

FORMER YUGOSLAV REPUBLIC OF MACEDONIA

The alleged ill-treatment of two Roma women, by police in Strumitsa¹

Amnesty International (AI) is concerned about allegations that members of the Roma community in Macedonia have been subjected to ill-treatment by police on the grounds of their ethnic identity. One such case is that of two Roma women A², an adult, and B, a 17-year-old juvenile, who were allegedly ill-treated by police officers in Strumitsa on 6 November 2000³. Although the Association for the Protection of Roma Rights (ARRP) lodged a formal complaint on their behalf about their ill-treatment by police shortly after the incident, it has yet to receive an answer from the Macedonian authorities. Amnesty International is concerned that the lack of investigation into the case for the past one and a half year may contribute to a climate of impunity for the perpetrators of human rights violations.

Both A and B were detained on 6 November 2000 by police in Strumitsa after one of their relatives, C also a teenager, having concealed her pregnancy from her family, had aborted her child. However, C's father reported her to the police after she confessed to him. He told the police officers that the foetus had fallen into a septic tank. Over the next few days several police officers accompanied by a judge came to the house of the family, but failed to find the foetus in the tank. On the second day, the judge reportedly grabbed C's hair and slapped her in order to make her confess where the foetus was. C fell down, fainted and was taken to hospital by her father. Thinking the foetus had been hidden elsewhere and suspecting an illegal abortion⁴, the police took C's two female relatives A, her mother, and B, her sister-in-law, to the police station for further interrogation.

¹ The information on this case comes from interviews with the victims carried out by Amnesty International and the Association for the Protection of Roma Rights in Štip. The names of both victims are known to Amnesty International but have been withheld to protect them.

² The names of all victims are known to Amnesty International but have been withheld to protect them.

³ See also *Amnesty International, "Former Republic of Macedonia, Collecting blows: The alleged ill-treatment of Roma in Šašavarlija"* (AI Index EUR 65/008/2001), *Ro-Mak*, quarterly bulletins of the Association for human rights protection of Roma-Štip, Macedonia, and *"A pleasant fiction: the human rights situation of Roma in Macedonia"*, European Roma Rights Centre, July 1998, country report series No 7.

⁴ Under Article 129 paragraph 1 of the Macedonian Criminal Code relating to interruption of pregnancy, a person who carries out an abortion or helps with carrying out an abortion on a consenting woman, outside the normal

In an interview with representatives of the ARRP and Amnesty International in December 2000, A described her detention as follows: "*A policeman locked me in an office in the police station in Strumitsa with two other police officers. With force and bad words they tried to make me say what was not true. One policeman in civilian clothes⁵ hit me on the head, arms and body with a wooden beam. They kissed me and pulled my hair. One of them put his feet on my breasts*". A also reported sexual threats from one of the police officers who threw himself on top of her and asked her where the baby had been buried. Out of fear, she told them it was buried in the graveyard. That police officer, another of his colleagues and a driver then took A to the Roma cemetery. There, "*the policeman took out a pistol and hit me in front of 10 other people. It is a populated area. The two of them beat me. I told the policeman I had said that the baby was buried in the cemetery because I was afraid but he continued to beat me*". Back at the police station A was taken to a room in the basement where she was reportedly beaten, hit on the head with a gun, threatened with death and with being kept there without food or water until she confessed. "*To save myself I told them the baby was buried in the mountains*". A was released after three hours of police custody. Her husband described how police threw him out of the building after he went to the police station to inquire about the names of the police officers responsible for the reported ill-treatment of his wife.

B, herself a 17-year-old mother of a (then) 5-month-old baby, told Amnesty International and ARRP that she was taken to the police station at 8am on 6 November 2000. She described how, during her interrogation, three police officers⁶ in civilian clothes insulted her, made sexual comments and touched her on various parts of her body. When she denied any knowledge of the whereabouts of the deceased baby, apart from to say that she thought the foetus was in the sceptic tank, the police officers reportedly began to hit her. Then, "*I was taken downstairs in a room and they hit me on my head. I was told I would stay in prison. They kicked me on the head. One pulled out a pistol and said 'Now I will kill you'. I was very scared so I told him how the baby was buried. One of them took a stapler and put a staple in my right hand. I was crying and bleeding. They said that if I don't speak they will put me in prison. There were three police officers in the room, all in civilian clothes*". B reports that she was then taken to the courtyard where one police officer kissed her and told her not to tell anyone. She was then left in alone in another room when the police brought in A for interrogation. "*When I was told*

regulations (ie with a doctor being present, inside hospital, commits a crime punishable by up to three years' imprisonment.

⁵ His name is known to Amnesty International

⁶ Their names are known to Amnesty International. They are the same who allegedly ill-treated A.

to leave the police station, at 2pm, the police officers warned me not to tell anyone about what had happened. I was crying and ashamed. I was worried because my baby girl had not been fed since early in the morning."

On 8 November 2000 the ARRP made an official complaint on behalf of A and B to the Prosecutor's Office against the police officers allegedly involved in their ill-treatment. On 9 November the ARRP wrote to the Ministry of Internal Affairs, which is responsible for the police, about the allegations of ill-treatment. As of the end of December 2001, no answer from the authorities to any of the two letters has been received. Both the ARRP and Amnesty International fear that the lack of interest from the Macedonian authorities into this case, as in other allegations of ill-treatment of Roma by the Macedonian police, might lead to impunity for, and encourage, further human rights violations against the Roma community in Macedonia.

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 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 year's imprisonment.

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 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 among other things 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 victim's 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 (ECHR) in 1997. Article 3 of the Convention states that: “*No one shall be subjected to torture or to inhuman or degrading treatment or punishment*”. The ECHR 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).

In the case of minors, which Article 1 of the United Nations Convention for the Rights of the Child (CRC) defines as "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier", states parties shall ensure that: "[n]o child shall be subjected to torture or other cruel, inhuman or degrading treatment (...)" (Article 37 paragraph a). Moreover, under paragraph (c) of that same article, "[e]very child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age (...)." Macedonia ratified the CRC in December 1993 and is legally bound to observe the provisions of this treaty. Amnesty International is urging the Macedonian authorities to take further steps to strengthen the protection of children by ratifying without delay both Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflicts, and on the sale of children, child prostitution and child pornography.

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 sexual threats in this case, as indicated by the alleged sexual comments and touches on the body made by the police officers to both A and B.

Amnesty International is calling on the Macedonian authorities

- ⑥ to conduct a prompt, thorough, impartial and independent investigation into the alleged ill-treatment of A and B;
- ⑥ to bring to justice any police officer identified as responsible whether directly or on the basis of superior responsibility;
- ⑥ to ensure that A and B receive fair and adequate compensation if the allegations are found proven;
- ⑥ 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 the detainees;
- ⑥ ensure that detainees are given prompt access to legal counsel and that counsel is able to be present at all stages of proceedings;
- ⑥ to ratify without delay the two Optional Protocols to the Convention on the Rights of the Child;
- ⑥ to ratify without delay the United Nations Convention on the Elimination of All Forms of Discrimination against Women.
- ⑥ To fulfil the undertakings in the Ohrid Framework Agreement of 13 August 2001, to ensure that the make up of the police force is representative of the ethnic balance of the population, and to ensure that more police of Rom ethnicity are recruited and deployed in areas where Roma live (Framework Agreement Annex C 5.2).