



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

"Dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights"

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ICJ Intervention on the adoption of the outcome document of the Universal Periodic Review of the Former Yugoslav Republic of Macedonia

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Mr. President,

The International Commission of Jurists (ICJ) requests that the Government of the Former Yugoslav Republic of Macedonia take prompt measures to fulfil all recommendations of the Council's Universal Periodic Review mechanism (UPR).

The ICJ remains concerned by frequent allegations of ill-treatment by law enforcement authorities, and the failure to take effective measures to prosecute and punish the perpetrators as required by Macedonia's international human rights obligations. It is especially important that the prosecutor's office conduct effective, prompt and impartial investigations wherever there is reasonable ground to believe that an act of torture has been committed. The ICJ therefore welcomes the attention paid by the Working Group to the frequent ill-treatment of suspects by police during arrest, interrogation or detention in police custody, and to the investigation of allegations of ill-treatment. The ICJ supports the recommendations that Macedonia "strengthen procedures for the investigation and punishment of any misconduct by police, prison and judicial personnel", and "ensure that allegations of ill-treatment by law enforcement officers are promptly, thoroughly and impartially investigated and that those responsible are punished" as well as "establish an effective and independent police oversight mechanism".

These recommendations reflect concerns over impunity and torture and ill-treatment that have been repeatedly expressed by the UN Committee against Torture and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

The ICJ regrets that the Working Group did not address some of the key issues for the effective prevention of torture such as lack of prompt, effective and confidential access to a lawyer, the need for a prompt and independent medical examination of those alleging torture or ill-treatment, as well as effective review by judicial bodies of the legality of the detention, in order to prevent arbitrary detention and to ensure the right to liberty and security of person.

The ICJ also regrets that discussion in the working group did not address the duty of the Macedonian authorities to investigate serious allegations that, in 2004, Mr Khaled El-Masri was abducted and secretly detained in Macedonia, and subjected to rendition by US intelligence agents with the co-operation of Macedonian authorities. Such acts constitute enforced disappearance, which is a crime under international law. The case has not been

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subject to thorough and independent investigation at a national level notwithstanding reliable corroborating evidence of these allegations, including from flight records, medical tests, and testimony of intelligence sources, that the rendition took place. A Macedonian Parliamentary inquiry in the case was described by Senator Marty, in his report on renditions for the Council of Europe Parliamentary Assembly as 'inadequate'.

The ICJ calls on the Macedonian Government to institute, in accordance with its international human rights law obligations a thorough, independent investigation into the circumstances of Mr El-Masri's abduction and detention in Macedonia and the role of the Macedonian intelligence in the events. If evidence of criminal offence is established, those responsible should be brought to justice and full reparation should be provided.

Finally, the ICJ urges that a review of laws, policies and practices regarding the compliance of the intelligence services with the international human rights obligations of the state should be instituted.

Mr. President,

I thank you.