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# MACEDONIA

## Police Violence in Macedonia

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*"I will enforce the law in a humane and adequate manner, without any fear, corruption, or bad intent, and I will never use any unnecessary force or violence."*

Macedonian Police Code of Conduct

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### SUMMARY AND RECOMMENDATIONS

This report documents human rights abuses related to the work of the police and other law enforcement officials in Macedonia, with an emphasis on police violence and violations of the right to due process. It reveals a pattern of abuse that is ignored by Macedonia's political leaders and tolerated by the international community.

Macedonia's ethnic communities--Albanians, Turks, Roma, and Bulgarians, among others-- are especially susceptible to abuse. But violations cut across ethnic lines: all citizens of Macedonia have suffered violence at the hands of the police, as well as procedural violations, almost always with no recourse through the courts. The common characteristic of victims, rather than ethnicity, is usually the person's oppositional political activity or low social-economic status.

The most serious abuse is the use of excessive force by the police at the time of arrest and the physical maltreatment of those in detention. Individuals are sometimes arrested without a warrant and beaten until they confess to a crime. Procedural violations are also commonplace. With disturbing frequency, individuals are held longer than the twenty-four hours allowed by law, not informed of the reason for their arrest, and denied immediate access to a lawyer. The practice of "informative talks"--summoning a person to the police for questioning--continues even though it is forbidden by Macedonian law.

On many occasions, the courts collaborate with the police by backdating arrest warrants or refusing to accept a defendant's complaint of police abuse. In some cases, the courts demand money from defendants, apparently as a form of payoff. Very rarely do the courts find a policeman responsible for violating the law. As a result, many citizens are reluctant to complain of police mistreatment, since it will bring no good and they fear it may invite an act of retribution. The Ministry of the Interior's legal affairs bureau has failed to take forceful steps to punish policemen, even when they are repeat offenders. In one recent case, two policemen were found guilty of using excessive force, but they received three-month suspended sentences and remain in their positions.

The most serious case of police violence took place on July 9, 1997, when special forces of the Macedonian police, some of them trained in the United States, confronted violent ethnic Albanian demonstrators in the western town of Gostivar. Direct clashes left three protesters dead and at least two hundred people injured, including nine policemen. Once the police had established control, they beat demonstrators who were offering no resistance, including some people whom the police had tied to traffic signs. The police entered private homes without a warrant and detained and beat individuals who had not taken part in the demonstration. At the local police station, detainees were forced to pass through a gauntlet of baton-wielding policemen.

On July 10, Prime Minister Branko Crvenkovski visited the policemen stationed in Gostivar, praised their work on national television, and gave them the sign of "thumbs up." The message to Macedonian citizens was clear: this government will use force. As of April 3, 1998, no criminal charges had been filed against any policemen or Ministry of the Interior officials involved in the Gostivar incident. In a positive step, on March 31, 1998, parliament approved the report of an ad hoc investigative commission that recognized some instances of excessive force by the police in Gostivar and called on the government to take "all available legal measures to establish responsibility." The government must respond to parliament by April 31, 1998.

One factor behind police abuse is Macedonia's Law on Internal Affairs, enacted after independence in 1991, which strongly centralized the police force. In contrast to the communist period in Yugoslavia, when local police chiefs were appointed by local governments, today they are appointed directly by the Ministry of the Interior in the capital, Skopje. The police, therefore, are still not accountable to the local population which encourages a culture of abuse and impunity.

Macedonian police also do not receive adequate human rights training. After gaining its independence, Macedonia had to enlarge and revamp its police force quickly, and many people were hired in a short period of time without proper training. What is more, the average monthly salary of U.S. \$200 encourages corruption, which can be a motivation for abusive behavior.

The fundamental problem, however, remains Macedonia's top government officials, like Prime Minister Crvenkovski and Interior Minister Tomislav Okrevski, who refuse to combat police abuse and, at times, have applauded it. There are clearly insufficient efforts by government officials to reduce police abuse by promoting better training, more democratic laws, and a system of accountability.

The U.S. government bears a special responsibility for the conduct of the Macedonian police. It has trained more than 350 policemen, including a group of special forces that were used in Gostivar.

The international community, with a strong presence in Macedonia, has failed sufficiently to address the illegal behavior of the police and the courts, among other human rights violations. A United Nations Preventive Deployment Force (UNPREDEP) and an Organization for Security and Cooperation in Europe (OSCE) monitoring mission based in Macedonia have, for the most part, remained publicly silent in light of ongoing human rights violations. Internal OSCE reporting on political affairs and human rights issues has been very one-sided in favor of the government (see Appendices). In September 1997, then-U.N. Special Rapporteur for Human Rights in the former Yugoslavia, Elisabeth Rehn, proposed that Macedonia be dropped from her mandate.

Instead of criticizing human rights violations, the international community has rewarded the Macedonian government for being a "factor of stability" in the region. The International Monetary Fund and World Bank have provided \$85 million and \$330 million in loans and credits respectively, while the United States government, a strong supporter of the Macedonian government, has provided at least \$76 million in foreign aid. On January 1, 1998, Macedonia's Trade and Cooperation Agreement with the European Union went into effect.

This report documents the police abuse that took place in Macedonia during 1997, based on a three-week fact-finding mission conducted in December of that year. Clearly, there are police officers who are dedicated to serving the public and the rule of law. But a weak system of accountability undermines their work and corrupts the force. As the Gostivar incident shows, non-ethnic Macedonians have experienced the most serious police abuse. But excessive violence and due process violations are experienced by all citizens of the country, regardless of their ethnicity.

This report also demonstrates how the United States government, the U.N., E.U., and the OSCE, are failing to hold the Macedonian government accountable for human rights violations because it is a cooperative government in a sensitive region. The Macedonian government may be an important ally that has played a constructive role in the Southern Balkans, but ignoring internal violations is short-sighted. Long-term security in the Balkans can only be achieved through establishing the rule of law and respect for human rights, especially minority rights. Supporting one political force, at the expense of democratic institutions like independent courts and a depoliticized police, will guarantee instability, if not promote conflict.

#### ***A Note on Terminology***

Macedonia is officially recognized in world bodies as the "Former Yugoslav Republic of Macedonia." For the purpose of simplicity in this report, the country is referred to as "Macedonia."

#### ***Related reports by Human Rights Watch:***

A Threat to Stability: Human Rights Violations in Macedonia, June 1996.

The Macedonians in Greece, May 1994.

Free Speech on Trial: Government Stifles Dissent on Macedonia, July 1993.

#### **Recommendations**

**To address the problem of police abuse, Human Rights Watch recommends that the Macedonian government:**

- Take immediate action to implement the recommendations of the Macedonian parliament regarding the use of excessive force in Gostivar on July 9, 1997. As a matter of urgency, the Macedonian government should identify and prosecute individuals found to have used excessive force or committed other abuses.
- Investigate all allegations of police misbehavior and prosecute those individuals found to have violated the law.
- Consider amendments to the Law on Internal Affairs that would promote closer relations between local governments and local police, as well as develop better police-community relations.
- Expand and strengthen the Ministry of the Interior's department for legal affairs to allow it to investigate violations of police authority and implement disciplinary measures.
- Publicly support and encourage the newly-appointed ombudsman to investigate cases of police brutality.

- Enhance efforts to bring minorities, especially ethnic Albanians, into the police force.
- Develop a program of human rights training for all active policemen and new recruits that educates law enforcement officers in the rights guaranteed under the Macedonian constitution and in international human rights documents, as well as in alternatives to the use of force.

**Human Rights Watch has the following recommendations for the international community.**

**To the United Nations:**

- The Security Council should maintain and strengthen the civilian component of any future U.N. presence in Macedonia after the UNPREDEP mandate expires on August 31, 1998. The U.N. civilian police should remain in the country with an expanded mandate to allow for monitoring of the Macedonian police. The good offices of the special representative should be utilized as much as possible to encourage police reform and a system of accountability.
- The secretary-general should articulate clearly a duty of his representative in Skopje to expose all serious or continuing human right abuses, as well as to name perpetrators. Human rights abuses should not be withheld from the public for political reasons, and disclosure should be timely.
- The Commission on Human Rights should renew the mandate of the Special Rapporteur on the Former Yugoslavia and continue to include Macedonia in that mandate.

**To the OSCE:**

- Maintain a fully staffed mission in Skopje (eight members), as is allowed by the Articles of Understanding.
- Include a section on human rights and the government's respect for OSCE principles in the fortnightly reports sent by the mission in Skopje to the OSCE Chairman-in-Office.
- The OSCE leadership should articulate clearly a duty of the Spillover Monitor Mission in Skopje to expose all serious or continuing human right abuses, as well as to name perpetrators. Human rights abuses should not be withheld from the public for political reasons, and disclosure should be timely.

**To the European Union:**

- Publicly stress to the Macedonian government that human rights constitute an "essential element" of the Cooperation Agreement with the E.U., and that the system of accountability for police abuse must be improved.

**To the United States government:**

- Pursuant to Section 570 of the FY 1998 Foreign Operations Appropriations Act, establish a procedure to vet all recipients of U.S.-funded police training to ensure that no members of police units that have committed gross violations of human rights receive training or assistance, unless those responsible for abuses have been brought to justice. The vetting procedure should include consultations with local and international non-governmental organizations and international monitors who might have relevant information on human rights abuses committed by the police.
- Condition all future assistance to the police on the Macedonian government's willingness to identify the units that will receive assistance and permit monitoring of their future conduct.
- Condition all future assistance to the police on the Macedonian government's willingness to bring to justice policemen who violate the law.
- Assist the Macedonian government to develop policies that promote police-community relations and that elevate the human rights awareness of the country's law enforcement officers.
- Work for a civilian component to be a part of any future international presence in Macedonia.

**POLICE VIOLENCE IN GOSTIVAR**

In 1997, the Macedonian police, including special forces trained by the United States, were involved in their most violent altercation, in which at least two hundred people were injured, including nine policemen. The police shot dead two men and beat a third to death.

Many of the demonstrators were clearly violent and provocative, but the police disregarded the basic norms of police conduct as stipulated in both Macedonian and international law by beating individuals who were already detained or who were not offering any resistance, including some children and elderly. Some detainees were tied up and beaten in public; other were forced to walk a gauntlet of truncheon-wielding policemen. The police broke into private homes without a warrant, and beat and detained individuals who had not taken part in the demonstration.

As of April 1998, criminal charges had not been initiated against any policemen or government officials. A parliamentary report acknowledged the use of excessive force and called on the government to take legal action, but it remains to be seen what steps, if any, the government will take.

The pro-government media in Macedonia portrayed the incident in a biased way that further exacerbated the tense situation in the area. Coverage praised the professionalism of the police in their struggle against "Albanian extremism," without mentioning the police's use of excessive force, arbitrary detentions, or abuse in custody.

Public statements after the incident from the U.S., E.U., and OSCE failed to criticize the police. Instead, they reiterated their support for Macedonia's "territorial integrity" and called on ethnic Albanians to respect their legal obligations to the state. UNPREDEP made no public statement on the incident. Internal OSCE reports obtained by Human Rights Watch were overtly biased in favor of the government (see Appendices).

The police's behavior in Gostivar on July 9 and 10, as well as the subsequent lack of accountability, are clear violations of Macedonia's obligations under international law, such as the International Covenant on Civil and Political Rights, the U.N. Code of Conduct for Law Enforcement Officials, and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

## Background

Gostivar is one of the largest cities in western Macedonia, and has an ethnically mixed population. According to official figures, 65 percent of the population is ethnic Albanian, 17 percent ethnic Macedonian, and the rest a combination of ethnic Turks and Roma, among others.<sup>(1)</sup> Local elections in December 1996 brought the Democratic Party of the Albanians (DPA) to power.<sup>(2)</sup>

Upon assuming power, the DPA and the new mayor, Rupi Osmani, began to initiate some changes in the municipality. The staff at the town hall was reduced and adjusted to include more ethnic Albanians<sup>(3)</sup>, and Albanian-language signs were posted in the town hall, alongside the Macedonian and Turkish languages.

A more radical move, and provocative in the eyes of many ethnic Macedonians and the international community, was to raise the Albanian and Turkish national flags in front of the town halls in Gostivar and nearby Tetovo, another predominantly ethnic Albanian town also run since December by the DPA.

The decision to fly the Albanian and Turkish state flags sparked an immediate reaction from the Macedonian government and ethnic Macedonian public opinion. For many ethnic Macedonians, the use of the Albanian flag was a sign that ethnic Albanians did not respect the state, that they wished to establish parallel structures within Macedonia, and perhaps to join with Albania.

According to Rupi Osmani, the city council's decision was based on Article 48 of the Macedonian constitution, which states that "members of nationalities have a right freely to express, foster and develop their identity and national attributes."

The Ministry of the Interior informed the Tetovo and Gostivar governments that their decisions were illegal, but the city councils refused to take the flags down. The situation remained relatively calm until May 1997 when, according to Mayor Osmani, some individuals forcibly removed the Albanian and Turkish flags from the Gostivar town hall during the night and damaged the flag pole. On May 27, an estimated 20,000 ethnic Albanians, led by Osmani, held a large rally in central Gostivar, where they rehoisted the Albanian and Turkish flags and chanted nationalistic slogans. A "civil guard" was charged with watching the flags during the night to, in Osmani's words, "observe the situation and inform me--nothing else." The Macedonian government claimed the guards were armed.

On May 21, the Macedonian Constitutional Court ruled that the city councils in Tetovo and Gostivar did not have the right to fly the Albanian or Turkish flags in front of their town halls because they violated the sovereignty of the state. Both local governments refused to recognize the court's decision. Then, on July 8, at around 11 p.m., the national parliament approved a new Law on the Use of Foreign Flags, which allowed state flags other than the Macedonian to be flown at any time on private property and in front of town halls on state holidays.<sup>(4)</sup> Approximately four hours later, special police forces moved into Tetovo and Gostivar without warning and detained some key members of the DPA, including Mayor Osmani. The telephone and electricity lines were cut in Tetovo and Gostivar as special police forces took down the Albanian and Turkish flags and ransacked parts of the Tetovo and Gostivar town halls.

### The July 9 Incident

Special police forces in riot gear arrived in Tetovo and Gostivar at around 3:00 a.m. on July 9. Key members of the local Albanian leadership, such as Mayor Osmani, spokesman of the DPA Ernat Fejzullahu, DPA activist Sevret Ceka, and Afet Thaçi, brother of DPA Vice President Menduh Thaçi, were taken from their homes and detained by the police. Meanwhile, police SWAT teams stormed the Tetovo and Gostivar town halls. Human Rights Watch saw video clips and photographs of the ransacked offices, with some computers and fax machines destroyed.<sup>(5)</sup> The Turkish and Albanian flags in front of the town halls were taken down. According to the Interior Ministry, the police found unregistered firearms in the town halls, as well as three armed guards, one in Tetovo and two in Gostivar.

According to Rufi Osmani, around twenty armed policemen came to his home at around 3:30 a.m., showed him a search warrant for his office, and took him to the town hall. He allegedly stayed in his office until 11 p.m. under the watch of ten policemen wearing masks.<sup>(6)</sup> Osmani told Human Rights Watch that, at times, he was handcuffed to a chair. He was allowed to speak three or four times with his family and with the police chiefs from Gostivar and Tetovo. When the serious beatings began at around 3:00 p.m. in the park outside his office, he was forced to watch from the window.

Sevret Ceka told Human Rights Watch that he was taken from his home at 3:00 a.m. by twenty-five policemen in riot gear and brought to a police station opposite the Hotel Continental in Skopje. According to Ceka, he was held for thirty-six hours without food or water and forced to lean against the wall with three fingers for extended periods of time.<sup>(7)</sup>

Approximately 200 ethnic Albanian demonstrators began to congregate in front of the town hall at around 7:00 a.m., shouting slogans about the flag, cursing the police who were stationed out front, and calling for the release of Osmani. At around 8:00 a.m. some fighting broke out, although it is not clear how the violence began. According to the Interior Ministry, "a group of 200 people using force, different kinds of dangerous tools and chemical substances attacked the statically deployed police positions and violated public peace and order. The police responded with chemical substances [teargas], truncheons and physical force."<sup>(8)</sup> Ethnic Albanian leaders claim that the police attacked the demonstrators without provocation. After a short period, the police reestablished control, and the protesters dispersed.

Tension grew throughout the day as more protesters, including people from the surrounding villages, arrived in the city center. According to Human Rights Watch interviews with witnesses, as well as press reports, both sides were aggressive; the police were in riot gear, and the Albanians were armed with sticks and iron rods. As one journalist present told Human Rights Watch: "Their eyes were the same on both sides-- full of hate."

Serious clashes broke out shortly after 3:00 p.m., although it is again not clear what sparked the violence. According to the Ministry of the Interior, demonstrators threw smoke bombs at the police and then opened fire with automatic weapons. The ministry's report on the incident submitted to parliament on July 25 said:

At 15:18.38, from one of the buildings close to the police forces, the first smoke bomb was thrown, and right after, at 15:18.39, the second one was thrown. The reduced visibility caused by the bombs encouraged the extremists to open fire on the police with automatic guns. The police responded but were extremely selective in targeting the places from where the fire was coming. It was the only way, even at the risk of reducing the efficiency of their operation and risking losses, to protect most of the crowd, which was apparently abused by the armed extremists.

Mr. Osmani and other DPA leaders hotly dispute this version of the events. They claim that the police began to attack the crowd without provocation. An ethnic Macedonian journalist who witnessed the beginning of the fight but wished to remain anonymous told Human Rights Watch that the police attack "was not a spontaneous action. They [the police] were waiting for an order."<sup>(9)</sup>

The direct conflict lasted for approximately forty-five minutes, during which time the police were able to disperse and control the crowd with

force. Truncheons and, at time, firearms, were used to bring the situation under control. Two demonstrators died and at least twenty people were injured by bullets. Video footage broadcast on the state television clearly shows the police using their truncheons against demonstrators, as well as demonstrators throwing stones and using sticks against the police.

Human Rights Watch was not able to confirm the allegations of police brutality during the conflict that went on from approximately 3:15 to 4:00 p.m.. According to the United Nations Code of Conduct for Law Enforcement Officials, the police are allowed to use force, including the use of firearms, to the amount necessary to perform their duties, although only as a last resort and under strict conditions.<sup>(10)</sup> In such a melee as there was in the center of Gostivar, it is difficult to determine if and when the police met all of the legally prescribed conditions before resorting to force, or whether the force used was within the amount allowed by law.

What Human Rights Watch has determined, however, is the indisputable use of excessive force after 4:00 p.m., once the police had established control. Once the fighting had stopped, many demonstrators were severely beaten, even if they were offering no resistance. Demonstrators were handcuffed and taken to the central park in Gostivar, where they were kicked, punched, and beaten with truncheons. Human Rights Watch saw video footage of the police hitting individuals on the head and back with truncheons after these people were subdued and posed no threat. According to the ethnic Macedonian journalist who was present:

After forty-five minutes it was over. Then something really awful started. One group of policemen would take one person, handcuff him, sometimes to street signs, and beat him. I saw one person beaten by a group of police so badly that I didn't know where his face was. I thought he would die.<sup>(11)</sup>

The police spanned out around the center and forcibly took many individuals from their apartments or nearby shops even if they had not participated in the demonstration. According to Dime Gjurev, chief of the Macedonian police at the time, "the police were checking for extremists who were hiding in shops and apartments."<sup>(12)</sup> An owner of a store in the center of Gostivar, who did not want to give his name, told Human Rights Watch:

At 3:00 p.m. they broke into my store and many others around here and took people into the park... First we went to the street corner where there were two columns of police with twenty or thirty policemen. We had to go between them as they beat us. Then we were taken to the city park and the real beating was there.<sup>(13)</sup>

Dilaver Zulfiqari, a former mayor of Gostivar, was taken from his home in the center, tied to a street sign, and beaten. He told Human Rights Watch:

Around 3:15 or 3:20 p.m. I heard a scream across the street from two Turkish brothers so I opened the curtain to see. One was being beaten by three or four policemen... I wanted to help them and then the police pounded on my door. I didn't want them to break in so I went down and opened the door. They just attacked me. They took my identification card and separated me from the crowd and took me to the corner where there were no civilians. I was trying to look for policemen from Gostivar, since I know them, but I saw none. The police cursed me and beat me and another young guy. They tied us back to back on a street sign and maltreated us there, beating us for one hour and twenty minutes, almost until 5:00 p.m. There were many policemen, maybe 500, in the center... Most of the police were stinking from alcohol and their dialect was from Strumice, Kumanovo, and Eastern Macedonia. I know all of the police here, and I saw none of them.<sup>(14)</sup>

Mr. Gafur Demiri and his nineteen-year-old son were forcibly taken from their apartment in the center of town and beaten. Human Rights Watch saw photographs of Mr. Demiri taken eleven days after the attack that showed deep cuts, lacerations and bruises on his arms and backs. He told Human Rights Watch what happened at around 4:30 p.m.:

They broke my front door and seven or eight policemen entered the apartment. They ordered us to put our hands up and, cursing our nationality, led us downstairs. On the street, ten or fifteen of them grabbed my son and beat him in front of me. I tried to intervene to help my son and to turn their attention to me. One of them asked if I wanted to be an Albanian hero and hit me twice in the face, breaking two teeth. They beat us there for half an hour.<sup>(15)</sup>

After being beaten in the park, most of the detainees were taken to the police station in Gostivar, where they were forced to proceed through a gauntlet of policemen with truncheons before entering the police garage. Gafur Demiri told Human Rights Watch:

We were taken to the police station and put in the garage. Two columns of police were waiting for us to go through... 300 to 400 people were

there. We asked for water and they said we couldn't have any because only dead Albanians are good.<sup>(16)</sup>

Human Rights Watch spoke with Dr. Gafur Memeti, who was on duty during the incident at the Gostivar hospital. Dr. Memeti showed Human Rights Watch a hospital registry with 195 patients who, according to him, were injured between July 9 and July 11. From those 195 individuals, forty-nine were hospitalized with serious injuries. One of these people, Milaim Dauti, eventually died from head injuries due to a blunt weapon, bringing the total number of deaths to three. Dr. Memeti told Human Rights Watch:

The first injured person arrived ten minutes after the shooting began [around 3:00 p.m.] He was injured in the neck by a bullet. After that, a policeman came and was admitted, but he was having a reaction to the tear gas. The third group of patients started to arrive, some fifteen or sixteen injured people, of whom one was dead [Saliu Nazmi]. The others were seriously injured so I transported them to Skopje at once. One of them, Shpend Hyseni, died on the way. Nazmi had one bullet, very clearly shot from behind. Hyseni had many bullets from an automatic gun and he had been shot from the side.<sup>(17)</sup>

According to Dr. Memeti, 70 to 80 percent of the injuries were from truncheons or batons. Most of the blows were localized on the head, back, chest, or kidney area, which strongly suggests that the police were not only trying to subdue people, but also to injure them. In addition, the police claim that the demonstrators had opened fire on the police, but, according to Dr. Memeti, only one of the policemen was injured by a bullet, while 15 to 20 percent of the Albanian demonstrators, between twenty and forty people, were injured by gunfire.

Based on the registry, all of the 195 victims were men, ranging in age from thirteen to eighty years old, with an average age between twenty and twenty-five. Of the 195 patients, nine of them were policemen, who were transported on the night of July 9 to the military hospital in Skopje. Their injuries included a lacerated face from a stone, a bullet in the stomach, and a reaction to tear gas. All of the civilians were ethnic Albanians, and all of the policemen were ethnic Macedonians. In addition, according to the Interior Ministry's report to parliament, sixteen civilians sought medical assistance in Skopje on July 9, seven at the emergency clinic and nine at the military hospital.

From the beginning, the Macedonian government asserted that the police responded to an unprovoked attack, and used force within the amount allowed by law to bring the situation under control. Police chief at the time, Dime Gjurev, told Human Rights Watch, "I am satisfied.

Unfortunately, we had to use force, even our firearms, but we were attacked by the citizens."<sup>(18)</sup> Regarding allegations of police brutality after the police had established control, such as individuals being handcuffed to street signs or a gauntlet of police officers at the police station, Gjurev said:

It is very difficult to judge a detail that is isolated from the whole situation. If you look at it in that way you could be trapped into the conclusion that some actions were taken beyond the law. Some people tried to show this on the television in such detail, and in this way you could easily say that there were actions beyond the law. But you must have the whole situation in mind.<sup>(19)</sup>

The Ministry of the Interior claimed that the Albanian political forces in Gostivar and Tetovo had prepared a para-military force to defend the flag. According to the ministry's report to parliament, the police found three firearms and ammunition in the town halls and in the homes of two city council members. In addition, shortly before the clashes began, at around 2:30 p.m., the police arrested five people, three of them allegedly citizens of Albania, who possessed thirty-nine molotov cocktails. Based on a document allegedly found in the cabinet of the Gostivar mayor, the ministry's report concluded that the local Albanians were "preparing for an active armed resistance during the removal of the flag."<sup>(20)</sup>

Human Rights Watch is concerned about the allegations of police using excessive force during the two direct conflicts at 8:00 a.m. and 3:15 p.m., but cannot confirm the claims since the police were also coming under attack. However, there is no question that the police used force far beyond the amount allowed by law after the fighting had stopped and the situation was under control. Under no circumstances may the police beat those who are not offering resistance or those who are in detention. Particularly disturbing are the cases in which individuals were taken from their homes and beaten or were tied up and physically abused. The government's argument that it was confronting an armed resistance does not justify violations of this sort.

### **Detentions and Abuse on July 10**

On July 10, the police controlled the center of Gostivar. During the day, an undetermined number of people were beaten, either on the street or taken into detention and abused in the police station. According to then-Police Chief Gjurev, detained individuals were recognized by photos taken the day before. But victims and witnesses told Human Rights Watch that individuals were detained who were not present at the demonstration the day before. An owner of a shop in the center told Human Rights Watch:

In the center there were many police and near the park you could smell the alcohol and tear gas. I drove close to my work and on this road, Debar Street, I could see more than 500 bullet cases. It was 8:05 a.m.. My office window was smashed and the fax and two phones were broken. I was cleaning the office when twelve or thirteen policemen broke in by force. They started to beat me with their fists. They asked for my guns, even though I don't own any. They asked where I was yesterday and why I had been shooting. They were beating me systematically. They took DM 600 from my pocket. They spread my legs with my hands on the desk and kicked my shins. Then they forced me down on the desk, hitting me. At that moment, another person walked by. They thought he was armed or something, so they left me, attacked him, and I slipped out.<sup>(21)</sup>

Human Rights Watch received unconfirmed reports of the police taking money from citizens without a receipt. A number of the stores and restaurants on Debar Street in the center of Gostivar were allegedly vandalized, including a pizzeria that, according to the owner, was used by the police for drinking and eating from July 9-11. Human Rights Watch saw photographs of the restaurant's destroyed interior, taken on July 12.

The police continued to detain, interrogate, and abuse ethnic Albanians, especially members of the DPA, for the rest of July. According to the DPA, twenty-one of their activists were detained for as much as twenty-four hours in Gostivar, Tetovo, and Skopje, including five people on July 15 and 16: Zeqirja Rexhepi, Arsim Sinani, Arben Isaku, Sevret Ceka, and Gazmend Etemi, all of whom were beaten and then released without any formal charges having been made against them.<sup>(22)</sup>

According to Arsim Sinani, vice president of the DPA's youth section, on July 15 he was asked to report to the police station in Tetovo for questioning on July 16. When he arrived at 9:00 a.m. he was transported to the Avtokomanda police station in Skopje, where he was beaten and interrogated about the activities of the DPA and his relations with Albania. He told Human Rights Watch:

For ten hours I was beaten, sometimes by five of them at one time. For a few hours I was naked. I was covered in blood and they made me lick the blood from the wall... The beating went on until the early morning with sticks and kicking and fists. I lost consciousness sometime in the morning. They poured water on me and continued the beating. And they forced me to kiss their shoes. I felt close to death. They even seemed to be terrified by what they had done.<sup>(23)</sup>

Human Rights Watch saw a photograph that showed severe marks and deep bruises all over Sinani's body, apparently from a truncheon or another blunt object. A release form from a medical clinic in Tetovo dated July 18 stated that Sinani had been treated from July 17 to July 18 for contusions on the head and deep bruises on the chest, back, arms, and legs.<sup>(24)</sup>

Zeqirja Rexhepi, DPA political secretary, told Human Rights Watch that the police told him to report to the police station in Skopje for questioning on July 15. He said:

In the night began the beating with truncheons until I lost consciousness. Five inspectors took part in the physical violence. I never thought, until that moment, that people could be so bad. At 9 a.m. on the 16th I was returned to Tetovo. I spent one day in the hospital and still have trouble hearing from my right ear.<sup>(25)</sup>

### **The Government's Response**

Since July 9, the government's position has been that the police entered Gostivar and Tetovo to implement a constitutional court decision, and that they were forced to use violence when attacked by the crowd. Furthermore, the weapons and molotov cocktails seized by the police, as well as certain confiscated documents, show that, in the words of the Macedonian ambassador to the United Nations, the police were "faced with a planned and organized effort by the political forces that advocate radical, instant political solutions through provoking an escalation of inter-ethnic tensions."<sup>(26)</sup>

On July 10, Prime Minister Crvenkovski visited the police forces stationed in Gostivar and, on national television, gave them the "thumbs up" sign. Interior Minister Okrevski praised the work of the police, as did most ethnic Macedonian political party leaders. Some members of parliament said the police should have intervened sooner and more forcefully.

President Gligorov issued a statement on July 11 that expressed his condolences for those who were injured or had lost their lives, but he defended the right of the state to protect its national symbols, which, Gligorov claimed, "symbolized the territorial integrity and independence of the state and the rights of its citizens."<sup>(27)</sup> The president recognized that the violence in Gostivar was a damaging blow to inter-ethnic

relations in the country, but, rather than call for accountability, he appealed to:

Let by-gones be by-gones. Let it be part of the history. Let's try not to inflame the crisis but try to achieve peaceful co-habitation. We should all work on it together.<sup>(28)</sup>

Interior Minister Tomislav Okrevski told a Macedonian newspaper that, "para-state institutions were created and separated in western Macedonia."<sup>(29)</sup> His ministry's report to parliament emphasized the provocative and violent actions of the demonstrators rather than the behavior of the police. The report focused on the period leading up to the 3:15 p.m. conflict and did not mention the abusive police behavior once the fighting had stopped and the police were in control.

On July 24 the government announced the establishment of a government commission, under the Minister of Justice, to monitor the situation in Tetovo and Gostivar and to investigate the alleged use of excessive force by the police. As of April 1998, there had not been any public statements about the commission's work.

As of April 1998, the government had also not taken any legal or disciplinary action against any policemen or Interior Ministry officials. Dime Gjurev was removed as police chief on February 4, as was Dobri Velickovski, director of the Agency for State Security and Counter-Intelligence, but the Interior Ministry denied that these changes had anything to do with the Gostivar events. According to a government statement, Velickovski was retiring and Gjurev will be "engaged in other activities."<sup>(30)</sup> On March 2, 1998, Spirko Nikolovski was replaced as chief of the Skopje Police by Branko Boicevski, who headed the uniformed police in Skopje until 1995.

### **The Parliamentary Investigatory Commission**

On September 24, 1997, the Macedonian parliament voted to form a special commission to investigate allegations of police misconduct in Gostivar. According to Article 76 of the Macedonian constitution, such bodies may be established, "to ascertain the responsibility of holders of public office." The government is obliged to take action as recommended by the commission if the investigative report is approved by a simple majority in parliament. Such commissions have been set up to investigate police behavior on three previous occasions: Ladorishta (1991), Debar (1993), and Pit Bazar, Skopje (1992). None of these commissions resulted in any legal or disciplinary action against policemen.

The formation of the parliamentary commission does not preclude the state prosecutor from filing charges against policemen who used excessive force. But, to date, no policeman or ministry official has been charged with a criminal offense related to the Gostivar incident.

The Gostivar commission had seven members from four different political parties and was headed by Mesil Biljali from the ethnic Albanian's Party for Democratic Prosperity, which participates in the government. During October and December, the commission conducted interviews with victims of police abuse in Gostivar, as well as with policemen and the Tetovo and Gostivar police chiefs. In January, after some delay, it met with Interior Minister Okrevski.

In Mr. Biljali's personal opinion, the police action in Gostivar was brutal and unnecessary, although he also disagrees with the "radical approach" of the Albanian politicians of the DPA in Tetovo and Gostivar. He told Human Rights Watch:

The police intervened right away and brutally. At 3:00 p.m. began a catastrophe like a massacre. They entered private homes, beat people up in the park, and had a cordon of police to beat people.<sup>(31)</sup>

Mr. Biljali also complained to Human Rights Watch that the Ministry of the Interior was not providing all of the necessary documentation about the police action. Then-Macedonian Police Chief Dime Gjurev told Human Rights Watch that the ministry was cooperating with the commission and that he had "provided all the documents that are regularly prepared when we go into action."<sup>(32)</sup>

Originally the commission was required to provide its report to parliament within one month of its formation (December 9), but the commission members requested an extension to complete their investigations. Mr. Biljali told Human Rights Watch on December 17, 1997, that the report would be ready within ten days, but the report was not made public until March 11, 1998.

The final report was a positive step in that it recognized that some police abuse had taken place. But it provided no details and failed to identify any of the abusive policemen or their superiors, even though some policemen are identifiable from videos and photographs taken in Gostivar. The two-page report stated:

The commission acknowledges cases of violations by individuals or groups, but was not able to establish which individuals or groups were involved. It is within the competence of certain departments of the Ministry of the Interior and other state organs to establish which individuals and groups are in question. Also, it is not disputable that, during the police action and immediately thereafter, there were violations in the arrest of certain citizens by individual members of the police force, as well as cases in which the proper legal regulations were not followed. Responsibility for such cases should be clarified by the established procedures within the framework of the Ministry of the Interior.<sup>(33)</sup>

Based on these findings, the report made the following recommendations to the government:

- To continue with the organizational and personnel reform within the Ministry of the Interior, with a special emphasis on the participation of ethnic minorities.
- To bring ministry regulations and by-laws regarding the use of force into accordance with the Macedonian constitution (although the report did not specify which regulations).
- To improve police training.
- "To continue and intensify activities to identify the real leaders and perpetrators of the unfortunate events, and to undertake all available legal measures to establish responsibility, in particular with respect to the circumstances that led to death."
- To apply consistently the law on public gatherings and other laws that regulate mass gatherings aimed at peaceful protest.

On March 31, parliament approved the commission's report. By law, the government is obliged to report back to parliament on the steps it has taken towards fulfilling these recommendations by April 31, 1998.

### Coverage by the Pro-government Media

The pro-government Macedonian-language media, such as the newspapers *Nova Makedonija*, *Veer*, and *Puls*, and the Macedonian Television, reported on the events in a one-sided manner that blamed the "Albanian extremists" for the violence and praised the police for successfully removing the Albanian flags. Articles and television reports detailed the demonstrators' attacks and injuries sustained by the police but failed to mention the brutality of the police's actions, especially after the police had reestablished control. None of the articles or television coverage mentioned the illegal home searches or the use of excessive force against individuals who had surrendered. With the exception of the newspapers *Dnevnik*, *Fokus*, *Flaka e Vëllazerimit*, and A1 Television, the reporting gave the impression that the police acted in the most professional manner in the face of Albanian aggression.

The front-page article from the July 10 edition of *Veer*, entitled "The Eagles Are on the Ground,"<sup>(34)</sup> said:

More than 2,000 demonstrators that protested in front of one of the police blockades started throwing rocks, tools, and other objects at the police, which caused the police to break up the group of demonstrators and arrest the ones responsible for the disorder... The demonstrators were firing at the police officers with different kinds of weapons, including molotov cocktails. They threw iron objects, shovels, and other kinds of tools.

...Among the residents of Gostivar there is a notion that most of the demonstrators are actually from the surrounding villages, and many of them are from Kosovo, Serbia. Also the public believes that many of the demonstrators are from the neighboring country of Albania, who specifically came here to raise their flags in Gostivar. The city of Gostivar is known as a gathering place for refugees -- illegal immigrants from the Republic of Albania. Also it is known that they are the main smugglers of weapons that probably were used in yesterday's "war" with the police on the streets of Gostivar.<sup>(35)</sup>

The lead article from *Nova Makedonija* on July 10, entitled "Albanian Flags Go Down in Tetovo and Gostivar," had a front-page photograph of a riot policeman dragging an unidentified demonstrator by the hair with the caption: "The police were forced to use force against aggressive demonstrators." The article's lead paragraph said:

In the early morning hours, special police forces took action that resulted in the removal of the Albanian and Turkish flags from the parliament buildings in Tetovo and Gostivar. Large crowds of demonstrators fiercely opposed the police, threw molotov cocktails, and shot at them with firearms. In the clash between the police and demonstrators, two people died and fifteen were injured.<sup>(36)</sup>

The article continued:

The demonstrators attacked the law enforcement officials with stones, tools, two-by-fours, shovels and other instruments. The police shot a few warning shots in the air to warn the demonstrators to pull back. However, they became more aggressive and caused injuries to three police officers, one of whom was badly injured.

Another *Nova Makedonija* article from the same day wrote about the influence of Albanians from Albania and Islam:

2,000 members of the ethnic Albanian minority were carrying and waving three national flags of the Republic of Albania, the Republic of Turkey, and one which is a symbol of the Islamic religion. Almost every single demonstrator was carrying a metal rod, stone, or tool. Occasionally they were shouting slogans like: "Rufi, Rufi!", "Shqiperi!", or "Allah!"<sup>(37)</sup> They were also singing the national anthem of the Republic of Albania and throwing items at the police. At this provocation the police did not react at all.<sup>(38)</sup>

### The Trials of Gostivar and Tetovo Officials

On July 9, four ethnic Albanian officials from Gostivar and Tetovo were arrested in relation to the hoisting of the Albanian and Turkish flags. Alajdin Demiri, mayor of Tetovo, Vehbi Bexheti, president of the Tetovo city council, and Refik Dauti, President of the Gostivar city council, were charged with disobeying a decision of the constitutional court, according to Article 377 of the penal code. Mayor of Gostivar, Rufi Osmani, faced the same charge, plus organizing an armed resistance (Article 387 of the penal code) and inciting national, racial, and religious hatred (Article 319 of the penal code).<sup>(39)</sup>

Osmani, who was the main organizer of the movement to raise the Albanian and Turkish flags, was held in pre-trial detention for sixty-three days. He told Human Rights Watch that, during this time, he was not physically maltreated, but that he saw prisoners around him being beaten, and, for the first month in detention, the police regularly knocked on his cell door at night to keep him from sleeping.<sup>(40)</sup> The court rejected Osmani's request to be released from custody, ignoring the defense's argument that, since Osmani had a family and substantial property, he was not likely to abscond.<sup>(41)</sup> Dauti was released after thirty days in detention, while Demiri and Bexheti, who went on trial separately, were not detained at all.

Originally scheduled to begin on September 1, the court granted Osmani and Dauti a nine-day postponement because they had not been provided all of the case material. The trial resumed on September 10 and was observed by the OSCE, the Helsinki Committee for Human Rights in the Republic of Macedonia, and the Greek Helsinki Monitor, as well as members of the media, although cameras were only allowed during the prosecutor's opening statement and the end of the trial. The Gostivar court allowed numerous irregularities, denying the defendants their right to a fair trial. Most serious was the judge's repeated refusal to allow defense witnesses to testify. During the six-day trial, the prosecution was allowed to present six witnesses on its behalf, while the defense could not present any of its seven witnesses. Moreover, the judge limited consultations between the defendants and their lawyers. According to a report on the trial by the Helsinki Committee for Human Rights in the Republic of Macedonia, "the 'partnership' between the prosecution and the court against the defense left a bad impression of the impartiality of the court."<sup>(42)</sup>

On September 16, after the court refused to grant the defense's request for a one-day postponement of the trial, Osmani's legal team, Savo Kocarev, Nexhat Mehmeti, and Machmut Jusufi, resigned in protest, stating that "the court jeopardizes the defense's rights and does not allow us to prepare a proper defense."<sup>(43)</sup> The court appointed a lawyer, but Osmani refused to have him speak on his behalf.

Regarding the accusation of inciting ethnic and racial hatred, the prosecution's case was based on statements Osmani made during a demonstration held in Gostivar on May 26, 1997. Video material shot secretly by the police shows Osmani shouting slogans such as: "We will give our lives, not our flag!" "We will return a slap with a slap!" and "Gostivar is an Albanian city!" Regarding the charge of organizing resistance, the prosecution presented a document called a "Crisis Plan," which police claim they found in Osmani's office. The typed and unsigned document contained a written plan to defend the flags with armed groups in the event of police intervention. Osmani claimed that the document was not his, but the court refused the defense's request to have the document submitted for an expert analysis to help determine its authenticity.

On September 17, the Gostivar court, with Judge Jelena Kemerli presiding, found Refik Dauti guilty of disobeying a decision of the constitutional court and sentenced him to the maximum punishment of three years in prison. Osmani was found guilty on all three charges and was sentenced to thirteen years and eight months in prison.<sup>(44)</sup>

Human rights groups and a number of political parties, including the ethnic Macedonian opposition party VMRO-DPMNE, condemned the verdict for its unusual harshness. Of particular concern was the eight-year sentence for violating Article 319 of the penal code, inciting national,

racial, and religious hatred. Osmani's conviction made apparent the arbitrary application of justice in Macedonia, since some highly xenophobic and anti-Albanian demonstrations held by ethnic Macedonian students in 1997 were never prosecuted.<sup>(45)</sup>

Human Rights Watch is concerned that Osmani and Dauti were denied their due process rights guaranteed under Macedonian and international law. Specifically, poor access to the case material, restrictions on the defendants' ability to consult with their lawyers, and the court's refusal to accept witnesses on behalf of the defense prohibited the defendants from obtaining a fair trial.

On October 14, 1997, the Tetovo court found Alajdin Demiri and Vehbi Bexheti, the two ethnic Albanian officials from Tetovo, guilty of disobeying a decision of the constitutional court, and sentenced them each to two and a half years in prison. On January 14, 1998, a Skopje appeals court returned their case to the district court for review, but, on March 4, 1998, the Tetovo Municipal Court upheld its original verdict and sentence. On February 19, the Appellate Court in Skopje reduced Osmani's sentence from thirteen years, eight months to seven years. Dauti's sentence was reduced from three years to two years. Both Osmani and Dauti are currently appealing their cases to the Supreme Court.

### **VIOLATIONS BY LAW ENFORCEMENT OFFICIALS**

As the Gostivar incident shows, ethnic Albanians who criticize the government are especially susceptible to abuse. But police violence spans the ethnic divide, affecting all citizens, including ethnic Macedonians. Human Rights Watch interviewed a wide spectrum of individuals of all ethnicities throughout the country who had been abused or mistreated by the police. The commonality, rather than ethnicity, was usually either the victim's low social-economic status or oppositional political activity. Criminal suspects, street vendors, or members of political groups or parties critical of the government (like VMRO-DPMNE, DPA, or the ethnic Bulgarians) are the most likely to encounter problems from law enforcement officials.

The abuse of police authority takes many forms. Most serious is the use of excessive force at the time of detention and the physical maltreatment of detainees to extract confessions. Individuals are sometimes forcibly taken into custody and beaten until they confess to a crime. Procedural violations are also commonplace. With disturbing frequency, individuals are arrested without a warrant, held longer than the twenty-four hours allowed by law, not informed of the reason for their arrest, and denied access to a lawyer. A lawyer specializing in police abuse cases told Human Rights Watch that, in the past two years, he had received more than twenty cases of police abuse in the city of Štip alone.<sup>(46)</sup>

On many occasions, the courts operate in collaboration with the police by backdating arrest warrants or refusing to accept defendants' complaints of police abuse in court. In some cases, the courts demand money from defendants, apparently as a form of payoff. Very rarely do the courts find a policeman responsible for violating the law. As a result, many citizens are reluctant to complain of police mistreatment, since it will bring no good, and they fear it may invite an act of retribution by the police.

Officials at the Ministry of the Interior, policemen, foreign diplomats, journalists, and human rights monitors told Human Rights Watch that the Macedonian police force is well trained and under government control. Abuse, therefore, is not due to renegade officers or a lack of discipline. Rather, it stems from what one foreign diplomat based in Skopje called "a lack of democratic culture" among the police. At best, Macedonian police officials are turning a blind eye to abuses on the local level; at worst, they are ordering it.

Clearly, there are also police officers who are dedicated to serving the public and the rule of law. Some police stations and regions are not the focus of complaints, while others, like the Pit Bazaar and Avtokomanda stations in Skopje, are notorious for the use of violence.

#### **Violence by the Police**

The most serious form of police abuse is excessive violence inflicted on individuals, either at the time of detention or while in detention at a police station. Human Rights Watch interviewed a number of individuals, and learned of others from human rights reports and newspaper articles, who had been beaten by the police while in detention, usually to extract a confession.

On May 27, 1997, approximately 3,000-4,000 people demonstrated in the city of Bitola to demand their money back from a failed financial scheme called TAT. An ethnic Macedonian worker in Bitola, who did not want to give his name, participated in the demonstrations, which at times turned hostile toward the police. According to his testimony, the demonstrators threw stones at the police who were stationed in front of the town hall, the mayor's house, and the home of Sonja Nikolovska, the owner of TAT. He told Human Rights Watch that the police acted correctly during the demonstrations, but later beat people who had participated:

That night, at around 8:00 p.m., I was standing in front of a shop near the center when a police van pulled up and recognized me. I wanted to escape because I know how our police treat people. They ran after me and finally I stopped. They started kicking me. As they took me into the van, they were beating me. In front of the police station were a lot of policemen. About ten or fifteen of them lit into me. They put me on the ground and started to kick and punch. One of them said, "He's not an animal, don't beat him so much." They stopped after one or two minutes, but it went on inside the station, hitting and cursing me. I told the judge that I was beaten and he said it is not allowed. But I was sentenced to twenty days in prison and 1,000 dinars.<sup>(47)</sup>

Newspaper articles corroborate this story. According to an article in *Dnevnik*, Kire Damjanovski, Toni Mitrevski, and Ljupo Mavkovski were all beaten by the police in Bitola after they had participated in the TAT demonstrations. According to the article, in a press conference on May 27, 1997, the three of them told journalists that, "the police in the investigative jail in Bitola beat them horrendously and asked them to sign false statements that they had committed the crimes."<sup>(48)</sup>

Abdula Bilgin is a thirty-one-year-old ethnic Turk and a self-admitted drug addict who spent time in prison in 1993. According to Bilgin, on November 17, 1997, two policemen came to his Skopje apartment at around 7:30 a.m., told him that he was suspected of robbing a nearby Bingo parlor, and ordered him to come to the police station at Pit Bazaar. Bilgin told Human Rights Watch that he denied any involvement in the crime but went peacefully to the station:

The police began to interrogate me [at the station]. First they just asked me about the robbery and I said I didn't know anything about it. They saw that they couldn't make any progress being nice so they showed me two baseball bats and a car antenna and asked me to choose the object that I wanted to be beaten with. I chose the smaller bat. One said, "we'll beat you with the antenna," and they began to beat me. They took all of my clothes off and hit me until 10 p.m.<sup>(49)</sup>

According to Bilgin, he was held for four days, sometimes moving between the stations in Pit Bazaar and Avtokomanda. During those four days, he was not given any food, only water, nor was he provided with a lawyer. A police spokesman later told a journalist at the independent newspaper *Dnevnik* that Bilgin was charged with the Bingo robbery, but the spokesman had no comment regarding the accusations of police abuse.

Edis Demirov is a Rom living in the Eastern city of Štip. He told Human Rights Watch that, in mid-November, he and a friend, Erdovan Ajrušev, broke into a local store to steal some food and beer.<sup>(50)</sup> A few days later, Demirov was not sure of the exact date, the police arrived at his home between 7:00 and 8:00 a.m. and ordered him to the station, although they did not show him an arrest warrant or inform him of the reason for his detention. At the station, they told Demirov that they knew he was responsible for ten burglaries in the area, but Demirov denied that he knew anything about them. According to Demirov, they beat him with batons, telling him to confess. His friend Ajrušev was summoned and told Human Rights Watch that he was also beaten until they both signed a confession.<sup>(51)</sup> Ajrušev was later found guilty in court and sentenced to one and a half years in prison. Demirov was sentenced to eight years in prison for a series of crimes; in December they were both out on appeal.

Arben Isaku is a nineteen-year-old ethnic Albanian active in the Democratic Party of the Albanians (DPA). According to Isaku, he was abducted in Tetovo by the police on March 19, 1997, taken to Skopje, interrogated about the activities of his party, and beaten. He told Human Rights Watch:

Around 6:30 p.m. after school I was going home with a friend. In front of the Tetovo court there were three people from state security, one of them named Lulzim. Without any warning, they came to me with their pistols, handcuffed me, and tried to put me in a car. I resisted and they hit me in the stomach and forced me in. I was blindfolded and we drove.

When we got out I was told that we were somewhere in Skopje. They asked me about hidden weapons and our warehouse... Around 4 a.m. two masked men entered the room and started to beat me with sticks. I lost consciousness after half an hour. They splashed water on my face. Around 5:30 p.m. they sent me to the Ministry of the Interior, where they photographed me, and I was released around 7 p.m.<sup>(52)</sup>

According to the newspaper *Dnevnik*, forty-three-year-old Petrov Dragan was beaten in front of his four-year-old son on a train going from Skopje to Prilep. Dragan told the newspaper's journalist, and witnesses confirmed, that two police officers on the train became angry when he told them he didn't have any identifi