

FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Alleged ill-treatment of 34 Ethnic Albanians Detained in Poroj

In early 2001 hostilities broke out between Macedonian security forces and an armed ethnic Albanian group, the National Liberation Army (NLA), fighting for greater rights for ethnic Albanians in Macedonia¹. Early on 6 April 2001 police check points were erected in the village of Poroj near Tetovo in western Macedonia as part of an offensive in the region by Macedonian security forces against the NLA which began at the end of March. The timing of the check points resulted in many ethnic Albanians being stopped by the police on their way to work, while others were picked up from their homes in the village. As a result of this operation at least 34 men² were arrested and transferred to an army lorry for transportation to Tetovo police station. The majority were handcuffed, although due to a shortage of manacles some were not. All were alleged to have been beaten during the arrest. All of those detained were from the village of Poroj, with the exception of two of the detainees, Ali Nuhija and Xhemil Asani who were from the neighbouring village of Germo, but were arrested in Poroj. Muhamet Saliu, an invalid who had suffered three heart attacks, was transported by jeep. On the way to Tetovo police station, those who were in the lorry were allegedly beaten by the police, some of whom wore masks, with wooden sticks, metal pipes, as well as kicks and blows.

Amnesty International interviewed four of the victims - Ziba Ziberi, Naser Veliu, Latif Ameti, and Xhelal Halili - all of whom have given similar accounts of the arrests and beatings. Amnesty International also has copies of the medical reports from Tetovo hospital issued on 7 April 2001 for Xhelal Halili and Ziba Ziberi, which stated that the two suffered from contusions to the head and body.

One of the arrested, Xhelal Halili, gave the following statement in an interview with Amnesty International:

'My cousin, who was with me in the car, was also arrested. We saw how the people in the van before us were arrested... It took about a quarter of an hour, and during this time ten cars were stopped... Then a lorry came, it was an army lorry. All the cars were standing along the road, and all the people who had been in the cars were brought to the lorry. I was the last who had to go onto the lorry. I saw that there were ten policemen in the lorry, and that the arrested

¹ According to the 1994 census, 67 percent of the population is ethnic Macedonian and 23 percent ethnic Albanian, figures disputed by ethnic Albanians who claim that the ethnic Albanian population, concentrated in the west and north of the country is much larger.

² Their identities are known to Amnesty International.

people were lying in the lorry, with their hands tied, lying on their stomachs. All were bleeding. The policemen had wooden sticks and metal pipes in their hands. When I was inside they closed the door, and started beating us. They beat us everywhere, they didnt look, everywhere they wanted. They beat us the whole way from Poroj to Tetovo... We all had to get off the lorry and walk to the police station. Left and right there were policemen standing, beating us on the way.'

On arrival at the police station in Tetovo all 34 detainees, including Muhamet Saliu, were forced to walk from the lorry to the police station entrance through the cordon of police officers, as described above by Xhela Halili, who continued beating them. After being interrogated and held for some ten hours, Xhelal Halili was released. A report from Tetovo hospital confirmed that he was treated for contusions to the head and body.

All the detainees were interrogated on grounds of supporting the NLA. After detention for a number of hours about half were released without charge. Those who were still held in detention were Abdiselam Arslani, Gazmend Arslani, Latif Ameti, Isen Asani, Nevezat Asani, Kasam Asani, Qenan Asani, Muhamet Saliu, Nadi Vejseli, Beqir Vejseli, Muhamet Beadini, Ziba Ziberi, Mevaip Ibrahimi, Ebrahim Ramadani, and Nexhat Aliu. They were taken back to the lorry at about 1 or 2pm the same day. In the vehicle were two policemen, one of whom is alleged to have beaten the majority of these remaining detainees continuously as the lorry set off on the 40 kilometre journey from Tetovo to Avtokomanda police station in Skopje, approximately one hour travelling time. Once inside the police station the men were threatened with summary execution, searched and subjected to paraffin tests in an attempt to ascertain whether they had been handling weapons or explosives. The detainees further allege that they were assaulted again by police with baseball bats and fists, and were continuously subjected to racial abuse for being Albanian.

Ziba Ziberi stated the following:

'From Tetovo to Skopje there were two policemen with us. One of these two ill-treated us very much. The other not, I have to say, that honestly - he did not touch us at all. The other maltreated us very much, with sticks, with the butt end of a rifle, he kicked us with his shoes, and so on, uninterruptedly until we were in Skopje. [At the police station in Skopje] They smashed us against the wall. You made us pay, now we will pay you back. There were many policemen. One after another they came and maltreated us. The guard did not do anything, but the policemen who came and went, they did. I got the blow on my head there. Others were treated worse ... at around 9.30 in the evening an inspector took me for interrogation. He asked his questions normally. He did not provoke me. He asked me some questions and said then: You are not guilty. Then he released me.'

It appears that all the detainees were severely beaten by police when being arrested, but the subsequent beatings, particularly those during the two lorry journeys, appear to have been indiscriminate. The large numbers of those arrested and packed into the lorries seems to have resulted in some, like Latif Ameti, escaping further physical ill-treatment. However his case seems to be exceptional. In a statement given to Amnesty International Latif Ameti alleged the following about his arrest:

'The police broke down the door and came into the house. Three entered the room, while some 20 to 30 went straight into the main room. The police picked me up, beat me with fists. They took me outside, tied my hands behind my back and repeatedly asked me, Where are the guns? I have never owned a gun nor had one in the house. I saw the police fire in the air, and then say that the terrorists were firing them.'

At Tetovo police station he refused to sign a statement written by the police, alleging that they had found two hand grenades in his house. At around midnight he was taken to a room with a television where he saw a news report that police had seized two hand grenades in each of the six houses in Poroj. Abdiselam Arslani and Latif Ameti were each subsequently charged with possession of two hand grenades - a charge that they both deny - while the rest were released without charge the next day. In May Latif Ameti was tried and sentenced to ten months imprisonment, which he claims was subsequently increased to 14 months. He states that he escaped after three months while out on day release.

Naser Veliu told Amnesty International that he was stopped by two masked policemen whilst on his way to work on the 6 April; *"They searched me and my car. They couldn't find anything"*. He alleged that they took his mobile phone and the money he had on him, approximately 700-800 DM. *"They put me in a van (with opaque windows). There was an inspector in civilian clothes, I knew him."* Naser Veliu was interrogated about his family connections with the NLA.

'He (the inspector) said, You are the brother of this man? I said Yes. I was then beaten with rifle butts. The inspector told the policemen, Handcuff him and bring him to the lorry. ... From the van where I was to the lorry, there were more vans standing, with five or six policemen in each. That means, from where I was to the lorry, about 50 to 60 policemen had beaten and kicked me on the way down. Down in the lorry there were already other people inside. I had to lie down and three or four people lay on top of me. They were beating us, ...it is about 3 km from Poroj to Tetovo, but it felt like days. The lorry was opened at the police station in Tetovo. We had to leave the lorry and walk to the station. 10 to 15 policemen were standing there beating us with wooden sticks, but not with truncheons.'

Ifraim Ibrahimimi was already at work when his house was raided as part of the operation in Poroj on 6 April. His wife Nexhipe told Amnesty International that at about 6am many police officers broke down the door to their house, conducted a search, and claimed to have found a bomb in one of the rooms. After entering the house and finding her, she stated that:

"One of them [the police] then hit me with his fist here (pointing to the left part of her upper lip) and said to me, Sit down. When someone asked whether there was someone at home, I cried that the children were sleeping. They hit me with the butt end of an automatic gun on my left shoulder and they said, Give up, lay down."

Ifraim Ibrahimimi was later arrested and charged with unauthorized possession of explosives. However his case was still under investigation at end of April 2002, despite the March 2002 amnesty law.³

The detainees who gave the statements to Amnesty International were reluctant to make complaints against the police of arbitrary arrests and ill-treatment. This was for reasons similar to those given by Ziba Ziberi:

'Such a complaint will not be taken into account. Even worse, you have to pay dearly for it... At the police station, someone asked for a certificate that he had been at the police station and that he was released. They said You can get this in the morning, but you cant be sure that youll be alive in the morning. So no one asked for that again. That is our police. So I do not dare go to the police to file a complaint.'

Amnesty International unconditionally opposes torture and other forms of cruel, inhuman or degrading treatment or punishment of all prisoners. Amnesty International calls on the Macedonian authorities to conduct a prompt, thorough, and impartial investigation into the allegations of ill-treatment of the 34 men arrested in Poroj on 6 April 2001, and if the allegations are well founded, to bring to justice those responsible, as well as to ensure the victims receive fair and adequate compensation, as required by international standards.

Macedonian Constitution and Legislation.

The Macedonian Constitution and national law specifically prohibit the use of ill-treatment or torture. Article 11 of the Constitution states that: "[t]he right to

³ In March 2002, an amnesty for all those involved in the 2001 armed conflict except for those accused of war crimes under the jurisdiction of the International Tribunal for Former Yugoslavia (the Tribunal) was adopted. Under this amnesty, which followed on from the December 2001 Presidential pardon of 64 similarly, 54 people were released leaving a reported 19 people detained in connection with the insurgency.

physical and moral dignity is irrevocable. Any form of torture, or inhuman or humiliating conduct or punishment is prohibited". Article 142 the Criminal Code specifically prohibits the use of torture to extract statements and allows imprisonment of between three months and five years for those convicted under the Article. If serious violence is used or if there are serious consequences for the accused (the injured party) in the criminal process, the minimum sentence is one years imprisonment. Furthermore Article 143 of the same code forbids "ill-treatment, including insults to dignity, in the course of official duties" and allows for imprisonment for up to three years.

The Code of Criminal Procedure also lays down that individuals deprived of their liberty must be brought before a court immediately, or at the very latest, within 24 hours of their arrest (Article 3). The arrested person must be informed of his or her right to consult a lawyer of his or her choice during questioning (Article 3). Access to a lawyer and the review of the legality of detention by a court are recognized in international human rights standards as important safeguards against torture and ill-treatment.

International Standards.

Macedonia ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1994. In doing so, it expressly undertook to prevent torture taking place within its territory by undertaking to educate and train law enforcement officers, to ensure that its competent authorities proceed to a prompt and impartial investigation of cases where there are reasonable grounds to believe that an act of torture has been committed, to ensure that victims of torture have the right to compensation or, where a death had occurred as a result of an act of torture, that the victims dependants are entitled to compensation and that those responsible for the torture are punished by appropriate penalties. Article 2, Paragraph 1, of this Convention states that: *"Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction"*.

Macedonia also ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms in 1997. Article 3 of the Convention states that: *Anyone shall be subjected to torture or to inhuman or degrading treatment or punishment.* In the same year Macedonia ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. This Convention prohibits the practice of torture and other cruel, inhuman or degrading treatment or punishment, and also sets up a system of regular inspections of places of detention by the European Committee for the Prevention of Torture. Macedonia is legally bound to observe the provisions of this treaty. The European Committee for the Prevention of Torture (CPT) visited Macedonia in May 1998. In its report to the

Government of Macedonia, which was published in October 2001, the CPT concluded that:

"[o]n the basis of all of the information obtained by the CPT before, during and after the visit, the Committee can only conclude that physical ill-treatment of persons deprived of their liberty by the police in 'the former Yugoslav Republic of Macedonia' is relatively common" (CPT/Inf (2001)20 Paragraph 17).

Amnesty International unconditionally opposes torture and other forms of cruel, inhuman or degrading treatment or punishment of all prisoners and detainees. It is particularly concerned that there may have been a racial element in this case, as indicated by the alleged derogatory comments made by police officers to those remaining detainees about their ethnic origin at Avtokomanda police station in Skopje.

Amnesty International recommendations to the Macedonian Authorities.

- Amnesty International is calling on the Macedonian authorities to conduct a prompt, thorough, impartial and independent investigation into the alleged ill-treatment of the 34 Ethnic Albanians detained in Poroj.
- To bring to justice any police officer suspected of being identified as responsible, whether directly or on the basis of superior responsibility.
- To ensure that those ill-treated in Poroj on 6 April receive fair and adequate compensation if the allegations are found proven.
- To ensure that detainees are immediately seen by an independent doctor after arrest, that they get prompt and effective medical attention and that medical records are kept in accordance with good medical practices and made available to detainees.
- To ensure that witnesses / victims who complain about police ill-treatment are not subjected to threats or harassment.