

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders**

REFERENCE: UA  
MKD 2/2015:

20 May 2015

Dear Mr. Uzunovski,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 24/7, 25/2, 24/5, and 25/18.

In this connection, we would like to bring to the attention of your Government information we have received concerning the **alleged arbitrary detention and prosecution of a large number of individuals in the context of peaceful protests which took place in the city of Skopje from 5 to 13 May 2015.**

According to the information received:

On 5 May 2015, at approximately 6 p.m., a group of individuals, mostly students and young people, organized a spontaneous assembly in front of the Government building in Skopje through social media networks. Protesters denounced police brutality and the lack of accountability for the killing of a protestor on 6 June 2011 which occurred in the context of the post-2011 parliamentary elections' celebrations. While protesters carried out the assembly peacefully and without incidents, acts of violence and provocation were reportedly committed by the police and a group of counter-protesters who were instigating violence. At approximately 10 p.m., riot and special police forces began dispersing the assembly.

Police allegedly used violent and excessive force against peaceful protesters by indiscriminately beating and trampling on several protesters who were around the area or sitting on the ground. The police arrested several protesters including individuals who were leaving the area and were no longer participating in the protest. At approximately 11.30 p.m., the police entered the library “Brakja Miladinovci” in search for protestors and violently dispersed students who were studying inside the building.

It is reported that 42 people were detained and placed in police custody for periods of at least 48 hours, in several police stations throughout Skopje from 5 to 7 May 2015. Twelve of them have been placed in pre-trial detention, allegedly in order to prevent them from taking part in the ongoing peaceful demonstrations, including seven students and two representatives of the student plenum. They face criminal charges under article 384 of the Criminal Code for “participation in crowd which would prevent an official to perform duty”, punishable by three months to three years of imprisonment.

Information suggests that on 13 May 2015, four additional individuals were arrested, including one child who was released on the same day and placed in pre-trial detention for eight days; they face criminal charges under article 384 of the Criminal Code.

Concern is expressed about the prosecution of a large number of individuals, including their continued pre-trial detention, as this decision appears to be directly related to the peaceful exercise of their right to freedom of opinion, expression and assembly. We understand that protests are continuing in Skopje at the time of writing this communication and urge the authorities to promote and protect the rights set forth in international law and standards and to refrain from resorting to violence and criminalization of peaceful protestors.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

While we do not wish to express an opinion on whether or not the deprivation of liberty of protesters is arbitrary, the above allegations appear to be in contravention of the right not to be arbitrarily deprived of one’s liberty and the right to fair proceedings before an independent and impartial tribunal, as set forth in articles 9 and 10 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR) that the former Yugoslav Republic of Macedonia acceded to on 18 January 1994. Moreover, the above allegations appear to be in contravention of the right to freedom of expression and the right to freedom of peaceful assembly as set forth in articles 19 and 21 of the ICCPR.

In this connection, the experts remind the authorities that the Human Rights Council stressed that peaceful protests should not be viewed as a threat and encouraged

States to engage in an open, inclusive and meaningful dialogue when dealing with peaceful protests and their causes (A/HRC/RES/22/10). They reiterate that human rights and fundamental freedoms are indivisible and belong to every individual, hence they are not rights enjoyed by States, but rather by individuals who may espouse minority or dissenting views or beliefs. The Special Rapporteur on the rights to freedom of peaceful assembly and of association stresses that it is the obligation of States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline (A/HRC/RES/24/5, op. 2). Moreover, he reminds the Government of its obligation to facilitate peaceful protests and is of the opinion that the presumption in favour of the right to peaceful assembly does not cease as a result of sporadic violence or other punishable acts committed by certain individuals in the course of a demonstration (A/HRC/20/27, para. 25).

We also wish to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 5 and 6.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information concerning the legal grounds for the arrest and detention of protestors, and explain how these measures are compatible with international human rights norms and standards, including those listed above.
3. Please provide detailed information concerning criminal charges brought against 16 individuals. Also please indicate when their trials are scheduled to take place.
4. Please explain what measures have been taken to ensure that everyone in the Former Yugoslav Republic of Macedonia can carry out their peaceful and legitimate activities and express and assemble freely without fear of harassment or criminalization.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the

investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Mr. Uzunovski, the assurances of our highest consideration.

Seong-Phil Hong  
Chair-Rapporteur of the Working Group on Arbitrary Detention

David Kaye  
Special Rapporteur on the promotion and protection of the right to  
freedom of opinion and expression

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and  
of association

Michel Forst  
Special Rapporteur on the situation of human rights defenders