rights, he has the right to file a submission to the Police. The Police are obliged to investigate the allegations of the submission and within 30 days from the day of receiving the submission to notify the complainant in writing of the measures undertaken".

The Operation Rules of the Sector regulates the manner in which complaints are filed to the Sector, the investigations this Sector undertakes upon received complaints, as well as the time period in which the Sector should notify the complainant of the results of the investigation.

However, numerous shortcomings can be noticed in this new bylaw as well as in the previous one, which have not been removed despite the suggestions to do so given by the civil society sector.²¹ For instance:

↪ The provision (Article 17, Paragraph 3) stating that the action taken by the Sector upon a submission may last up to 6 months leaves room for deceiving the justice. Namely, the period of 6 months is envisaged exclusively for allegations of criminal offences committed by police officers, and on the other hand the Law on Labor Relations does not allow any disciplinary measure to be taken if more than 6 months have elapsed since the occurrence of the criminalized action. This means that any period exceeding 3 months leaves room for abuses happening to the detriment of human rights.

↪ There is a need for a more detailed elaboration of Article 16, which regulates the handling of anonymous complaints. As it is conceptualized, this article leaves room for arbitrariness by the detached inspectors of the Sector when deciding if they will act upon an anonymous complaint. One must indicate the fact that anonymous complaints are most often result of the fear of the citizens from a conflict with the Police, but on the other hand these submissions may include substantiated data on serious violations of human rights and freedoms.

↪ The new Rules, the same as the old one, lacks a provision providing that the citizen – victim of police abuse should be given legal advice, nor is the citizen advised on the possibility for protection of his rights before other competent authorities.

Regarding the legal framework on the use of force, lack of harmony between the national legislation and the international standards can be noticed,²² as well as dispersion, if one

²¹ Following the enactment of the Law on Police (October 2006), new Operation Rules for the Sector was adopted in May 2007.

²² STOJANOVSKI, Trpe: *Overview of the grounds for application of the police authorizations in the international documents – the impact thereof in the practice in the RM*, Presentation at the round table:

can say so, of the legal acts regulating these matters. This situation entails that all relevant provisions on the use of coercion means be systematized into one legal act. Moreover, the procedure for determining the validity and justification of the use of coercion means in the RM is partially elaborated in bylaws, which is contrary to the principle of legality according to which all circumstances for ruling out the unlawfulness of the criminal offence must be regulated by primary legislation and not by secondary one.

3.1.1. Complaints filed with the Sector by the Project

Submission was filed to the Sector in the majority of the recorded cases within the Project. In the period covered by the report, NGOs have filed submissions in 49 cases, and the response of the Sector has been received in 55 cases.²³

NGO	Complaints filed	Notification received	Request for notification	Notification after the request for notification
ARKA	8	6	/	/
Coalition	16	22	2	1
CDD	10	11	/	/
CHOICE	9	8	3	3
CCI	5	6	/	/
Total	49	53	4	4

The length of the procedure before the Sector has been drastically reduced in comparison with the period 2004-2005, in addition to the further reduction of the period for providing response with regard to 2006. Unlike the Report for the period 2004-2005 and the Report for 2006, where one of the remarks was the problem of prolongation of the period for carrying out the investigation upon the allegations included in the submission, 2007 did not mark any significant deviation from the timelines. However, it is still possible to note cases of the prescribed periods for carrying out the investigation upon the allegations included in the submission being exceeded.

Pursuant to Article 17, Paragraph 2 of the Operation Rules, the investigations of mild forms of unlawful and unprofessional conduct need to be completed within a period of 30 days since the filing of the submission, whereas of severe forms of unlawful and unprofessional conduct within 90 days at the latest. So far, responses to complaints have been provided within 30 days in 21 cases, whereas for 25 out of a total of 55 complaints responses were received within 90 days.

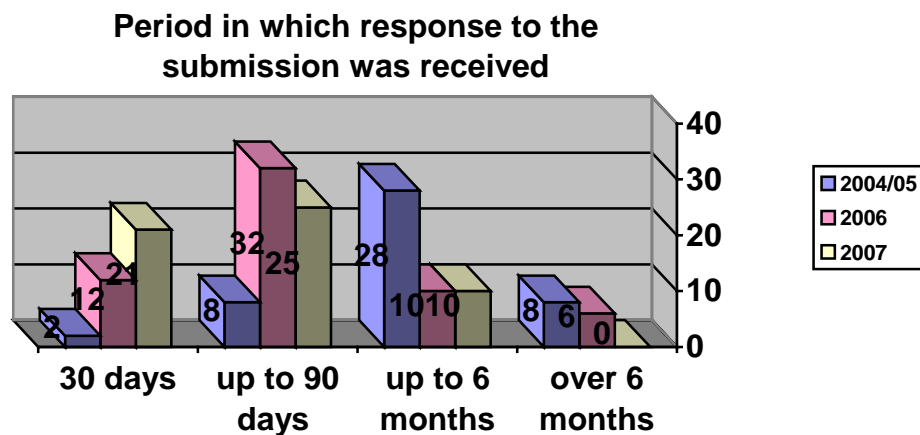
Notwithstanding that the investigation may last for a maximum of 6 months provided there are justified reasons for that and based upon the consent of the Head of the Sector, it

"Legal framework on the use of arms and coercion means by authorized officials of the Ministry of Interior", Skopje, October 17, 2007

²³ Some of the answers relate to cases from the previous year.

can be noticed that for 10 complaints responses were received within 6 months. Unlike in the past, there were no cases of exceeding the 6 months timeline, which is certainly to be complimented!

Despite the significant reduction of the length of time within which the Sector acts upon a submission, there is an obvious problem with the length of this action in the Kumanovo region. Data show that response to a submission is awaited between 2 and 6 months, with the average for this region being 108 days, which is a result of the absence of a detached inspector from the Sector in Kumanovo in this last year.²⁴ As a result, the complaints are sent to the Sector in Skopje, which results in a delayed procedure. At present, there is no detached inspector in Ohrid either. The Project indicates the necessity for overcoming this situation urgently by appointing new inspectors in Kumanovo and Ohrid.²⁵



Unlike the past, characteristic of 2007 is that the victims of police abuse were notified in writing of the progress made in the procedure and of the reasons for exceeding the 30-day timeline, which is in accordance with Article 17, Paragraph 4 of the Operation Rules. This should be complimented too!

One of the Project's constant remarks has been that misdemeanor proceedings for "disturbance of the public order and peace", and "failure to carry a personal identity card" were initiated against some of the victims, as well as criminal proceedings for "attack on an official personnel while carrying out security duties" (e.g. *SK034*). In the period covered by the report, 10 misdemeanor proceedings, as well as 4 criminal proceedings were initiated against citizens complaining about police abuse. It is symptomatic that the majority of the misdemeanor and/or criminal actions were taken after the citizens had initiated procedures against the police officers rather than immediately after the event.

²⁴ In October 2006, the detached inspector from Kumanovo was re-assigned to a new position in Skopje. This position has been vacant ever since.

²⁵ One of the key recommendations of the CPT is that the authorities responsible for investigating the allegations of police abuse should have at their disposal all necessary resources, both human and material.

As a curiosity, it is worth mentioning the case of Angelko Josifov against whom misdemeanor procedure was initiated for "failure to carry a personal identity card", and he was instantaneously punished with a 1.000 denars fine. At the same time, the BPPO Kocani raised an indictment against 4 police officers from SIA Kocani for the offence against Josifov of "mistreatment while performing one's duty". On the other hand, the Sector in this case did not find that the police officers had overstepped their authorizations.

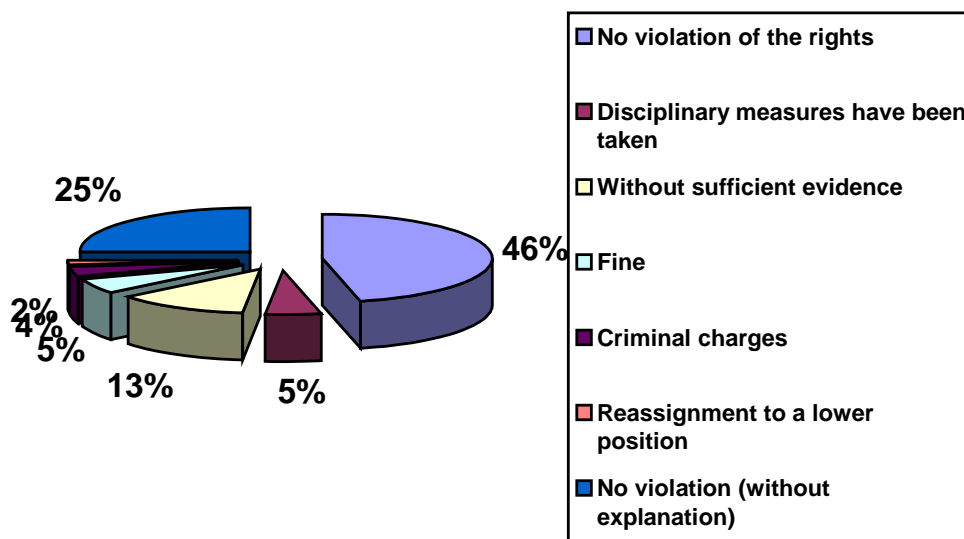
In the previously mentioned case *SK034*, "counter" criminal charges were brought against Poto Zegovski for the criminal offence of "attack on an official personnel while carrying out security duties"!

Based on the above, one can draw the conclusion that often times when the use of coercion means was excessive (for which evidence is available, i.e. medical documentation), the MoI presents the official personnel as victim of the event by way of bringing criminal charges for "attack on an official personnel while carrying out security duties" against the person who was subject of excessive use of force.

3.1.2. The Sector's acting upon the complaints

The Sector acts upon data, information and intelligence that it comes to at its own initiative, or MoI employees submit or present them to the Sector at its request, based upon complaints filed by the citizens as well as based upon Orders issued by the Minister of Interior (Article 2, Paragraph 1 of the Operation Rules). Innovation is envisaged in Article 14, Paragraph 1, with the possibility for oral submission of complaints at the telephone number 199. According to Article 21, Paragraph 1 of the Operation Rules, if it is established during the investigation that there is sufficient evidence for initiating a procedure for employment termination due to violation of job discipline, the Sector shall submit a proposal for continuation of the investigation before the Dismissal Committee.

Outcome of the complaints that received responses



In the period covered by this Report, the Sector identified misconduct of police officers in 9 cases (in 16,36% of the total number of cases).²⁶ In 1 case the Sector filed a request to the Public Prosecutor’s Office for establishing criminal responsibility of police officers, in 3 cases they were fined, and disciplinary measures were imposed in 3 cases. In 1 case the police officer was re-assigned to a lower position, and in 1 case a proposal for dismissal was submitted to the Dismissal Committee plus criminal charges were brought against the police officer involved in the case. The responses to 26 complaints include a statement that there was no police authorization overstepping which is then followed by an explanation, whereas in 14 responses it is said that there was no police authorization overstepping but no explanation for this statement is provided. In 7 cases it is stated that there was not enough evidence to establish if there was police authorization overstepping.

The brief review of the Sector’s actions in cases initiated by the Project in the past 3 years points to several conclusions:

↳ The Sector is hierarchically bonded with the MoI, thus lacking the necessary independence and impartiality. Namely, in order to protect a colleague (police officer) and to minimize and relativize his responsibility there are frequent cases in which solidarity among policemen is present. According to the ECHR, the Sector is hierarchically bonded with the alleged offenders due to which it is lacking the necessary independence.²⁷

²⁶ In 2006, the Sector found misconduct in 25,8% of the cases.

²⁷ See: Case of Sulejmanov, Application No. 69875/01; Case of Jasar, Application No. 69908/01 (<http://www.echr.coe.int>).

↳ In the responses to the complaints, this year the Sector abandoned the practice of giving strange, contradictory and confusing explanations for the way(s) in which the victims got their injuries – which is something that used to be a continuous problem until 2006. However, a new tendency has been started in 2007 – in the responses regarding 14 cases (25% of the total number of cases), the Sector gave no explanation whatsoever! This constitutes violation of Article 20 of the new Rules, i.e. violation of Article 23 of the old one.²⁸ Another characteristic is that all cases lacking explanation in the response to the complaint come from the regions of Tetovo, Strumica and Gostivar. On top of it, in no case initiated by the Project in the previously mentioned regions was there an elaborated response to a complaint, which is not only in contradiction of the MoI secondary legislation, but is also extremely worrisome. Namely, in all these cases the Sector carried out an investigation, and on top of it means of coercion were used in some of the cases, which obliges the police officer who inflicted the injury to submit a written report to his superior.²⁹

In this way, the final outcome has remained the same - in part of the cases the MoI does not provide a reasonable explanation about the ways in which the citizens' injuries came about.

↳ and the problem of the procedures being delayed for inexplicable reasons remains, which results in the timelines for initiating a disciplinary action being exceeded, and this ultimately leads to statute of limitation and thereby impunity for the individuals involved.³⁰

↳ Another problem in 2007 seems to be that a significant number of complaints received a response saying there was not enough evidence to corroborate or reject the suspicion that the police officer against whom the complaint was filed acted unlawfully or unprofessionally.³¹ It follows from this that the Sector lacks analytical expertise and transparency.

3.1.3. Penalization of the responsible police officers

The practice in 2007 has remained the same in terms of not informing the complainants of the measures taken against the police officers who were found to have violated the rights of the citizens. The expression “disciplinary measures have been taken” does not provide enough elements for one to be able to analyze the policy of penalization of those responsible in the recorded cases of police abuse. On the other hand, this indicates a lack

²⁸ Article 23 of the Rules stipulates that the response to the complaint will include a conclusion concerning every single allegation included in the complaint.

²⁹ The *Ordinance on the use of coercion means and firearms*, in its Articles 27 and 28, stipulates that if a severe bodily injury happens as a result of the use of coercion means, a Committee shall be established to investigate the circumstances under which this means was used and the justification and the properness of its use.

³⁰ ZAFIROVSKI, Voislav (Head of the Sector): *Analysis of the legal framework on the work of the Sector for Internal Control and Professional Standards in the MoI*, presentation at the round table: "The new Operation Rules of the Sector for Internal Control and Professional Standards", Skopje, 28 May 2007.

³¹ The proportion of complaints receiving such response is 12,7%.

of transparency in the work of the Sector. The Project expresses its concern over the Sector's failure to inform the complainants about the penalty imposed on the offenders. This situation has been dragging on since 2004, but in 2007 it became quite significant.

From among the cases registered so far within the Project, it can be noticed that the only measure taken by the Sector against police officers for whom it was established that they had failed to act in accordance with the rules and regulations of the MoI (i.e. in the recorded cases of police abuse) was the proposal to take disciplinary measures, without specifying if it is about a fine and its amount. Another characteristic is that no police officer was dismissed. In some instances the Sector has identified the persons involved in cases of police abuse, but when it came down to proposing that appropriate measures be taken regarding their responsibility, there has been a tendency to minimize their guilt and to propose a less severe measure than the one matching the actual case, or even no measure was proposed at all.

Furthermore, regarding the penalization of the persons involved in cases of police abuse, there is an emerging need to go about amending the Law on Internal Affairs and the MoI Collective Agreement with a view to providing for other disciplinary measures for penalizing cases of police abuse besides the existing ones – dismissal and fine. It is important to emphasize that representatives of the Sector also agree with the conclusions of the NGOs about the existence of discrepancy between the violations of the rights of the citizens by police officers and the penalties imposed, and they think that the way out of this situation is to amend the previously mentioned acts.³²

According to the CPT, it is clear that no matter how effective and objective the investigation is, it will be useless if the penalties imposed for misconduct by police officers are inadequate,³³ and the position of the ECHR is that the establishment of a practice of tolerating the infringements committed by police officers could lead to a systematic violation of the fundamental human rights and freedoms.³⁴ Consequently, the imposition of symbolic penalties in cases of police abuse will generate a climate of impunity among police officers and will position them above the law. In no case should there be any doubt about the commitment of the State to prevent and penalize police abuse.

3.1.4. Reactions of the Sector in the cases that received great publicity in the media

Issues of interest for this Report also included the reactions of the Sector in the cases that received great publicity in the media. It was of special importance to determine if the Sector paid special attention to these cases, so the measurable indicators included the length of the procedure and its outcome. One problem is that within the 2007 Project there were only 5 cases that received great media publicity, which is not enough for

³² ZAFIROVSKI, Voislav (Head of the Sector): *Analysis of the legal framework on the work of the Sector for Internal Control and Professional Standards in the MoI*, Presentation at the round table: "The new Operation Rules of the Sector for Internal Control and Professional Standards", Skopje, 28 May 2007.

³³ Please find more details in: CPT standards - "Substantive" sections of the CPT's General Reports; CPT/Inf/E (2002) 1 - Rev. 2006.

³⁴ See: *Donnelly and others v UK*, application nos. 5577/72;5583/72, 5 April 1973.

drawing relevant conclusions. Anyway, the following was noticed with regard to these cases: in 1 case the Sector found violation of the rights committed by 2 police officers, against whom criminal charges were brought for "mistreatment while performing one's duty", whereas in the remaining 4 cases the Sector responded that there was no police authorization overstepping. In 1 of the cases there is no explanation for the response to the complaint, whereas the remaining 3 cases with a negative outcome for the victims include a full explanation for the allegations included in the complaint. The average length of the procedure within the Sector in cases with media publicity is 29 days. It can be inferred from there that the cases that received great publicity in the media were not treated by the Sector in a significantly different manner regarding the outcome and the length of the investigation.

It is worth noting the fact that for the first time in its history the Sector published the Report on its work in the first 6 months of 2007 on the website of the MoI.³⁵ For the purpose of having more efficient investigations in cases of police abuse, the Report highlights the importance of the cooperation between the Sector and the civil society and the Ombudsman Institution. It is written at the end of this Report that the results of its operations during the reporting period speak in favor of the fast and efficient transformation of the Sector in a respectable and reference factor for control and monitoring of the police work. Although as representatives of the civil society we welcome the publication of the reports on the work of the Sector and the obvious improvements it has achieved in certain areas of its work, we do not agree, however, with the abovementioned positive assessment of the work of the Sector.

For as long as there is significant number of cases in which the Sector did not give any explanation for the allegations put in the complaint, or is saying that there is not enough evidence to corroborate or reject the suspicion that a police officer had acted in an unlawful or unprofessional manner, as well as enormous difference between the degree and type of violations of the citizens' rights established by the Sector on the one hand, and the penalties imposed on the police officers on the other hand, one can not speak of an efficient internal mechanism for control. Hence, there is an emerging need for establishing an independent, external authority for investigation of the complaints regarding overstepping police authorization, or for co-opting independent members as representatives of the citizens in the system of disciplinary proceedings within the MoI.

Conclusions:

- In the RM there is no independent, external authority for investigation of the complaints about police authorization overstepping. The Sector is hierarchically bonded with the MoI, due to which it lacks the necessary dose of independence and impartiality;
- In the new Sector's Operation Rules, the same as in the old one, there is no provision providing that the citizen – victim of police abuse should be given legal advice on the possibility for protection of his/her rights before other competent authorities;

³⁵ See: <http://www.moi.gov.mk>.

- The Sector does not inform the complainants of the measures taken against police officers who acted in an unlawful manner, whereby the statement that the Sector is lacking transparency is confirmed;
- The imposition of symbolic and inadequate penalties in cases of police abuse generates a climate of impunity among police officers, which leaves them with room to position themselves above the law;
- The MoI initiated 10 misdemeanor and 4 criminal actions against citizens complaining about police abuse. It is symptomatic that the majority of the actions were taken after the citizens had initiated a procedure against the police officers rather than immediately after the event;
- In the responses to the complaints, the Sector abandoned the practice of giving strange and contradictory explanations for the ways in which the victims got their injuries, but the remark stays that in 25% of the cases the Sector gave no explanation whatsoever;
- In a significant number of responses, the Sector is saying that there was not enough evidence to corroborate or reject the suspicion that the police officer against whom the complaint was filed had acted unlawfully or unprofessionally. It follows from this that the Sector is lacking analytical expertise and transparency;
- The new Operation Rules specify an obligation for all staff and the Police to cooperate with the Sector and that every refusal of cooperation will be treated as a violation of the job discipline; all Heads of units are entrusted with the task to undertake activities for penalizing all cases of human rights violations committed by police officers, and at the same time they are obligated to act upon the measures proposed by the Sector, etc;
- Unlike in the past (2004-2006) where one of the remarks was the problem of prolongation of the period for carrying out the investigation upon the allegations included in the submission, 2007 did not mark any significant deviation from the timelines envisaged in the Rules;
- Characteristic of 2007 is that the complainants were notified in writing of the progress made in the procedure as well as of the reasons for exceeding the 30-day timeline, which is in accordance with Article 17, Paragraph 4 of the Operation Rules;
- For the first time in its history the Sector published the Report on its work in the first 6 months of 2007 on the website of the MoI. The Report highlights the importance of the cooperation between the Sector and the civil society and the Ombudsman Institution, with a view to having more efficient investigations in cases of police abuse.

Recommendations:

- Establishing an independent, external authority for investigation of the complaints about police authorization overstepping, or co-opting independent members as representatives of the citizens in the system of disciplinary proceedings within the MoI;
- There is an emerging need for all relevant provisions on the use of coercion means to be systematized into one legal act;
- Instead of replying to the victims that the Sector does not have sufficient evidence of police abuse in a specific case, it should carry out a thorough, comprehensive and effective investigation with the purpose of establishing the actual situation in these cases;
- Initiative should be raised before the Minister of Interior for amending Article 17 of the Operation Rules in the direction of shortening the time limits within which the Sector is obliged to complete the procedure in cases of police abuse;
- In addition to the existing disciplinary measures (dismissal and fine), there is an emerging need to provide for other disciplinary measures for punishing those police officers who have abused their authorizations;
- Article 16 of the Operation Rules, which regulates the way of handling anonymous complaints, should be further elaborated since it leaves space for arbitrariness when deciding whether one will act upon such complaints or not;
- The MoI should stop using the initiation of criminal and misdemeanor procedures as a means for “punishing” those citizens that had initiated procedures for establishment of responsibility in cases of police abuse;
- The Sector should make its operations transparent and public, and should notify the complainants of the measures taken against police officers in cases where police abuse was identified;
- The MoI should provide a reasonable and detailed explanation as to how the injuries of the citizens came about, given that when a person has got injuries during his contact with the Police, the burden of providing acceptable explanation for the reasons for the injuries falls on the authorities;
- Strengthening the Sector in Kumanovo and Ohrid by way of appointing detached inspectors in these towns, which will enable actions upon the submitted complaints within the timelines envisaged in the Rules.

3.2. The role of the Public Prosecutor's Office and of the courts in the cases of police abuse

In its reports, the CPT is very critical of the failure of the relevant authorities to act with regard to the allegations and the other information pointing to mistreatment. The CPT concludes that judges and prosecutors show little interest, even when there is incontrovertible evidence of mistreatment.³⁶

In cases when the Public Prosecutor's Office requests the necessary data with regard to the persons who were reported and the reported event, one of the main problems it faces is the insufficient data in the reporting forms or the lack of medical documentation (medical certificate). Often times the medical documentation contains indefinite descriptions of the injuries, which makes it impossible to determine when, how and by what means the injuries were inflicted. This certainly affects the efficiency of the criminal procedure. Regretfully, the Public Prosecutor's Office does not have enough finance to pay for the medical certificate, so if the latter is not obtained by the victim and if there is no other evidence - the Public Prosecutor's Office will not initiate a procedure.³⁷

In cases when there are no visible bodily injuries, which occurs in 50% of the recorded cases, and when there are no witnesses of the event, the court usually finds that no offence took place because there is no other evidence besides the statement of the injured party that would substantiate his/her claims.³⁸

The efficiency and the quality of their work in this field are affected by the fact that the Public Prosecutor's Office and the courts are not specialized for this type of crime.³⁹ In this respect, it is worth mentioning that in certain countries (Slovenia, Brazil) there are special departments within the Public Prosecutor's Offices that are specialized for this particular type of crime.

During the procedure, public prosecutors and injured parties also confront the problem of collegiality and bias, i.e. of the police subculture among the representatives of the MoI summoned to give a statement in the procedure, their failure to appear in court, as well as the lack of legal basis for bringing them in court.⁴⁰

The experiences of the public prosecutors that relate to evidence gathering in cases of police abuse indicate that the cooperation with the MoI is not always at satisfactory level

³⁶ See: <http://www.cpt.coe.int/en/states/mkd.htm>.

³⁷ GESKOSKA, Gordana (President of the Association of Public Prosecutors): *The role and the reaction of the Public Prosecution Office in the cases of police abuse*, Presentation at the training: "Reaction of the Public Prosecution Office in the registered cases of police abuse", Skopje, 12 May 2007.

³⁸ Ibid.

³⁹ For more details see: KALAJDZIEV, Gordan, and others: *Analysis of the domestic legislation, institutions and practice in cases of overstepping of authorizations by authorized official personnel*, OSCE working subgroup for development of a model for external oversight of the law enforcement authorities, Skopje, 2007.

⁴⁰ Ibid.

because the requests for data and notifications are not responded to fully and within a reasonable time, which contributes to procedural delays and concealment of the force used by the police officers.⁴¹

The Public Prosecutor's Office faces the complex problem of police officers exerting influence on the injured parties and on the witnesses in cases of police abuse, which results in a kind of extrajudicial compromise, and radically changed statements of the injured parties and the witnesses, sometimes even expressed in a notarized written statement.⁴²

The fact that only 12 legal associates are working in the whole Public Prosecutor's Office also contributes to procedural delays.⁴³

Unlawful police behavior in the case *SK031* was video recorded by the MS television. However, the competent public prosecutor thought that this video would not be presented in the probative proceedings because, according to his interpretation of the Law on Criminal Procedure, video recording - as a special investigation measure - must be done by the MoI upon order issued by an investigative judge.

3.2.1. Outcome of the criminal charges brought before the Public Prosecutor's Office

Total of 44 criminal charges have been brought within the implementation of the Project so far. In 22 cases the Public Prosecutor gave up prosecution, and in 9 cases the alleged victims filed a subsidiary lawsuit. In 6 cases the public prosecutor issued an indictment, and in 16 cases the investigation is still ongoing. In some of the cases the investigation is still in process even though the procedure was initiated more than 3 years ago.

Table 4: Outcome of the criminal charges brought before the PPO						
NGO	Criminal charges brought		Indictment issued		BPPO gave up criminal prosecution	Subsidiary lawsuit filed
	2004-2006	2007	2004-2006	2007		
ARKA	8	1	1	0	7	1
Coalition	10	2	0	1	7	4
CDD	10	6	0	0	5	2
CHOICE	1	0	0	1	0	0

⁴¹ Ibid.

⁴² GAVROVSKI, Voislav (deputy public prosecutor): *Assessment of the justification of the use of coercion means and arms by the authorized official personnel in the RM – the role of the Public Prosecution Office*, Presentation at the round table: "Legal framework on the use of arms and coercion means by authorized official personnel of the Ministry of Interior", Skopje, 17 October 2007.

⁴³ Conclusions from the round table: "Legal framework on the use of arms and coercion means by authorized official personnel of the Ministry of Interior", organized on 17 October 2007 by the Project.

CCI	4	2	0	3	3	2
Total	33	11	1	5	22	9

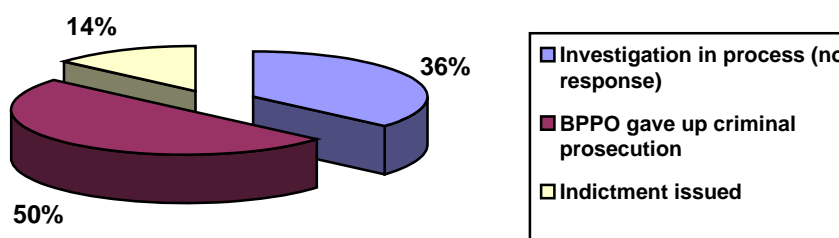
In the period from 1 November 2006 until 31 October 2007 11 criminal charges were brought against police officers. Procedures before the Basic Public Prosecutor's Office were initiated in the cases **PP025**, **PP026**, **KU044**, **SK061**, **SK064**, **TE028**, **TE030**, **TE031**, **TE032**, **TE033** and **TE035**. Unlike in the past, higher activity and efficiency of the PPO in cases of police abuse was noticed in 2007. As an illustration, only one indictment was issued in the period 2004-2006 (**KU001**), whereas in 2007 the PPO issued 5 indictments, in the following cases: **PP003**, **PP025**, **PP026**, **SK031** and **SR029**. The victim in the case **SK065** directly initiated a personal action against the police officer.

In the case **PP003** the court of first instance Prilep sentenced the police officer to 6 months in prison for the criminal offence of "violence" (Article 386, Paragraph 2 of the Criminal Code). This has been the first case in the Project where a police officer was sentenced to a prison sentence for police abuse.

As especially positive examples it is worth emphasizing the efficiency of the BPPO Prilep and BPPO Kocani. The five criminal charges brought before these two BPPOs were followed by expeditious investigation of only a few months duration. Following the completion of the investigation, in as many as 4 of these 5 cases indictments were issued before the court of first instance in Prilep and the court of first instance in Kocani.

Unlike these two BPPOs, BPPO Skopje can be indicated as a negative example for cases of police abuse. As a reminder, in the beginning of 2006 the Office of the Ombudsman brought 3 criminal charges for cases of police abuse, which had already been recorded by the Project. As of today, 2 of these 3 cases (**SK034** and **SK037**) are still in the investigation phase. On top of it, in those 2 cases the MoI brought criminal charges against the victims for "attack on official personnel while carrying out security duties". The Deputy Ombudsman was informed by the BPPO that the Public Prosecution would first act upon the criminal charge brought by the MoI, and after this procedure has been finished then the criminal charge brought by the victim would be acted upon. Since this is all about one same event, this attitude is absurd. Moreover, this procedure opens a possibility for the criminal charges brought by the victims of police abuse to become statute-barred. It seems that in part of the cases we are confronting not only the problem of collegiality inside the police organization, but a much more complex problem of solidarity between the PPO, the courts and the Police.

Status of the criminal charges



All criminal charges relate to severe bodily injuries inflicted by police officers. The charges were brought because of violation of Article 142 of the Criminal Code ("torture and other cruel, inhuman or degrading treatment and punishment") and violation of Article 3 of the ECHR. The relationship between the type of injury and the resolution of the victim to institute proceedings leads us to the conclusion that there is proportionality between the severity of the injury and the resolution of the victim of police abuse to institute proceedings before the BPPO. The more severe the injury, the higher the probability that the citizen will institute criminal proceedings. Furthermore, all criminal charges relate to bodily injuries, and none relates to rude or indecent conduct of police officers or to their failure to act. However, in only 35% of the cases in which the citizens claimed they were physically attacked by police officers, they actually initiated a procedure before the BPPO. Reason for this can be sought in the slowness of the procedure before the BPPO and in the inefficiency thereof.⁴⁴ In order for an investigation to be efficient, it has to be carried out thoroughly and expeditiously.

3.2.2. Civil proceedings for compensation of damage

The right of the victims of torture to damages and adequate compensation is guaranteed by international documents.⁴⁵ Furthermore, Article 5 of the ECHR says that everyone who has been the victim of arrest or detention in contravention of the provisions of the Convention shall have an enforceable right to compensation. The CPT recommends that in all cases where police abuse has been established in a civil procedure, or the court has obtained information on an extrajudicial compromise, the competent authorities must be alarmed, primarily the PPO and the body responsible for conducting the disciplinary procedure within the Police (unless they were familiarized with the specific case before). If the court makes a decision obliging the MoI to pay compensation for the damage that has occurred as a result of police authorization misconduct and ill-treatment, disciplinary and/or criminal proceedings should be instituted against the offender.

⁴⁴ The BPPO Stip failure to act in 3 cases of police abuse from 1998 was the reason for the ECHR to intervene.

⁴⁵ Articles 13 and 14 of the Convention against Torture, Article 11 of the Declaration on the Protection of All Persons from Being Subjected to Torture; Paragraphs 35 and 36 of the U.N. Standard Minimum Rules for the Treatment of Prisoners.

Annually, due to claims for compensation for inflicted damage filed by persons that were groundlessly or unlawfully deprived of freedom, or unjustifiably convicted, around 350.000 Euro are leaking out of the account of the Ministry of Justice.⁴⁶ Employees from the Ministry of Justice are warning against the situation that lately mistakes in the arrest procedure have been made out of ignorance, but also deliberately, out of lucrative i.e. criminal reasons.⁴⁷

In the period from 1 November 2006 until 31 October 2007 no civil procedure for compensation for damage has been instituted by the registered victims of police abuse within the Project, nor was there a final verdict for any of the procedures initiated in the previous period, except in the case **SK005**.

The Verdict V No.4082/03 published on 28 June 2006 and then appealed by the defendant (MoI) was confirmed by the Appeal Court in Skopje on 17 January 2007, i.e. the appeal of the defendant was rejected as unfounded. After the Verdict has become final, it was submitted to an Enforcement Agent in order to collect the damages in the value of 330.000,00 denars.

This case did end to the benefit of **SK005**, but justice was not done because the police officer that unlawfully applied force did not suffer any consequences, so did only the Ministry that will pay the damages. This is a classical case of a failure to comply with the provision of Article 142, Paragraph 1 of the Law on Criminal Procedure, which stipulates that the state agencies, institutions which perform public authorisation and other legal entities are obliged to report crimes which are prosecuted ex officio, of which they are informed or of which they learn about in a different way.

Conclusions:

- One of the main problems in the procedure before the Public Prosecutor's Office is the insufficient data in the reporting forms or lack of medical documentation (medical certificate). The Public Prosecutor's Office does not have any budget from which it could pay for the medical certificate, so if the latter is not obtained by the victim and there is no other evidence - the Public Prosecutor's Office will not initiate a procedure;
- The procedure upon the criminal charges brought before the Public Prosecutor's Office has in some cases been long and inefficient for the victims of police misconduct. There are cases where the investigation is still in process notwithstanding that the procedure had been initiated more than 3 years ago;

⁴⁶ NGO Zero corruption: *"The judges are stealing from the State"* (<http://www.transparency.org.mk>).

⁴⁷ Ibid.

- As for the relationship between the severity of the injury and the resolution of the victim to institute proceedings, the conclusion that can be inferred is that there is proportionality between the severity of the injury and the resolution of the victim of police abuse to institute proceedings before the Public Prosecutor's Office;
- Unlike in the past, the year 2007 was marked by a higher activity and efficiency of the Public Prosecutor's Office in the cases of police abuse.
- In some cases initiated before the Skopje BPPO, there is a worrisome problem of solidarity between the PPO, the courts and the Police (in cases when both the Police and the victim have brought criminal charges, the BPPO gives priority to the procedure initiated by the MoI);
- During their contacts with the persons deprived of freedom, public prosecutors and investigative judges rarely use their authorization to propose / order that these persons go through medical examination in order to determine if they were victims of unlawful police behavior.

Recommendations:

- Applying in practice Article 144, Paragraph 3 of the Law on Criminal Procedure according to which the public prosecutor may consult with and obtain opinions of experts in the respective area necessary to decide upon the criminal charge;
- The public prosecutor and the investigative judge should make use of all legal instruments available to them in cases of police abuse, rather than just sending requests to the MoI for additional information;
- Consistently complying with the provisions of the Law on Criminal Procedure on completion of the investigation within a period of 90 days, which would enable that indictment be issued against the alleged offenders;
- One has to secure the presence of police officers in the investigations and in the court procedures where they appear as defendants, but also when they appear in the capacity of witnesses.
- In cases when criminal charges have been brought by both the MoI and the victim regarding the same event, the PPO should act simultaneously upon the two charges rather than giving priority to the procedure initiated by the MoI.

3.3. Filing complaints with the Ombudsman Institution (OI)

In the period covered by the report 33 complaints were submitted to the OI, out of which 14 were submitted by the Coalition, 11 by "CDD", 5 by "CCI" and 3 by "CHOICE". Responses were sent to 20 complaints, and in 6 cases the OI gave recommendations, suggestions, opinions and instructions as to how to remove the identified misconduct problems. In 2 cases the procedure before the OI was interrupted because a court

procedure started for the case, whereas in the remaining 12 cases no violation of the rights was established.

It is worth noting that “CCI”, “CDD” and “CHOICE” received responses directly from the Ombudsman Institution, and the legal adviser of the Coalition received information about the outcome of the procedure before the OO from the victims or during the meetings held with the representatives of the Ombudsman Institution in Skopje. The Kumanovo regional office of the OI has not submitted any response yet to “ARKA” or to the victims.

The fact that in cases involving representatives of the special police units “ALPHA” and “RDU” the OI is not allowed to interview them is causing concern, because the possibility to interview them is one of the OI authorizations provided in the Law on the Ombudsman.⁴⁸ Moreover, in certain cases impression is left that the OI is not using all of its authorizations in cases of unlawful police conduct.⁴⁹ Most often, the OI reduces its intervention to writing a letter to the Sector and waiting for a response; hence the need for a more aggressive and proactive attitude of the OI when dealing with cases of police abuse, in line with its constitutional and legal rights and responsibilities.

A positive example is considered to be the established cooperation between the OI and the Project for covering the expenses for issuance of a medical certificate in the cases registered by the OI (OI does not have funds available for this purpose) that include indications of violations of the rights of the citizens by police officers.⁵⁰ So far, the Project has paid the Office of Forensic Medicine for their expertise regarding the injuries of the victim in the case *SK065*.

Conclusions:

- Total of 33 complaints have been submitted to the Ombudsman Institution. Responses to 20 complaints have been sent, out of which in 6 cases the OI provided recommendations, opinions and instructions as to how to remove the anomalies. In 2 cases the cooperation was interrupted because a court procedure started for the case, whereas in the remaining 12 cases no violation of the rights was established;
- In cases in which representatives of the special police units “ALPHA” and “RDU” are involved, the OI is not allowed to interview them in spite of the enabling authorizations provided in the Law on the Ombudsman;

⁴⁸ TANUSESKI, Tripun (deputy Ombudsman): *The relationship between the Office of the Ombudsman and the Sector for Internal Control and Professional Standards from the aspect of the new Operation rules of the Sector*, Presentation at the round table: "The new Operation Rules of the Sector for Internal Control and Professional Standards", Skopje, 28 May 2007.

⁴⁹ Conclusions of the participants at the round table: "The new Operation Rules of the Sector for Internal Control and Professional Standards", organized on 28 May 2007 by the Project.

⁵⁰ The Project has some funds available for covering the costs on behalf of the citizens-victims of unlawful police conduct for the issuance of medical certificates if these persons are on welfare.

- The OI is not using all of its authorizations in cases of police authorization overstepping. Most often, the OI reduces its intervention to writing a letter to the Sector and waiting for an answer;
- A positive example is considered to be the established cooperation between the OI and the NGOs involved in the Project for covering the expenses for taking out medical certificates in the cases registered by the OI which include indications of violations of the rights of the citizens by police officers.

Recommendations:

- There is a need for a more aggressive and proactive behavior by the representatives of the OI when dealing with cases of police abuse, in line with their constitutional and legal rights and responsibilities;
- Using the media as a tool for pressure in cases of police abuse and publishing cases in the mass media at MoI expense when violation of the legal rights and obligations has been established, in line with the authorizations provided in the Law on the Ombudsman.

3.4. Standing Inquiry Committee for the protection of human rights and fundamental freedoms

The Standing Inquiry Committee for the protection of human rights and fundamental freedoms is a body of the Parliament charged with reviewing the issues in the area of human rights and freedoms protection, determining if there is violation thereof, as well as initiating procedures for determining responsibility of holders of public offices.

The inefficiency of this Committee in handling specific complaints submitted by citizens is due to the fact that this Committee still lacks an elaborated procedure and a working methodology of its own, nor has it the necessary technical and staff capacity. Therefore, the citizens who are complaining about unlawful police conduct show no interest in presenting their cases before this body.

Several attempts by the Project to institute proceedings before this Committee remained without success because of the resistance of the victims (***SK031*** and ***SK034***). However, after receiving a negative response from the Sector, the victim from Tetovo decided to institute proceedings before the Committee. The procedure is underway.

4. Forms of cooperation between the Project and the state authorities

In addition to providing free legal assistance to victims of police abuse by way of using the available legal mechanisms for human rights protection, the other goals of the Project include: increasing the capacities, accountability and transparency of the competent state institutions; improving the access to and the confidence of the citizens in them; and strengthening the relationship between the governmental and the non-governmental sectors.

4.1. Local coordination meetings

With a view to strengthening the previously established cooperation between the civil society and the state institutions receiving complaints about possible human rights violations through abuse of police authorities, the organizations involved in this project organize local coordination meetings.⁵¹ As a result of these meetings, besides building a joint strategy for the recorded cases of police abuse, the citizens' confidence in the competent state institutions is increased.

One of the main problems in the past year was to secure the presence of the representatives of the Ombudsman Office in Skopje, i.e. in the Coalition "All for fair trials". Notwithstanding that these meetings are intended for direct and effective monitoring of the recorded cases of police abuse, not a single joint meeting was held in 2007. On the other hand, special meetings with the representatives of the Sector and of the OI were held in Skopje without any problem. In Kumanovo, likewise, not a single local coordination meeting was held due to the empty position of detached inspector in this town for already a year.⁵² "CDD" held no meeting in the past year, "CCI" held 3 meetings, and "CHOICE" held 2 meetings.

The low number of such meetings indicates that the civil sector should be more active with regard to the initiation and holding of such meetings. In cases where coordination meetings cannot be held for objective reasons (Skopje and Kumanovo – until the appointment of a detached inspector), the Project personnel should find a way for these meetings to be held, with a view to contributing to the inter-agency cooperation rather than just exchanging information about the specific cases.

⁵¹ Since April 2005, local coordination meetings have been organized in the premises of each of the five NGOs implementing the Project. The participants in these meetings include inspectors from the Sector, representatives of the OI, PPO and local self-government, as well as representatives of the OSCE mission.

⁵² Responding to the question asked by the deputy Ombudsman at the round table "Legal framework on the use of arms and coercion means by authorized official personnel of the Ministry of Interior", organized on 17 October 2007 by the Project, the Head of the Sector replied that the filling of this vacant position was expected in the shortest possible period.

4.2. "Minop"

"Minop" is an informal group the members of which include representatives of the MoI, the OO and NGOs. The NGOs implementing this project have been represented in the meetings of "Minop" by the Project Coordinator since November 2005. The goal of the group is to exchange experiences and positive examples from the practice with a view to improving the cooperation between the NGOs (active in the area of human rights protection), the OO (as a state institution that receives citizens' complaints about possible human rights violations) and the MoI. Regretfully, only one meeting of "Minop" took place in the period covered by the report.⁵³ The representative of the Project put forward a proposal to the Chairman and to the members of "Minop" to have a meeting in the beginning of 2007, but without any visible result. There is a high probability that the activities of this group, which in the past couple of years has been very active in terms of discussing and issuing conclusions and recommendations with regard to the Law on Police and the bylaws regulating the operations of the MoI, will die down completely.⁵⁴

4.3. Working group for development of a model for external oversight of the law enforcement authorities

On 16 February 2007, a working group was established upon the initiative of the OSCE mission in Skopje, the main goal of which is to establish an effective mechanism for independent oversight and investigation of cases of death and severe bodily injuries caused by authorized law enforcement personnel. The members of the group include representatives of MoI, OI, PPO, Ministry of Justice, Members of Parliament, University professors, representatives of national human rights NGOs and representatives of the International Community present in the country. The NGOs implementing this project are represented in the WG meetings by their Project Coordinator. During 2008, this WG is expected to propose that a new mechanism be established which would be aimed at reducing the cases of police abuse, having effective investigations and penalizing the offenders adequately.

Conclusion:

- The local coordination meetings, which are intended for direct and effective monitoring of the recorded cases of police abuse, are either not taking place at all or they are held every 6 months;

Recommendation:

- The civil society sector should be more active in organizing the local coordination meetings. In cases where it is objectively impossible to hold coordination meetings, they need to be modified.

⁵³ The new Chairman of "Minop" was elected on 15 December 2007.

⁵⁴ "Minop" has discussed about the forms for detaining a person in the Police; the periods within which the PPO and the other state authorities act upon citizens' submissions; the treatment of the medical documentation issued by public and private health care organizations within the appeal procedures before the relevant state authorities, etc.

5. Conclusions and recommendations

The state of law requires equality, legality and respect for the human rights not because of some romantic sensitivity to the rights of the suspected individuals, but because the civilization, by respecting the rights even of the least valuable citizens, raises the greatness of each and every one of us and creates a climate of freedom and of confidence in the authorities. The methods we apply towards the suspected individuals are a measure for the degree of development of our democracy.

From the data presented above and from the reports of different governmental and non-governmental organizations, it can be seen that the cases of police authorization overstepping are not just isolated incidents caused by individuals. On the contrary, notwithstanding the declarative commitments to the respect for human rights, the Police think that the latter is an obstacle to the successful enforcement of the law. In this way, the violation of the legal procedures is considered as a peculiar collateral damage associated with the efficient execution of police duties.

The state authorities should send a clear message at the highest political level about the zero tolerance for torture or other forms of police misconduct. In every case where the police authorizations are claimed to be overstepped, the authorities should undertake a resolute action, which implies thorough and timely investigation in line with the international standards. The fight against impunity must begin inside the very police organization.

Very often "collegiality" leads to the tendency of police officers helping each other in cases of accusations for police abuse, and even concealing the illegal actions of their colleagues. Data are showing that a relatively low number of police officers are responsible for the majority of cases of problematic police conduct. Therefore, the MoI has to work more on promoting accountability and effective management. For the purpose of identifying problematic police conduct, it is recommended to develop a personal management system based on database (so-called "Early Warning System"), which will enable a timely reaction in order to correct and prevent this type of behavior.

Through appropriate training of police officers, a culture where police authorization overstepping will be considered as unprofessional and unacceptable by the police organization itself, which would transform itself from a quasimilitary force into a service of the citizens in a democratic society, should be promoted. In this sense, the tolerance or the support for colleagues who are prone to violent behavior, use of insulting vocabulary in their communication with the citizens or who otherwise violate the regulations and the police ethics shall be considered as unsafe from the point of view of carrier development.

Therefore, an environment should be created in which it is a proper thing to do to report the abuse committed by colleagues, to have a clear understanding that the responsibility for the abuses is expanded and includes not only the direct perpetrators, but also those that knew or should have known about the abuse, but took no action to prevent or report

it. In this respect, the superior police officers will be considered responsible if they knew or should have known about the abuses, but took no activities.

The investigations of police infringements of human rights must be fast, professional, exhaustive and impartial, and lead to identification and penalization of the responsible persons.

The thoroughness and integrity in the investigation and penalization of the cases of police authorization overstepping are of crucial importance for giving practical meaning to the prohibition of torture and of inhuman or humiliating treatment or punishment. Observing this principle means that the authorities responsible for conducting investigations should be supplied with all necessary resources, both human and material.

At the same time, strict penalties need to be established and consistently applied for obstructing or failing to cooperate with independent or internal investigations.

Disciplinary proceedings conducted within the MoI are additional instrument in the fight against the unlawful police conduct, and therefore they should be conducted in parallel to the criminal proceedings. The disciplinary responsibility of the persons needs to be systematically investigated no matter if the concrete case includes a criminal offence.

Every official who is in some way involved in human rights violation should be removed from service for as long as the decision based on the investigation is not made. Penalty or disciplinary sanction will be pronounced on him only in cases when he is declared guilty (after the completed trial). In cases when the official is innocent, his name should be cleaned and he should be returned all the rights and privileges from the service.

Great attention should be paid for the persons - victims of unlawful police conduct not to be intimidated and deterred from the intention to institute proceedings against the responsible police officers. On the contrary, they should be encouraged to report any abuse of authority and any unlawful, unprofessional and self-willed police conduct.

Given the fact that the majority of cases of police authorization overstepping were committed when people were detained to and held in police stations, there is a need for consistent implementation of the legal procedures.

The laws and bylaws that regulate the police authorizations are not sufficiently precise and clear, which leaves room for subjective interpretations during the application thereof. The legal framework should provide clearer and practical directions for the police officers regarding the application of their authorizations. It is especially important that these guarantees obtain the form of rules behind which a threat of sanctions in cases of violation will stand. Any police officer must be aware that they will be asked to justify the application of their authorizations to their superiors or before a court of law, and that the abuse of authority harms the police work on the long run and leads to mistrust in the Police. The principal goal is to achieve equity for both the suspected persons through the protection of their rights and for the law enforcement officers through the reduction of

unjustified accusations of abuses, which cannot be efficiently checked with the existing mechanisms and practice.

The Law on Criminal Procedure asks for the introduction of a special police officer who will not be involved in the police investigations and who will take care of the rights and interests of the detained individuals while they are being held by the Police. In this respect, the police stations intended for holding people need to be adequately equipped.

There is a necessity to establish clear rules and directions about the way in which the police interrogations are to be carried out. They should address the following issues: informing the detained person about the identity of the persons present during the interrogation; time for rest between the interviews and pauses during one interview; venue for the interrogation; special guarantees for the persons who are under the influence of drugs, alcohol or medications, who are in state of shock, as well as vulnerable groups (e.g. minors, mentally handicapped etc.). Moreover, it is desirable that the interrogations be recorded (audio or video), thus preventing any possible speculations that the statements were given under coercion or that the person was a victim of mistreatment or torture.

The persons detained in the Police should be able to have consultations with an attorney in private – immediately or soon after the deprivation of freedom, and the attorney should be able to attend the interrogation of the suspected person.

One of the most important measures of protection against police abuse is that the person should be subjected to a proper medical examination as soon as possible after he has been brought in the Police, after which he should be provided with medical care every time this is necessary.

A mechanism should be established through which the civil sector will be able to actively participate in the monitoring of the police work. There are several models that can serve as a useful example of efficient civil control, especially taking account of the multiethnic nature of our country.

There is urgent need to get down to the ratification of the Optional Protocol to the Convention against Torture which the RM signed on 1 September 2006. This means that the period left for ratification, which according to the Protocol is one year, has already passed. The Optional Protocol is a new instrument for prevention and elimination of torture or other forms of inhumane and humiliating treatment or punishment, which offers a proactive mechanism for torture prevention through regular or periodic visits to the places where the persons deprived of freedom are held. One has to lay down the procedure for election of members of this body, the methods and criteria for their election, the length of their mandate, their immunity and privileges as well as a procedure for their recall or termination of their office. The members must be independent experts in their area and must reflect the ethnic and minority image of the society. It is of special importance to provide funding that will fully cover this activity in order for it to be efficient.

The police organization should demonstrate willingness to provide the public with objective information about its activities without disclosing confidential data or damaging the integrity and dignity of the citizens or the principle of presumption of innocence. Therefore, professional standards for contacts with the media need to be established.

The Police needs to be transparent and willing to cooperate with the representatives of the other control mechanisms. The police reports on the violation of human rights and freedoms by police officers (especially the reports of the Sector) need to be published. The website of the MoI can be used for this purpose.

Given all the abovementioned, we suggest that the Project should continue with the monitoring and the analysis of the situation of the Police and the human rights. Within the report, one should further develop and improve the methodology and the internal staff and technical capacities with a view to coping with the problem of unlawful police conduct and assisting the victims in the institution of legal proceedings before the competent state and international institutions.

In order for the Project to be able to protect the human rights of the citizens in the contacts with the Police more efficiently, we propose that the draft Law on Legal Assistance should stipulate that NGOs could provide legal assistance to the interested victims of police abuse as well (besides the Bar Association).

The Project should be present more in the media through presentation of the monthly reports, organization of round tables, etc.

The Human Rights Support Project represents an initiative of the civil society in the Republic of Macedonia, which focuses on the phenomenon of police misconduct and ill-treatment. The main goal of the Project is to pay attention to the unlawful use of coercion means by police officers from the Ministry of Interior, but also to assist in the development of an efficient mechanism for protection of the rights of the victims. The Project's aim is that the reported cases of police misconduct and ill-treatment should be followed by an effective investigation conducted by the competent state authorities and that the responsible police officers be adequately sanctioned when violation of the human rights and freedoms occurred.

This Report includes the recorded cases in the period 1 November 2006 – 31 October 2007, and the purpose of its conclusions and recommendations is to improve the legal framework and the existing practice thus ensuring greater protection of the rights and freedoms of the citizens during their contact with the Police.

The majority of the citizens are not familiar with the protection mechanisms available to them in cases of violation of their rights and freedoms by the Police, and therefore the Project offers them free legal assistance.

Network of 5 Non-governmental organizations working on cases of police abuse has been functioning within the Project for already 4 years now, fully covering the territory of the Republic of Macedonia:

NON-GOVERNMENTAL ORGANIZATION	
- Coalition “All for fair trials”	region: Skopje and Veles phone: 02/3215-263 e-mail: contact@all4fairtrials.org.mk
- “ARKA”	region: Kumanovo, Stip, Kriva Palanka and Kratovo phone: 031/421-362 e-mail: arka@arka.org.mk
- “CDD”	region: Tetovo, Gostivar, Kicevo and Debar phone: 044/339-903 e-mail: centerdd@hotmail.com
- “CCI”	region: Prilep, Bitola, Ohrid, Struga, Kavadarci and Negotino phone: 048/400-480 e-mail: ccimk@mt.net.mk
- “CHOICE”	region: Strumica, Gevgelija, Kocani, Radovis, Berovo and Delcevo phone: 034/349-411 e-mail: izborsr@sonet.com.mk

In October 2006 the free phone line **080011333** was launched, where the citizens can report cases of police abuse, which represents a supplement to the already established website: www.hrsp.org.mk.