

# *Report*

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## **HUMAN RIGHTS WATCH/HELSINKI**

### **MACEDONIA**

#### **Human Rights Developments**

During 1997, the government in Macedonia made some progress toward consolidating democracy. But human rights violations persisted, especially against non-ethnic Macedonians, placing the government's commitment to international law in question and shaking the country's already fragile ethnic balance.

The most serious issue was the discriminatory treatment of ethnic Albanians who, according to the Macedonian government, make up 23 percent of the population. Albanians, like ethnic Turks and Roma, are grossly underrepresented in state structures such as the police, even in areas where they constitute a clear majority of the local population.

An unresolved point of contention was the right to higher education in languages other than Macedonian. An Albanian-language private university in Tetovo was allowed to operate during 1997, although the government refused to recognize its diplomas. Rector of the university, Fadil Sulejmani, was released from prison on February 1, after serving ten months of a twelve month sentence for resisting the police when the university first opened in 1995. A draft law on higher education under consideration in 1997 would prohibit higher education in any languages other than Macedonian.

Another controversy involved the public display of foreign flags in Macedonia, particularly the state flags from neighboring Albania and Turkey. In early 1997, newly-elected local governments run by ethnic Albanians in the western towns of Tetovo and Gostivar hoisted the Albanian and Turkish state flags outside their municipal halls. The Macedonian constitutional court prohibited the action, but its decision was ignored by the local governments, despite many warnings.

On July 8, parliament passed a law on the use of flags in Macedonia that allowed the flags of other states to be flown at any time on private property or during sporting events and alongside the Macedonian state flag on state buildings during national holidays. The next day the Ministry of Interior ordered the police to remove the flags from the Tetovo and Gostivar town halls. An estimated 10,000 ethnic Albanians attempted to hinder the police and violent clashes ensued. According to the government, the police came under attack, fired in the air and then used force where necessary to subdue the crowd and perform their duties. However, according to ethnic Albanian leaders, witnesses, and local human rights organizations, such as the Helsinki Committee for

Human Rights of the Republic of Macedonia, the police used excessive force against individuals who were not offering any resistance, or had ceased to resist, resulting in the death of three ethnic Albanians, Shpend Hyseni, Nazmi Salihu, and Milaim Dauti. At least one hundred other people were treated for injuries in the local hospital, mostly for wounds on the head and shoulders. During and after the clash, the police searched homes in the area without a warrant, arresting approximately 300 people. Many of the detained were denied their constitutional rights, such as access to a lawyer or information on the reason for their arrest.

The mayor of Gostivar, Rufi Osmani, was arrested and charged with ignoring a court ruling, organizing armed guards and inciting national and racial hatred. After fifty-three days in pre-trial detention, he was sentenced to thirteen years, eight months in prison. The head of the Gostivar city council, the mayor of Tetovo, and the head of the Tetovo city council received sentences ranging from two and a half to three years in prison. According to the Greek Helsinki Monitor, which observed the Osmani trial, due process irregularities violated the defendant's right to a fair trial, most seriously the court's unwillingness to admit any witnesses on behalf of the defense. The thirteen-year, eight-month sentence for Osmani also struck many observers as exceedingly high. By contrast, earlier in the year, ethnic Macedonian students had used highly aggressive and xenophobic slogans during demonstrations against the expanded use of the Albanian language at the Pedagogical Faculty in Skopje, but they had not been charged with inciting racial hatred.

Other criminal proceedings in 1997, including those against ethnic Macedonians, were marked by irregularities and violations of due process. A new code of penal procedure came into effect on April 11 that brought Macedonian law up to European standards, but local human rights groups still reported cases in which a person's period of detention exceeded the twenty-four hours allowed by law, the police failed to inform a detainee of the reason for his or her arrest, or the police denied the defendant access to a lawyer.

Police abuse was a problem against all Macedonian citizens, regardless of their ethnicity, although non-ethnic Macedonians were especially susceptible to abuse. Most allegations were of ill-treatment during the time of arrest or in police stations. The Albanian Party of Democratic Prosperity complained that its members were harassed and, on occasion, detained and abused by the police.

As in previous years, the fairness of elections in Macedonia was questioned in late 1996 and 1997. According to local human rights organizations, there were incomplete voting lists in the local elections in November and December 1996. In some polling stations, the number of unregistered voters was as high as 20 percent. The state-financed media, both electronic and print, was biased in favor of the ruling Social Democratic Union, which won the elections.

A proposed law on religion also came under criticism for distinguishing

between the major "traditional" religions and "new" religious groups. In 1997, the Macedonian government continued to deny recognition of the Serbian Orthodox Church in Macedonia. Two clergymen from the Serbian Orthodox Church in Serbia, Bishop Irinej Bulovic and Archdeacon Radovan Bigovic, were refused entry into Macedonia to attend an international conference in Skopje on October 26.

### **The Right to Monitor**

Human Rights Watch is not aware of any government attempts to restrict or hinder the work of human rights monitors in Macedonia.

### **The Role of the International Community**

#### **United Nations and the Organization for Security and Cooperation in Europe**

The international community's priority was to maintain the territorial integrity and political stability of Macedonia. Toward this end, a United Nations Preventive Deployment Force (UNPREDEP) and an Organization for Security and Cooperation in Europe (OSCE) mission continued to monitor and report on the internal and external threats to the country. While providing a necessary element of security, in the name of stability, both organizations voiced little public criticism of human rights violations committed by the Macedonian government. The UNPREDEP mission, whose mandate was extended until November 30, was scaled down in 1997 from 1050 to 750 members, mostly from Scandinavian countries and the United States. During the crisis in Albania, it helped monitor the border and avert potential clashes. The U.N. special rapporteur on the former Yugoslavia, Elizabeth Rehn, criticized certain violations in 1997, especially the use of excessive force by the police in Gostivar, but praised the Macedonian government's "considerable progress in the protection of human rights." She proposed that Macedonia be removed from her mandate.

#### **European Union**

A Cooperation Agreement between Macedonia and the European Union came into effect on December 1, 1996. The agreement provides an ECU 150 million credit line to Macedonia for infrastructure projects and is a step toward Macedonia's associate membership in the EU.

#### **United States**

The United States repeatedly stressed its support for the territorial integrity and multi-ethnicity of Macedonia, making clear to ethnic Albanian leaders that it encouraged cooperation within government rather than the establishment of parallel structures. The U.S. considered Macedonia a vital buffer between the competing interests of Bulgaria, Albania, Serbia, and Greece. In order to support the government of Kiro Gligorov, however, the U.S. failed strongly to criticize human rights abuses that took place in 1997, such as the police abuse in Gostivar. Close military cooperation within the framework of NATO's Partnership for Peace continued throughout the year.

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