

Former Yugoslav Republic of Macedonia

Police allegedly ill-treat members of ethnic minorities

Amnesty International has over a long period expressed its concerns about continued allegations of police ill-treatment and torture in Macedonia. Macedonia has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and the UN Convention against Torture or other Cruel, Inhuman or Degrading Treatment, both of which prohibit torture or cruel inhuman or degrading treatment in all cases and circumstances. Furthermore, Article 11 of the Macedonian Constitution forbids torture, or “inhuman or humiliating conduct or punishment”. The use of torture to extract statements is forbidden under Article 142 of the Macedonian Criminal Code, while ill-treatment, including insults to dignity, in the course of official duties is forbidden under Article 143 of the same law. However, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in its report on its visit to Macedonia in July 2002, stated:

“On the basis of all information obtained by the CPT before and during the July 2002 visit, the Committee can only conclude that the physical ill-treatment of person deprived of their liberty by the law enforcement agencies in ‘the former Yugoslav Republic of Macedonia’ continues to be a serious problem in 2002, four years after the first periodic visit when similar conclusions were reached (cf. paragraph 16 of CPT/Inf (2001) 20).

It should be added that after the July 2002 visit, the CPT has continued to receive allegations of ill-treatment by law enforcement officials.”¹

Alleged ill-treatment by police officers of people detained on suspicion of having committed a criminal offence affects all ethnic groups including ethnic Macedonians. However, in many of the cases Amnesty International has raised with previous administrations the alleged ill-treatment has had an ethnic or racial component to them in that the victims’ minority ethnicity or Muslim faith appeared to

¹ Report to the Government of “the former Yugoslav Republic of Macedonia” on the visit to “the former Yugoslav Republic of Macedonia” carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 15 to 19 July 2002, Council of Europe, Strasbourg, 16 January 2002, p 13.

have been a, if not the, primary factor in the alleged ill-treatment. Indeed, in most of the cases detailed below there appears to have been no reason to suspect, or any attempt to prove, that the victim had been engaged in any illegal activity, and that the reason for the alleged ill-treatment was solely due to the victim's ethnicity.

To Amnesty International's knowledge, despite the frequency of allegations of police torture or ill-treatment, the number of prosecutions of police officers for such offences is so low as to be almost negligible. Amnesty International is further informed that, in the past, most if not all of the cases raised with the Macedonian authorities by the office of the People's Defender (Ombudsperson) have been dismissed as unfounded despite at times compelling evidence to the contrary. Amnesty International believes that this compounds the current climate of impunity.

The organization is calling on the Macedonian authorities to seriously address the issue of police ill-treatment and impunity. 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. Victims of torture or ill-treatment are entitled to prompt reparation.

The following cases illustrate Amnesty International's concerns at the continuing allegations of police torture and ill-treatment of ethnic minorities, continuing impunity for such violations, and the apparent lack of will by the authorities to seriously address this issue.

1. Arben Ismaili, a disabled ethnic Albanian

Arben Ismaili is an ethnic Albanian who suffers from cerebral palsy and is confined to a wheelchair. According to a statement by him reported in the Albanian-language daily *Fakti*, he left his home in Nerezi near Skopje on 9 October 2002 at about 9.30pm along with a neighbor, also an ethnic Albanian. They were then stopped by two uniformed police officers who asked them for their identification papers. Arben Ismaili did not have his identification papers with him. The police officers told them to go but, as they were leaving, they were told to come back by the police officers who by then had been joined by a third plainclothes police officer. The three police officers, so Arben Ismaili alleges, proceeded to insult them with racial slurs, and then punched him repeatedly in the face despite his pleas that he was disabled and had done no wrong. Following this beating, the police officers allowed the two to return to their homes. Amnesty International is informed that Arben Ismaili's uncle Reshat

Ismaili went to the Skopje Karposh police station to make a complaint. When the desk officer reportedly refused to take action, Reshat Ismaili demanded to see the police station chief who reportedly told him that one of the police officers involved in the incident was from the police station in Gjorche Petrov, Skopje.

2. Ismail Jaoski, an ethnic Turkish mayor²

Ismail Jaoski, born 1963, is an ethnic Turk. He is a businessman, and owns several petrol stations throughout the country; he is also mayor of Plasnica. Ismail Jaoski's troubles with the Macedonian police appear to have begun in 2001 when police in Prilep started to systematically threaten the driver of one of his company trucks due to it having license plates from Tetovo, and insisting that he not drive through Prilep but through Tetovo instead. Tetovo is predominantly inhabited by ethnic Albanians, and in early 2001 an armed insurgency by an ethnic Albanian armed group, the National Liberation Army (NLA), ostensibly fighting for greater rights for Albanians in Macedonia was based in the hills surrounding the town. Ismail Jaoski protested at the treatment of this driver and the local police chief in Prilep promised to end this practice. Also, during a riot by nationalist Macedonians in Prilep in protest at the killing on 8 August 2001 of 10 reservists from Prilep by the NLA during which a number of houses belonging to Muslims were burnt down, police officers were stationed to guard his petrol station in Prilep from the mob. However, Ismail Jaoski alleges that the police took a number of valuables from the station and he reported the alleged theft to the Prilep police headquarters.

On 25 February 2002, Ismail Jaoski and his driver were driving to Kochani, when they stopped in Prilep to have the car examined in order to get it registered. During the registration, a police officer questioned his driver about their intended route. When they left Prilep at about 2pm they were stopped by this same officer who claimed that they had violated traffic regulations. The officer ordered Ismail Jaoski out of the car, and according to Ismail Jaoski's statement said to him; "Albanian motherfucker, why did you have to bring complaints to the police commander against me". Ismail Jaoski replied that the wearing of the uniform of a police officer did not entitle him to maltreat citizens and opened the door to his car to get back inside. The officer then allegedly struck him from behind on the head with a hard object, probably a truncheon, drawing blood, and kicked him several times. Ismail Jaoski went to the Prilep police station to report this incident, informing his lawyer, the mayor of Prilep, friends and employees of his intentions. He arrived at the police station at about

² Information on this case comes from the Civil Society Resource Center, Skopje.

2.30pm but on arrival he was not immediately seen to, but was left in the waiting room. Both his lawyer and the mayor of Prilep arrived at the station but neither was reportedly allowed inside the waiting room. About five minutes after Ismail Jaoski's arrival at the station, the police officer who had originally allegedly beat him entered, and along with two other police officers allegedly began to beat him, and then repeatedly punch kick and beat him with truncheons while he lay helpless on the floor. Ismail Jaoski reported that the last thing he heard before losing consciousness was the former head of the police station (name known to Amnesty International) saying; "[w]hat are you doing, you've almost killed the man".

When Ismail Jaoski regained consciousness he was in Prilep hospital where he was treated with three stitches to a head wound. However, he refused to remain in the hospital because he feared for his safety. The head physician of the hospital who was also a member of parliament for the then governing VMRO-DPMNE (The Internal Macedonian Revolutionary Organization – Democratic Party for National Unity - widely seen as an ethnic Macedonian party antithetical to Muslim minorities such as Turks) reportedly did not allow Ismail Jaoski to get a copy of his medical file. The next day, 26 February he went to the Bitola hospital and was reportedly diagnosed as suffering from a cracked cranium with bleeding in the left ear channel, concussion, partial amnesia, and bruising and swelling in the region of his kidneys and stomach. He was reportedly immobile for a week due to the injuries received.

On 27 February 2002 the Ministry of the Interior reportedly denied that the police had used excessive force claiming that Ismail Jaoski had resisted arrest and that his head injury had been caused when an officer pushed him to the ground.

3. Albert Ibraimov, a young Rom car window washer³

Albert Ibraimov, born 10 December 1983, is an ethnic Rom. Roma in Macedonia, as elsewhere in the region, face severe discrimination and prejudice from state officials. He and all the members of his family – his mother and seven siblings – are without regular employment but receive no financial assistance from the state other than his mother's family pension. To earn money, Albert Ibraimov washed car windows in Skopje hoping to get tips from drivers. On 4 June 2002 at about 9.30am, he was working at an intersection of the main road, 'Partizanski odredi' near the Sveti Klimant Ohridski church in the city centre when two female police officers forced him into a police van by allegedly striking his neck. He was taken to the neighbouring 'Beko' police station where he was detained until 4pm on suspicion of theft. In the

³ Information on this case comes from the Civil Society Resource Center, Skopje.

station he was allegedly beaten with truncheons by the two female officers and slapped by a masked male reserve police officer. It appears that the ill-treatment was to try and extract a confession of theft from him. He denied any wrongdoing and begged them not to hit him in the region of his heart or his appendix as he had had a recent appendix operation. However, the officers allegedly continued to beat him until he lost consciousness saying that they liked having “operated clients” like him to work on. All three officers also allegedly racially insulted him.

Albert Ibramov's back, showing extensive bruising.
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After his arrest, Albert Ibramov's friends who were working at the same intersection went and told his mother, Sedija Ibraimova, what had happened. She sought help from Amdi Bajram, then a Rom Member of Parliament, and Dr Bajram Berat a local Roma leader and counselor of the Minister of Interior. After they found out that he was being held at the 'Beko' police station, he was released at 4 pm the same day. Albert Ibramov stated that on 5 June he went to the 'Beko' police station with Dr Berat to identify the female officers, but that no such identification was made as the officers in question were not available. Dr Berat allegedly promised that the Ministry of the Interior would organize a press conference on 6 June about the incident but this did not happen. On 5 June Albert Ibramov was examined at the Skopje city hospital at the expense of Amdi Bajram who reportedly said that a medical certificate was “not necessary” and so one was not issued.

Due to the alleged ill-treatment, Albert Ibramov reportedly suffered from severe bruising on his back and bottom, injuries to his head, and blood in his urine.

4. Ramiz Tahiri, an ethnic Albanian student⁴

On 13 September 2002 Ramiz Tahiri, a 23-year-old ethnic Albanian student resident in Arachinovo near Skopje, accompanied his pregnant wife to the main hospital in Skopje. As they were leaving at about 11.20 am they were stopped by a plain-clothes police officer who requested to see their identity papers. Ramiz Tahiri stated that on seeing his identity card, the officer said that he was one of 20 persons suspected of preventing the Democratic Party of Albanians from entering Arachinovo on 9 September 2002 and holding a pre-election rally. Although Ramiz Tahiri denied the accusation, the officer radioed for police back-up and began to allegedly verbally abuse and punch him. After about 20 minutes three men, apparently members of a special police unit, arrived in a white "Toyota" pick up vehicle. One of these men accused Ramiz Tahiri of belonging to the NLA and allegedly hit him in the genitals and slapped him several times. Ramiz Tahiri stated that he asked them to let his pregnant wife go and thus not see him being ill-treated. However, one of the officers began to curse his wife and make insults about his mother saying: "You Albanians have killed my best friend Kiro" (referring to one of the three police officers murdered at a checkpoint at Arachinovo on 11 January 2000) and "You Albanians want to destroy Ljupcho's [referring to then Prime Minister Ljubcho Georgievski] government and you still say that you are innocent". All four officers then allegedly proceeded to kick and punch Ramiz Tahiri, and one of them allegedly pulled out his firearm and threatened to shoot him in the chest. At about 12.30 pm the police officers let him go reportedly telling him he was "lucky" and that they did not want to see him in Skopje again.

Due to the alleged beating, Ramiz Tahiri suffered injuries to his right knee, right arm as well as pains to his stomach and genitals – injuries which were reportedly confirmed by a medical certificate from a private doctor.

Ramiz Tahiri stated that he reported the incident to the 'Beko' police station in Skopje, but that a uniformed police officer there informed him that he was afraid to taken any action against the perpetrators as he presumed they were members of a special police unit operating with impunity. However, the uniformed officer suggested that Ramiz Tahiri report the incident to the Organization for Security and Cooperation in Europe (OSCE).⁵

⁴ Information on this case comes from the Civil Society Resource Center, Skopje.

⁵ The OSCE has representatives in the country helping oversee the implementation of the Framework Agreement, negotiated in Ohrid in August 2001 which ended the hostilities between the government and the NLA.

5. Ramadan Mahmuti, ethnic Albanian taxi driver and a Rom passenger⁶

On 29 July 2002 at about 6 pm Ramadan Mahmuti, a 31-year-old taxi driver from the village of Gorno Svilare near Skopje, was driving his car towards his home when he picked up a Rom passenger near Zlokuchani who requested to be driven to Gjorche Petrov on the outskirts of Skopje. Soon after picking this passenger up, they were followed by a white van and two jeeps one of which eventually blocked the road forcing him to stop. A number of plainclothes police officers got out of the vehicles and ordered Ramadan Mahmuti to hold up his hands and not to move. Allegedly they then dragged him out of his car hitting him in the mouth with a walkie-talkie drawing blood, and proceeded to hit him in the ribs, face and head while racially insulting him. The officers also allegedly beat the passenger. Ramadan Mahmuti thinks that the police officers stopped and attacked him because his car displayed the sign, "Elite Union", of an ethnic Albanian taxi company. He was then handcuffed and taken to Gjorche Petrov police station where he was tied up but not subject to further ill-treatment. He was released at 11 pm. As a result of the incident he reportedly suffered from swelling to his head and face and chest pains and was x-rayed at Skopje city hospital.

Amnesty International's concern

Amnesty International is concerned about these allegations of ill-treatment by police officers, which, to the organization's knowledge, have not been adequately investigated by the authorities. The organization urges the Macedonian authorities to undertake prompt, thorough and impartial investigations into these allegations, and that if they are substantiated, the police officers responsible be brought to justice and the victims awarded adequate compensation.

⁶ Information on this case comes from the Civil Society Resource Center, Skopje.