



# Amnesty International Annual Report 2013 - Macedonia

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Head of state: **Gjorge Ivanov**

Head of government: **Nikola Gruevski**

**Relations between the Macedonian and ethnic Albanian populations deteriorated. Relatives of missing persons abducted in 2001 were denied access to justice. Conditions in places of detention fell short of minimum standards.**

## Background

The European Commission again recommended in October that negotiations on EU accession should commence, but the EU Council of Ministers deferred the talks, due in part to the continuing dispute with Greece over the country's name.

Relations between Macedonians and ethnic Albanians deteriorated further. In February, an off-duty Macedonian policeman shot dead two ethnic Albanians in Gostivar. Several reportedly ethnically motivated attacks took place in March, in Tetovo and Skopje. In May, 20 ethnic Albanians were arrested in raids after the killing of five Macedonian men at Smilkovci lake, outside Skopje. Five men were charged with murder and terrorism. Thousands of Albanians protested against the arrests and the authorities' depiction of them as terrorists.

In August, the ruling VMRO-DPMNE party (Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity) proposed a draft law to provide reparations to Macedonian military and police forces (or their relatives) that fought and suffered losses in the 2001 armed conflict. In October, the bill was derailed in parliament by the coalition party, the Albanian Democratic Union for Integration, because it did not provide for the National Liberation Army (NLA) combatants, an armed group which had fought the government forces.

## Crimes under international law

In October, the Constitutional Court rejected an appeal by relatives of Macedonians allegedly abducted by the NLA in 2001 against the legality of an interpretation of the 2002 Amnesty Law, adopted by parliament in July 2011. Following the 2011 interpretation of the Amnesty Law the Prosecutor annulled four war crimes cases including the charges relating to the abductions, which had been returned to Macedonia for prosecution by the International Criminal Tribunal for the former Yugoslavia.

### **Torture and other ill-treatment**

Allegations of torture and other ill-treatment by police officials continued, including of two men detained after the Smilkovci lake murder. In May, the Ombudsperson, as the National Protection Mechanism, reported that conditions in police stations in 2011 were below minimum standards – especially for juveniles – and detainees rarely had access to a lawyer or doctor. Juveniles were held in solitary confinement in inhuman and "utterly degrading" conditions. In December, the European Committee for the Prevention of Torture reported that the authorities had made little progress in implementing previous recommendations, particularly in Idrizovo Prison, where ill-treatment by staff, inter-prisoner intimidation/violence and "totally unsatisfactory conditions" for prisoners persisted.

### **Unlawful killings**

In January, Igor Spasov, a member of a special police unit, was convicted and sentenced to 14 years' imprisonment for the murder of Martin Neskoski, during a July 2011 election rally.

### **Freedom of expression**

A draft law to decriminalize defamation was agreed with the Journalists' Association. Other journalists and media workers criticized proposed new penalties, which they feared would cause media self-censorship. The law envisaged penalties of up to €2,000 per author, and further fines of €10,000 for editors-in-charge and €15,000 for media company owners.

### **Discrimination**

The government failed to amend the 2010 Anti-Discrimination Law to include protection for LGBTI people. Homophobic remarks made in October by the Minister of Labour and Social Affairs were followed by an attack on the NGO-run LGBTI Support Centre.

#### *Roma*

Macedonia held the Presidency of the Decade of Roma Inclusion until July, but provided inadequate resources for implementation of its own National Action Plan and the National Strategy for the Advancement of Romani Women and Girls.

### **Refugees, asylum-seekers and migrants**

According to UNHCR, the UN refugee agency, 1,087 mainly Kosovo Roma and Ashkali refugees remained in Macedonia. Without a durable solution, 30 voluntarily returned to Kosovo, and 14 to Serbia.

Under pressure from the EU, the government limited the right to leave the country. Border officials most often targeted Roma and ethnic Albanians, whose passports were marked to prevent them leaving again. Between January and October, 8,115 Macedonian citizens applied for asylum in the EU; fewer than 1% were provided with protection. Austria and Switzerland imposed an accelerated asylum process on Macedonian citizens.

Within Macedonia, 638 people applied for asylum; none was granted it.

## Counter-terror and security

In December, the European Court of Human Rights held unanimously that Macedonia was responsible for the violations suffered by Khaled el-Masri, a German resident who was apprehended in 2003 by the Macedonian authorities, held incommunicado in Macedonia for 23 days, and subsequently transferred to the custody of US authorities and flown to Afghanistan. The Court ruled that Macedonia was liable for Khaled el-Masri's unlawful detention, enforced disappearance, torture and other ill-treatment, for his transfer out of Macedonia to locations where he suffered other serious human rights violations, and for the failure to carry out an effective investigation. It was the first time the Court had ruled on the case of a victim of the US-led rendition programme.

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