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Macedonia

Agenda Item: 3a

Joint intervention made by:  
HCAR Mesecina and RDDA Sonce, Macedonia

Thank you Mr. Chairman,

My name is Nadir Redzepi and I speak on behalf of HCAR Mesecina and RDDA Sonce. These are civil society organizations from Macedonia working on the protection and promotion of the human and minority rights with particular focus on the Roma minority. Since 2003 this is our third urge to this forum on the same topic which is the ill treatment of the police and the ignorance of the judiciary system in Macedonia towards Roma.

After several cases of police ill treatment, this year we have a case which resulted in the death of Trajan Bekirov – a minor Roma at the age of 17. He and his friend Orhan Isein, also Roma child on age of 15, were attacked and beaten by the special police unit named “ALFI” the night between 10<sup>th</sup> and 11<sup>th</sup> May 2006.

On the night of the incident the two Roma children were waiting for a bus. Two “ALFI” police officers got out from a civilian vehicle and started beating them, without any prior questioning or introduction. Under these circumstances, frightened, the Roma boys instinctively escaped, running to the nearby river. The police action resulted in arrest of Orhan Isein, while Trajan Bekirov, according to the official police report, escaped. Orhan Isein was released the same day after questioning and Trajan Bekirov was missing. There was official warrant announced, but neither the police nor other relevant institution undertook investigation to find the missing boy. In the meantime Trajan Bekirov’s family organized two protests demanding from the institutions to find their son. There were many events after the incident on which we are submitting an Annex to this intervention to the Independent Expert of WGM.

Trajan Bekirov’s body was found dead on 27<sup>th</sup> May – 18 days after the incident, by local civilians. He was found in the river, 30 km from the place of the incident. The same day the Institute of Juridical Medicine and Criminal Autopsy has made an autopsy on his body. Ministry of Interior’s Sector on Internal Control and Professional Standards undertook investigation on the rightness of the police action through discussions with the survived boy and the involved police officers. Based on the autopsy and the investigation, the next day, on 28<sup>th</sup> of May, the state officially announced that Trajan Bekirov drowned in the river without any prior physical contact with the police officers, thus the police action was declared right. The statements of the survived boy were not taken into account whatsoever. Latter, when the official autopsy report was publicized, it became evident that it doesn’t contain any findings intimidating for the police forces.

However, Trajan Bekirov’s parents, supported by the NGOs, engaged independent forensic doctor from Bulgaria. The second autopsy was done 5 days after the first one, with high resistance from the Macedonian institutions. This is the first

time to bring second opinion in such cases in Macedonia. Unlike the official autopsy report, the independent one raises several issues where the police could be found responsible for an inappropriate action resulting in the death of Trajan Bekirov and further inappropriate treatment of his body and the case.

Trajan Bekirov's father started a procedure with the Ombudspersons office for the case of his son. Considering the complete documentation on the case, the Ombudsperson recommended the public prosecutor to start an official procedure. The public prosecutor, however, last week announced that the case will not be taken to court or to the police for further investigation.

Although the official report itself finds the death of Trajan Bekirov forced, the case is closed for the Macedonian institutions.

The police unit "ALFI" is aimed to fight against street criminal and uses special methods in its work. They do not wear police uniforms and move as civilians. Several cases of Roma treated inappropriately by "ALFI" are reported to our NGOs. In these cases Roma are usually beaten without prior introduction and without any reason or justification, even when they have no previous criminal record and regardless on the age and gender. Simply, ALFI are always right and they do with Roma whatever they like. They use the old communist method "first gunfire – then stop", which means they use force without prior legitimate procedure. Whole Roma population is frightened by the ALFI, and other minorities, as the Albanians, also report problems. In the case of Roma, ALFI are not acting as a public service, but as a terrorist and racist organization. The Roma, even when they have problems with the police, usually redraw from legal remedies, partly because of the lack of financial and knowledge capacities, partly because of the pressure made on them by the police and partly because of the subjective and selective judiciary system. This encourages the police to keep their crude and racist behaviour towards Roma.

We urge the UN WGM to send the independent expert to further investigate and deal with the case of Trajan Bekirov. Identifying the failures of the Macedonian system to apply human right standards on Roma we strongly believe that UN and EU mechanisms will take necessary actions to stop this treatment towards Roma.

Regarding the specific case described above we urge the UN WGM to press the Macedonian Government to:

- solve the case of the murder of Trajan Bekirov through independent and objective investigation and court procedure
- impose effective, proportionate and dissuasive sanctions to the ones responsible for the death of Trajan Bekirov

We also urge the UN WGM to press the Macedonian Government to:

- revise its legislation governing the police forces and ensure compliance with the human and minority rights system
- abolish the ALFI police unit
- impose effective, proportionate and dissuasive sanctions for any public servant responsible for ill treatment towards the citizens, particularly discrimination and torture based on racism
- incorporate effective and truly independent controlling system for the police, judiciary and other public services

Thank you Mr. Chariman