

FORMER YUGOSLAV REPUBLIC OF MACEDONIA

The "lions" beat tonight: alleged ill-treatment of Macedonian citizens by paramilitary police

Amnesty International (AI) is concerned that Cano Canoski and Vebija Saloski were allegedly severely beaten and threatened with guns and knives by members the ALions@, while they were gathering wood in Odjovo Kutli, near Struga, on 3 April 2002. The Lions are a special mono-ethnic paramilitary police force set up by the Interior Ministry following an armed insurgency in 2001 by ethnic Albanians ostensibly fighting for greater rights for the country's ethnic Albanian minority. Members of the Lions were widely seen as being pro-VMRO-DPMNE (the Internal Macedonian Revolutionary Organization – Democratic Party for National Unity), the party of the then Prime Minister Ljubcho Georgievski, and were seen by many as defenders of the ethnic Macedonian Orthodox majority against perceived threats from ethnic Albanians who are overwhelmingly Muslim. To Amnesty International's knowledge no adequate investigation into the alleged ill-treatment of Cano Canoski and Vebija Saloski has been undertaken, and it appears that the authorities are reluctant to investigate the case.

Amnesty International is calling for a prompt, full and impartial investigation into all the allegations of ill-treatment made by Cano Canoski and Vebija Saloski, and that if the allegations are substantiated, those suspected of involvement in the ill-treatment be brought to justice and adequate compensation be awarded to the victims.

"If you love Macedonia, kiss the ground"¹

In the morning of 3 April 2002 two ethnic Macedonians of Muslim faith, Cano Canoski, from the village of Oktisi, and his relative, Vebija Saloski, went with their donkeys to gather wood in Odjovi Kutli, a mountainous area near Oktisi, where they left the animals grazing. Soon after their arrival at 9am, Vebija Saloski, who had gone some 50 metres away from Cano Canoski, called his relative to join him. As Cano Canoski was running down the slope he saw masked policemen pointing a gun at him. As he approached, one of the police officers ordered him to lift his arms up above his head. Cano Canoski managed to recognize two of the six to eight police officers surrounding him as members of the Lions unit stationed nearby in Gorna Belica. (They had previously been expelled from the local police force due to "some problems they had caused".²) Vebija Saloski had been handcuffed and was lying on the ground. One of the Lions reportedly had his foot on Vebija Saloski's head while two others were standing near him. Cano Canoski was ordered to lie on ground next to Vebija Saloski. Once he had obeyed the order, the paramilitaries reportedly started to roll them down the slope, pushing them on until they rolled into a slight depression. They were ordered to get up but to keep their heads bent down, without looking right or left, and to follow one of the Lions while the

¹ Information on this case comes from a fact-finding mission to Macedonia on 27-28 May 2002 by the International Helsinki Federation for Human Rights (IHF) and the Helsinki Committee for Human Rights of the Republic of Macedonia (Macedonian Helsinki Committee)).

² This was reportedly later stated by their former police chief.

others pushed them and pointed their guns at their necks.

After about 200 metres they were ordered to stop. Vebija Saloski and Cano Canoski alleged that they were then beaten on their legs and kidneys while being shouted at that they were *terrorists* and *Mujaheddins*. When Cano Canoski told the Lions that they were Macedonian citizens from Oktisi, they were asked for their names. When they gave their names which identified them as Muslims, one of them said “[i]f you are Macedonian, make the sign of the Christian cross” while another reportedly punched him on the nose drawing blood. Cano Canoski alleged that another paramilitary took off his cap which had a Macedonian emblem and a cross on it and ordered him to kiss the cross, smashing the cap in his face before he could comply. Another Lion asked Vebija Saloski where he prayed and when he replied in a mosque, said “[w]here is Allah now to help you”. When Cano Canoski repeated to the paramilitaries that he and Vebija Saloski were also Macedonians, the paramilitary reportedly told him *if you love Macedonia, kiss the ground* and he was made to kneel and do this with a boot on his head. They were then allegedly again beaten and tormented for about a further half hour.

They were then ordered to lie on the ground without moving. After about 15 minutes, they were ordered to stand up and run off. They obeyed but were then ordered to stop or they would be shot so they stopped, and were again beaten. Cano Canoski alleged that he fell to the ground and one of the Lions seized him by his hair, took out a knife like a bayonet and moved it slowly across Cano Canoski's neck, threatening to slaughter him. The Lions told both men to remain silent and to stand up. Having obeyed, they were again beaten and ordered to run and then stop several times. Vebija Saloski was reportedly beaten until he fell to the ground, after which one of the Lions dropped a knife on to his head drawing blood.

Eventually they were allowed to go. Both men were given instructions by the Lions to explain away their injuries and warned “[i]f you say anything, we will come to your village and burn it... The mountain is full of us, you cannot escape” and they were again forced to say “[t]here is no Allah”. However, they described their ordeal to the medics who transported them by ambulance to Struga hospital. After being discharged from hospital they went to the Vevchani police station, near the village where they live, to record a complaint. The police officer refused to officially record their statement, although he did agree to take a handwritten statement from them. Three days later, Cano Canoski and Vebija Saloski were called to Struga Police Station to meet the head of the Vevchani police station as well as the Commander of the Lions Paramilitary Unit. According to the victims, the head of Struga Police Station told them that *what has happened should not have happened*. He further added that if the incident had occurred “in Europe” he would have to resign. However, as they were not “in Europe”, and as he could not offer them any compensation, he allegedly offered them a job each as police officers either in the station under his command or as traffic wardens if they kept quiet about the incident. Both Cano Canoski and Vebija Saloski refused the offer made by the Commander of Struga Police station and decided to speak publicly about their ill-treatment.

Their case was taken up by their local member of parliament, Latif Pajkovski, from the Liberal Party, as well as by the Macedonian Helsinki Committee (MHC) and a local television station. The MHC contacted the Interior Ministry who sent them the official police version of the incident. This claimed that the Lions had asked to see the two men's identity papers but, as they had none, the two men had tried to run away and had resisted arrest. The letter concluded that the police had used proportional force as allowed by law. Amnesty International notes that such replies from the Interior Ministry to allegations of ill-treatment are standard practice.

Amnesty International is concerned about allegations that Cano Canoski and Vebija Saloski were attacked and severely beaten by members of the “Lions” unit, apparently

because they were Muslim. The organization is also concerned that the authorities appear unwilling to thoroughly investigate the incident. Amnesty International is calling on the Macedonian authorities to ensure that a prompt, thorough and impartial investigation is undertaken into the allegations, and to ensure that if they are substantiated, the perpetrators are brought to justice, and that Cano Canoski and Vebija Saloski receive fair and adequate compensation.

Background: jungle at war

In the last few years, Amnesty International has raised a number of cases of ill-treatment of citizens by members of the security forces. In many cases, especially those involving ethnic Albanians or Roma, the alleged ill-treatment had an ethnic or racial component. Many of the incidents involved members of the Lions and occurred within the context of the armed insurgency by ethnic Albanians in 2001 which brought the country to the brink of all-out civil war before the Ohrid peace agreement was reached with the help of mediators from the European Union and the United States. The fighting which claimed some 200 lives considerably heightened ethnic tension, especially between ethnic Macedonians and ethnic Albanians, and there have been a number of sporadic violent inter-ethnic incidents. Amnesty International has continued to receive allegations of ill-treatment of detainees, especially of ethnic Albanians, by the Lions and other members of the security forces since the implementation of the peace treaty. To Amnesty International's knowledge, the number of police officers prosecuted for ill-treatment has been so low as to be almost negligible. Cases raised with the Interior Ministry by the office of the People's Defender (Ombudsperson) have been routinely dismissed as unfounded despite at times compelling evidence to the contrary. Amnesty International believes that the failure by successive Macedonian authorities to adequately investigate allegations of ill-treatment or to bring to justice the perpetrators has encouraged a climate of impunity for some members of the security forces. Amnesty International calls for any law enforcement official found to be responsible for ill-treatment to face disciplinary action, and criminal charges where appropriate. Law enforcement officials convicted of torture or serious ill-treatment should be subjected to appropriate criminal sanctions, as well as immediate dismissal from the police force.

As well as actual incidents of alleged ill-treatment, there have been reports of the Lions terrorizing citizens, especially ethnic Albanians who feel particularly targeted and at risk. For example, *Fakti*, an Albanian language daily in Macedonia, reported on 14 October 2002 that according to inhabitants in Presille village, near Krushevo, about 30 members of the Lions paramilitary units entered their village at 5.40 am on the morning of 11 October 2002 and opened fire at their homes without any apparent cause. They claimed that the firing carried on uninterrupted for about 30 minutes. Then, the Lions reportedly drove in front of the village mosque and opened fire on it, causing damage to the building. The local police later confirmed to *Fakti* that they had found 20 Kalashnikov cartridges in front of the mosque.

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.

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 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 (CPT). Macedonia is legally bound to observe the provisions of this treaty. The 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.

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 Cano Canoski and Vebija Saloski.**
- If the allegations are substantiated, to bring to justice those suspected of being responsible, and to ensure that Cano Canoski and Vebija Saloski receive fair and adequate compensation.**