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MACEDONIA

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Head of state: Branko Crvenkovski

Head of government: Vlado Buckovski

Death penalty: abolitionist for all crimes

International Criminal Court: ratified

UN Women's Convention and its Optional Protocol: ratified

Overview - Covering events from January - December 2005

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Investigations were opened into allegations that the Macedonian authorities unlawfully transferred a German national into US custody in Afghanistan. Two people were imprisoned after a "terrorism" trial conducted in camera. The International Criminal Tribunal for the former Yugoslavia (Tribunal) indicted two former officials for war crimes committed in 2001 and decided to return four cases involving former leaders of the Albanian National Army (ANA) to the Macedonian authorities for trial. Three former officials were acquitted by domestic courts in connection with the extrajudicial execution of seven migrants in 2002. Violence against women remained widespread but prosecutions were rare.

Background

Although the Albanian minority were increasingly represented in the police force and municipal authorities, reforms to tackle discrimination against minority communities, agreed under the Ohrid Agreement following the 2001 conflict, proceeded slowly.

Elections in March in 80 municipalities created in August 2004 failed to guarantee universal and equal suffrage or ensure the secrecy of the ballot. The Organization for Security and Co-operation in Europe urged investigations of those suspected of electoral offences. Many ethnic Albanian women were reportedly denied the right to vote.

On 9 November Macedonia's 2004 application to join the European Union (EU) was received positively, although no date was set for talks at the London summit on 15 December.

Unemployment and poverty levels remained high. According to official figures, about 18 per cent of the population was unemployed. The World Bank reported in November that some 22 per cent of the population lived in "absolute poverty".

In January a National Strategy for Roma was launched. However, Romani women were denied education, employment and health care rights because they were not Macedonian citizens, according to reports in July to the UN Committee on the Elimination of Discrimination against Women.

The EU police force tasked with advising the Macedonian police left the country on 15 December.

Indictments for war crimes

On 14 March indictments were made public by the Tribunal against former Minister of Internal Affairs Ljube Boshkovski and Jovan Tarchulovski, a police officer, who were transferred to the Tribunal's custody on 24 March and 16 March respectively. Ljube Boshkovski was charged with criminal responsibility for murder, destruction of houses and cruel treatment in the predominantly ethnic Albanian village of Ljuboten in August 2001.

In April the Tribunal's Chief Prosecutor informed the Macedonian authorities that the remaining four cases, in which the Tribunal had gained primacy over national courts in a ruling on 4 October 2002, would be returned to Macedonia for trial. On 20 June the Macedonian Public Prosecutor was reported to be still awaiting a date from the Tribunal for a joint review of war crimes cases under the Tribunal's jurisdiction involving suspects who may not have benefited from a 2002 amnesty. A March 2002 law amnestied those whose offences in the 2001 conflict came under national jurisdiction. No review had taken place by the end of 2005.

Political trials

The presence in a Skopje suburb of an armed group of ethnic Albanians, including former ANA leader Agim

Krasniqi, continued despite negotiations in late 2004. On 5 June, four police officers were handcuffed, beaten and detained for two hours after they went to arrest Agim Krasniqi, indicted on seven criminal charges. He voluntarily surrendered to the court in August, and proceedings opened in October.

- In April, Rajmonda Malecka, a journalist from Albania, was arrested after she visited Kondovo to interview Agim Krasniqi. Her father, Bujar Malecka, was also arrested. Video tapes allegedly showing the ANA conducting exercises were found in their possession. On 13 May they were convicted of "preparation for terrorism" in a trial conducted in camera at Skopje District Court, and each sentenced to five years' imprisonment. On 23 September the Court of Appeal annulled the conviction on the grounds that the verdict was "unclear and incomprehensible" and that no link had been established between the activities of the defendants and the charge on which they had been indicted. It returned the case for retrial to the Skopje court, which on 8 November confirmed the original verdict. There were concerns that the prosecution was politically motivated and the trial unfair.

The 'disappeared' and abducted

There was little progress in discovering the fate of 20 missing people – 13 ethnic Macedonians, six ethnic Albanians and one Bulgarian citizen – who "disappeared" or were abducted during the 2001 conflict.

- Despite the appearance of former ANA commander Daut Rexhepi "Leka" at a public election meeting in Tetovo in February, he was not arrested until September. An arrest warrant had been issued in September 2004 in connection with the abducted ethnic Macedonians. His trial began in October.

No indictments in connection with the "disappeared" ethnic Albanians had been issued by the end of 2005.

Extrajudicial executions in Rashtanski Lozja

On 22 April, Skopje District Court acquitted three former police commanders and a businessman charged with killing one Indian and six Pakistani nationals in March 2002 in Rashtanski Lozja. The judge found insufficient evidence that the seven migrants were unlawfully killed on the pretext that they were international terrorists. Former Minister Ljube Boshkovski, also indicted, remained in the Tribunal's custody (see above).

The authorities had acknowledged in 2004 that the seven had been extrajudicially executed, despite earlier claims that they were Islamic militants connected to ethnic Albanian insurgents and had fired on the authorities.

Key witnesses, including two special police officers among the original suspects arrested, withdrew in court statements made during the initial pre-trial investigation. Both the Macedonian Public Prosecutor and the Foreign Ministry of Pakistan indicated they would appeal against the acquittal.

'War on terror'

In November, state prosecutors in Germany opened investigations into allegations that Lebanese-born Khaled el-Masri, a German national, had been unlawfully transferred into US custody in Afghanistan. He was reportedly detained by Macedonian police officers on 31 December 2003, repeatedly questioned about Islamic organizations, handed over on 24 January 2004 to the US Central Intelligence Agency (CIA) and – outside any judicial process – flown to an airbase in Afghanistan for further interrogation. He was sent to Albania in May 2004. In December 2005 the US authorities said he was one of five people detained on the basis of mistaken identity.

Prisoner of conscience Zoran Vranishkovski

On 23 June, the Bitola Court of Appeal confirmed the conviction of Zoran Vranishkovski, a bishop of the Serbian Orthodox Church in Macedonia in Ohrid. In August 2004 he had been sentenced to 18 months' imprisonment for allegedly inciting religious and ethnic hatred through his support for ecclesiastical control of the Macedonian Orthodox Church by the Serbian Orthodox Church. He was arrested on 26 July to serve his sentence as a prisoner of conscience.

Violence against women

In proceedings against a previously convicted trafficker in March, mechanisms to protect witnesses were ineffective. A witness protection law was introduced in May. On 1 November, a national referral mechanism was launched that would provide assistance and protection to those affected by trafficking.

Domestic violence against women remained widespread but prosecutions were rare.

- Of 100 incidents reported to the Tetovo police by August, criminal proceedings were brought in 10 cases, only one of which resulted in a conviction.

Refugees and internally displaced people

According to the UN High Commissioner for Refugees (UNHCR), 831 registered internally displaced people remained after the 2001 conflict in Macedonia. Some 160 registered people who were unable to return to their homes reportedly had their status withdrawn.

According to UNHCR, there were some 2,114 refugees from Kosovo, predominantly Roma, Ashkali or Egyptiani, 1,234 of whom were under "temporary protection". Few were granted asylum, and some were reportedly threatened with return to Kosovo. In May the government opened discussions with the Kosovo authorities on protocols for their voluntary return.

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Archive information

Amnesty International's concerns on the implementation of the "completion strategy" of the International Criminal Tribunal for the former Yugoslavia
(AI Index: EUR 05/001/2005)

Europe and Central Asia: Summary of Amnesty International's Concerns in the Region, July-December 2004: Macedonia
(AI Index: EUR 01/002/2005)

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