

WRITTEN COMMENTS

OF THE EUROPEAN ROMA RIGHTS CENTRE CONCERNING MACEDONIA

for consideration by the United Nations Committee Against Torture, at its 54th Session (20 April to 15 May 2015)



CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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INTRODUCTION

The European Roma Rights Centre (ERRC)¹ respectfully submits these written comments concerning the Republic of Macedonia for consideration by the Committee Against Torture at its 54th Session (20 Apr - 15 May).

The Republic of Macedonia has 2,022,547 inhabitants, of whom 53,879 (2.66%) have declared themselves Roma.² However, as elsewhere in the region, the actual number of Roma³ is much higher than the official figure; various sources and research suggest that the number of Roma is between 150,000⁴ and 260,000,⁵ with one unofficial study placing the number at 135,490 (6.77%).⁶ Roma live in 75 out of 85 municipalities across the country.⁷ According to official data, the majority of Roma live in Skopje (23,475), with 56% of them concentrated in the municipality of Šuto Orizari (13,342).⁸

ILL-TREATMENT BY LAW ENFORCEMENT OFFICIALS GENERALLY

Since the 2001 armed conflict in Macedonia, society remains divided between the two largest ethnic communities in the country: ethnic Macedonians and ethnic Albanians.⁹ Even though violent inter-ethnic incidents occur,¹⁰ instances of racially-motivated violence against Roma are rare, and no major cases of hate crime targeting Roma have been reported in the last two years by local NGOs and international organisations or documented by the ERRC.

In spite of the diminishing number of cases of ill-treatment by the police, such cases continue to be reported and, according to non-governmental sources, persons belonging to national minorities, especially the Roma, are disproportionately targeted. Allegations of discriminatory ill-treatment of Roma are not always properly investigated.¹¹

The 2012 European Commission Progress Report on Macedonia noted that even though efforts were made to increase police officers' knowledge of European standards, in practice the gaps in the implementation of formal safeguards against ill-treatment remain, including the zero-tolerance strategy for ill-treatment.¹²

Likewise, the 2014 European Commission progress report on Macedonia stated that concerns remain over the low number of completed investigations in ill-treatment cases. In 2013, there were 18 complaints filed with the Ombudsman's Office concerning ill-treatment or excessive use of force by the police, while the Ministry of Interior's SICPS received 57 complaints of excessive use of force by the police (compared with 73 in 2012). Criminal charges were raised against one policeman for ill-treatment.¹³

1 The European Roma Rights Centre (ERRC) is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma through strategic litigation, research and policy development, advocacy and human rights education. See: www.errc.org.

2 *Census of Population, Households and Dwellings in the Republic of Macedonia, 2002*, available at: http://www.stat.gov.mk/pdf/kniga_13.pdf.

3 The term "Roma" used throughout the report refers to all groups who are perceived by the majority populations as Roma.

4 *Needs Assessment Study for the Roma Education Fund, Republic of Macedonia*, November 2004, p.5, available at: <http://siteresources.worldbank.org/INTROMA/Resources/NAReportFinalMacedonia.pdf>.

5 *Roma in the Balkan Context*, available at: http://europeandcis.undp.org/uploads/public/File/rbec_web/vgr/chapter1.1.pdf.

6 Open Society Institute, *No Data - No Progress, Data Collection in Countries Participating to the Decade of Roma Inclusion 2005-2015*, August 2010, available at: http://www.opensocietyfoundations.org/sites/default/files/no-data-no-progress-country-reports-20100628_0.pdf.

7 *Statistical Yearbook of the Republic of Macedonia, 2013*, available at: <http://www.stat.gov.mk/Publikacii/PDFGodisnik2013/03-Naselenie-Population.pdf>.

8 *Ibid.*

9 Council of Europe Commissioner for Human Rights, Report on his visit to "the former Yugoslav Republic of Macedonia" from 26 to 29 November 2012, p. 6.

10 *Ibid.*, p. 10.

11 Committee of Ministers of the Council of Europe, *Resolution CM/ResCMN(2012)13 on the implementation of the Framework Convention for the Protection of National Minorities by "the former Yugoslav Republic of Macedonia"*, 4 July 2012.

12 European Commission, *the FYRM Progress Report 2012*, p. 13.

13 European Commission, *the FYRM Progress Report 2014*, p. 45.

Regarding ill-treatment, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), in its last report on Macedonia, indicated that the illegitimate use of force in the police custody by the staff was frequent, uncontrolled and largely directed towards vulnerable inmates in different parts of the prison.¹⁴ The ERRC is supporting the relative of a Romani inmate who died in police custody, including assisting him in making an application to the European Court of Human Rights.

Furthermore, the European Court of Human Rights ruled that Macedonia has violated Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms in connection with the ill-treatment by the police of Pejrusan Jasar, a Macedonian national of Romani ethnic origin whom the ERRC represented.¹⁵ The Court, emphasised, inter alia, that “it is particularly striking that the public prosecutor did not undertake any investigative measures after receiving the criminal complaint.”¹⁶

SPECIFIC INCIDENTS OF POLICE BRUTALITY AGAINST ROMA

The level of police brutality against Roma in Macedonia is alarming. The ERRC draws the Committee’s attention to the following incidents:

1. On 19 May 2014 at 20.20 hours, a Roma man reported ill-treatment of his 17 year-old son and his 12 year-old cousin by four police officers. The two children headed out to go shopping when suddenly four police officers belonging to the special ‘Alfa’ unit started to beat the two children without any prior warning. Apparently the police suspected one of the boys of having stolen a woman’s handbag. The incident occurred at Skopsko Kale (Skopje Fortress). The police officers did not stop the beating even when the children’s parents arrived at the scene, and did not allow the parents to approach their children. The 17 year-old boy was subsequently taken to ‘Bit Pazar’ police station for interrogation. During the interrogation, the four police officers allegedly tried to force one of the boys to admit to the crime by slapping him in the face. After they concluded that the minor did not commit the act, he was released. The ERRC is providing legal representation to both victims in cooperation with the Macedonian Helsinki Committee.
2. On 5 May 2013, around 19.30 hours two uniformed police officers went to the Romani neighbourhood of Topana in Skopje, following an alert that a Romani person, who was on prison leave and failed to return on time, had wounded another man with a knife. The policemen called for back-up of 50-60 police officers, including the special ‘Alfa’ police unit. Once they arrived at the scene, they raided the Roma community, forcibly entering Romani houses without providing any explanation. The policemen physically assaulted ten Roma, including three women. The police subsequently issued a public statement saying that locals resisted and attacked police officers during the arrest. The ERRC is providing legal representation to one of the victims, and the case is currently pending in front of the Macedonian Public Prosecutor’s office.
3. On 5 February 2013, an eighteen year-old Romani man reported ill-treatment by two police officers belonging to the special ‘Alfa’ unit. The Romani man was selling perfumes in the centre of Skopje when two plain-clothes policemen approached and asked for his ID. The two policemen then told him to follow them to the ‘Bit Pazar’ Police Station, where they started to interrogate him on suspicion of being a thief because of his Roma ethnicity. Later, another three police officers joined the interrogation. One of them tried to force him to admit to having broken a car window. When he refused to admit to the act, the interrogator started shouting at him and humiliating him, saying “you Gypsy, admit that you are a thief” and kicking him hard in his leg, leaving him in severe pain. The Romani man did not want to file a complaint against the police officers due to fear of reprisals.

According to the Committee of Ministers of the Council of Europe, in spite of the diminishing number of cases of ill-treatment by the police, such cases continue to be reported and, according to non-governmental

¹⁴ Report to the Government of “the former Yugoslav Republic of Macedonia” on the visit to “the former Yugoslav Republic of Macedonia” carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 to 24 November 2011, available at: <http://www.cpt.coe.int/documents/mkd/2012-38-inf-eng.pdf>.

¹⁵ *Jasar v the Former Yugoslav Republic of Macedonia*, available via: <http://www.errc.org/cikk.php?cikk=3587>.

¹⁶ *Ibid.*

sources, persons belonging to national minorities, especially the Roma, are disproportionately targeted. Allegations of discriminatory ill-treatment of Roma are not always properly investigated.¹⁷

Macedonia has pledged in its 2014 Universal Periodic Review to implement the recommendation to fight impunity for violence against marginalised persons motivated by their ethnicity, religion, or sexual orientation, particularly through an improved awareness of public opinion, and the police and judicial authorities.¹⁸

CONCLUSIONS AND RECOMMENDATIONS

1. Apply a zero-tolerance policy for ill-treatment by law-enforcement officials.
2. Ensure an effective (i.e. timely, independent, and comprehensive) investigation of all cases of suspected ill-treatments.
3. Ensure that police investigations are sensitive and adaptable to the special needs of alleged victims, notably Roma.
4. Ensure the protection of vulnerable groups, such as Roma, who are especially at risk of being tortured, by introducing positive measures of prevention and protection.
5. Ensure the full implementation of the *Jasar v Macedonia* judgment of the European Court of Human Rights and make all the necessary steps to avoid similar violations happening in the future, including amending the national statutes allowing the impunity of the police.
6. Investigate systemic ill-treatment of Roma and others by the “Alfa” police unit.

¹⁷ Committee of Ministers of the Council of Europe, *Resolution CM/ResCMN(2012)13 on the implementation of the Framework Convention for the Protection of National Minorities by “the former Yugoslav Republic of Macedonia*, 4 July 2012, available at: <https://wcd.coe.int/View-Doc.jsp?id=1959557&Site=CM>.

¹⁸ *Report of the Working Group on the Universal Periodic Review*, 16 June 2014, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/053/66/PDF/G1405366.pdf?OpenElement>.