

FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Pavle Todorovski: community leader beaten and denounced as a >traitor=.

In the evening of 23 January 2002, a group of masked men armed with automatic weapons attacked and severely injured Pavle Todorovski, the Deputy Leader of the Local Community Council of Tearce, in front of his home in Tearce, a village near Tetovo. The attack required him to be taken to hospital with head wounds needing over 20 stitches.

In January 2001, an ethnic Albanian armed group calling itself the National Liberation Army (NLA) and claiming to be pursuing greater rights for the ethnic Albanian minority population (estimated to make up between 22 and 30 percent of the total population) began an insurrection against government forces. The most serious fighting occurred in the vicinity of Tetovo¹, and Tearce, on the road from Tetovo to Kosovo, had been on the >front line=. After extensive displacement of people from their homes and considerable physical destruction in the conflict areas in the north and west of Macedonia where ethnic Albanians predominate, but fortunately before any very great loss of life, the Framework Agreement, negotiated in Ohrid in August 2001 under the aegis of the international community, laid the basis for a hesitant and gradual end to the fighting and hesitant implementation of a series of reforms designed to meet ethnic Albanian demands, while preserving the integrity of Macedonia and its future as a multi-ethnic state.

¹ For further information see: Amnesty International: Former Yugoslav Republic of Macedonia >Dark Days in Tetovo= (AI Index EUR/007/2002).

The fighting caused a heightening of inter-ethnic tensions, and concern was expressed, for example by the International Helsinki Federation², that, towards the end of the year, police reservists and irregulars, far from being demobilized as the crisis abated, had been formed into permanent rapid response units called >Lions=, under the command of the Minister of the Interior. In contravention of the policing provisions of the Ohrid agreement, these forces were recruited exclusively from the ethnic Macedonian community and were not trained by international instructors. Many Macedonians saw the Ohrid agreement as a betrayal of Macedonian national interests and a capitulation to >extreme= Albanian demands forced upon the state by the international community, and many viewed these units of the Ministry of the Interior as being akin to ethnic Macedonian >shock troops= engaged in a struggle to defend the interests of Macedonians against ethnic Albanians.

Pavle Todorovski, on the other hand, was well known in the local community for his stance on reconciliation and peace between ethnic Albanians and ethnic Macedonians. Earlier that day he had met with the European Union special envoy to Macedonia, and the previous week on 18 January, he had been interviewed by a Portuguese television crew which was portraying Tearce as an example of a community where inter-ethnic tensions had eased and mixed Macedonian and Albanian police patrols had been successfully redeployed under the guidance of monitors from the Organisation for Security and Cooperation in Europe (OSCE).

Pavle Todorovski and witnesses to the incident asserted that the attackers spoke Macedonian and denounced him as a Macedonian traitor. No serious police investigation into the attack appeared to have been undertaken. At a briefing held on 29 January 2002, a North Atlantic Treaty Organization (NATO) spokesperson stated: *What is more tragic is the lack of investigation of the crime by the police. To date, there is no verification in the international community that the police have initiated investigation and are making an attempt to solve the crime and arrest the perpetrators. We have discussed several times and should note again that the police have the right and the responsibility to investigate and arrest those who commit crimes within the borders of the country*³.

² International Helsinki Federation for Human Rights, >Human Rights in the OSCE Region: The Balkans, the Caucasus, Europe, Central Asia, and North America=. Report 2002 (events 2001).

³ Statement by Craig Ratcliff, >Other Transcripts=, Briefing held on 29 January 2002, NATO Press Centre Skopje.

All this and the fact that the men were armed with automatic weapons and appeared to be dressed uniformly, gave rise to suspicions that the perpetrators may have been members of the security forces. Although some elements of the Macedonian political scene accused ethnic Albanians of being the perpetrators,⁴ this view was not widely held, and the leader of the main Macedonian opposition party, the Social Democratic Alliance of Macedonia (SDSM), former Prime Minister Branko Crvenkovski, stated on 30 January that *All the reports have indicated that the masked persons [involved] are under the Interior Ministry's control*⁵. Amnesty International is aware of many cases where members of the security forces have used violence and have tortured and/or ill-treated people apparently with impunity: prosecutions of Macedonian security officials for using excessive and unwarranted force are, to Amnesty International's knowledge, so rare as to be virtually non-existent.

Amnesty International is concerned that Pavle Todorovski may have been attacked and severely beaten by members of the security forces who may have been motivated by their opposition to the peace process, because of his conciliatory stance towards ethnic Albanians. The organization is also concerned that the police appear unwilling to thoroughly investigate the incident and bring the perpetrators to justice. The organization is calling on the Macedonian authorities to ensure that a prompt, thorough and impartial investigation is undertaken into the incident, and to ensure that the perpetrators responsible are brought to justice, and that Pavle Todorovski receives 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: "A[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

⁴ A representative from the bloc of Macedonian parties and associations from Tetovo, a city dominated by ethnic Albanians, on 26 January accused the OSCE of lies and insinuations and asserted that Pavle Todorovski was beaten by the Albanian terrorists, in order to threaten Macedonians that have opted to stay in their homes. MIA news agency, Skopje, 26 January 2002.

⁵ Macedonian MTV1 television, 30 January 2002.

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 Pavle Todorovski.**
- To bring to justice those suspected of being identified as responsible.**
- To ensure that Pavle Todorovski receives fair and adequate compensation, if the allegations of official complicity are found proven.**