

Former Yugoslav Republic of Macedonia

“Where are they now”? Their families need to know!

Alleged “disappearances”¹ and abductions in 2001

In January 2001 hostilities broke out between the security forces and insurgents of an ethnic Albanian armed group calling itself the National Liberation Army (NLA). The NLA claimed to be fighting for increased rights for the ethnic Albanians in Macedonia who are estimated to make up between a quarter and third of the population. The conflict ended in August 2001 when the two sides involved signed The Framework Agreement in Ohrid which laid out the basis for an end to the fighting including a series of reforms designed to meet ethnic Albanian demands while preserving the integrity of Macedonia and its future as a multi-ethnic state. During the conflict both sides committed human rights violations and abuses: the authorities arbitrarily arrested and in cases allegedly tortured ethnic Albanians, while the NLA, which initially targeted the police and army, abducted and ill-treated civilians and drove ethnic Macedonians² out of their homes in an apparent attempt at “ethnic cleansing”.³ Amnesty International (AI) is concerned about the fate of 16 men who allegedly “disappeared” or were abducted between 17 April and 31 August 2001 in various areas of Macedonia during the armed conflict and, it is feared, were subsequently murdered.

All the victims mentioned in this report are Macedonian citizens: three are ethnic Albanians allegedly “disappeared” after they were taken by the Macedonian police, and 13 ethnic Macedonians allegedly abducted by members of the NLA.

On 23 November 2001 the Commission on Kidnapped and Other Missing Persons (the Commission) was established under the auspices of the European Union and was

¹ Amnesty International considers that a “disappearance” has occurred when there is reason to believe that a person has been deprived of their liberty by agents of the state or with their authorization, support, consent or acquiescence, and the authorities fail to provide information or refuse to acknowledge the deprivation of liberty thus concealing their fate or whereabouts. The organization distinguishes between “disappearances” – in which state agents are directly or indirectly involved – and abductions by non-state actors.

² The term “ethnic Macedonian” is used in this report to distinguish this group from all Macedonian citizens of whatever ethnicity.

³ See *Former Yugoslav Republic of Macedonia: Dark days in Tetovo* (AI Index: EUR 65/007/2002).

approved by the Macedonian President Trajkovski. In July 2002 the Commission published its report concerning the work it had carried out in Macedonia over the previous eight months. Its members agreed on a list of 20 missing persons⁴ (13 ethnic Macedonians, six ethnic Albanians, and one Bulgarian citizen) who “disappeared” or were abducted during the period from 17 April to 31 August 2001. The information on all the cases described below draws extensively on the work of this Commission. It should be stressed that after carrying out interviews with relatives of the victims, the Commission repeatedly requested information both from Ljube Boshkovski (then Minister of the Interior), and Ali Ahmeti (NLA leader and now head of the Party of Democratic Union in the governing coalition) and other former leading commanders of the NLA. However, the withholding of information on their part on all the cases mentioned below has, according to its Chairman, “substantially impeded on the work of the Commission” and prevented it from fulfilling its primary mission which was to establish the whereabouts of the 20 missing persons.

Amnesty International is concerned that the failure to investigate any incident where “disappearances” are alleged can only encourage a climate of impunity and lead to further similar cases. Similarly the failure of those responsible in the NLA to cooperate with the authorities to bring to justice those found responsible for abductions can only create further tensions between ethnic communities and prevent lasting peace. Amnesty International also considers that the suffering of relatives of the “disappeared”, in their attempts to establish what happened to their family members, amounts to a violation of their right to freedom from torture and cruel or inhuman treatment, and urges the Macedonian authorities to ensure reparation to the relatives of those “disappeared”.

I. Where are they now? Alleged “disappearances” by the security forces

During the period from 17 April to 20 August 2001, three ethnic Albanians apparently “disappeared” in various parts of Macedonia after police raids on houses or controls on vehicles at checkpoints by the police. In all three cases, although the facts of the circumstances relating to how the men went missing remain to be clearly established, there are grounds for suspecting official complicity, and when requested by the Commission, the Ministry for Internal Affairs (MVR) has to date refused to provide information which may throw light on their whereabouts. Amnesty International is concerned that these three men may have been victims of “disappearances”, and is calling on the authorities to undertake thorough and impartial investigations into their cases.

⁴ Four other men also went missing in this period and their cases have often been associated with the 16 detailed below and have also been taken up by the Commission on Kidnapped and other Missing Persons but no information as to their fate has as yet been uncovered. Due to the scarcity of information, they have not been included as of concern to Amnesty International in this paper. Three of these, two ethnic Albanians, Zeqirija Veliu, born in 1961, his nephew, 35-year-old Ibrahim Veliu, and a Bulgarian citizen, Radoslav Balev aged 32, went missing on 1 May 2001 whilst they were travelling together near the border with Bulgaria, while the fourth, ethnic Albanian Islam Veliu, went missing on 17 April after having left Gostivar in his car bound for his home in Struga.

Sultan Memeti

At about 10pm on 6 May 2001, Sultan Memeti's car, a white Mercedes, was found by one of his friends who was driving on the road between Struga and Radolishta. The car was parked empty in the Orthodox graveyards on the outskirts of the town of Struga. The doors of the car were open, its lights were switched on and the keys had been left inside. Sultan Memeti was nowhere nearby. After being immediately informed by Sultan's friend, his family called the police in Struga who conducted an inquiry. According to the police investigation, about a dozen people, who had been driving on the same road that night, alleged that they were forced by men wearing police uniforms to stop at the place where Sultan Memeti's car was found, before being allowed to resume their journeys. One witness saw a man, presumably Sultan Memeti, who had been driving a white Mercedes being taken away by these men in uniform who then left the checkpoint they had set up. The inquiry carried out by the Struga police concluded that "it was not a police unit under their command that had organized the police checkpoint where Sultan disappeared". However, the MVR did not give any further information as to the personnel manning this checkpoint, nor any further information as to the fate of Sultan Memeti.

Hajredin Halimi

In the early hours of 7 August 2001, a raid which resulted in the death of five men, was carried out on the house of Musafer Halimi, in Skopje, by a joint force formed of: a unit of members of the Tigers commando military unit; members of the Security and Counterespionage Service (DBK); and police officers. During this operation Musafer Halimi, Hajredin Halimi, born in 1954, his brother, Fikri Halimi, and his nephew, Elam Halimi, were taken by the police to the Gazi Baba Police Station for further interrogation on suspicion of being members of the NLA. According to the police, Fikri and Elam Halimi were released between 10 and 11am on 8 August 2001. Musafer Halimi was kept in custody but later released following a presidential amnesty of December 2001 for members of the NLA. According to Fikri and Elam Halimi, they heard their brother's and uncle's voice for the last time two hours before they were released from the Gazi Baba police station on 9 August 2001. The fate of Hajredin Halimi remains unknown. In May 2002, after repeated requests for a meeting, the MVR finally agreed that representatives of the Commission could meet with the police officers, including Ljubche Andonovski, Head of Skopje DBK, who had reportedly interrogated Hajredin Halimi at the Gazi Baba Police Station. During the meeting, although the police officers claimed that Hajredin Halimi was released at the same time as Fikri and Elam Halimi, they were unable to provide any supporting evidence for this, including any official record of his detention or release from police custody. The Commission concluded that the authorities, especially the DBK, "should be able to provide more information concerning the disappearance of Hajredin Halimi".

Ruzhdi Veliu

On 20 August 2001 Ruzhdi Veliu, born 2 May 1970 from Kolari near Kichevo, drove from his home to Struga and was stopped at about 1.30pm at a police checkpoint at Botun. According to his cousin Ramazan Ferati, the police, on recognizing his surname, asked him

about his brother Fazli Veliu. Ruzhdi Veliu was then allowed to go on his way to Struga. At about 4pm, he left Struga in his car bound for his home. He never arrived. According to the report by the Commission, a friend registered a missed call from Ruzhdi Veliu on his mobile phone at 7.35pm that day. According to eyewitnesses, there was a checkpoint at Izvor on the road from Kichevo to Struga, manned by police reservists in plain cars. One of these was a white Golf. The Commission attempted to identify the owner of this car through the registration number which was known but despite repeated requests, the MVR did not provide any information as to the then or current owner of the vehicle. On 21 August, Ruzhdi Veliu's car was seen in front of the police station in Bitola and the Commission stated that this was confirmed by photographs taken that day. However, the police in Bitola stated that the car was not noticed by them outside the police station until 25 August. As the car appeared to be abandoned, so the police claimed, it was seen as a security risk, and an anti-bomb inspection was subsequently carried out on 29 August but nothing suspicious was found.

There have been a number of unsubstantiated rumours among the Albanian community that Ruzhdi Veliu is still alive and held in detention somewhere unspecified. Ruzhdi Veliu's cousin Ramazan Ferati claimed in an interview published on 11 February 2003, following a meeting between relatives of the missing Albanians and Minister of Interior Hari Kostov, that on the day when he went missing Ruzhdi Veliu had been stopped at the same checkpoint by the same officers on his way home and that this time he had been arrested. Ferati also alleged that a policeman⁵ had informed then-Interior Minister Ljube Boshkovski that Ruzhdi Veliu was in their custody. Conversely, the MVR claimed to the Commission that he was alive and well and living with his brother, Fazliu, in Shipkovicica – a town in the hills above Tetovo which was a stronghold of the NLA during the 2001 hostilities. The MVR claim to have a taped telephone conversation between Fazliu Veliu and his mother in which Fazliu tells her not to worry as Ruzhdi is with him. However, despite promises to the Commission, the MVR has not made these tapes available. In its report, the Commission stated that it “strongly believes that there are individuals within the MoI [MVR] with knowledge about the fate of Ruzdi Veliu [sic], but who have not come forward yet”.

II. The families need to know! Alleged abductions by the NLA

During the period from 4 July to 31 August 2001, 12 ethnic Macedonians were reportedly abducted or believed to have been abducted and/or killed by the NLA in the area around Tetovo⁶ when the conflict reached its height in the region. Another Macedonian was believed to have been abducted by the NLA in the Kumanovo area in May 2001. Amnesty International is concerned that their whereabouts remain unknown and that they may have been the victims of unlawful killing. Furthermore, the Commission reported that the former leadership of the NLA had informed it that it believed that one of its units operating in the area

⁵ Ramazan Ferati gave the name of this policeman, who is now a local police chief, in the interview.

⁶ See also *Former Yugoslav Republic of Macedonia: Dark days in Tetovo* (AI Index: EUR 65/007/2002), August 2002.

north of Tetovo, and over which it claimed to have only limited control, was responsible for the abduction and subsequent murder of eight of the people detailed below.

There have been a number of reports in the Macedonian press about the discovery of graves believed to contain the bodies of the abducted Macedonians. However, the exact resting places of those missing remain unsure. In October 2001 a mass grave was reported to have been discovered in Trebosh near Neproshteno in the vicinity where the following abductions took place and in November 2001 then Interior Minister Ljube Boshkovski announced that the missing Macedonians were buried in three separate graves near Neproshteno. It was later reported in December that the bodies of two other men had been dug up in another location. Following this announcement, the former NLA leadership appointed Lulzim Ismaili - Commander 'Luli' - as press spokesperson for the ex-NLA regarding the missing Macedonians. He had insisted on the presence of international representatives during the exhumation and autopsy as he reportedly believed that "local forensic experts are under the direction of the Directorate for Intelligence and Counter-Intelligence and the Interior Ministry, and we simply do not trust them". This lack of trust in the authorities by the former-NLA was mirrored by a similar lack of trust by relatives of the missing Macedonians who, it was reported in June 2002, had refused to give blood samples for DNA analyses. They suspected that they were being pressured to give samples so that the authorities could close the cases, and that they still believed their relatives to be alive. In January 2003 another 'mysterious' grave was reportedly discovered near Kichevo, and there were more speculations that this may contain some of the bodies of the missing Macedonians. It was also reported in January 2003 that the MVR was negotiating with the relatives of the missing to gain DNA samples. DNA sampling may well finally discover exactly where some or all of the missing believed dead are buried. However, Amnesty International believes that this knowledge is already known among certain circles of the former-NLA, and is calling on the former-NLA to make available all information regarding the abductions, as well as information regarding the identities of its former members suspected of war crimes against civilians in connection with these alleged abductions.

Nestor Petrovski

Nestor Petrovski, born in 1924 from the village of Matejce, is believed to have been abducted by the NLA on 24 May 2001. On that day, Serbs and ethnic Macedonian inhabitants of the village fled to Kumanovo to escape from NLA units who were advancing towards their village. Although his neighbours tried to convince him to leave with them, Nestor Petrovski refused to leave his home and stayed in the village. He was never seen again. When the Commission visited Matejce, they searched for him to no avail. Nestor Petrovski's house was abandoned and falling into ruins. The NLA have provided no information on his whereabouts. On the basis of available information, Amnesty International believes that Nestor Petrovski was abducted and/or killed by NLA members.

Andre Ristovski

On 4 July 2001, Andre Ristovski, born in 1967, left his home in the village of Dobroshte and walked towards the direction of Jelosnik despite warnings from his father not to go up into the hills surrounding the village because of the NLA presence there. When he did not return, his sister went to look out for him in the direction her brother had last been seen. She was stopped by the NLA, prevented from continuing her search for her brother, and sent back to the village. The Commission was informed by the then mayor of Dobroshte, Fatmir Osmani, that efforts were then immediately made unsuccessfully to find Andre Ristovski through communications with the NLA through a contact person, Isen Asani, who later became mayor of Dobroshte himself. Isen Asani initially denied this contact to the Commission but later admitted that this had been so. The Commission then contacted the NLA leadership to meet with the local commander of the NLA in the Dobroshte areas at the time and were informed that the commander was the same Isen Asani. Isen Asani at first also denied this to the Commission claiming he had only played a co-ordinating role between the villagers and the NLA. However, when confronted by the NLA leadership's statement, he admitted he had been the local commander. However, he categorically denied any NLA involvement in the fate of Andre Ristovski, instead he suggested that the Macedonian authorities may have information about his fate, adding that the Macedonian police "might have used the slightly mentally retarded Andre" to spy on the NLA in the mountains. According to Isen Asani, this would have been the reason why Andre Ristovski went to the mountains at such a tense time and despite his father's opposition. Amnesty International notes that there is no evidence to back up this assertion, and also notes that the former NLA leadership informed the Commission that it believed the 'rogue' NLA unit referred to above over which it had only limited control was responsible for his abduction and subsequent murder. On the basis of available information, Amnesty International believes that Andre Ristovski was abducted and/or killed by NLA members he came across during his walk.

Dimitrie Dimovski

On 23 July 2001, there was heavy fighting between the NLA and government forces in the area around the road from Dzhepchiste village to Tetovo via the village of Trebosh. That day, Dimitrie Dimovski, born in 1941, travelled to Dzhepchiste to water his field. At around 4pm he called his family in Tetovo to inform them that he was on his way back to the town. Although, on his way through Dzhepchiste, he was told by a friend not to use his intended route, he nevertheless carried on towards the village of Trebosh, believing himself to be safe as he was on good relations with the local Albanian community and spoke Albanian fluently. He has not been seen since and his whereabouts remain unknown. Amnesty International believes he was abducted and/or killed by NLA members.

Cvetko Mihailovski, Krsto Gogovski and Vasko Mihailovski

No information has been provided either by the NLA about the fate of Cvetko Mihailovski, born in 1949, who was reportedly abducted on 23 July 2001 at gun point by three NLA

soldiers while he was working with his wife in their fields in Neproshteno. According to his wife and employees of a nearby factory who witnessed the abduction, a young man pointed his machine gun towards Cvetko Mihailovski. He was taken away on foot in the direction of Dzhepchiste village. His wife and a factory employee tried to prevent the abduction by following him but were forced to turn away after one of the NLA soldiers fired shots in their direction.

The same day, 66-year-old Krsto Gogovski left Neproshteno village, due to the heavy fighting and subsequent advancement of NLA units into the village. According to an eyewitness who was interviewed by the Commission, Krsto Gogovski returned to his house on 24 July to look after his property. He was taken by a group of men in uniforms and has not been seen since.

Born in 1963, Vasko Mihailovski was reportedly abducted on 24 July 2001, the day after his wedding, at his home in Neproshteno. At 1.30pm NLA fighters were said to have abducted him and his wife Lenche, and five other people in the house. His father, Jore Mihailovski, was shot in the leg and allowed to be taken to safety by other Macedonians leaving the village. The seven were taken to a house belonging to an ethnic Albanian in the village where some 30 people, mainly women, elderly people and children, were being held captive. Vasko Mihailovski was reportedly the only young adult male among the captives and, at about 6pm, was reportedly taken away, his hands tied. The other captives were held for four days, looked after by local Albanians from the village and treated reasonably well. However, despite strenuous efforts to keep the case in the public eye by Vasko Mihailovski's mother-in-law, Mitra Dabesvska, no one has heard from him: "Since then there have been no phone calls. From earlier abductions⁷ there had been phone calls."

The former NLA leadership informed the Commission that it believed the 'rogue' NLA unit referred to above over which it had only limited control was responsible for the abductions and/or subsequent murder of Cvetko Mihailovski, Krsto Gogovski and Vasko Mihailovski.

Robert Jeftimovski, Gjoko Sinadinovski, Vasko Trajcevski and Ilko Trajcevski

On 24 July 2001, following an advance of the NLA units in the Drenovec neighbourhood of Tetovo, most ethnic Macedonians left the area. At about 9 or 10 o'clock in the morning on 27 July 2001, 28-year-old Robert Jeftimovski, 47-year-old Gjoko Sinadinovski, 24-year-old Vasko Trajcevski and 48-year-old Ilko Trajcevski went back to turn off the electricity and collect some clothes from Ilko Trajcevski's house located across the street from a then-NLA position. According to witnesses, soon after they had arrived by car, parked the vehicle and entered the house, five or six NLA soldiers came into the garden. When the relatives of the three men were informed about the presence of NLA soldiers, they telephoned Ilko Trajcevski who reassured them that "everything [was] fine," but he requested them not to call him again. There has been no further information as to their fate. The family contacted representatives of

⁷ The NLA abducted a number of other Macedonians who were subsequently released. See *Former Yugoslav Republic of Macedonia: Dark days in Tetovo* (AI Index: EUR 65/007/2002), August 2001.

the Organization for the Security and Cooperation in Europe (OSCE) in Macedonia and told them that the three men were missing. Delegates from the OSCE visited Ilko Trajceveski's house at about 13.30 on 25 July 2001, but found no one there. The OSCE contacted the NLA about the four men but the NLA denied having abducted them. However, the former NLA leadership informed the Commission that it believed the 'rogue' NLA unit referred to above over which it had only limited control was responsible for the abductions and subsequent murder of Robert Jeftimovski, Gjoko Sinadinovski, Vasko Trajceveski and Ilko Trajceveski. The former NLA leadership stated that it did not know where the bodies were buried, but stated that the unit commander should possess this information. The Commission met with Commander 'Qemal' who claimed to have taken over as Commander of the Drenovec area on 25 July 2001 succeeding a Commander 'Roki' who had been killed. However, the Commission reported that Commander 'Qemal' had changed his story over time and that his statements were 'doubtful'. The Commission stated that "Commander Qemal – whether he was present in the area on the actual day or not – is in a position to know what his soldiers did and to get information from them about the fate of the four men".

Simoen Jakimovski

Sixty-year-old Simeon Jakimovski also lived in Drenovec. On the morning of 24 July 2001 he went to the centre of Tetovo accompanied by a neighbour. When they parted at around noon, Simeon Jakimovski had told his neighbour that he was going to check up something for his car at a local garage. This was the last time he was seen and to this day, his fate remains unknown. Despite the paucity of information on this case, Amnesty International believes that given the level of NLA activity in Drenovec on that day, it is likely that Simeon Jakimovski was abducted and/or killed by NLA units.

Boshko and Slavko Dimitrievski

The fate of Boshko Dimitrievski, born in 1945, and that of his brother Slavko, born in 1952, have yet to be established, though two versions as to the circumstances of either their abduction by the NLA or their extra-judicial killing by Macedonian forces were concurrently given to the Commission for the Kidnapped and Other Missing Persons. In its final report, the Commission states that, despite the interviews carried out, it is not able to issue a statement on the fate of both men.

According to their relatives, at around 1pm on 31 August 2001, the two brothers left by taxi from their village in Belovishte to go to the hospital in Tetovo. When they arrived in the village of Drenovec, the taxi driver was forced to stop by NLA members. The three men were taken to a house located near the railway in the neighbourhood of Ciglana and kept there for two days. The taxi driver, an ethnic Albanian, was released but Boshko and Slavko Dimitrievski have never been seen since their abduction.

According to former NLA members, who were also interviewed by the Commission about this case, the two brothers, who had good relations with the Albanians in Belovishte, were taken away and killed by Macedonian police forces who saw in the conflict an opportunity to avenge the murder of the former mayor of Belovishte by Slavko Dimitrievski some 20 years ago, a crime for which he had served a 17-year prison sentence. Although the NLA claimed to know the location of the burial of the bodies of Boshko and Slavko Dimitrievski, it was unable to substantiate its information.

Amnesty International is concerned that, whichever of the two versions is considered as the factual truth, it remains that: the fate of Boshko and Slavko Dimitrievski has yet to be clearly established; their families have yet to be informed; and those found responsible for their disappearance or abduction have yet to be brought to justice.

III. Domestic Constitution and Legislation

Article 10 of the Macedonian **Constitution** states that “the right to life is irrevocable.” Furthermore, under Article 12 of the Constitution, “the human right to freedom is irrevocable. No person’s freedom can be restricted except by court decision or in cases and procedures defined by law.”

Article 123 paragraph 2.1 to 2.4 of the Macedonian **Criminal Code** provides for sentences ranging from 10 years to life imprisonment for a person who “takes the life of another in a cruel or treacherous manner” (2.1); “takes the life of another and hereby, with intent, brings in danger the life of another person” (2.2); “takes the life of another for self-interest, because of committing or covering up some other crime, for ruthless revenge or for other low motives” (2.3); “takes the life of another on order” (2.4).

Under Article 140 of the Macedonian Criminal Code, “[a] person who unlawfully arrests, keeps detained, or in some other way takes away or limits the freedom of movement of another, shall be punished with a fine, or with imprisonment of up to one year (paragraph 1). The attempt is punishable (paragraph 2). If the unlawful arrest is performed by an official person, by misusing the official position or authorization, he shall be punished with imprisonment of six months to five years (paragraph 3). If the unlawful arrest lasted longer than thirty days, or if it was performed in a cruel manner, or if the health of the unlawfully arrested person was seriously damaged because of this, or if some other serious consequences set in, the offender shall be punished with imprisonment of one to five years (paragraph 4). If the person unlawfully arrested lost his life because of this, the offender shall be punished with imprisonment of at least three years (paragraph 5).”

Kidnapping is an offence under Article 141 of the Criminal Code. “A person that commits a kidnapping of another, with the intention to force him or someone else to commit, not to commit or to endure something, shall be punished with imprisonment of one to ten years (paragraph 1). A person that commits the crime from item 1 against a juvenile, or the person

who in order to achieve the aim of the kidnapping from item 1 threatens to kill the kidnapped person, or to inflict grave body injury, shall be punished with imprisonment of at least three years (paragraph 2). The offender of the crime from items 1 and 2, who of own volition frees the kidnapped person before the demand is realized because of which he committed the kidnapping, may be acquitted from punishment (paragraph 3).”

IV. International Standards and Recommendations

Macedonia ratified the International Covenant on Civil and Political Rights (ICCPR) in 1994. Article 9.1 of the ICCPR guarantees that no one can be detained or arrested except in accordance with procedures established by law. Moreover, Article 6.1 of the ICCPR clearly states that: *“Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”* The United Nations Human Rights Committee made the following additional general comment 6(16)d under Article 6.1 that *“[s]tates parties should also take specific and effective measures to prevent the disappearance of individuals, something which unfortunately has become all too frequent and leads too often to arbitrary deprivation of life. Furthermore, States should establish effective facilities and procedures to investigate thoroughly cases of missing and disappeared persons in circumstances which may involve a violation of the right to life.”*

On 18 December 1992 the United Nations adopted its Declaration on the Protection of All Persons from Enforced Disappearances (the Declaration). The fact that no UN member state was willing to go on record opposing it and that the Declaration was adopted by the General Assembly by consensus without a vote is an indication of international agreement that “disappearances” are grave human rights violations. This Declaration clearly considers that *“[a]ny act of enforced disappearance is an offence to human dignity...”* (Article 1.1) which *“... places the persons subjected thereto outside the protection of the law and inflicts severe suffering on them and their families. It constitutes a violation of the rules of international law guaranteeing, inter alia, the right to recognition as a person before the law, the right to liberty and security of the person and the right not to be subjected to torture and other, cruel, inhuman or degrading treatment or punishment. It also violates or constitutes a grave threat to the right to life”* (Article 1.2).

Moreover, Article 2.1 of the Declaration clearly states that *“[n]o State shall practice, permit or tolerate enforced disappearances”* while Article 17.1 of the same Declaration emphasizes that *“[a]cts constituting enforced disappearance shall be considered a continuing offence as long as the perpetrators continue to conceal the fate and the whereabouts of persons who have disappeared and these facts remain unclarified”*.

In the event a “disappearance” occurs, *“[e]ach State shall ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced*

disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. No measure shall be taken to curtail or impede the investigation” (Article 13.1 of the Declaration). Moreover, “[t]he victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for as complete a rehabilitation as possible. In the event of the death of the victim as a result of an act of enforced disappearance, their dependants shall also be entitled to compensation” (Article 19 of the Declaration).

Persons who have been either “Disappeared” or abducted are denied many human rights including:

- the right to recognition as a person before the law;
- the rights to liberty and security of a person (Article 9 of the International Covenant on Civil and Political Rights (ICCPR);
- the right to human conditions of detention and freedom from torture, cruel or degrading treatment or punishment (Article 7 of the ICCPR).

V. Amnesty International's recommendations

A) To the Macedonian Authorities

- take urgent measures to initiate prompt and thorough investigations into all cases of "disappearances", and to bring to justice those responsible and ensure their relatives receive adequate reparations;
- investigate and prosecute any state agent implicated in "disappearances" no matter how much time has elapsed since the commission of the crime. All investigations and trials should be in civilian courts. The perpetrators should not benefit from any legal measures exempting them from criminal prosecution or conviction;
- conduct a review of all police and military practices of arbitrary detention which currently encourage "disappearance" and ensure that:
 - accurate information about the arrest of any person and about his or her place of detention, including transfers and releases be made available promptly to relatives, lawyers and the courts. Prisoners should be released in a way that allows reliable verification of their release and ensures their safety;
 - effective judicial remedies are available which enable relatives and lawyers to find out immediately where a prisoner is held and under what authority, to ensure his or her safety, and to obtain the release of anyone arbitrarily detained;
 - prisoners are only held in publicly recognized places of detention, and that up-to-date registers of all prisoners are maintained in every place of detention and centrally and that these registers are made available to relatives, lawyers, judges and official bodies trying to trace people who have been detained;
 - arrest and detention are only carried out by officials who are authorized by law to do so, that they always identify themselves to the person arrested, that uniforms are clearly marked with the insignia of the unit, that police and military vehicles are clearly identified as such and display licence plates at all times and that detainees are only taken into custody on the basis of an arrest warrant issued by a judge (except where genuinely detained *en flagrante delicto*);
 - detainees are brought before a judicial authority without delay after being taken into custody, and that relatives, lawyers and doctors have prompt and regular access to them;
- regular, independent, unannounced and unrestricted visits of inspection to all places of detention are carried out;
- officials suspected of responsibility for "disappearances", extrajudicial executions or

torture should be suspended from active duty during the investigation and any subsequent prosecution;

- investigations are established into chain-of-command responsibility for human rights violations, patterns of human rights violations as well as individual cases. Anyone found to have ordered, committed or covered up human rights violations should be brought to justice;
- victims of "disappearance" and their dependants should be entitled to fair and adequate redress from the state including financial compensation. Victims who are released should be provided with appropriate medical care or rehabilitation;
- law enforcement personnel and other agencies receive adequate training on national and international standards which protect human rights, and instruction on how to enforce them properly.

B) To the NLA

- Amnesty International urges former commanders and members of the NLA as a group or individuals to release any information they may possess concerning the abducted persons to their relatives and to the authorities;
- Amnesty International also urges former commanders and members of the NLA to fully cooperate with the authorities to ensure that anyone found responsible for any of the abductions be brought to justice and adequate compensation be awarded to the relatives of the victims.

APPENDIX

Amnesty International's 14-point program for the prevention of "disappearances"

The "disappeared" are people who have been taken into custody by agents of the state, yet whose whereabouts and fate are concealed, and whose custody is denied. "Disappearances" cause agony for the victims and their relatives. The victims are cut off from the world and placed outside the protection of the law; often they are tortured; many are never seen again. Their relatives are kept in ignorance, unable to find out whether the victims are alive or dead.

The United Nations has condemned "disappearances" as a grave violation of human rights and has said that their systematic practice is of the nature of a crime against humanity. Yet thousands of people "disappear" each year across the globe, and countless others remain "disappeared". Urgent action is needed to stop "disappearances", to clarify the fate of the "disappeared" and to bring those responsible to justice.

Amnesty International calls on all governments to implement the following 14-Point Program for the Prevention of "Disappearances". It invites concerned individuals and

organizations to join in promoting the program. Amnesty International believes that the implementation of these measures is a positive indication of a government's commitment to stop "disappearances" and to work for their eradication worldwide.

1 Official condemnation

The highest authorities of every country should demonstrate their total opposition to "disappearances". They should make clear to all members of the police, military and other security forces that "disappearances" will not be tolerated under any circumstances.

2 Chain-of-command control

Those in charge of the security forces should maintain strict chain-of-command control to ensure that officers under their command do not commit "disappearances". Officials with chain-of-command responsibility who order or tolerate "disappearances" by those under their command should be held criminally responsible for these acts.

3 Information on detention and release

Accurate information about the arrest of any person and about his or her place of detention, including transfers and releases, should be made available promptly to relatives, lawyers and the courts. Prisoners should be released in a way that allows reliable verification of their release and ensures their safety.

4 Mechanism for locating and protecting prisoners

Governments should at all times ensure that effective judicial remedies are available which enable relatives and lawyers to find out immediately where a prisoner is held and under what authority, to ensure his or her safety, and to obtain the release of anyone arbitrarily detained.

5 No secret detention

Governments should ensure that prisoners are held only in publicly recognized places of detention. Up-to-date registers of all prisoners should be maintained in every place of detention and centrally. The information in these registers should be made available to relatives, lawyers, judges, and official bodies trying to trace people who have been detained, and others with a legitimate interest. No one should be secretly detained.

6 Authorization of arrest and detention

Arrest and detention should be carried out only by officials who are authorized by law to do so. Officials carrying out an arrest should identify themselves to the person arrested and, on demand, to others witnessing the event. Governments should establish rules setting forth which officials are authorized to order an arrest or detention. Any deviation from established procedures which contributes to a "disappearance" should be punished by appropriate sanctions.

7 Access to prisoners

All prisoners should be brought before a judicial authority without delay after being taken into custody. Relatives, lawyers and doctors should have prompt and regular access to them.

There should be regular, independent, unannounced and unrestricted visits of inspection to all places of detention.

8 Prohibition in law

Governments should ensure that the commission of a "disappearance" is a criminal offence, punishable by sanctions commensurate with the gravity of the practice. The prohibition of "disappearances" and the essential safeguards for their prevention must not be suspended under any circumstances, including states of war or other public emergency.

9 Individual responsibility

The prohibition of "disappearances" should be reflected in the training of all officials involved in the arrest and custody of prisoners and in the instructions issued to them. They should be instructed that they have the right and duty to refuse to obey any order to participate in a "disappearance". An order from a superior officer or a public authority must never be invoked as a justification for taking part in a "disappearance".

10 Investigation

Governments should ensure that all complaints and reports of "disappearances" are investigated promptly, impartially and effectively by a body which is independent of those allegedly responsible and has the necessary powers and resources to carry out the investigation. The methods and findings of the investigation should be made public. Officials suspected of responsibility for "disappearances" should be suspended from active duty during the investigation. Relatives of the victim should have access to information relevant to the investigation and should be entitled to present evidence. Complainants, witnesses, lawyers and others involved in the investigation should be protected from intimidation and reprisals. The investigation should not be curtailed until the fate of the victim is officially clarified.

11 Prosecution

Governments should ensure that those responsible for "disappearances" are brought to justice. This principle should apply wherever such people happen to be, wherever the crime was committed, whatever the nationality of the perpetrators or victims and no matter how much time has elapsed since the commission of the crime. Trials should be in the civilian courts. The perpetrators should not benefit from any legal measures exempting them from criminal prosecution or conviction.

12 Compensation and rehabilitation

Victims of "disappearance" and their dependants should be entitled to obtain fair and adequate redress from the state, including financial compensation. Victims who reappear should be provided with appropriate medical care or rehabilitation.

13 Ratification of human rights treaties and implementation of international standards

All governments should ratify international treaties containing safeguards and remedies

against "disappearances", including the International Covenant on Civil and Political Rights and its first Optional Protocol which provides for individual complaints. Governments should ensure full implementation of the relevant provisions of these and other international instruments, including the UN Declaration on the Protection of All Persons from Enforced Disappearance, and comply with the recommendations of intergovernmental organizations concerning these abuses.

14 International responsibility

Governments should use all available channels to intercede with the governments of countries where "disappearances" have been reported. They should ensure that transfers of equipment, know-how and training for military, security or police use do not facilitate "disappearances". No one should be forcibly returned to a country where he or she risks being made to "disappear".

(This 14-Point Program was adopted by Amnesty International in December 1992 as part of the organization's worldwide campaign for the eradication of "disappearances".)