

# FORMER YUGOSLAV REPUBLIC OF MACEDONIA

## Alleged ill-treatment of 27 Albanians in Skopje by Macedonian Police

On 22 June 2001 a group of some 30 Albanian citizens who had entered Macedonia in transit on their way to other countries, primarily Greece, to look for work, were expelled back to Albania at the Tushemisht border crossing at Sveti Naum. Nearly all of the group (reports state that 27 of the 30)<sup>1</sup> alleged that they had been severely ill-treated in detention in the previous two days after being arrested in Skopje. Their arrests were confirmed by Macedonian state television (MTV1) on 20 June which reported that the Ministry of the Interior had carried out *Another successful operation*: a group of 30 *Illegal immigrants from Albania travelling in five stolen cars* had been arrested in Skopje, and police were investigating possible links between these men and the National Liberation Army<sup>2</sup>. Two days later, the Macedonian authorities returned the men to Albania, after banning their re-entry to the Macedonia for five years.

At the border crossing the men informed the Albanian police that they had been severely beaten during their detention, and at least five of them were reportedly sent for medical treatment to Pogradec hospital. A correspondence from Pogradec hospital to the Albanian Ombudsman confirmed that one of the victims, Hajri Enver, was diagnosed on 22 June as suffering from bodily contusions. According to their accounts, the men had entered Macedonia with regular visas, and hired taxis to drive to Skopje, and were planning to cross into Greece illegally for work. In signed statements which several (Hajri Enver Zebi, Lirim Sula and Mevlud Derti) subsequently made to the Albanian Ombudsman's Office, they stated that Macedonian police officers had accused them of having been sent by the Albanian state authorities to fight with the NLA, had kicked and beaten them with truncheons, metal bars and rifle butts, and had seized money and valuables from them. Similar

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<sup>1</sup>Amnesty International knows the names of nineteen of the twenty seven. Their names are; Gezim Koleci, Shkelqim Buci, Aleksander Milani, Mirdosh Gjoka, Ismail Mema, Afim Haspepa, Gentain Kasmi, Masim Shterni, Blerim Pula, Gjelosh Vata, Kujtim Gjika, Klan Lloga, Ilmi Lico, Gjeke Petroshti, Hajri Enver, Liram Sula, Gazmir Murrja, Mersin Stermilla, Mevlut Derti.

<sup>2</sup> NLA - an armed ethnic Albanian group which launched an insurrection in Macedonia in January 2001 ostensibly fighting for greater rights for the country's ethnic Albanian minority which makes up between 22-30% of the total population.

allegations made by 16 other men in the group were reported in the Albanian press on 24 June 2001.

The Albanian Ombudsman requested his Macedonian counterpart to investigate this incident. In a letter dated 22 August the Macedonian Ombudsman replied that he had asked the Ministry of Internal Affairs for a full report, which confirmed that 27 Albanian citizens had been detained on 20 June for questioning and that they were planning to cross the border illegally into Greece. However, he concluded, without any apparent basis, *: A...I can tell you that the officers of the Ministry of Internal Affairs...acted within their legal powers and did not use physical force@.*

Amnesty International is concerned at these allegations of severe ill-treatment. The organization is calling on the Macedonian authorities to ensure that a prompt, thorough and impartial investigation is undertaken into the allegations, and, if they are founded, to ensure that any police officers responsible are brought to justice and the victims receive fair and adequate compensation.

### **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 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. 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

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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 in 1997. Article 3 of the Convention states that: *"No one 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 nationalist element in this case, as indicated by the alleged comments made by police officers to the detainees accusing them of having connections with the NLA.

### **Amnesty International's 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 27 Albanians detained in Skopje.
- 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 Skopje on 20 June 2001 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.