

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Follow-up - State Reporting

i) Action by Treaty Bodies, Including Reports on Missions

CCPR, A/64/40, vol. I (2009)

VII. FOLLOW UP TO CONCLUDING OBSERVATIONS

237. In chapter VII of its annual report for 2003,²⁰ the Committee described the framework that it has set out for providing for more effective follow up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/63/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2009.

238. Over the period covered by the present annual report, Sir Nigel Rodley acted as the Committee's Special Rapporteur for follow-up on concluding observations. At the Committee's ninety-fourth, ninety-fifth and ninety-sixth sessions, he presented progress reports to the Committee on inter-sessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State.

239. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.²¹ Over the reporting period, since 1 August 2008, 16 States parties (Austria, Barbados, Bosnia and Herzegovina, Chile, Costa Rica, Czech Republic, France, Georgia, Honduras, Hong Kong Special Administrative Region (China), Ireland, Libyan Arab Jamahiriya, Madagascar, Tunisia, Ukraine and United States of America), as well as the United Nations Interim Administration Mission in Kosovo (UNMIK), have submitted information to the Committee under the follow up procedure. Since the follow up procedure was instituted in March 2001, 11 States parties (Botswana, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Namibia, Panama, Sudan, the former Yugoslav Republic of Macedonia, Yemen and Zambia) have failed to supply follow up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.²²

240. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow up responses provided to it, decided before 1 August 2008 to take no further action prior to the period covered by this report.

241. The Committee emphasizes that certain States parties have failed to cooperate with it in the performance of its functions under Part IV of the Covenant, thereby violating their obligations (Gambia, Equatorial Guinea).

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Ninety-second session (March 2008)

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State party: The former Yugoslav Republic of Macedonia

Report considered: Second periodic (due since 1 June 2000), submitted on 12 October 2006.

Information requested:

Para. 12: Ensure that the Law on Amnesty is not applied to the most serious human rights violations, crimes against humanity and war crimes; thorough investigation of such crimes and prosecution and punishment of perpetrators; compensation for victims and their families (arts. 2, 6 and 7).

Para. 14: Consider undertaking a new and comprehensive investigation of the allegations made by Mr. Khaled al-Masri, seeking his cooperation and taking into account all available evidence; provide adequate compensation in case a violation is found; review of practices and procedures aimed at preventing unlawful renditions (arts. 2, 7, 9 and 10).

Para. 14: Find immediate and durable solutions for all internally displaced persons in consultation with them and in accordance with the Guiding Principles on Internal Displacement (art. 12).

Date information due: 1 April 2009

Date information received: NONE RECEIVED

Recommended action: A reminder should be sent.

Next report due: 1 April 2012

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20/ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40 (A/58/40), vol. I.*

21/ The table format was altered at the ninetieth session.

22/ As the next periodic report has become due with respect to the following States parties, the Committee has terminated the follow-up procedure despite deficient information or the absence of a follow-up report: Mali, Sri Lanka, Suriname, Namibia, Paraguay, and the Democratic Republic of the Congo.

CCPR, CCPR/C/SR.2738/Add.1 (2010)

Human Rights Committee
Ninety-ninth session

Summary record of the second part (public) of the 2738th meeting
Held at Palais Wilson, Geneva,
on Wednesday 28 July 2010, at 11:25 am

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Follow-up to concluding observations on State reports and to Views under the Optional Protocol

Report of the Special Rapporteur for Follow-up on Concluding Observations (CCPR/C/99/2/CRP.1)

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2. **Mr. Amor**, Special Rapporteur for Follow-up on Concluding Observations, said that, while he commended the excellent work of the secretariat, it was regrettable that the relevant staff did not have more time to devote to follow-up on concluding observations. At the Committee's request, he had undertaken to supply details of the contents of the letters sent to States parties concerning follow-up in which the Committee asked for further information, urged the State to implement a recommendation or, alternatively, noted that a reply was satisfactory.

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30. At its previous session the Committee had considered the second periodic report of the Former Yugoslav Republic of Macedonia. A letter had been sent to the State party, requesting further information on certain matters in the report. A reminder would be sent if that information was not received.

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35. **The Chairperson** invited the Committee to adopt those recommendations.

36. *It was so decided.*

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Chapter VII: Follow-up to Concluding Observations

203. In chapter VII of its annual report for 2003,¹⁶ the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report,¹⁷ an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2010.

204. Over the period covered by the present annual report, Mr. Abdelfattah Amor acted as the Committee's Special Rapporteur for follow-up on concluding observations. At the Committee's ninety-seventh, ninety-eighth and ninety-ninth sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State.

205. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.¹⁸ Over the reporting period, since 1 August 2009, 17 States parties (Bosnia and Herzegovina, Chile, Costa Rica, Czech Republic, Denmark, France, Georgia, Japan, Monaco, Spain, the former Yugoslav Republic of Macedonia, Sudan, Sweden, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland and Zambia), as well as the United Nations Interim Administration Mission in Kosovo (UNMIK), have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, 12 States parties (Australia, Botswana, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Namibia, Nicaragua, Panama, Rwanda, San Marino and Yemen) have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the preparation of the next periodic report by the State party.¹⁹

206. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, the report does not cover those States parties with respect to which the Committee has completed its follow-up activities, including all States parties which were considered from the seventy-first session (March 2001) to the eighty-fifth session (October 2005).

207. The Committee emphasizes that certain States parties have failed to cooperate with it in

the performance of its functions under Part IV of the Covenant, thereby violating their obligations (Equatorial Guinea, Gambia).

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Ninety-second session (March 2008)

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State party: The former Yugoslav Republic of Macedonia

Report considered: Second periodic (due since 1 June 2000), submitted on 12 October 2006.

Information requested:

Para. 12: Ensure that the Law on Amnesty is not applied to the most serious human rights violations, crimes against humanity and war crimes; thorough investigation of such crimes and prosecution and punishment of perpetrators; compensation for victims and their families (arts. 2, 6 and 7).

Para. 14: Consider undertaking a new and comprehensive investigation of the allegations made by Mr. Khaled al-Masri, seeking his cooperation and taking into account all available evidence; provide adequate compensation in case a violation is found; review of practices and procedures aimed at preventing unlawful renditions (arts. 2, 7, 9 and 10).

Para. 15: Find immediate and durable solutions for all internally displaced persons in consultation with them and in accordance with the Guiding Principles on Internal Displacement (art. 12).

Date information due: 1 April 2009

Date information received:

31 August 2009 Follow-up report received (paras. 12 and 15: replies incomplete; para. 14: recommendation not implemented in part; reply lacking in part).

Action taken:

27 August 2009 A reminder was sent.

26 April 2010 A letter was sent in which the Committee requested additional information on certain questions: measures taken to ensure that the most serious human rights violations, crimes against humanity and war crimes are thoroughly investigated (para. 12); review its practices and procedures with a view to preventing the illegal rendition of prisoners (para. 14). The letter also highlighted the points concerning which the Committee considered that its recommendations had not been implemented: a new and comprehensive investigation into the allegations made by

Khaled al-Masri. In addition, the State party was invited to keep the Committee apprised of any new development in respect of displaced persons.

Recommended action: A reminder should be sent.

Next report due: 1 April 2012

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¹⁶ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40*, vol. I (A/58/40 (vol. I)).

¹⁷ *Ibid.*, *Sixty-Fourth Session, Supplement No. 40*, vol. I (A/64/40 (vol. I)).

¹⁸ The table format was altered at the ninetieth session.

¹⁹ As the next periodic report has become due with respect to the following States parties, the Committee has terminated the follow-up procedure despite deficient information or the absence of a follow-up report: Austria, Brazil, Central African Republic, Democratic Republic of the Congo, Hong Kong (China), Mali, Namibia, Paraguay, Republic of Korea, Sri Lanka, Suriname and Yemen.

Follow-up - State Reporting
ii) Action by State Party

CCPR, CCPR/C/MKD/CO/2/Add.1 (2009)

Information received from the former Yugoslav Republic of Macedonia on the implementation of the concluding observations of the Human Rights Committee (CCPR/C/MKD/CO/2)

[31 August 2009]

In accordance with rule 71, paragraph 5 of the Committee's rules of procedure, the Republic of Macedonia submits the information requested in paragraphs 12, 14 and 15 of the Committee's concluding observations (CCPR/C/MKD/CO/2)

1. The activities of the Government of the Republic of Macedonia correspond to **the recommendation contained in paragraph 12** of the concluding observations. Namely, in February 2008, the International Criminal Tribunal for the Former Yugoslavia returned to the Republic of Macedonia four cases for allegedly committed crimes against humanity and international law, with an instruction that those cases be processed in the domestic courts.
2. These cases were submitted to the Public Prosecutor's Office of the Republic of Macedonia.
3. An indictment has been instituted in one of the cases and a court procedure is in progress, one of the cases is in the investigation stage, while the remaining two are in the preliminary procedure.
4. An appeal procedure before the Tribunal is in progress in the Boskovski - Tarculovski case.
5. As regards the **recommendation in paragraph 14 according** to which the Republic of Macedonia should consider undertaking a new and comprehensive investigation of the allegations made by Mr. Khaled al-Masri, the Ministry of the Interior have from the outset seriously considered that possibility. If new findings were made that would indicate involvement of the institutions of the Republic of Macedonia in violating the rights and freedoms of Mr. Khaled al-Masri, the Ministry of the Interior would be prepared to conduct a new and comprehensive investigation and would inform the domestic and international public about the results thereof.
6. The Ministry of Justice of the Republic of Macedonia was addressed by the Chief Senior Public Prosecutor in Munich I, FR Germany via the requests No. 111 UJs 715051/04 from 9 May 2005 and No. 111 Js 10154/07 from 13 November 2007, with a request for investigation regarding the investigating procedure pursued at the Munich I Public Prosecutor's Office against the German national B.K., regarding the crime of unlawful deprivation of freedom and inflicting

bodily harm according to the Criminal Code of Germany, to the detriment of the German national Khaled al-Masri

7. Proceeding upon the request in question, the Ministry of Justice of the Republic of Macedonia addressed the Public Prosecutor's Office of the Republic of Macedonia - the Department for Pursuing the Perpetrators of Criminal Acts in the Field of Organized Crime and Corruption, with a request for submitting the necessary data forwarded by the Munich I Chief Senior Public Prosecutor from the FR Germany.

8. The Public Prosecutor's Office of the Republic of Macedonia - the Department for Pursuing the Perpetrators of Criminal Acts in the Field of Organized Crime and Corruption submitted to the Ministry of Justice the following requested data and documents:

- Special report by the Ministry of the Interior (MoI) of the Republic of Macedonia dated 20 March 2006;
- Excerpt from the records of the Tabanovce Border Crossing (BC) on the entry of persons;
- Excerpt from a hotel guestbook for registering foreign nationals;
- Report of a responsible person of the "Skopski Merak" Hotel dated 8 February 2006;
- Report of a responsible person of the "Skopski Merak" Hotel dated 10 February 2006;
- Report containing a list of the responsible persons employed at the "Skopski Merak" Hotel dated 10 February 2006;
- Report from the Civil Aviation Agency dated 3 February 2006;
- Reply from the "Petrovec" Airport dated 3 February 2006;
- Excerpt from the registers of "Blace" BC on the exit of a person;
- Special report of the MoI of the Republic of Macedonia - Internal Control and Professional Standards Sector dated 10 April 2008;
- Guestbook certified by the MoI dated 12 November 2003;
- Communication from the MoI, the Public Security Bureau, the Border Affairs Sector dated 31 January 2006, with listings of the operative records for exiting the Republic of Macedonia;
- Request for data forwarded by the MoI - Internal Control and Professional Standards Sector to the Civil Aviation Agency on 2 February 2006;
- Data submitted by the Ministry of Transport and Communication - the Civil Aviation Agency to the MoI - Internal Control and Professional Standards Sector on 3 February 2006;
- Request for data forwarded by the MoI - Internal Control and Professional Standards Sector to the "Petrovec Airport" Public Enterprise on 2 February 2006;
- Reply to the request forwarded by "Petrovec" Airport on 3 February 2006, with enclosed lists of conducted flights;
- Request for data forwarded by the MoI - Internal Control and Professional Standards Sector to the ITC Department on 2 February 2006;
- Reply to the request forwarded by the ITC Department to the MoI - Internal Control and Professional Standards Sector on 3 February 2006.

9. The Ministry of Justice of the Republic of Macedonia through the Ministry of Foreign Affairs of the Republic of Macedonia forwarded the documents No. 13-9/2006-5 dated 24

March 2006 and No. 13/1-784/2009-4 dated 2 May 2008 to the Munich I Chief Senior Public Prosecutor, FR Germany. These documents contained the reports - data and documents obtained from the Public Prosecutor's Office of the Republic of Macedonia.

10. Regarding **the Committee's observation and recommendations in paragraph 15** that while noting the low number of Internally Displaced Persons (IDP) and the efforts taken by the State party to provide a solution to their plight and that the state should find a durable solution for all IDPs without any delay, in consultation with the remaining displaced persons and in accordance with the "Guiding Principles on Internal Displacement", the Government of the Republic of Macedonia continues the activities in respect of the care for the IDPs. According to the data of the Ministry of Labour and Social Policy on the number of IDPs, there are 693 persons, i.e. 214 families of whom 293 persons or 100 families are accommodated in collective centres, while 400 persons or 114 families are accommodated with families.

11. Aiming at the durable solution to the situation of the IDPs, during 2008, the Government of the Republic of Macedonia formed a working group which considered the possibility for reaching non-litigation settlements with a number of interested IDPs. Thus far, according to the data obtained from the State Attorney's Office, around 39 families from the region of Kumanovo have reached a court settlement in cases they have instituted against the state, while a large number of such cases are pending. The rest of the IDPs from the Skopje region keep insisting on an early completion of the court proceedings they have instituted against the Republic of Macedonia claiming pecuniary and non-pecuniary compensation as a result of the 2001 crisis.

12. The Government of the Republic of Macedonia offers the families which are not satisfied with the accommodation conditions in the collective centres a possibility to leave these centres and find private accommodation. According to the Decision of the Government, the monthly rent for this private accommodation (at the amount of 6,000 to 12,000 MKD, or _100 to _200) will be covered by the Ministry of Labour and Social Policy, while, at the same time, these families are being provided with a monthly financial assistance at the amount of 3,000 to 7,500 MKD (_50 to _140), depending on the number of family members.
