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Committee on Legal Affairs and Human Rights

Request for an investigation to clarify the allegedly suspicious death of former President Trajkovski of "the former Yugoslav Republic of Macedonia"

Information note

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A. Procedure to date

1. The Bureau, at its meeting on 16 April 2007, transmitted the motion for a resolution presented by myself and others – "Request for an investigation to clarify the allegedly suspicious death of former President Trajkovski of "the former Yugoslav Republic of Macedonia""* (Doc 11172 dated 1 February 2007) - to the Committee on Legal Affairs and Human Rights for consultation on possible follow-up.

2. The Committee on Legal Affairs and Human Rights, at its meeting on 14 May 2007, instructed me to carry out an on-the-spot visit in order to obtain additional information and to submit a memorandum, in order that the Committee may respond to the Bureau's request.

3. As instructed, I carried out a fact-finding visit to Skopje from 10 to 13 July 2007, accompanied by the Secretary of the Committee, Mr Günter Schirmer (programme appended). I should like to use the opportunity to thank the Macedonian authorities, and in particular the delegation with the Parliamentary Assembly and its secretariat, for the efficient organisation of the visit, which enabled me to have extensive discussions both at the highest political level (with the President and the Prime Minister) and with competent experts - at the Ministries of the Interior and of Justice, with the Prosecutor General and his deputy, and with the competent directors of the national Security Service and Intelligence Service. I have also had the opportunity to meet with family members and close collaborators of the former President and with Macedonian journalists who had indicated that they had carried out original research. My special thanks go to Mr Füglistner, Ambassador of Switzerland in Skopje, and Mr Hauser, Federal Police Attaché at the Swiss Embassy, who provided me with valuable insight as regards the political and media situation in Skopje.

B. Results of the exploratory visit to Skopje (10-13 July 2007)

I. Summary conclusions

4. The information I have gathered and the discussions with many interlocutors in Skopje convinced me that further inquiries are indeed necessary in order to fully clarify the causes of the airplane crash in which former President Trajkovski and eight other persons died on 26 February 2004. This is also the express wish of the country's political leadership, across party lines - i.e. its President (Socialist), Prime Minister (Conservative) and the parliamentarians of different groups that I have spoken with.

5. I could not, on the one hand, discern any convincing motive for any person or group in Macedonia, let alone in the international community, for killing President Boris Trajkovski (see chapter II below). On the other hand, I was struck by the numerous inconsistencies and contradictions in the official inquiry¹ into the causes of the crash, especially as regards the first 24-26 hours after the crash (see chapter III below). Even if, for argument's sake, a conspiracy to kill Boris Trajkovski had existed in Macedonia (see chapter III below), it is even less clear how the conspirators could have possibly wielded such influence over the competent authorities of Bosnia and Herzegovina, and in particular over the Nato-lead Stabilization Force (SFOR) contingent at the time controlling the airport as to obtain any collusion in covering up any possible foul play.

6. My initial impression is therefore that the crash was indeed most likely accidental, though some indications exist that it may not simply be the pilots' fault, as the official inquiry has concluded, but that negligence on the side of SFOR may also have been involved, prompting certain actions aimed at covering up the true causes of the crash.

* The use in this document of the term "Macedonia" is for descriptive purposes and the convenience of the reader and does not prejudice the position of the Assembly on the question of the name of the state.

¹ Bosnia and Herzegovina Ministry of Communications and Transport, Directorate of Civil Aviation, Aircraft Accident Report Model Beechcraft Super King Air 200, Z3-BAB, Mostar, Bosnia and Herzegovina, 26 February 2004, Aircraft Accident Investigation Commission (Final edition dated 27 April 2004, reference number 01-293.8-292-116/04 – hereafter referred to as "official inquiry report" (copy in the possession of Andreas Gross).

II. Possible motives for an assassination attempt

7. All my interlocutors, from all sides of the political spectrum and from both the Slavic Macedonian and Albanian sides were in agreement that President Trajkovski was a highly respected, honest leader. He enjoyed an excellent reputation for being a man of compromise (in particular between the two main component communities of Macedonia) who stood for good governance (in particular taking a strong stand against corruption) motivated by his strong religious convictions as an evangelical (Methodist) Christian.

8. From several interlocutors belonging to the Socialist side, my attention was drawn to the fact that his own party had distanced itself from him prior to his death. The conservative leader and former Prime Minister Ljubco Georgievski, in particular, publicly called supporting Boris Trajkovski's presidential bid his "biggest political mistake", due to the President's overly soft stance vis-à-vis the Albanian minority in the country. I was told by representatives of both sides of the political spectrum that popular support for Trajkovski according to opinion polls was very low (below 10%), with elections due within ten months of the crash. Only close friends and relatives thought that the polls were manipulated. But they also said that Boris Trajkovski was politically "lonely", not least because of his religious affiliation² and his outspoken stance against corruption. Prime Minister Nikola Gruevski said that whilst the state-owned media had been leading a vicious campaign against the President, he had offered Boris Trajkovski his party's support for the forthcoming election provided he would improve his standing in the polls. He added that the President had begun a good public relations campaign before he died. Several interlocutors mentioned, with a somewhat critical undertone, that representatives of the international community had lobbied hard in Skopje in favour of securing a second term for Mr Trajkovski. Immediately after the crash, all political forces in the country spoke very fondly of the late President, prompting accusations of hypocrisy.

9. Friends and family of Boris Trajkovski said that the President felt depressed and worried shortly before the fatal trip. According to them, he had been victim of several assassination attempts beforehand, including a serious car accident only months before his death caused by sabotaged brakes. My interlocutors at the Ministry of the Interior confirmed the car crash (of his official armoured car, on a mountainous road on the way to Ohrid – the President had survived mainly because of the solidity of the car, which had rolled over several times). They thought that other assassination attempts had been faked by Trajkovski's security chief (body guard) in order to win the President's trust. The security chief had been found unreliable and was replaced some time before the fatal aircraft crash. According to one close friend, who asked not to be named at this stage, Boris Trajkovski had mentioned to him the names of four "enemies" whom he feared most, including one businessman who allegedly profited especially from one privatisation deal in the Telecoms field that Trajkovski had criticised.

10. Assassination attempts against political leaders in Macedonia are unfortunately not uncommon. In addition to Boris Trajkovski's car crash, the first President of the Republic, Kiro Gligorov, was also a victim of an attempted assassination by car bomb; and the Prime Minister informed me that he had given instruction at the end of 2006 to relaunch the investigation into the assassination of a former Interior Minister (a cousin of his).

11. I somewhat provocatively asked my interlocutors if they could think of any motive for which someone might have wanted Boris Trajkovski to die. The Prime Minister could think of certain "political" motives, but found it inappropriate to say which ones. Three other interlocutors quite bluntly accused the then Prime Minister and current President Branko Crvenkovski, who at the time of the crash was sure that his party would lose the oncoming elections and needed the post of president to protect himself from prosecution for criminal activity made public by "Focus" magazine³.

² I was told that Methodists are a tiny minority of about 4,000 souls in Macedonia.

³ "Focus" had accused Crvenkovski of having profiteered from violations of the embargo against Serbia, and of smuggling cigarettes manufactured in Skopje, flown to Podgorica with Ukrainian aircraft and sold in Montenegro, the cash having been flown back to Skopje by Macedonian police helicopters. Another interlocutor ("completely unofficially") linked Crvenkovski to criminal privatisations of public enterprises, thus creating an "oligarchy" managed by him. Trajkovski as President was an obstacle to this oligarchy obtaining the "absolute power" they wanted.

12. I myself cannot pinpoint any convincing motive for assassination: those who may have been annoyed by Trajkovski's outspoken anti-corruption stance had nothing to fear from a President who has no prosecutorial or other executive powers, and who was not, in the period before his death, pushing any legislative or other initiative in particular – as I was told in reply to specific questions. Any disgruntled ethnic Macedonian nationalists, who might have resented Boris Trajkovski as a "traitor" for soft-peddling on Albanian rebels⁴, or any proponents of a "greater Albania", who might have seen the President as an obstacle to their ambitions as his policies of compromise effectively served to stabilise the country as a whole, needed only to wait for a few months until his defeat at the polls, which most of my interlocutors agreed would have been very likely, given Trajkovski's dramatically low approval ratings.

13. This being said, I cannot help being struck by the differences in the attitudes of, on the one side, the President and his supporters (who, as I was told by the Prime Minister, include the Prosecutor General), and on the other side the Prime Minister and the investigation team at the Ministry of the Interior⁵. Whilst the former seem to defend quite strongly the findings of the official investigation – accident caused by pilot error and bad weather – the latter are outspokenly critical of the official investigation and of the Prosecutor General who in their view attempts to "block" their inquiry. These differences may well reflect party-political considerations and hopes of the one or the other side to profit politically from any remaining suspicions. I was told by many interlocutors in Skopje that at least 90% of ordinary citizens believe that some kind of foul play was involved – opinions just diverge on who is responsible.

14. I was also told very clearly by several interlocutors in the political sphere that no matter what the truth may be, they – and in their view any Government in power in Skopje – could never – at least not in public – point their fingers at NATO, or SFOR. Their country being surrounded, as they see it, by hostile neighbours ("wolves" waiting to devour different parts of the country), accession to NATO is seen as an overriding priority, which should not be jeopardised in any way, even if this meant never finding out the whole truth about the causes of President Trajkovski's death.

III. Contradictions and inconsistencies in the official investigation

i. Discovery of the wreckage 26 hours after the loss of contact

15. According to all professional investigators I spoke to, the first 24 hours after the event subject to investigation are crucial: the collection and reliability of physical evidence in many instances depends on its freshness. For this reason, and an even more compelling one – the need to bring first aid to possible survivors as soon as possible – all efforts must have been made to find the crashed plane without delay. This is precisely where the key weakness of the official investigation lies: it took the search parties about 26 hours after the crash to locate the wreckage.

16. The reasons given by the inquiry for this highly unusual delay do not stand up to scrutiny: the bad weather and the mined terrain.

17. The weather was unpleasant, it is true, but not so bad as to stop other planes from landing at Mostar shortly after the crash. It is also true that other planes which were on their way to Mostar (including that of the Croatian and Albanian delegations which were on their way to the same conference as President Trajkovski) turned back after the Macedonian plane's crash. But according to the transcript of the recordings of the conversations between the tower in Mostar and the pilots of the presidential plane, the pilots were given clearance for landing, and were told that visibility was about 8 km (with slight rain). A farmer from Strunica, Boris Trajkovski's home village, had said to Mr Cekov, the local Methodist minister, on a live TV report from the accident site, that he had seen a farmer taking a cow to graze outside. Any farmer would know that this would not be done in bad weather. This does not seem to be the kind of weather in which it would be impossible to launch an effective search, also using helicopters.

⁴ Trajkovski famously called off an attack against a group of Albanian rebels who were encircled by Macedonian security forces, and later pardoned some of the activists. This was greeted as a courageous gesture of peace by the international community, but gave rise to strong criticism by ethnic Macedonian politicians.

⁵ The inquiry team of the Ministry of Interior has, as confirmed by the Ministry of Justice, recently presented requests for international legal cooperation addressed to the Bosnian authorities (regarding interviews with villagers) and to the French authorities (regarding interviews with the air traffic controllers). These requests would be processed by the Ministry of Justice shortly.

18. According to the investigators of the Macedonian Ministry of the Interior, the terrain around the crash site could also not have been mined, given its rocky ground, and given that the access road was obviously used frequently by inhabitants of the nearby village, as shown by the litter, discarded fridges etc. along the roadside. If the presence of mines was suspected, it is even more surprising that the highly effective Bosnian search and rescue team which had succeeded during the war in rescuing a US pilot who had crashed in hostile territory in a matter of minutes was, as it seems, not allowed to enter into action.

19. I find it also very unusual that the search was interrupted between the beginning of darkness on 26 February and 8 am the next morning. The presidential plane was still missing, and those in charge of the search, including the first Macedonian delegation, which arrived in Mostar in the evening of the 26th, went to sleep, to start work again at 8 am the following day! Prime Minister Gruevski, who at the time participated in the meeting of the National Security Council in Skopje in the evening of the 26th as leader of the opposition, told me that he had proposed to send a team of Macedonian special forces equipped for night searches, but a general present at the meeting said that the country did not have such forces. According to Mr Gruevski, other generals contacted by journalists prompted by him contradicted this statement in the following days⁶.

20. The delay of 26 hours until the wreckage was found, according to the official report, is also very unusual because of the fact that the tower should have been aware of the plane's flight path, which should have limited the area to be searched. I was told that the Prime Minister of Bosnia and Herzegovina, present at the airport in order to welcome President Trajkovski, had himself seen the plane come down. The crash site was only 10 km from the airport. According to journalists I spoke to⁷, a witness had seen a functioning GSM phone at the crash site. Such phones can be located within minutes.

21. Most importantly – and this needs to be followed up urgently – local villagers appeared on TV saying that they had heard and seen helicopters at the crash site, shortly after the crash had occurred. These helicopters (and later, all-terrain vehicles transporting soldiers) had landed briefly and then taken off – still in the morning of the 26th. Villagers reportedly even saw persons staggering off the site of the wreckage. The deputy prosecutor general dismissed these statements as sensationalism – typical Balkan-style conspiracy theories disseminated by villagers who wanted to be on TV once in their lives. But I find it strange that – as I was told - official investigators had not even attempted to identify and interrogate these villagers. The Ministry of Interior team now intends to do so shortly⁸. Another person, whose name I was given by a journalist, and who said he had been at the crash site on the 27th and given a detailed description of what he saw over the phone, live on TV, had also not yet been interrogated officially, although he was prepared to testify.

⁶ He encouraged me to request a copy of the transcript of the meeting of the National Security Council, which I have not yet asked for at this stage.

⁷ Mr Dragan Pavlovic ("Latas"), editor of SITEL TV and VECER Daily Newspaper; several interlocutors warned me that "Latas" was not always reliable and that he had been a long-standing supporter of Slobodan Milosevic and adversary of NATO. "Latas" gave me an audio recording featuring a witness who described over the telephone, at the time live on TV, what he had seen on the site of the crash, on 27 February between 10 am and 4 pm, until he was chased away by SFOR soldiers (including, reportedly, the "functioning portable phone of the director of cabinet, the gun of the chief body guard which had been fired once, grass near the charred bodies that was not burnt", etc.); he claimed that despite him having given the witness's name and phone number to the Ministry of Interior, he had not been interrogated by the investigators for three years. "Latas" gave me the witness's name, but asked me not to make it public.

⁸ A request for legal cooperation addressed to the Bosnian authorities is currently being processed by the Macedonian Ministry of Justice.

22. Three other pieces of information, which would also point at the crash site having been found much earlier than indicated in the official version, also require further investigation.

23. The first is a fax allegedly sent to the cabinet of President Trajkovski by the Bosnian authorities on the 26th in the morning, according to which the crashed plane and the bodies of the nine persons on board had been found. I spoke with a former collaborator of the President's cabinet who confirmed that he had personally seen this fax. But when Mr Trajkovski's widow asked for a copy, it had vanished. I was also told that about one hour after the fax was received, a phone call from a Bosnian Government official requested to disregard the fax, as the wreckage had in fact still not been found.

24. The second is an alleged internal memorandum of the intelligence service of Bosnia and Herzegovina, published by the newsmagazine "Focus"⁹. According to this memorandum, a Bosnian search team had located the crash site in the morning of the 26th, and was prevented from approaching it closer than 100 meters by 25 to 30 SFOR soldiers who were sealing off the site. The Prosecutor General showed me a letter from his counterpart from Bosnia and Herzegovina concluding that this "memorandum" was in fact a fake, as it did not correspond to the habitual format of such memos in the Bosnian intelligence services (OSS). I consider it necessary to carry out further inquiries to establish its authenticity, or its nature as a fake, and in particular to speak to members of the OSS (which had been re-organised and renamed after the time at which the memorandum was allegedly produced), and to try and identify the two alleged authors (whose initials only appear at the bottom of the paper).

25. The third is a statement of an investigator of the Ministry of the Interior according to whom he had indications that certain chemicals which are typically employed by forensic experts had been used on the bodies at the crash site before the official investigation performed its own tests. In addition to showing that someone else had found the bodies before the official investigation began, this would also put into question the validity of the official test results. This point was highlighted strongly by the investigators of the Ministry of the Interior.

ii. Personal objects surviving the fire and little-burnt body of the chief body guard

26. I was told that family members of the persons who perished in the crash were given certain personal items that these persons had carried on their bodies. Such items, e.g. a passport kept in a breast pocket, a silk scarf, and a wristwatch, should have been destroyed in the fire that was powerful enough to reduce, for example, the body of President Trajkovski, who had weighed approximately 130 kg, to a churned mass of flesh that, as I was told in graphical terms, fitted into a single bucket.

27. The Deputy Prosecutor General dismissed this issue off-hand by saying that if these objects were not burnt, that meant simply they were not close enough to the fire. The unusual survival of these objects (the scarf reportedly even still smelt like perfume, not like smoke) gives rise to "conspiracy theories", such as that the bodies were burnt separately, not during the fire that started immediately after the crash, but after their discovery, and after the objects in question had been removed. Also, the intensive burning of eight of the bodies, which were in the aircraft's cabin and cockpit, apparently does not tally with the moderate fire damage of the aircraft wreckage in general. In particular, the cockpit instruments hardly showed any burn damage. A qualified expert should be able to determine the "coherence" of the fire damage to the wrecked cockpit and cabin with the state of the burnt bodies, and of the surviving personal objects. But the very fact that the surviving objects in question were returned to the family members of the victims has me puzzled as to why any perpetrator of "foul play" would not have simply burnt these objects too. The official inquiry report¹⁰ offers a fairly straightforward explanation as to why certain objects had not been burnt, including clothing items, which might have been ripped off the victims on impact and left behind, at a sufficient distance from the main part of the fuselage that went up in flames.

⁹ Several of my interlocutors said that "Focus" was notorious as a sensationalist and unreliable media. The Swiss Ambassador informed me that "Focus" had also published a phoney Swiss bank account printout to support an accusation of corruption against a politician.

¹⁰ Page 28 : "As a result of the heavy damage of the nose part, cockpit was damaged as well, which is indicated by certain parts of crewmembers' clothes found before the resting place of the wreckage."

28. I was also told that one of the bodies – that of the chief body guard – was not very burnt, and that it was found in an upright position, leaning against a tree stump, with an arm covering the face as if shielding himself. One interlocutor even affirmed that a loaded gun had been found on him that had been fired once. None of this (except for one body having been found less disfigured) appears in the official inquiry report, and I have not yet been able to verify these assertions.

iii. 18 seconds missing (“black box”) ?

29. I was told in Skopje that according to the official inquiry report, 18 seconds of the automatic recordings of the “black box” were missing¹¹. These 18 seconds were close to the end of the recordings, but they started up one more time just before the end, when according to the transcript the pilot tells the co-pilot, who is at the helm: “keep that speed, and increase power, power, keep it. Ouch.” After this, only repeated unanswered calls from the tower are recorded.

30. In fact, I could not find in the official inquiry report any mention of an 18-second period of the recordings missing. It is however said in the report¹² that the crew noticed at 755:05 hours that DME¹³ and VOR¹⁴ had no indication and reported that to the tower in Mostar. The report continues: “*At that moment the crew did not apply Missed Approach Procedure. After 18 seconds¹⁵, at 756:13, the indications of VOR/DME were re-established. The crew reported to APP¹⁶ Mostar “Now it is OK” and continued approach.*”¹⁷ Impact was about three minutes later, at 759:36 at Matica Hill near the village of Huskovići¹⁸.

31. The “black box” gives rise to a number of additional interrogations, which appear to necessitate further expert assessment. In fact, the “closing statement” of the expert report on the black box¹⁹ appended to the official inquiry report²⁰ states that “Both findings [sic!] give the probability, that the recorded datas are not the datas of the accident. These datas are not reliable and should not be used for the investigation.” But the closing statement also states that “[t]he Cockpit Area Mic information are recorded in fairly good quality and can be used for accident analysis.” I was told that some months before the accident, the aircraft had been routinely serviced by a German company (Aero-Dienst GmbH), and that the data recording medium (a metal foil) had not been replaced, as it should have been, which led to new recordings being recorded on top of older ones pertaining to other flights. Nobody took any action against this company. But according to the official inquiry report, the foil was in good condition, and there was room for more recordings – they were just not done, no reason given. The official inquiry report²¹ does however indicate that according to international aviation standards²² all flight data recorders with metal foil should have been replaced before 1 January 1995 – which had obviously been neglected.

32. The “black box” recordings, however unreliable, provide a key argument for the official explanation of the crash – pilot error, for failing to follow standard procedures. About five minutes before impact, the tower asks the pilot to “confirm you perform circle before procedure or you proceed direct”. Aircrew reply: “Full procedure”. Tower requests confirmation: “Say again sir”. Aircrew confirms: “I am making full procedure”. Tower: “ok.” Captain to co-pilot: “??? Go straight, we are not following this.” Co-pilot to captain: “??? (unreadable). Captain to co-pilot: “No, no, who gives a damn. Speed is good, altitude is good and we need correction when descent.” The voice recordings also tend to refute one of the pilot errors noted by the official inquiry report²³, namely that the pilots decided to land in Mostar at all, given the weather conditions. In fact, the tower gave the plane explicit permission to land and indicated that visibility was 8 km.

¹¹ This was confirmed by the otherwise sceptical Deputy Prosecutor General, who specifically referred to the communication between the crew and the tower.

¹² Page 35.

¹³ Distance Measurement Equipment.

¹⁴ VHF Omnidirectional Range (another electronic navigation aid).

¹⁵ Highlighted by A. Gross.

¹⁶ Approach Control.

¹⁷ I am not sure how to read the time references used in the report. If 755:05 does indeed mean 7h55min5sec, then the VOR/DME interruption was not 18 seconds, but 68 seconds.

¹⁸ Official inquiry report, page 36, § 2.2.3.5.

¹⁹ Appendix 10: FDR and CVR RUAG Report.

²⁰ Cf. note 1 above.

²¹ At page 38, § 2.6.1.

²² ICAO standards.

²³ At page 41, as one of the “contributing factors”: “Flight crew decision to land at Mostar airport, despite cloud ceiling below MDA” (MDA stands for “Minimum Descent Altitude”).

33. Several interlocutors in Skopje offered as an explanation for the delay that the 24-odd hours were obviously needed to fly the black box to Paris to tamper with it, and then to take it back to the crash site. In support of this “version”, they refer to the fact (also reflected in the official inquiry report) that on the 26th, no “ELT” (Emergency Locator Transmitter) signals were received by helicopters and other aircraft present in the area, whereas such signals were received in the morning of the 27th (and helped locate the aircraft very quickly). Proponents of a “Nato conspiracy” also asserted that the young (French) soldiers in charge of the Mostar tower were sent home to France in the morning of the 27th, before President Trajkovski’s plane was even officially found.

34. Persons who had themselves heard the cockpit voice recordings also said that towards the end, the pilot’s and co-pilot’s voices sounded distorted, as if under the influence of narcotic gas. Related “conspiracy theories” were further fuelled by allegedly suspicious staff changes at Skopje airport prior to the crash (inter alia, putting a ceramic tile dealer in charge of security). I could not yet verify these allegations, but I feel obliged to include them in this memorandum, which is intended to be no more and no less than a list of open questions requiring further inquiries.

iv. Other issues related to the aircraft, pilots and air traffic control

35. I was told in Skopje that the ageing “King Air” plane in question had suffered several incidents before the crash, which had motivated, inter alia, the Macedonian delegation with the Parliamentary Assembly to decline the use of this aircraft, which was at its disposal for its trips to Strasbourg. I was also told by several interlocutors that the aircraft was lacking a specific piece of navigational equipment whose installation, costing about € 30,000, the maintenance firm had recommended, and which might have prevented the crash. But it should be noted that the official inquiry report finds the aircraft fully airworthy, that all required maintenance work had been duly documented and that no flight incidents or technical problems had been reported. The report does also not mention that any recommended or otherwise advisable equipment had been missing.

36. As regards the pilots, there is a certain discrepancy between what I was told in Skopje and what the official inquiry report says. Whilst there is no disagreement that both pilot and co-pilot were highly skilled and experienced, with no flight incidents or disciplinary issues on their records, and that the co-pilot (who was at the helm at the time of the crash) was even trained as a military pilot at Mostar airport, the official report notes that the last landing in Mostar of either pilot dated back to 1992. By contrast, I was given the impression in Skopje that both were intimately familiar with Mostar airport and its approaches.

37. As regards Mostar air traffic control, I had heard from several interlocutors that the French officer in charge was sent home in the morning of the 27th²⁴, which would be unusual, given that the wreckage had not even been found officially and the air traffic controller’s collaboration was certainly needed for the inevitable inquiry into the causes of the crash. The official inquiry report gives the – impeccable – professional credentials of the air traffic controller in charge²⁵, but does not indicate whether the controller had been interviewed by the investigators.

38. As regards equipment available at the airport, there seems to be a discrepancy in the report between the statement at page 41 according to which “[a]ll navigation aids at Mostar airport were operating properly”, and that at page 36 (confirmed by the conversations recorded by the voice recorder²⁶) according to which the pilots had lost the VOR/DME signal during intermediate approach, and a test of the VOR/DME approach procedure for runway 34 (the one assigned to the Presidential plane) had shown that at a certain distance, angle and altitude “the DME indication was lost and the VOR signal was not reliable”.

²⁴ This was explicitly denied by President Crvenkovski himself.

²⁵ Which contradicts the purported young age of the French air traffic controller in charge at the time, and the story related to me that a Croatian pilot had once been obliged to ignore the coordinates given by the incompetent Mostar tower staff, but managed to land safely by sight.

²⁶ See above at § 30.

39. I was also given, by the late President's twin brother Alexander Trajkovski, an audio recording of a conversation in a café in Mostar shortly after the accident became known in which the speakers mention a collision between a plane and a helicopter in the morning of 26 February. This has given rise to another "theory", namely that a NATO helicopter, due to a mistake of the air traffic controllers or intentionally (!), caused the crash, after which time was needed to take away the helicopter wreckage before the arrival of the official investigators.

C. Conclusions and proposals

40. As I understood the instructions of the Committee on Legal and Human Rights, I intend this information note to be no more and no less than a list of open questions requiring further inquiries. As shown above, a number of inconsistencies appear to exist as regards the official inquiry. Some questions (such as the long time needed to find the wreckage and the dysfunctional black box) are quite worrying, others look more like politically-motivated "conspiracy theories" whose credibility is doubtful from the start. Nevertheless, there are several issues that do warrant further investigations, or even a reopening or renewal of the official accident inquiry, with additional expertises for example regarding the possibility of a manipulation of the "black box", the precise effects of the fire, and interviews with villagers, certain Bosnian officials, and the air traffic controllers themselves.

41. I was struck by the fact that despite so many questions remaining open, the parliament in Skopje has not found it necessary to set up a committee of inquiry of its own. My parliamentary interlocutors seemed to agree that such a committee might be a good idea, even if the outcome may well be that the findings of the official inquiry were largely correct.

42. In view of the general suspicion in the Macedonian population that foul play, by whoever, was to blame for the President's death, a new, robust investigation addressing all open questions and even rumours would clearly have added value in terms of the democratic legitimacy of the young republic.

43. In addition to a parliamentary committee of inquiry which would closely cooperate with the investigators at the Ministry of the Interior and the Prosecutor General's office, the involvement of a rapporteur of the Parliamentary Assembly would be useful, also in the opinion of my interlocutors in Skopje, in order to open doors, if needed, for the Macedonian investigators, with the authorities of Bosnia and Herzegovina, and in particular, with NATO, SFOR and the French authorities. Given the delicate political situation of Macedonia, in particular vis-à-vis NATO, the involvement of an international body would be useful.

44. At the same time, the technical nature of such an inquiry and the lack of investigatory powers would make it impossible for a rapporteur of the Parliamentary Assembly to perform such an inquiry instead of the competent national authorities. In the spirit of subsidiarity, a rapporteur can only stimulate and assist a national investigation, by opening doors, suggesting the performance of particular investigative measures, and generally discouraging any cover-up.

45. In light of the above, I suggest to the Committee on Legal Affairs and Human Rights to recommend to transmit this information note to the Bureau and to recommend to the Bureau to invite the delegation of Macedonia to propose setting up a parliamentary committee of inquiry as soon as possible, which would be mandated to clarify the background and the circumstances of the crash of the Presidential aircraft on 26 February 2006, in close collaboration with the investigation team of the Ministry of the Interior and the Prosecutor General's Office. I further suggest to recommend to the Bureau that it shall reconsider the motion which is the subject to the present consultation (Doc 11172 of 1 February 2007) after six months and to decide on whether or not to transmit it to the Committee on Legal Affairs and Human Rights for report in light of the progress made by the future committee of inquiry of the Macedonian parliament.

APPENDIX**Programme of the information visit of Mr Andreas Gross to Skopje on 10-13 July 2007*****Tuesday 10 July 2007***

- 09h00-11h00 Meeting with **H.E. Mr Thomas FÜGLISTER**, Ambassador of the Swiss Confederation in the Republic Macedonia and Mr **HAUSER**, Federal Police Attaché
- 11h10-11h40 Meeting with **H.E. Mr Branko CRVENKOVSKI**, President of Macedonia, and **Mrs Natasha SAVOVA-SALKOVSKA**, Secretary General of cabinet
- 11h45-12h45 Meeting with **Mr Oliver SAMBEVSKI**, Chairperson of the Delegation of Macedonia in the Parliamentary Assembly of the Council of Europe, **Mr Esad RAHIC**, MP, Chairman of the Committee for Supervising the Work of the Security and Counter-Intelligence Directorate and the Intelligence Agency, and **Mr Nikola TODOROVSKI**, Delegation Secretary
- 13h00 Lunch
- 15h00-16h30 Meeting with “Focus” journalists: **Ms Jadranka KOSTOVA** and **Mr Zoran DIMITROVSKI**
- 16h45-18h15 Meeting with **Mr Michael CEKOV**, Methodist minister and childhood friend of Boris Trajkovski
- 19h30-21h00 Working diner hosted by **Mr Oliver SAMBEVSKI**, Head of Delegation of the Assembly of the Republic of Macedonia in the Parliamentary Assembly of the Council of Europe, in the presence of **Mr Azis POLLOZHANI** MP, **Mrs Ilinka MITREVA** MP, **Mr Nikola TODOROVSKI**, Delegation Secretary, and **Ms Marija STEFANOVA**, Co-secretary

Wednesday 11 July 2007

- 09h15-10h15 Meeting with representatives of the Ministry of Interior: **Mr Ljupco Todorovski**, Director, **Mr Ljubomir Gjureski**, Deputy Director for Crime questions, and **Mr Branko Vckov**, Senior adviser, Public Security Bureau
- 10h25-11h25 Meeting with representatives of the Ministry of Justice: **Mrs Snezana MOJSOVA**, Heads of the Department for European Integration and International and Legal cooperation, and a representative of the International Cooperation Department
- 11h35-12h35 Meeting with representatives of the Public Prosecutor’s Office: **Mr Ljupco SVRGOVSKI**, Prosecutor General, **Mr Kole STERIOV**, Deputy Proscutor General, and **Mrs Natasha KRSTEVSKA**, Advisor
- 12h45-14h10 Lunch
- 14h15-15h15 Meeting with **Mr Hari KOSTOV**, First General Manager of Komercijalna Banka a.d. Skopje and former Prime Minister and Minister of the Interior
- 15h30-16h15 Meeting with **Mr Andrej LEPAVCOV**, former spokesman of President Trajkovski, currently the Prime Minister’s Advisor on foreign affairs

- 16h30-17h30 Meeting with **H.E. Nikola GRUEVSKI**, Prime Minister of Macedonia
- 20h00-22h30 Dinner hosted by **H.E. Thomas FÜGLISTER**, Ambassador of the Swiss Confederation

Thursday 12 July 2007

- 09h10-10h10 Meeting with representatives of Directorate for Security and Counterintelligence: **Mr Gilan ABRAMOVSKI**, Director, and an analyst of the Directorate
- 10h30-12h00 Meeting with **Mr Alexander TRAJKOVSKI**, twin brother of the late President
- 14h00-15h10 Lunch hosted by **Mr Blagoj ZASOV**, Deputy Head of the Delegation of Macedonia in the Parliamentary Assembly of the Council of Europe
- 15h30-16h30 Meeting with **Mr Dragan PAVLOVIC** (“**Latas**”), editor in chief of “Sitel” TV Station and “Vecer” Daily Newspaper
- 17h00-18h00 Meeting with **Mr Azis POLLOZHANI** MP

Friday 13 July 2007

- 09h15-10h15 Meeting with Representatives of the Intelligence Agency of Macedonia: **Mr Ljupco STEVKOVSKI**, Director, Directorate of Analysis, and an analyst
- 10h30-11h30 Meeting with **H.E. Mr Thomas FÜGLISTER**, Ambassador of the Swiss Confederation in the Republic Macedonia and **Mr HAUSER**, Federal Police Attaché