

DETENTION UNDER THE SPOTLIGHT

JRS visits people in immigration detention across Europe. We witness detention's negative impact on detainees and the effects of flawed migration systems. By exposing some of it, we hope to gain support in our call to end immigration detention. Stories are real. Names and other details were adapted for people's protection.

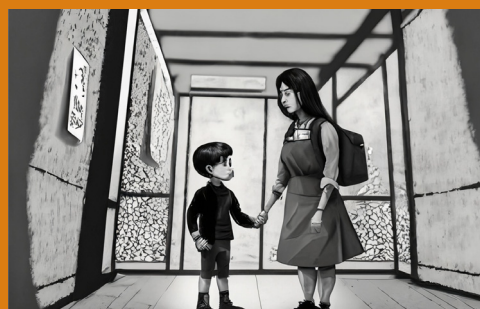
UNLAWFUL DETENTION

It is a common practice in North Macedonia to **detain forced migrants that are witnesses in criminal proceedings against smugglers**. This is done by decision of the Ministry of Interior following a 'verbal order' by the Public Prosecutor and it is **contrary to the law on Criminal Procedure**. Moreover, people are held in the Reception Centre for Foreigners in Skopje (a detention center) as well as in the Temporary Transit Centre near the border with Greece (de-facto another detention center). Both **centers are not detention facilities for witnesses in criminal proceeding**, therefore, **detention on this ground, in these premises, is unlawful**.

The duration of detention is between 15 and 30 days. People are held in containers that they can only leave for sanitary reasons or to take food, but always escorted by members of the border police.

THE STORY OF MARIANA

Mariana and her four year old son were apprehended while travelling irregularly through North Macedonia and brought to the detention center in Skopje. **Officially, they were detained for identity checks, however, they were informally held as witnesses in the criminal proceeding of the smuggler that was driving them** through the country. They were not informed about the grounds for detention nor the possibility to apply for asylum. In the center, they were not provided with clothes, or the medical and psychological support they needed. **They spent 25 days in detention** and were only released when, after receiving information from JRS, they applied for asylum.



*Image generated by AI

RECOMMENDATIONS

JRS asks authorities to **stop detaining forced migrants that are called to appear as witnesses in criminal proceedings and to prohibit this by law**.

Moreover, we ask for the correct implementation of the Law on Criminal Procedure and of the Law on Public prosecution. In particular, **evidentiary hearings in the framework of criminal proceedings against smugglers should take place as soon as possible after smugglers and witnesses are apprehended**, so that witnesses do not need to remain available until the main trial and the authorities do not proceed to detain them to avoid that they abscond.

In any circumstance, if a detention order is given in relation to a person, this should never be done in the form of an 'oral order'. **People should always be issued with a decision in writing, stating the legal grounds of the decision and the available legal remedies to challenge it**.