

# FORMER YUGOSLAV REPUBLIC OF MACEDONIA

## Alleged ill-treatment of Vebi Zimeri and Basri Aliu by Police Officers in Tetovo

Amnesty International is concerned about allegations that Vebi Zimeri and Basri Aliu were subjected to ill-treatment by police officers during interrogation at Tetovo police station on the night of 13-14 September 2000.

On the evening of 12 September 2000 Vebi Zimeri (48 years old) and his nephew Basri Aliu (20 years old), both ethnic Albanians from Skopje, went with other relatives to the village of Kopa\_en Dol near Tetovo. The reason was to visit Vebi Zimeri's niece and the family into which she had married. She had allegedly been the victim of domestic violence and the two sides of the family were to discuss the issue. After the meeting the group from Skopje were seen out of the house. However, on the street the visitors were then allegedly attacked by their hosts and a fight ensued. The guests managed to leave the scene and return to Skopje.

At around 2am the following night (12-13 September), police reportedly came and took Vebi Zimeri and Basri Aliu from their homes in Skopje to the Butel police station. They were questioned, but not allowed to leave after their interrogation by police. At about 11am on 13 September police officers from Tetovo arrived at the station and transferred them to the Tetovo police station.

According to statements given by Vebi Zimeri and Basri Aliu to Amnesty International they were questioned further at the Tetovo police station in the afternoon and evening. After midnight, reportedly after the station commander had gone, the men were beaten by two police officers using truncheons and, in the case of Vebi Zimeri, a baseball bat. The baseball bat broke as Vebi Zimeri was beaten. During the beatings they were ordered to withdraw statements they had given to the police at the Skopje Butel station and to state that they had attacked members of the other family in Tetovo. A female member of the Tetovo family with whom the dispute had arisen was allegedly present in the police station and was familiar with the police officers involved in the ill-treatment.

Vebi Zimeri and Basri Aliu were released around mid-day on 14 September, but were not given any assistance by the police to get back to their homes in Skopje, despite the fact that Vebi Zimeri was reportedly in a bad state as a result of the ill-treatment.

When he reached Skopje he was treated in hospital. Bruising was noticeable over large areas of his body, particularly his back, buttock and arms. A medical certificate issued when Vebi Zimeri completed outpatient treatment at the Skopje City Hospital confirmed extensive bruising and for legal purposes qualified his injuries as *lesna telesna povreda* (light bodily injuries). According to Vebi Zimeri, all his injuries were sustained during the beatings in Tetovo police station.

**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.

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

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 1997 Macedonia ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment which not only prohibits the practice of torture and other cruel, inhuman or degrading treatment or punishment, but 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.

**Amnesty International** unconditionally opposes torture and other forms of cruel, inhuman or degrading treatment or punishment of all prisoners.

**Amnesty International is calling on the Macedonian authorities**

- to conduct a prompt, thorough, impartial and independent investigation into the alleged ill-treatment of Vebi Zimeri and Basri Aliu
- to bring to justice those responsible
- to ensure that Vebi Zimeri and Basri Aliu receive fair and adequate compensation

as required by international standards and recommendations.