

TABLE OF CONTENTS

1	Introduction	2
1.1	Background: Previous concerns about torture and ill-treatment	4
1.2	The conflict in 2001	5
1.3	The conflict in the Tetovo region	7
2	Human rights violations by the authorities	9
2.1	Human rights law and standards; and national legislation	9
2.2	Amnesty International Concerns	10
2.3	April 2001: Poroj	11
2.4	May 2001: Djepchiste and Poroj	13
2.5	July 2001: Leshok	14
2.6	July 2001: Saraj	16
2.7	September 2001: an attempted killing of Muharem Ibraimi	17
	Human rights abuses against the Roma community	18
3	Abuses against civilians	18
3.1	International humanitarian law standards and Amnesty International concerns ..	19
3.2	Violations of humanitarian law by the NLA	19
3.2.1	July 2001: missing from Neproshteno	20
3.2.2	July 2001: abductions and beatings near Neproshteno	21
3.2.3	August 2001: abductions in Leshok	21
3.3	Possible unlawful killings of civilians	22
3.4	Refugees and displaced persons	23
4	Recommendations	24
4.1	Recommendations to the Macedonian authorities	24
4.2	Recommendations to the NLA and successor organizations	26
4.3	Recommendations to the international community	26
	Appendix: Amnesty International: 12-Point Program for the Prevention of Torture by Agents of the State	27

FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Dark days in Tetovo

1 Introduction

“I was kept 30 hours without food or drink. I was bound to a table, with a sack over my head so that I could not see who beat me, and I was then beaten on the head and on the back. In the yard the beating lasted 10 minutes but in Veles about 20 hours. The people who beat me were replaced many times. The interrogator was changed every six hours. The torturers more often.”

(Nasir Jonuzi, an ethnic Albanian community leader reportedly assaulted by the police, May 2001)

“Twenty armed Albanians appeared from behind me and attacked me. I was hit with the butt of a rifle and they started to beat me... The attackers were in uniforms, with NLA [National Liberation Army] badges, berets, their faces were not covered. They put a mask over my head and handcuffed my hands behind me... [D]ifferent people came and beat us for two to three hours. They kicked me and hit me with wooden sticks...on the back and shoulders.”

(Kole Nikolovski, reportedly beaten by NLA combatants, July 2001)

The violence suffered by these two civilians at the hands of the police and by an armed political group illustrate the human rights abuses perpetrated on both sides of the internal armed conflict that erupted in 2001 in Macedonia.¹ Although the fighting has ended between the Macedonian security forces and the National Liberation Army, an ethnic Albanian armed group, the conflict has left communities riven by ethnic tensions and underlying grievances unresolved. Those responsible for human rights abuses on both sides have not been held to account. Yet previous experience has shown that a failure to deliver justice to the victims of abuses and to strengthen the protection of human rights threatens a lasting peace.

Since Macedonia gained its independence from Yugoslavia in 1991 and adopted a constitution which guarantees a high standard of protection for human rights for all, regardless of ethnicity, a series of wars in the region have obstructed its attempts at political and economic reform. Confidence in politicians, state institutions and the rule of law was low even prior to the armed conflict that overtook Macedonia in January 2001 after the emergence of an ethnic Albanian armed group calling itself the National Liberation Army (NLA). It claimed to be pursuing increased rights for the ethnic Albanian minority population.

In the ensuing conflict, dozens of lives were lost and more than 170,000 people fled their homes. There was considerable physical destruction in the north and west of Macedonia, including

¹ Macedonia, which obtained independence from the Federal Republic of Yugoslavia in 1991, was admitted to membership of the United Nations (UN) in 1993 under the name of the Former Yugoslav Republic of Macedonia (FYROM) because of objections by some states to its unqualified use of the name “Macedonia”. Amnesty International takes no position on this issue and no significance should be attached to the titles used in this document.

the bombarding of villages and destruction of homes, religious and commercial facilities. The economy was severely damaged, education was disrupted and freedom of movement was restricted.

Hundreds of people were deprived of their liberty, either through being detained by the police or being abducted by NLA forces. Members of the ethnic Albanian community were reportedly assaulted by the police, in some cases on suspicion of supporting the NLA, or in apparent reprisal for NLA killings of police officers. There were also reports of abduction and ill-treatment of civilians by groups of ethnic Albanians. In some cases, those detained or abducted are still missing and feared to have been killed.

In November 2001, the European Union (EU) established a Commission on kidnapped and other missing persons, led by Lars Norberg, the former Swedish Ambassador to the UN in Geneva, to investigate reported "disappearances" and abductions. The commission is trying to trace 13 ethnic Macedonians who were alleged to have been abducted by the NLA, and six ethnic Albanians and one Bulgarian national who are alleged to have "disappeared" in police custody between May and August 2001.

An agreement reached between the two sides in August 2001 laid the basis for an end to the fighting. It included a series of reforms designed to meet ethnic Albanian demands while preserving the integrity of Macedonia and its future as a multi-ethnic state. The security situation has improved. Most displaced people have returned to their homes and most of the detainees held by the authorities have been released.

Amnesty International (AI) is concerned that human rights abuses committed during the conflict by both sides have not been subject to investigation and are not likely to be effectively investigated in most cases. An amnesty granted for "criminal acts related to the conflict of 2001" has ensured that members of the NLA will not be held accountable for abuses of human rights. The authorities have shown no sign of investigating the activities of the security forces. The only investigations known to be in hand are being conducted by the International Criminal Tribunal for former Yugoslavia. It is focussing on a few of the worst war crimes alleged to have been committed both by the Macedonian authorities and the NLA but has neither the mandate nor the resources to investigate all abuses.

AI opposes amnesties which prevent the emergence of the truth and subsequent accountability before the law for people reasonably suspected of serious human rights abuses and violations of international humanitarian law, such as torture and unlawful killing. AI considers that amnesties for such abuses are inconsistent with international law and the state's duty to bring to justice those responsible for such abuses and to ensure reparation for the victims. The organization believes that a failure to effectively redress abuses of human rights and international humanitarian law will hinder the overall process of building a state which fully respects and protects the human rights of all within its jurisdiction.

AI independently and impartially monitors and reports on abuses by all sides in an armed conflict.² While the conflict was ostensibly about the rights of different communities, in practice it distorted the universal applicability of individual human rights in Macedonia and led to an escalation of human rights abuses. The ethnic Albanian minority viewed the conflict primarily as a means to combat perceived discrimination and sought to gain increased rights in collective terms. The majority of the population, who identify themselves ethnically and culturally as Macedonians³, felt that the issue of rights was merely a cover for an attempt to seize a part of their country and incorporate it into a “greater Albania or Kosovo”. The consequence was a greater polarization between ethnic Macedonians and ethnic Albanians which raises concerns for the advancement of respect for human rights in Macedonia.

This report examines some of the specific abuses of human rights and of humanitarian law that occurred in the Tetovo region, one of the main centres of the fighting, during the most active phase of the conflict from March to September 2001. It does not attempt to give a picture of abuses in other areas affected by the fighting, some of which AI has reported previously.⁴ The abuses in Tetovo are illustrative of patterns of abuse and concerns in other parts of the country.

Some of the research for the report was carried out in Macedonia in June and November 2001. Interviews were carried out with ethnic Macedonians, ethnic Albanians and also with people from the Roma minority. The evidence from the Tetovo region indicates that the police routinely used torture and ill-treatment of ethnic Albanians both as a means of interrogation and, as many victims believed, of reprisal for actions by the NLA. The NLA, which initially targeted the police and army, committed human rights abuses by abducting and ill-treating civilians and by driving ethnic Macedonians out of their homes in an apparent attempt at “ethnic cleansing”.

AI is concerned that the impunity enjoyed by the perpetrators of abuses committed during the conflict will perpetuate lack of respect for the rule of law. The report contains recommendations to the Macedonian authorities and to leaders of the ethnic Albanian community, including former leaders of the NLA. It recommends the investigation and acknowledgment of human rights abuses committed during the conflict; the safeguards that should be introduced to prevent the recurrence of torture and ill-treatment and steps that should be taken to end impunity and ensure justice for all. The report also calls on the international community to support the authorities and communities in Macedonia in developing a culture of respect for human rights, including through raising human

² Amnesty International distinguishes between human rights *abuses*, which are committed by state agents, armed political groups or non-state actors, and human rights *violations*, which are committed by state agents who have a duty to uphold the government’s international human rights treaty obligations. The term “violation” is used for failure by any party to respect international humanitarian law in an armed conflict.

³The term “ethnic Macedonian” will be used in this report to distinguish this group from all Macedonian citizens of whatever ethnicity.

⁴ See also AI’s *Concerns in Europe, January-June 2001* (AI Index: EUR 01/003/2001) at AI Online: <http://www.amnesty.org>.

rights awareness and providing human rights training, including for all persons working within the criminal justice system.

1.1 Background: Previous concerns about torture and ill-treatment

AI's concerns in Macedonia before the 2001 conflict centred around torture and ill-treatment by police officers who operated in a climate of impunity. The organization was concerned by the authorities' failure to investigate allegations of human rights violations, to arrest suspected perpetrators and to bring them to justice.

Among ordinary citizens, expectations of justice, accountability or the rule of law were low, and victims were often reluctant to make formal complaints about ill-treatment by the police. Although there were reports that the police ill-treated members of all ethnic groups, major incidents in which ethnic Albanians were victims became politicized and contributed to rising tensions. For example, after the government banned the official display of flags of national minorities in July 1997, there were violent confrontations in Gostivar in which hundreds of ethnic Albanian demonstrators, including those who had not used or incited violence, were beaten by the police. In another case, following the murder of three police officers in the village of Aracinovo in January 2000, police reportedly beat residents and tortured suspects, one of whom died in police custody.⁵ Most were ethnic Albanians.

In ratifying the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Macedonia authorized the European Committee for the Prevention of Torture (CPT) to visit all places of detention on a regular and *ad hoc* basis. A CPT delegation that visited Macedonia in May 1998 reported 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."⁶

The CPT recommended that steps be taken to ensure adherence to existing safeguards against ill-treatment of detained persons. It recommended, for example, that their families be informed of their arrest and place of detention and that detainees have access to a lawyer and be informed of their rights. In addition, the CPT recommended a new provision in Macedonian law guaranteeing a detainee's right of access to a doctor. In its reply, the Ministry of the Interior accepted these recommendations and reported on steps being taken to train senior police officers in human rights law. However, despite these measures, AI is concerned that it continues to receive reports of ill-treatment of detainees.

⁵ See AI, *Former Yugoslav Republic of Macedonia: After the Aracinovo murders - Torture, ill-treatment and possible extrajudicial execution* (AI Index: EUR 65/003/2000)

⁶ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Government of "the former Yugoslav Republic of Macedonia" on the visit to "FYROM" carried out by the CPT from 17 to 27 May 1998*, Council of Europe, October 2001

The CPT made a further visit to Macedonia in October 2001 during which it inspected a number of police stations, including the Tetovo police station and several in the capital, Skopje. It will be returning again in 2002. Its reports, like all CPT reports, will be published when the government authorizes their release.

1.2 The conflict in 2001

The status and rights of the ethnic Albanian population have been key political issues since independence in 1991. According to the 1994 census, 67 percent of the population is ethnic Macedonian and 23 percent ethnic Albanian, figures disputed by ethnic Albanian leaders. They claim that the ethnic Albanian population, concentrated in the west and north of Macedonia, is much larger. Despite the participation of Albanian political parties in government, alleged discrimination against ethnic Albanians was not addressed during the 1990s and appears to have been one of the factors which led to the emergence of the NLA in January 2001.⁷ The war in Kosovo in 1999 during which hundreds of thousands of Kosovar Albanians came to Macedonia as refugees also contributed to the increase of tensions in Macedonia.

The conflict started in early 2001 in the north and west of the country. There was an attack by an armed political group, identified as the newly-formed NLA, on a police station in Tearce near Tetovo in January 2001 and clashes near the border with Kosovo in February 2001. In March 2001 the conflict spread to the Tetovo area and the Macedonian armed forces responded by bombarding mountain areas in which the NLA was believed to be based. The main locus of the conflict shifted to villages around Kumanovo and Skopje in May and June, and back to the Tetovo area in July and August. Tens of thousands fled the fighting as the clashes reached their towns and villages.

In mid-August 2001, when the country was on the brink of much wider conflict, mediators appointed by the United States (US) and European Union (EU) facilitated an agreement between the President, Boris Trajkovski, and the leaders of the four main political parties, including the two largest ethnic Albanian parties, which were at the time all part of a government coalition. Under the Framework Agreement, negotiated in the town of Ohrid, the party leaders agreed to reforms aimed at addressing discrimination against the Albanian minority. In return, the NLA agreed to disarm under the supervision of NATO forces and to disband. By the end of September 2001, NATO had collected more than the agreed number of 3,300 weapons from the NLA and an NLA spokesperson had declared that the NLA had been disbanded.

There was also a separate, unpublished, understanding reached between NATO and the NLA, with the knowledge of the Macedonian authorities, that there would be an amnesty for most NLA members. Lack of clarity about the exact terms of the amnesty, its legal status and implementation contributed to continuing tensions within Macedonia until March 2002 when a Law on Amnesty was enacted. The Law covered “criminal acts related to the conflict of 2001” except “those under

⁷ For background on the recent history of inter-ethnic issues in Macedonia see the report by The Norwegian Helsinki Committee, *Divided Communities: A Study of Inter-ethnic Relations and Minority Rights in Macedonia*, Oslo, 2001

the authority of the International Criminal Tribunal for former Yugoslavia and for which the Tribunal will start procedures”.

Implementation of the Framework Agreement was dependent upon, among other things, the parliament amending the Constitution and passing a series of reforming laws. This process was delayed by ethnic Macedonians who opposed the measures as concessions towards ethnic Albanians and who wanted the police to re-establish full control of villages in which their homes were located before they would return. Ethnic Albanians in those areas wanted the amnesty to be confirmed before they would re-admit the police, fearing arrests of former NLA members. The international community tried to reassure both sides and to push forward implementation of the agreement with the promise of aid for reconstruction, and by deploying 200 monitors from the EU and the Organization for Security and Co-operation in Europe (OSCE) under the protection of NATO forces.

During and for some months after the conflict, the police were excluded from the territory held by the NLA (around 10 percent of the country) and were mistrusted by many in the places in which they did operate. The identification of the police with the majority Macedonian population increased during the conflict. There were also reports that during the conflict officers from the ethnic Albanian community left the police, including in some cases because of pressure from within their own communities. The Ohrid agreement included provisions, implemented from September 2001 onwards, to increase recruitment from ethnic minorities into the police and to provide training programs by the international community for new recruits.

However, contrary to the spirit of the Framework Agreement, during the second half of 2001 special rapid reaction police units, known as the “Lions” and “Tigers”, were set up under the control of the Ministry of the Interior. They were reported to have been selected exclusively from among ethnic Macedonians who were members of the Orthodox Christian church and the ruling ethnic Macedonian party. The human rights training programme provided by the international community for new recruits to the regular police did not cover these units.

Following the formal end of the conflict with the dissolution of the NLA at the end of September 2001, sporadic and mainly unattributed shootings, beatings and attacks on property have continued. This violence has been variously blamed on armed Albanian gangs and on Macedonian reservists and the special police units. By early 2002 the regular Macedonian police, in ethnically mixed teams and in the presence of the international monitors, were gradually extending their access to villages previously under the control of the NLA, but tension remains high and fears persist of a resumption of the conflict.

1.3 The conflict in the Tetovo region



The conflict area around Tetovo © AI

This report documents abuses that primarily took place in the Tetovo region.⁸ Most of the 70,000 inhabitants of the town of Tetovo are ethnic Albanians but there are also substantial populations of ethnic Macedonians and minority communities of Roma, Turks and Serbs.⁹ As the largest town with an ethnic Albanian majority, Tetovo is a centre for Albanians in Macedonia. The lack of recognition by the Macedonian authorities of its unofficial Albanian-language university since 1994 has been a contentious issue. On the western edge of the Polog, a plain at the foot of the Shar mountain range that divides Macedonia from Kosovo, Tetovo is the administrative centre for a region containing nearly 100 villages and about 250,000 inhabitants. The main transport links are the motorways east to Skopje, 40 kilometres away, and south to Gostivar and Ohrid, and a main road north-east to the border with Kosovo, about 25 kilometres away. To the west is a mountain valley with nine villages which are almost entirely inhabited by ethnic Albanians. There is no clear dividing line between the ethnic groups in the Polog: many villages are inhabited completely by Albanians but others have entirely Macedonian populations or are mixed.

⁸ Places in the Tetovo region have both Macedonian and Albanian names, differing usually in the form of the grammatical endings. In this document, for purposes of consistency, a phonetic transliteration of the Cyrillic Macedonian names is used as these are the terms most commonly used in English. The use of these names is not intended to have political connotations.

⁹ Although the results of the 1994 census were disputed and there has since been considerable population movement, it is generally agreed that over the last 30 years the number of ethnic Albanians has grown in relation to the ethnic Macedonian population in both the town and region. Some Albanians claim they make up 85 per cent of the town's inhabitants, while some Macedonians claim that Macedonians constitute a third or more of the population.

In mid-March 2001 the NLA fired on the town of Tetovo from the strategic ruins of a Turkish fortress, the Kale, which overlooks the town, the mountain valley and the Polog. Two weeks later, the Macedonian security forces recaptured the Kale. However, after an ambush on a Macedonian convoy near the village of Vejce on 28 April, in which the NLA killed four policemen and four soldiers, the mountain valley became a stronghold of the NLA, with its headquarters in the village of Shipkovica. Thereafter, the security forces were confined to the plain and concentrated their hunt for NLA members in Tetovo, the approach roads to Tetovo and the string of villages - including Poroj, Djepchiste, Leshok and Neproshteno - to the north of Tetovo. From early July the NLA took control of many of these villages, driving out the ethnic Macedonian population in the process. By early August the NLA was in Tetovo itself and some of the fiercest exchanges of fire took place in the suburb of Drenovec. The NLA blocked the road to the Kosovo border, cutting off some villages further north inhabited predominantly by ethnic Macedonians. The security forces shelled Poroj and Drenovec and there were regular exchanges of fire in the town itself and around the villages of Gajre and Lisec. Villages such as Poroj, Drenovec and Neproshteno at the edge of the Polog, taken by the NLA, were bombarded by the security forces in July and August. According to the report of a commission set up by the local authority to evaluate the damage, 66 homes and farm buildings in Poroj were damaged by shelling by the security forces on 23 July and 11 August 2001.

When the Framework Agreement was signed in mid-August 2001, the NLA had retreated from some of the territory it had held in the Tetovo region, but even after the NLA disbanded at the end of September, dozens of villages in the Polog and in the mountains were inaccessible to the Macedonian security forces. Many displaced ethnic Macedonians were reluctant to return to their homes without police protection, fearing continued attempts to “ethnically cleanse” the Polog by Albanians.

Tensions have remained high in the Tetovo region up to the present. One of the most serious incidents occurred on 11 November 2001 in Trebos near Tetovo when several hundred special police were sent to Trebos by the Ministry of the Interior, ostensibly to secure the site of an alleged mass grave where it was feared some of the missing Macedonians had been buried. The police arrested seven ethnic Albanians at a checkpoint near Trebos, apparently because they were armed, and shortly afterwards three policemen were killed nearby and dozens more Macedonians were abducted by ethnic Albanians, kept overnight, but released the next morning.

2 Human rights violations by the authorities

2.1 Human rights law and standards; and national legislation

Macedonia is party to a wide range of human rights treaties including the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights).

The European Convention on Human Rights explicitly prohibits torture and inhuman or degrading treatment or punishment (Article 3). It sets out the conditions under which a person may be lawfully deprived of their liberty, allowing the arrest of a person “for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence” (Article 5), and the rights of an arrested or detained person to be brought promptly before a judge and to a fair and public trial (Articles 5 and 6). The Convention against Torture requires the state to prevent acts of torture (Article 2) and to guarantee the rights of individuals to complain of torture or other cruel, inhuman or degrading treatment, to have their complaints promptly and impartially examined, and to guarantee redress and reparation to victims of torture and ill-treatment (Articles 13 and 16).

In addition, UN member states are expected to conform with UN guidelines, principles and recommendations that, although without the binding force of treaties, aim at assisting the implementation of international obligations in national law. These include the Code of Conduct for Law Enforcement Officials, the Basic Principles on the Role of Lawyers, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the Standard Minimum Rules for the Treatment of Prisoners and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

The Macedonian Constitution of 1991, laws and codes reflect some of these international obligations, and provide a framework for protecting the rights of detainees and the prevention of torture. The Constitution provides for rights guaranteed under international conventions to be incorporated in domestic law: “The international agreements ratified in accordance with the Constitution are part of the internal legal order and cannot be changed by law” (Article 118). While rights may be restricted during states of war or emergency, “The restriction of freedoms and rights cannot be applied to the right to life, the interdiction of torture, inhuman and humiliating conduct and punishment, the legal determination of punishable offences and sentences, as well as to the freedom of personal conviction, conscience, thought and religious confession” (Article 54).

Torture and ill-treatment by police officers are prohibited. The Constitution states that, “The right to physical and moral dignity is irrevocable. Any form of torture, or inhuman or humiliating conduct or punishment is prohibited” (Article 11). The Criminal Code specifically criminalizes the use of torture to extract statements, and makes the offence punishable by a prison term of between three months and five years, with a minimum of one year if serious violence is used (Article 142).

Provisions in Macedonian law aim to ensure that people are not deprived of their liberty unlawfully and, if arrested and charged, are fairly tried. The Constitution requires an individual’s freedom to be restricted only “by a court decision or in cases and procedures determined by law”; that detainees be informed of the reasons for their arrest and of their right to a lawyer; and that they be brought before a court within a maximum period of 24 hours in order that the court may decide on the legality of the detention (Article 12). The inviolability of the home may only be restricted by a court decision (Article 26). A framework for the protection of these rights is set out

in the 1996 Criminal Code and 1997 Code of Criminal Procedure that replaced the former Yugoslav codes.

Many of those arrested on suspicion of being members of the NLA were charged with either “terrorism” or unauthorized possession of firearms. Article 313 of the Criminal Code, headed “Terrorism”, provides imprisonment of at least three years for any “person who, with the intention of endangering the constitutional system or the security of the Republic of Macedonia, causes or seriously threatens to cause an explosion, fire, flood or some other generally dangerous act or act of violence, creating a sense of insecurity or fear among the citizens”. Article 326 provides for one to ten years’ imprisonment for “planning to commit” a crime covered by Article 313. In practice, charges under Article 396 (1) which provides for up to three years’ imprisonment for unauthorized possession of firearms or explosive materials seem to have been used more frequently.

2.2 Amnesty International Concerns

AI’s concerns, arising out of cases documented in the Tetovo region and described below, relate to the police treatment of detainees arrested on suspicion of conflict-related offences. Despite Macedonia’s obligations under international and national law, the authorities in Macedonia have continued to operate in breach of these standards in the following respects:

- The police are alleged to have carried out arbitrary arrests; and to have subjected people who were suspected of association with the NLA to ill-treatment, in some cases amounting to torture;
- The pattern of widespread use of ill-treatment suggests that it may have taken place with the consent or acquiescence of senior officers;
- Senior officers, government officials and courts, even when informed of complaints of torture or ill-treatment, failed to take action to investigate the complaints and to hold the perpetrators accountable;
- The system for investigating complaints is perceived as neither impartial, nor independent;
- In some cases detainees were denied their right to necessary medical treatment, including for injuries sustained in detention;
- In a number of cases cited, there also appeared to be routine use of the charge that “two hand grenades” had been found in the home or vehicle of the accused – a charge frequently denied by the accused;
- The right to compensation for unlawful arrest or detention is not in practice enforceable in Macedonia.

2.3 April 2001: Poroj

After an offensive at the end of March 2001 in which the Macedonian security forces appeared to have pushed back the NLA from the heights overlooking Tetovo, on 6 April 2001 the police mounted an action in Poroj, the first village on the road from Tetovo northwest to the Kosovan border, reportedly to look for illegal weapons and NLA fighters. At least 34 men were arrested, most as they passed checkpoints on their way to work, and many were allegedly beaten severely on

that morning while being taken to Tetovo police station. About half were reportedly released without charge the same day. About 18 were taken to the Autokomanda police station in Skopje where the beatings reportedly continued. All but two were reportedly released without charge after about 24 hours. The two, Abdiselam Arslani and Latif Ameti, as well as Ifraim Ibraimi, who was arrested at a later date, were charged with unauthorized possession of explosives.

AI interviewed four of those detained on 6 April 2001 - Xhelal Halili, Naser Veliu, Ziba Ziberi and Latif Ameti - as well as Ifraim Ibraimi. **Xhelal Halili** was on his way to work when he was arrested by the police:

“My cousin, who was with me in the car, was also arrested. We saw how the people in the van before us were arrested... It took about a quarter of an hour, and during this time ten cars were stopped... Then a lorry came, it was an army lorry. All the cars were standing along the road, and all the people who had been in the cars were brought to the lorry. I was the last who had to go onto the lorry. I saw that there were ten policemen in the lorry, and that all the arrested people were lying in the lorry, with their hands tied, lying on their stomachs. All were bleeding. The policemen had wooden sticks and metal pipes in their hands. When I was inside, they closed the door, and they started beating us. They beat us everywhere, they didn't look, everywhere where they wanted. They beat us the whole way from Poroj to Tetovo... We all had to get off the lorry and walk to the police station. Left and right there were policemen standing, beating us on the way...”

After being interrogated and held for about 10 hours, he was told he could go. A report from Tetovo hospital confirmed that he was treated for contusions to the head and body.

Ziba Ziberi was arrested while taking his son to school and experienced the beatings on the way to Tetovo police station. After being held all morning he stated that he was taken to Skopje with about 18 of the detainees in the same lorry. They were allegedly beaten during the journey by one of the two policemen who were accompanying them:

“From Tetovo to Skopje there were two policemen with us. One of these two ill-treated us very much. The other not, I have to say that honestly – he did not touch us at all. The other maltreated us very much, with sticks, with the butt end of a rifle, he kicked us with his shoes, and so on, uninterruptedly until we were in Skopje.”

He said that, at the police station in Skopje:

“They smashed us against the wall. ‘You made us pay, now we will pay you back.’ There were many policemen. One after another they came and maltreated us. The guard did not do anything, but the policemen that came and went, they did. I got the blow on my head there. Others were worse treated... At around 9.30 in the evening an inspector took me for

interrogation. He asked his questions normally. He did not provoke me. He asked me some questions and said then: 'You are not guilty.' Then they released me..."

A medical statement dated 7 April from the Tetovo hospital confirmed contusions including injuries to his right eye and temple.

Latif Ameti, aged 52, said that his house in Poroj was raided during the same action on 6 April, by large numbers of police officers:

"The police broke down the door and came into the house. Three entered the room, while some 20 to 30 went straight into the main room. The police picked me up, beat me with fists. They took me outside, tied my hands behind my back and repeatedly asked me, 'Where is the gun?' I have never owned a gun, nor had one in the house. I saw the police fire in the air, and then say that the 'terrorists' were firing at them."

He was among the Poroj residents taken to Tetovo and stated that he had witnessed beatings in the lorry. He said that, after interrogation at Tetovo police station, he refused to sign a statement written by the police that they had found two hand grenades in his house. He was taken to Skopje and said that some of the detainees travelling with him had been badly beaten. He had his hands tied while being interrogated about membership of the NLA, which he denied. At around midnight, he was taken to a room with a television where he saw a news report that the police had seized two hand grenades in each of six houses in Poroj. The following day he was returned to Tetovo where he was brought before a judge and detained on suspicion of unauthorized possession of explosives. In May he was tried and sentenced to 10 months' imprisonment which he claimed was subsequently increased to 14 months. He said that he escaped after three months while out of prison on "day release".

Ifraim Ibrahim was not at home when his house in Poroj was raided on 6 April. His wife told AI that large numbers of police officers broke down the door at 6am, searched the house and claimed to have found a bomb in a spare room. Ifraim Ibrahim was arrested later and subsequently charged with unauthorized possession of explosives, but his case had not been completed by the end of April 2002, despite the March 2002 amnesty law which was supposed to have halted all conflict-related prosecutions.

The four men were all reluctant to make complaints to the police of arbitrary arrest or ill-treatment. They gave reasons similar to those of Ziba Ziberi:

"Such a complaint will not be taken into account. Even worse, you have to pay dearly for it... At the police station, someone asked for a certificate that he had been at the police station and that he was released. They said, 'You can get this in the morning, but you can't be sure that you will be alive in the morning'. So no one asked for that again. That is our police. So, I do not dare to go to the police to file a complaint."

2.4 May 2001: Djepchiste and Poroj

A number of homes were raided by Macedonian police in Poroj and the neighbouring village of Djepchiste on 24 May 2001 during a period when the main armed clashes were taking place some distance away around the town of Kumanovo. AI interviewed four of the men arrested that day, Nasir Jonuzi, Salajdin and Qenan Ramadani, and Zejnulla Memeti. All had been convicted on charges of unauthorized possession of firearms; three had been sentenced to prison terms. Two escaped from custody; one was released at the time of the amnesty in March 2002.

Nasir Jonuzi, aged 41, is a teacher, mayor of the village of Djepchiste and a member of the council of the Djepchiste municipality which includes Poroj and several other villages. He said that at about 7.00am on 24 May 2001 over 100 uniformed police officers came to his house. While the police searched the house, he was ordered outside with his 68-year-old father and 17-year-old son. They were made to lie down and officers allegedly kicked and beat them with fists and a hammer. Nasir Jonuzi was arrested and taken to police stations in Tetovo and then Skopje and the town of Veles. He said that, after his arrest:

“Later I found out my family had experienced a real trauma. My wife had been brought to hospital and my daughter had to stay some days in hospital [both as a result of the shock]. My brother, father and son suffered too. The house of my brother was ruined completely, his door was smashed. This was justified by saying that they could not find weapons or other illegal objects.”

He was interrogated in Veles about buying arms in Kosovo, which he denied, and allegedly ill-treated and tortured until the next morning.

“They thought that they had found some documentation... I explained that these documents had nothing to do with the NLA. Then they started to ask where I had the arms... I was kept 30 hours without food or drink. I was bound to a table, with a sack over my head so that I could not see who beat me, and I was then beaten on the head and on the back. In the yard the beating lasted 10 minutes but in Veles about 20 hours. The people who beat me were replaced many times. The interrogator was changed every six hours. The torturers more often.”

He told the police where to find a hunting gun and rifle he kept hidden away from his children at his home and for which he said he had permits. On 25 May the police collected these firearms and 18,000 Deutschmarks from his house and left a signed receipt. Nasir Jonuzi was charged with unauthorized possession of explosives and detained in Skopje and Tetovo until his trial on 13 June. In documentation produced in court by the prosecution, dated 24 May, it was stated that two hand grenades had been found at his house but there was no mention of the guns or money taken from his home, which have not been returned to him. Nasir Jonuzi was convicted, sentenced to six months' imprisonment but released temporarily, according to him to allow him to recover from his injuries. Following his release, an X-ray at a private clinic on 20 June confirmed that he had four fractured ribs. He has still not served his sentence, as a result of several appeals for deferment, but in October 2001 the appeal court in Skopje had increased the sentence from 6 to 9 months for reasons which were unclear to him.

Zejnulla Memeti, a farm labourer from Poroj, was arrested on the morning of 24 May 2001, and was taken to Veles with Nasir Jonuzi, where he was also reportedly beaten. He too was charged with unauthorized possession of two hand grenades in his house. He recalled the judges at his trial arguing in court about the validity of the evidence against him and his guilt. He was convicted and sentenced to seven months in prison but escaped after five weeks while working on day release for a timber company. He told AI that he was still suffering the consequences of the ill-treatment by the police: "I still have problems with my health. After I escaped, I walked to Prishtina where I spent two weeks for treatment."

Salajdin Ramadan and **Qenan Ramadan**, brothers and neighbours in Poroj, were also arrested on 24 May 2001. They alleged being severely beaten by the police at their homes. Officers allegedly cut Qenan Ramadan across the jaw with a hunting knife and beat him so severely that they broke two of his ribs and his cheekbone. Salajdin Ramadan said the police knocked out four of his teeth and broke his nose and two ribs. They also alleged that gold jewellery, a considerable amount of money, a mobile phone and an allegedly authorized firearm were taken by officers, none of which has been returned. They said that, after being taken to an unknown location in Skopje, they were again beaten by the police, asked for the names of NLA commanders and fighters, and forced to sign statements admitting to having unauthorized guns. They were subsequently charged with unauthorized possession of firearms. In June 2001 Salajdin Ramadan was convicted and sentenced to two years in prison. He said he escaped five days later when allowed out of prison for exercise. Qenan Ramadan was convicted and fined 200,000 denars (about US\$3,000). Both men said they received medical treatment for their injuries, including eight stitches for the cut on Qenan Ramadan's jaw, and in November 2001 they still bore signs of injuries consistent with their accounts.

2.5 July 2001: Leshok

At 10.00am on 19 July 2001, three ethnic Albanians – **Rami Kurtishi**, **Ajrush Gega** and taxi driver **Abdulla Bilali** – were stopped in the latter's taxi at a police checkpoint at Leshok near Tetovo while on their way to the Kosovo border. Armed clashes in the area had been frequent and tensions were high. After an inspection of their papers and the car, the three were taken in the taxi and a police car to a security police building in Skopje. During subsequent visits to his son in prison, the father of **Rami Kurtishi**, Qenan Kurtishi, obtained the following information about their treatment in Skopje:

"They were all tortured. They were in separate rooms but each could hear the screams of the other. After four hours of beating, they were all brought back to the taxi to check it again. There were lots of inspectors and police around in the yard of the building. The police fetched two passersby from the street as witnesses. When they searched the car they found six hand grenades and three fuses ... Then they were taken back to the basement and tortured for another 25 hours. Ajrush Gega was hit comparatively little, the taxi driver more and Rami the most. He doesn't know how many times he was beaten with wooden implements by many different people. He lost consciousness."

At 6.30pm on the following day, 20 July 2001, they were taken before a court in Skopje. They had been detained for more than 24 hours, the legal limit of police detention without the authorization of a court. The judge ordered their detention for 30 days on suspicion of “planning to commit a terrorist act”. Rami Kurtishi denies that any of them had explosives and claims that the hand grenades were planted in the taxi in Skopje. The authorities changed their story about where the explosives were found. The court record indicates that the explosives had been discovered while the taxi was still at Leshok, as did prosecution correspondence to the court dated 26 July. However, at a hearing on 19 September a statement from one of the passersby that the discovery of weapons had taken place in Skopje was submitted by the prosecution. No evidence of any conspiracy was produced and the court failed to investigate the differing reports of where the grenades were allegedly found and why the men were brought to Skopje if weapons had indeed been found at Leshok. However, after this hearing, the crime being investigated was reduced to unauthorized possession of explosives.

Rami Kurtishi’s injuries five months later
© Private

The court also failed to investigate the allegations of ill-treatment made by the accused. Qenan Kurtishi reported that, although at every court hearing all three accused stated that they had been ill-treated, their statements were not included in the court records.

According to him, when he first visited his son in Shutka prison on 23 July 2001, Rami Kurtishi was

“completely lost and unable to speak. I just saw him for five minutes and then they took him away. [During the next visit on 1 August 2001, he] didn’t know that his father had previously been to visit. He said he had been beaten mainly on the back and his kidneys had been damaged so that he had been afraid to eat or drink for 10 days because he couldn’t use the toilet. He was still only taking juice. He couldn’t sit or stand.”

All three were released in December 2001 under the amnesty. After his release Rami Kurtishi confirmed his father’s report to AI about his condition when he was transferred from police custody to prison. He said that when the wounds on his buttocks re-opened after 10 days and became infected, the prison doctor sent him for treatment to the civil state hospital, but that, “[T]hey wouldn’t accept me, telling me ‘We don’t treat terrorists.’ From there they sent me back to prison without any help.” On 23 October, he was interviewed in prison by CPT delegates and provided them with medical documentation. However, a legal application for his release on grounds of ill-health, dated 9 November, was rejected by the court. A photograph, taken on 20 December after Rami’s release under the Presidential amnesty¹⁰, shows that the worst wound had still not healed.

¹⁰ 64 detainees and prisoners held on conflict related offences were pardoned and released in late 2001 under the President’s authority, before the Amnesty law was passed.

Rami Kurtishi denied being a member of the NLA and did not know why he had been detained, except perhaps that members of his family were known to be politically active. He said that of the seven or eight detainees that he met in prison, who were held on conflict-related charges, only one admitted being in the NLA. The formal document releasing him, dated 10 December 2001, makes reference to the freeing from criminal proceedings of an individual member of the “so-called NLA”. Like many other victims of torture to whom AI has spoken, he is reluctant to make a formal complaint, believing the Macedonian courts to be subject to political influence.

2.6 July 2001: Saraj

Sherif Ademi, a Rom taxi driver from Tetovo, was allegedly beaten by the police because, in his view, they thought he was of ethnic Albanian origin. Of Albanian and Rom parentage, he considers himself Rom. Sherif Ademi stated that he was assaulted on 19 July 2001¹¹, when he was driving alone from Skopje to Tetovo:



Sherif Ademi © AI

“I was stopped at the first checkpoint at Saraj. The police asked for my documents...and took them into a little hut. They found the name of Xhevat Ademi on the list of people banned from entering the USA and asked who he is. I said I didn’t know and that I was a Rom. They asked if my family were in the mountains [with the NLA]. I denied that. The policeman said, ‘You are telling me I am wrong?’ and signalled to other policemen, and the chief came. Then I was surrounded by about 20 police, two with guns. Eight of them came up to me. They asked why I was arrogant. Two held my hands behind my back. Six others beat me with hands, feet, gun butts. I fell to the ground. I knew to cover my face from the first time. A bus from Skopje bound for Gostivar passed and hooted. There were also some people on the bridge, but none of them could get near. One of the police said, ‘It’s enough for him’, and threw the documents on the taxi seat.”

With difficulty he managed to drive back to Tetovo, where his injured arms were put in plaster at the hospital. He complained about his ill-treatment by Macedonian police officers to a Macedonian doctor, who contacted the police. Shortly afterwards, he was invited to a meeting with the head of the local security police department, who listened to his account and apologized, saying that there were individuals at fault on both sides of the conflict. However, although Sherif Ademi asked for help from the police in pursuing his complaint, he heard nothing further from the official.

¹¹ Sherif Ademi said this was the second occasion he had been assaulted by Macedonia police at a checkpoint. The first time had been in January 2000 after the killing of three policemen by, it was widely assumed, ethnic Albanians (see 1.1 above).

2.7 September 2001: an attempted killing of Muharem Ibraimi

There were many reports from the Tetovo region of police reservists and special police units creating fear in the local population by firing their weapons, committing thefts during the curfew hours and vandalizing empty homes. Hastily mobilized during the conflict, they were selectively called up or recruited from parts of the country populated by ethnic Macedonians. In the following case of alleged assault and attempted murder, the authorities have failed to carry out any investigation or make any attempt to bring the perpetrators to justice.

Muharem Ibraimi, a 36-year-old businessman from Tetovo, reported being stopped by five uniformed police reservists while driving in Tetovo town centre on the afternoon of 16 September 2001. Although not at an official checkpoint, they asked for his documents:

“They asked me to get out of the car, but showed no interest in my documents and hit me with the butt of a gun. They forced me into the seat behind the driver’s seat. All five got into the car. I could tell by their behaviour and the smell of alcohol that they were drunk.”

He stated that one of the reservists drove them all at high speed to Skopje and on to Kumanovo. His captors’ conversation indicated their anxiety to avoid being seen by the police. He gave the following account of threats and an attempt to kill him:

“One of them asked me, ‘How do you want to die?’ He put a knife to my eye and said, ‘With a gun or a knife?’ They took my money, ...a gold chain and watch... Before Kumanovo we turned off and went about 15 kilometres into the mountains... They stopped, took me from the car, put on their masks, put me by a rock. They were standing in a row to shoot me. One of them who was not so drunk said, ‘Don’t shoot him here, a tractor driver saw us.’ [They took him to a bridge over the River Vardar near Skopje.] By this time it was about 9pm and dark. They took me from the car and tied my hands behind my back with rope. They tied my legs together with a military belt. They threw me from the bridge into the river. The river was full and moving fast. I kept going under and struggling to breathe. The water took me to a place under some trees, where I was caught by a log. I was able to get my face out of the water and could see they were looking for me to shoot me. Two came down along the bank to look for me. They looked for 15 minutes but they couldn’t see me because I was under the trees. I heard when they left, but I waited for 30 minutes to be sure they wouldn’t come back. I managed to loosen my hands and feet and to swim 100 metres to make sure I left no traces.”

After returning to Tetovo, he reported the incident to the police. He told AI that the police had photographs of all reservists but did not let him see them to identify his attackers. He engaged a lawyer, who prepared a case against five unidentified assailants that was formally presented on 24 September 2001 to the public prosecutor including a request for investigation and the help of the Ministry of the Interior in identifying the perpetrators, but to date there has been no official response.

Human rights abuses against the Roma community

The political focus on the question of discrimination against ethnic Albanians in Macedonia tends to overshadow the similar problems faced by other minority groups, in particular the Roma. While the armed conflict was widely perceived to concern the two largest ethnic groups, Macedonians and Albanians, it affected the whole population in the Tetovo region. For these reasons attention is drawn to the experiences of Roma during the conflict. The ways in which it affected Roma actually appear to have been very similar to those experienced by other ethnic groups, particularly the effects of the fighting, police ill-treatment and displacement.

Most of the Roma in Macedonia live in the Skopje area, but there is a community in Tetovo, estimated to be around 7,000. All of them are Muslims, but, as well as Romani, some speak Macedonian while others speak Albanian or Turkish. Depending on where they live within Tetovo, they come under pressure to identify with either Macedonians or Albanians.

According to people at Sun, a Tetovo Roma Rights group, the Roma tried as far as possible to stay out of the fighting, but were vulnerable to pressure and threats from both sides. A few of them were called up to serve as police reservists, which made them fear revenge attacks from Albanians, so that they either left the country or went into hiding. One Rom [whose identity is known to AI] said that he had been under pressure in July 2001 when his Macedonian neighbours were given guns to defend themselves. The neighbours "threatened that, if I would not fight with them, they would take my home by force and put Macedonians into it who were prepared to fight Albanians. I fled with my family to Sarajevo for two months". Even after his return in November, he did not feel safe. Others felt vulnerable because, in other cities in Macedonia, Muslim shops, homes and mosques had been attacked by ethnic Macedonian youths during anti-Albanian riots.

Roma have also been victims of police ill-treatment, as reported by their rights organizations and previous AI reports.* Sheref Ademi, the Rom taxi driver whose experiences are recounted in this report, gave up driving a taxi after the beating he received in July 2001. He moved with his family to the Dojran collective centre, south east of Skopje, where he became the representative of 127 Roma and Turkish displaced people from Tetovo. None felt safe to return to Tetovo in November 2001.

*see Amnesty International, *Former Yugoslav Republic of Macedonia: The alleged ill-treatment of two Roma women by police in Strumitsa* (AI Index: EUR 65/004/2002) and *Former Yugoslav Republic of Macedonia:*

3 Abuses against civilians

The nature of the conflict in Macedonia in 2001, as an internal armed conflict, means that international humanitarian law standards were applicable and in practice may have been flouted by both sides. As in any conflict, events are interpreted very differently by the two sides, and difficulties in gaining access to the conflict areas inhibited independent investigation of abuses. While many international intergovernmental and non-governmental organizations were present during and after the conflict and have investigated various incidents, including some of those reported in this document, their findings have not usually been made public. There has thus been very little to counter the very partisan local media reports which portray their own side as victims.

This chapter covers cases of NLA abuses and also covers other ways in which civilians were affected by the conflict, or as refugees.

3.1 International humanitarian law standards and Amnesty International concerns

The four Geneva Conventions of 1949 establish minimum humane standards for “armed conflict not of an international character” in their Common Article 3, applicable to government armed forces and armed political groups alike. Common Article 3 states that each party to the conflict shall be bound to apply its provisions as a minimum. The Article protects “Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause”. Its prohibitions include:

- violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- the taking of hostages;
- outrages upon personal dignity, in particular humiliating and degrading treatment.

In situations of armed conflict AI opposes the deliberate killings of civilians and persons taking no active part in hostilities. Such killings are prohibited under the laws of armed conflict. AI also opposes killings that result from indiscriminate attacks - that is attacks in which no attempt is made to distinguish between lawful and unlawful targets. It also opposes killings that result from disproportionate attacks - that is attacks expected to cause incidental loss of civilian life which would be excessive in relation to the concrete and direct military advantage anticipated. In the cases of killings outlined below AI is concerned that the available information, although limited, may indicate that unlawful killings, including deliberate killings, and killings arising from indiscriminate or disproportionate attacks may have taken place. The organization urges that these incidents be fully investigated.

The abductions and beatings carried out by NLA members in contravention of Common Article 3 of the Geneva Conventions are also of great concern to AI, particularly because many of the cases have not been investigated properly and resolved because of the amnesty law.

3.2 Violations of humanitarian law by the NLA

The NLA made a declaration on 8 May 2001, under the name of Ali Ahmeti, the political representative of the NLA General Staff, that the NLA functioned as a disciplined army. The declaration stated that NLA forces wore uniforms; respected the Geneva Conventions and international law; and would cooperate with the International Criminal Tribunal for former Yugoslavia against any of its members responsible for war crimes. The declaration appeared to have been made in an attempt to gain recognition for the NLA by the Macedonian authorities and the international community.

From the beginning of July 2001, the NLA entered villages at the foot of the Shar mountains north of Tetovo, some of which are partly or wholly inhabited by ethnic Macedonians, and serious abuses against ethnic Macedonians were reported. An elderly civilian, Boris Magdenovski, was reported by neighbours to have been deliberately shot and killed by the NLA in Brezno on 1 July 2001. There were expulsions of ethnic Macedonians from their homes and frequent reports of the NLA taking civilians captive, often only for a few hours but sometimes for longer. In late July the Interior Ministry withdrew the police from the villages of Leshok, previously inhabited only by ethnic Macedonians, and Neproshteno, a mixed community. They allegedly distributed firearms to Macedonian civilians as they left. The NLA was subsequently reported to have abducted several dozen people from these two villages. By mid-August tens of thousands of people were registered as internally displaced by the Macedonian Red Cross amid fears of an attempt by the NLA to ethnically cleanse the Tetovo region of ethnic Macedonians.

The cases described below are examples of violations carried out by the NLA in clear contravention of international standards applicable to internal armed conflict, in particular of Common Article 3 of the Geneva Conventions.

3.2.1 July 2001: missing from Neproshteno

No information has been provided by the NLA about the fate of **Vasko Mihailovski**, who 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 abductions there had been phone calls." AI is concerned that his whereabouts remain unknown and that he may have been a victim of unlawful killing.

Vasko Mihailovski is one of the 13 ethnic Macedonians alleged to have been taken captive by the NLA who are still missing, whose fate is being investigated by the EU Commission on kidnapped and missing persons.

Vasko Mihailovski © Private

3.2.2 July 2001: abductions and beatings near Neproshteno

Civilians who tried to help find those who were abducted during July 2001 also risked abuses. **Kole Nikolovski**, the security manager at the Jugohrom factory, was helping the International

Committee of the Red Cross (ICRC) to deliver aid in Zhilce, a village near Tetovo, on 25 July when a mother asked him for help. He told AI:



Kole Nikolovski © AI

“Her child and two other children and their mother had been abducted in Neproshteno. I went to the ICRC to ask for help. They called their headquarters in Skopje, but because of the security situation they did not have permission to enter the area. So then I called [an influential Albanian contact] in Tetovo, and asked him to try to get the children freed. [However, although the contact negotiated their release, when Kole Nikolovski and a friend arrived at the agreed handover point and saw the children waiting for them,] 20 armed Albanians appeared from behind me and attacked me. I was hit with the butt of a rifle and they started to beat me. [The contact] said, ‘Don’t be afraid, everything will be OK,’ but they hit and swore at [him] too... The attackers were in uniforms, with NLA badges, berets, their faces were not covered. They put a mask over my head and handcuffed my hands behind me, put me and my friend in a green car. I didn’t have a chance to identify any of them.” [For two hours they were moved from place to place,] “[t]here was non-stop beating, different people came and beat us for two to three hours. They kicked me and hit me with wood. I was hit on the back and shoulders. I still have a scar from where they hit my hand and smashed my watch. When the beating stopped I was in a new house in Dobroshte and my friend was there too. The commander came to talk to us. He was criticizing those who did the beating, he said it wasn’t right, they shouldn’t have done that. He offered me juice and uncovered my shirt. He was very angry when he saw what they did to me. He said he hadn’t been informed or he would have helped me. He asked what he could do. I said I wanted the children to be released.”

The children were brought to Kole Nikolovski and they were all freed the same day. The mother of two of the children was also later released.

3.2.3 August 2001: abductions in Leshok

Even the presence of representatives of the UN High Commissioner for Refugees (UNHCR) and OSCE did not prevent the NLA from abducting **Zhivko Bozinovski** of Leshok. He had left his village with everyone else on 23 July 2001, but returned on 8 August in an international convoy organized to enable villagers to return to their homes. After arriving in Leshok, he went with his uncle to check his sister-in-law’s house which was on the edge of the village.

“I was afraid. The door was open, but there was no one there. The house had already been robbed and things were scattered all over the floor. We were in shock and looking at what had been done. So we didn’t hear the people coming from behind the house.” [After an NLA group allegedly seized him and his 74-year-old uncle,] “[t]hey put us for half an hour in a shed for animals in Leshok and asked our names and insulted us. Then I was beaten. Three

ribs and my jaw were broken. My uncle was older so he was not beaten so much. They covered my head which was bleeding. The people who did this to us had military uniforms and masks. They spoke Serbian to us [which led him to believe they were Albanians from Kosovo]. There were 10 or 15 of them. Then we were moved. I overheard that we were taken to Neproshteno. We were in a garage with two others from Neproshteno. They had been beaten too, and we were beaten there as well. The people who were guarding us though were local and civilians. They gave us some food and water.”

When the fighting neared, the four were moved several times. They were finally held in an improvised prison in Varvara, a village in the mountains. Zhivko Bozinovski made a distinction between the guards who treated them reasonably and groups of young NLA fighters who threatened them. “The beating itself was not as frightening as the threats to kill us and cut us in



Zhivko Bozinovski returns in November 2001 to the house where he was abducted. © AI

pieces which they made twenty times a day.” All four were released on 27 August 2001, after the signing of the Ohrid agreement, along with two other captives from Leshok, who had been held separately since the assault on the village on 23 July.

Zhivko Bozinovski returned to live in Leshok after his release. His house had been ransacked, as had many others in the village. The house of a cousin also had “UCK” (NLA in Albanian) and “Adam Jashiri”, the name of a Kosovar Albanian hero, scrawled on the walls. At least eight houses in Leshok had

been completely burnt out. On 21 August 2001, while the village was still under NLA control, the monastery church in the village was blown up and completely destroyed. By November, a minority of the residents had returned and the police were once again patrolling the village, but villagers still felt very insecure and reported that there were continued attempts to break into houses during the night.

3.3 Possible unlawful killings of civilians

On 3 May 2001 and on several subsequent occasions, the Macedonian government appealed to civilians to leave villages they believed were being occupied by the NLA and which the security forces were about to attack. In many cases civilians stayed, for example in Slupcane and Vaksince in the Kumanovo area. It is unclear whether pressure was put on them to stay by the NLA forces occupying their villages as the Macedonian authorities claimed. However, shelling with heavy artillery by the security forces went ahead in the knowledge that large numbers of civilians were present. The most sustained shelling of villages was carried out in the Skopje and Kumanovo regions, but there were also reports of similar attacks on villages around Tetovo. The number of civilian deaths and injuries caused by such shelling is unknown.

Senior representatives of the EU were so concerned about the risks to civilians that they intervened to stop the Macedonian security forces targeting Albanian villages on several occasions between May and August 2001. For example, after the security forces had been shelling villages held by the NLA near Kumanovo since 3 May, Anne Lindh, the Foreign Minister of Sweden, then holding the EU presidency, warned on a visit to Skopje on 16 May: "The [Macedonian] government has a heavy responsibility to ensure that the military response will be proportional." The Foreign Ministers of France and Germany issued a joint statement that said: "Civilians should be spared. Political dialogue is the only way to ensure stability."

On 24 May 2001 seven members of the Zymberi family were reportedly killed after a 155mm artillery shell was fired by the security forces and penetrated a basement in Slupcane near Kumanovo in which they were sheltering. A number of civilians were also reported to have been shot dead during armed clashes near police checkpoints in the Tetovo region, although reports that these killings were deliberate or indiscriminate are unconfirmed. It was frequently reported that the NLA fired on the security forces from private houses and in areas where civilians could have been caught in the cross-fire. The ICTY is investigating an incident of shooting by the security forces in which ten ethnic Albanians were killed on 12 August 2001 in Ljuboten near Skopje in disputed circumstances. The bodies have been exhumed as part of the investigation.

According to the Director of Tetovo hospital, approximately 300 people were hospitalized as a result of injuries sustained in the fighting between March and December 2001, about two-thirds of whom were reportedly civilians. He pointed out that this was an underestimate of the total number of injuries as many villages were cut off from access to the hospital because of the hostilities.

Due to lack of investigations and prosecutions to date it has not been possible to establish responsibility for civilian casualties or whether they were the result of indiscriminate or disproportionate attacks. Breaches of international humanitarian law may have occurred during the conflict. AI considers that a thorough and impartial investigation should be carried out into all allegations of possible unlawful killings by all sides in the conflict.

3.4 Refugees and displaced persons

The greatest impact of the conflict on civilians, in terms of numbers of people affected, was on those who fled their homes. The UNHCR estimated in February 2002 that around 170,000 people - around eight percent of the population - had been displaced at some point during the hostilities. Most stayed with family members or friends within Macedonia, and many returned home quickly once the hostilities in their neighbourhoods had ceased. However, in December 2001, the Macedonian Red Cross had 18,680 people, predominantly from the Tetovo region, still registered as displaced, and the UNHCR estimated that 10,850 refugees from Macedonia were still in Kosovo and 640 in Serbia.

Ethnic Albanians were displaced from many villages contested by the NLA and the security forces in the Tetovo, Kumanovo and Skopje regions. Others left their homes in areas where they

were a minority community, in Bitola and other towns in the south and east, after anti-Albanian unrest in May and June 2001 in response to NLA killings of soldiers and police officers. Over 50,000 ethnic Albanians fled to Kosovo, and to a lesser extent to Albania and Turkey, and were accommodated there in private homes.

Members of other ethnic groups who were displaced within Macedonia mostly came from the Tetovo region and left their homes under NLA pressure in June and July 2001; although the majority were ethnic Macedonians, other ethnic groups included Roma, Turks and Serbs. While most stayed with families, several thousands were accommodated by the government in poor conditions in collective centres away from the conflict areas.

The Framework Agreement included a commitment by all parties to work to ensure the return of refugees and displaced persons and invited the UNHCR to assist. The majority of displaced people were indeed able to return to their homes from mid-August 2001 onwards. Nevertheless, there were obstacles that prevented the return of thousands of those who wished to do so, which persisted into 2002. The return of ethnic Macedonians became a political issue which got caught up in disputes about the implementation of the Framework Agreement and the amnesty for NLA members. Lack of security was one of the most commonly cited reasons. Many villages were still not under government control and displaced people feared victimization, either on ethnic grounds or because they had connections with the security forces. They also feared ordinary crime, particularly in areas that the police were unable to access. Reports of physical assaults on individuals, booby-trapped homes and arson attacks against homes and religious buildings served to reinforce these fears.

On the other hand, other people were intimidated by the police checkpoints as they feared arrest because they had been members of the NLA, or had evaded being called up into, or had deserted from, the security forces. While the 2002 Law on Amnesty alleviated these concerns for ex-NLA members, deserters and draft evaders, it did not address fears that human rights abusers on both sides of the conflict were still at large and a barrier to safe returns. There were also physical obstacles to return such as damage to houses and inaccessible villages, such as Lafce near the Tetovo Kale, which remained closed by the security forces until May 2002.

4 Recommendations

The Macedonian government has formal obligations under international human rights law, and both the government and the NLA have obligations under international humanitarian law. The NLA formally disbanded on 26 September 2001, but its former leaders – especially Ali Ahmeti, the political representative who has taken the lead in forming a new Albanian political alliance – still have significant influence over its former members. The international community has a strong presence and is already providing considerable assistance in Macedonia at present. All could take steps which would help to improve the human rights situation in Macedonia and to address grievances which might otherwise lead to renewed conflict, and AI addresses recommendations to all of them. Their main purpose is to ensure that human rights abuses during the conflict are dealt

with in a way which restores the concept of rights as universal entitlements, and which builds public confidence in the rule of law.

4.1 Recommendations to the Macedonian authorities

With regard to alleged human rights violations, the Macedonian authorities should:

- **Ensure the investigation** of all allegations of unlawful killings, torture and ill-treatment, abductions, and other serious human rights abuses committed by all sides in the course of the recent conflict. Each incident should be thoroughly and promptly investigated by a body which is independent and impartial and should publish its findings in a timely manner;
- **Bring to justice** anyone who is reasonably suspected of having committed such abuses during the conflict, in accordance with international standards for fair trials. The object of such investigations and prosecution should be to determine individual responsibility for such abuses and provide a full account of the truth for the victim, their relatives and society as a whole. The abuses documented by AI, including torture, extrajudicial executions and “disappearances” are serious crimes under international law. Those responsible should be brought to justice no matter how much time has elapsed and regardless of any domestic legal measures exempting them from criminal prosecution or conviction;
- **Ensure reparation** to those who have been subjected to such abuses and to the families of victims of unlawful killing;
- **Provide** all possible assistance to the EU commission seeking information on missing people, including those alleged to have “disappeared” while in police custody;
- **Ensure** that internally displaced people and refugees can return voluntarily to their homes, in safety and with dignity, and facilitate their reintegration. Protection and assistance should be provided them without discrimination on the basis of language, religion, political opinion or national or ethnic origin.

As safeguards against future human rights violations, the Macedonian authorities should:

- **Issue strict orders** to police officers prohibiting torture and ill-treatment by strict observation of the Code of Criminal Procedure, and international human rights standards. AI’s Twelve-Point Program for the Prevention of Torture (as attached in the Appendix) suggests important safeguards against torture. Officers should also observe the procedures of arrest and custody and ensure that arrests and searches are carried out with appropriate warrants and only on the basis of reasonable suspicion that a crime has been, or may be, committed;
- **Review police training** on the use of force to ensure compliance with domestic law and international human rights standards, and to ensure that all members of the security forces

carrying out law enforcement functions are acquainted with and trained in the application of the following UN standards:

- < The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
 - < The Code of Conduct for Law Enforcement Officials
 - < The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
- **Implement** the recommendations of the Committee for the Prevention of Torture (CPT) about the treatment of detainees, particularly with respect to informing their families of their arrest and place of detention, according right of access to a lawyer and doctor, and ensuring they are aware of their rights. The publication of CPT reports should be authorized promptly.

4.2 Recommendations to the NLA and successor organizations

AI recommends that the NLA and successor organizations should:

- **Co-operate** with investigations into alleged abuses by the NLA;
- **Provide** all possible assistance to the EU commission seeking information on missing people including those alleged to have been abducted by the NLA;
- **Assist** in the return of refugees/displaced people to their homes in safety and dignity.

4.3 Recommendations to the international community

AI calls on other governments and intergovernmental organizations with political, economic or other interests in the region to:

- **Provide human rights training programs** for the police, not only for newly recruited police officers but for all police officers. Training should focus on human rights standards regulating the detention and investigation of suspects, the use of force, and methods of interrogation. Training should also include international human rights standards and the role of community policing in a multi-ethnic society. Steps should be taken to ensure such training will continue after the international trainers have left the country;
- **Encourage** the Macedonian government to implement the recommendations of the CPT to institute effective measures to deter further cases of torture and ill-treatment by police, to investigate and bring to justice offenders, and to provide reparation to the victims;
- **Agree a set of principles** to underpin all international aid to Macedonia to ensure that it does not contribute to human rights violations, and supports the development of a culture of respect for human rights. Human rights training should be provided to members of non-governmental organizations (such as community and minority rights organizations), to lawyers and within the courts and criminal justice system;

- **Support** the Macedonian authorities in their efforts to investigate and to ensure accountability for the serious human rights abuses committed by all sides in the course of the recent conflict.

**Appendix: Amnesty International: 12-Point Program for the Prevention of Torture
by Agents of the State**

Torture is a fundamental violation of human rights, condemned by the international community as an offence to human dignity and prohibited in all circumstances under international law.

Yet torture persists, daily and across the globe. Immediate steps are needed to confront torture and other cruel, inhuman or degrading treatment or punishment wherever they occur and to eradicate them totally.

AI calls on all governments to implement the following 12-Point Program for the Prevention of Torture by Agents of the State. It invites concerned individuals and organizations to ensure that they do so. AI believes that the implementation of these measures is a positive indication of a government's commitment to end torture and to work for its eradication worldwide.

1. Condemn torture

The highest authorities of every country should demonstrate their total opposition to torture. They should condemn torture unreservedly whenever it occurs. They should make clear to all members of the police, military and other security forces that torture will never be tolerated.

2. Ensure access to prisoners

Torture often takes place while prisoners are held incommunicado - unable to contact people outside who could help them or find out what is happening to them. The practice of incommunicado detention should be ended. Governments should ensure that all prisoners are brought before an independent judicial authority without delay after being taken into custody. Prisoners should have access to relatives, lawyers and doctors without delay and regularly thereafter.

3. No secret detention

In some countries torture takes place in secret locations, often after the victims are made to "disappear". Governments should ensure that prisoners are held only in officially recognized places of detention and that accurate information about their arrest and whereabouts is made available immediately to relatives, lawyers and the courts. Effective judicial remedies should be available at all times to enable relatives and lawyers to find out immediately where a prisoner is held and under what authority and to ensure the prisoner's safety.

4. Provide safeguards during detention and interrogation

All prisoners should be immediately informed of their rights. These include the right to lodge complaints about their treatment and to have a judge rule without delay on the lawfulness of their detention. Judges should investigate any evidence of torture and order release if the detention is unlawful. A lawyer should be present during interrogations. Governments should ensure that conditions of detention conform to international standards for the treatment of prisoners and take into account the needs of members of particularly vulnerable groups. The authorities responsible for detention should be separate from those in charge of interrogation. There should be regular, independent, unannounced and unrestricted visits of inspection to all places of detention.

5. Prohibit torture in law

Governments should adopt laws for the prohibition and prevention of torture incorporating the main elements of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) and other relevant international standards. All judicial and administrative corporal punishments should be abolished. The prohibition of torture and the essential safeguards for its prevention must not be suspended under any circumstances, including states of war or other public emergency.

6. Investigate

All complaints and reports of torture should be promptly, impartially and effectively investigated by a body independent of the alleged perpetrators. The methods and findings of such investigations should be made public. Officials suspected of committing torture should be suspended from active duty during the investigation. Complainants, witnesses and others at risk should be protected from intimidation and reprisals.

7. Prosecute

Those responsible for torture must be brought to justice. This principle should apply wherever alleged torturers happen to be, whatever their nationality or position, regardless of where the crime was committed and the nationality of the victims, and no matter how much time has elapsed since the commission of the crime. Governments must exercise universal jurisdiction over alleged torturers or extradite them, and cooperate with each other in such criminal proceedings. Trials must be fair. An order from a superior officer must never be accepted as a justification for torture.

8. No use of statements extracted under torture

Governments should ensure that statements and other evidence obtained through torture may not be invoked in any proceedings, except against a person accused of torture.

9. Provide effective training

It should be made clear during the training of all officials involved in the custody, interrogation or medical care of prisoners that torture is a criminal act. Officials should be instructed that they have the right and duty to refuse to obey any order to torture.

10. Provide reparation

Victims of torture and their dependants should be entitled to obtain prompt reparation from the state including restitution, fair and adequate financial compensation and appropriate medical care and rehabilitation.

11. Ratify international treaties

All governments should ratify without reservations international treaties containing safeguards against torture, including the UN Convention against Torture with declarations providing for individual and inter-state complaints. Governments should comply with the recommendations of international bodies and experts on the prevention of torture.

12. Exercise international responsibility

Governments should use all available channels to intercede with the governments of countries where torture is reported. They should ensure that transfers of training and equipment for military, security or

police use do not facilitate torture. Governments must not forcibly return a person to a country where he or she risks being tortured.

This 12-Point Program was adopted by AI in October 2000 as a program of measures to prevent the torture and ill-treatment of people who are in governmental custody or otherwise in the hands of agents of the state. AI holds governments to their international obligations to prevent and punish torture, whether committed by agents of the state or by other individuals. AI also opposes torture by armed political groups
AI Index: ACT 40/014/2001 Public