

FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Collecting blows

The alleged ill-treatment of Roma in Šašavarlija

Amnesty International (AI) is concerned that Orhan Aliov, Selajdin Mustafov, Šehri Mustafov, Mamet Red_epov and Ferat Skenderovski were allegedly ill-treated by civilians and police near the village of Šašavarlija in the region of Štip. Although the men lodged a formal complaint about their ill-treatment by the police shortly after the incident, the Štip Prosecution Office rejected it in September 2001. AI is concerned that the lack of investigation into the case might lead to impunity.

On 26 May 2000 at about 11pm Orhan Aliov, Selajdin Mustafov and his son, Šehri Mustafov, Mamet Red_epov and Ferat Skenderovski, all members of the Roma community in Štip in eastern Macedonia, went to gather firewood illegally in the forest near the village of Šašavarlija. After having loaded their horse-carts with wood they started on their way back to Štip at about 3am. They were stopped on their way by five police officers and villagers from Šašavarlija. According to the statements they gave to Amnesty International and the Association for the Roma Rights Protection in Štip (ARRP) all the men were beaten on the spot by the police and villagers.

According to Selajdin Mustafov, *"one of the villagers hit my son [22-year-old Šehri Mustafov] in the mouth with a hard object. He started bleeding and ran away. Although it was dark, I recognized the policeman¹ who told me to be quiet so that he could meet the other two horse-carts. [The policeman] handcuffed me, hit me several times and put me in the police car (...). When we arrived near the village of Levaci he removed the handcuffs and told me to drive the horse-cart to the police station. There he brought me to his office and started to kick me. My hands were not tied so that I could protect my loins from the hard blows. This lasted for 15 minutes. The other policemen present did not beat me."* As a result of his injuries, Selajdin Mustafov remained in hospital in Štip for four days. His medical report records a fracture of the right rib and other contusions on the thorax.

¹ His name is known to Amnesty International.

Selajdin Mustafov's son, Šehri, describes in his statement that: "... the police officer, started to punch my father. I asked him why he was punching him, since we were not going to run away and would be answering for our crime. The police officer swore at me, but at that moment one of the villagers came upon me with a hard object and hit me in the mouth, cutting my lips. I fell down as a result of the blow and there was nothing for me to do except to run away from there. When I arrived home my mother saw that I was shaken up and my lip was all bloody. I told everything that had happened to my father."

Photo caption: Šehri MUSTAFOV © ARRP

Orhan Aliov's account of his detention and ill-treatment corroborates that of the other Roma detained with him.

"On our way home, we met one policeman and one civilian. (...). Nearby there was a police jeep and several policemen. They threatened us with guns if we ran away, so we stopped immediately. Then the policemen and the villagers started to beat us, mainly on the chest, with wood sticks." Orhan Aliov was then taken to the police station. There, "I was brought into an office (...). I expected to talk to [the police officer] but he immediately started hitting and swearing at me without asking me any questions. I fell down on the floor and he forced me to kneel telling that I know how to do this because we often go to the Mosque to pray. In the meantime other policemen came and they kicked me. Because I had terrible pain in my chest and over my body I began to yell. They turned the radio on so that nobody could hear me yelling. After half an hour of beating I was told to wait for the forestry police."

Photo Caption: Orhan ALIOV © ARRP

I was sitting down and waiting in the hall when one of the policemen arrived and forced me to stand up. He laughed. When the forestry police arrived, they took away our horse-carts but did not beat us. Then I went to my relatives. Because I had terrible pains, they covered me with lambskins." Orhan Aliov was later taken to hospital in Štip for medical examination. His medical report records contusions on his head and body for which he was prescribed pain killers which he could not afford financially. "I stayed at home and cured myself with domestic remedies (applying onion compresses, animal skin on the injuries etc...)."

Orhan Aliov's grand-father, Mamet Red_epov, unemployed and married with three children, told ARRП, that he was walking behind the horse-cart when it stopped. *"I saw the police and some villagers. Then I felt a hard blow on my neck. The police officer came towards me, handcuffed me and started to beat me. Other policemen and villagers joined him and they beat me until I got into the police car. They took me to the police station together with the others (...). After they finished with Orhan they brought me in and the police officer² put my hands behind my neck and handcuffed me. Then he kicked and punched me. I fell down on the floor. He stepped on my neck and hit my head hard on the floor. Another police officer was also hitting me but I don't know his name."* Mamet Red_epov's medical report from Štip Hospital records contusions on his head and body for which he was prescribed pain killers which he could not afford financially. *"I cured myself with domestic remedies (applying onion compresses, goatskin on the injuries)."*

Photo Caption: Beaten Roma. © ARRП

Only one of the men, Ferat Skenderovski, was reportedly not further ill-treated when interrogated by the police, although he did receive a blow when detained in the forest with his friends.

On 2 June 2000, the ARRП submitted an official complaint to the Public Prosecutor's office in Štip against the police officers allegedly involved in the ill-treatment of Orhan Aliov, Selajdin Mustafaov and Mamet Red_epov on behalf of the victims. On 28 November 2000 the ARRП received a reply from the Prosecutor stating that on 13 November 2000 he had forwarded the request to the Minister of Internal Affairs in Skopje in which he asked for more information about the case in order to open an investigation into the allegations. On 20 September 2001, the ARRП received a decision by the Štip Prosecution Office that its complaint was rejected and that no further procedure would be considered by the authorities in this case.

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".

² His name is known to Amnesty International

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 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. 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 or religious element in this case, as indicated by the alleged derogatory comment made by one of the police officers to one of the detainees about kneeling in mosques.

Amnesty International is calling on the Macedonian authorities

- to conduct a prompt, thorough, impartial and independent investigation into the alleged ill-treatment of Orhan Aliov, Selajdin Mustafov, Šehri Mustafov, and Mamet Red_epov;
- to bring to justice any police officer identified as responsible whether directly or on the basis of superior responsibility;
- to ensure that Orhan Aliov, Selajdin Mustafov, Šehri Mustafov, and Mamet Red_epov receive fair and adequate compensation if the allegations are found proven;
- 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.