

MACEDONIA

Police Violence in Macedonia

"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 Čokrevski, 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.¹ Local elections in December 1996 brought the Democratic Party of the Albanians (DPA) to power.²

Upon assuming power, the DPA and the new mayor, Rufe Osmani, began to initiate some changes in the municipality. The staff at the town hall was reduced and adjusted to include more ethnic Albanians³, 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 Rufe 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.

¹Republic of Macedonia Basic Data, Ministry of Foreign Affairs, Skopje, May 1995. Ethnic Albanians and other ethnic groups in Macedonia dispute the government figures.

²There are two main ethnic Albanian political parties in Macedonia: the Party for Democratic Prosperity (PDP), which is in the governing coalition, and the opposition Democratic Party of the Albanians (DPA). The PDP has eleven members in parliament and five ministerial seats in government. The DPA has seven deputies in parliament, but they usually boycott parliament sessions. The DPA controls the local governments in the two most important cities for ethnic Albanians, Tetovo and Gostivar.

³According to Mayor Rufe Osmani, thirty people worked at the town hall before he arrived, among them twenty ethnic Macedonians, eight ethnic Albanians, and two Roma. He reduced the total number to twenty, among them twelve ethnic Albanians, five ethnic Macedonians, two Roma, and one ethnic Turk.

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.⁴ 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.⁵ 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.⁶ 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.⁷

⁴President of the parliament, Tito Petkovski, signed the law instead of President Gligorov, since the president was out of the country at the time.

⁵Tetovo mayor Alajdin Demiri told Human Rights Watch that the police caused DM 150,000 (approximately \$82,300) in damage to the town hall. Human Rights Watch interview with Alajdin Demiri, Tetovo, December 12, 1997.

⁶Human Rights Watch interview with Rufi Osmani, Gostivar, December 11, 1997.

⁷Human Rights Watch interview with Sevret Ceka, Tetovo, December 9, 1997.

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.”⁸ 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.”⁹

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 times, 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.¹⁰ In such a melee as there was in the center of

⁸“Police Were Acting in Accordance with the Regulations,” *Nova Makedonija*, July 25, 1997.

⁹Human Rights Watch interview with Macedonian journalist, Skopje, December 5, 1997.

¹⁰The U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials stipulates the conditions under which a law enforcement official may use force and firearms. Provision four states that the police may use force and firearms “only if other means remain ineffective or without any promise of achieving the intended result.” When the use of force and firearms is unavoidable, provision five states that law enforcement officials should: “a) exercise restraint in such use and act in proportion to the seriousness of the offense and the legitimate objective to be achieved; b) minimize damage and injury, and respect and preserve life...” Notably, provision eight states that “exceptional circumstances such as political instability or any other public emergency may not be invoked to justify and depart from these basic principles.”

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.¹¹

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."¹² 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.¹³

Dilaver Zulfqari, 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.¹⁴

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.:

¹¹Human Rights Watch interview with Macedonian journalist, Skopje, December 5, 1997.

¹²Human Rights Watch interview with former Police Chief Dime Gjurev, Skopje, December 18, 1997. Gjurev was released from his position on February 4, 1998, although the Interior Ministry denied that his dismissal was related to the Gostivar events.

¹³Human Rights Watch interview with anonymous shop owner, Gostivar, December 11, 1997.

¹⁴Human Rights Watch interview with Dilaver Zulfqari, Gostivar, December 11, 1997. According to Mr. Zulfqari, he suffered two broken ribs.

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.¹⁵

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.¹⁶

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.¹⁷

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.

¹⁵Human Rights Watch interview with Gafur Demiri, Gostivar, December 11, 1997.

¹⁶*Ibid.*

¹⁷Human Rights Watch interview with Dr. Gafur Memeti, Gostivar, December 11, 1997.

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."¹⁸ 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.¹⁹

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."²⁰

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.²¹

¹⁸Human Rights Watch interview with former Police Chief Dime Gjurev, Skopje, December 18, 1997.

¹⁹*Ibid.*

²⁰"Police Were Acting in Accordance with the Regulations," *Nova Makedonija*, July 25, 1997.

²¹Human Rights Watch interview with anonymous shop owner, Gostivar, December 11, 1997.

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.²²

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.²³

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.²⁴

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.²⁵

The Government's Response

²²Human Rights Watch interview with DPA spokesman Ernat Fejzullahu, Tetovo, December 9, 1997.

²³Human Rights Watch interview with Arsim Sinani, Tetovo, December 9, 1997.

²⁴Medical and Health Organization - Tetovo, Doc nr. 1365, July 18, 1997, signed by Dr. Xheladin Elezi and section manager Dr. Duško Mileski.

²⁵Human Rights Watch interview with Zeqirja Rexhepi, Tetovo, December 9, 1997.

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."²⁶

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 Čokrevski 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."²⁷ 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.²⁸

Interior Minister Tomislav Čokrevski told a Macedonian newspaper that, "para-state institutions were created and separated in western Macedonia."²⁹ 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."³⁰ 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

²⁶Letter dated 25 August 1997 from the Permanent Representative of the former Yugoslav Republic of Macedonia, Naste Čalovski, to the United Nations addressed to the Secretary-General, August 27, 1997, A/52/301, S/1997/668.

²⁷Statement of the President of the Republic of Macedonia, Kiro Gligorov, about the incident in Gostivar, July 11, 1997, Secretariat of Information.

²⁸*Ibid.*

²⁹Tomislav Čokrevski, "Para-Institutions Created in Western Macedonia," *Dnevnik*, September 19, 1997.

³⁰INFOMAC, February 5, 1998.

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 Čokrevski.

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.³¹

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."³²

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.³³

³¹Human Rights Watch interview with Mesil Biljali, Skopje, December 17, 1997.

³²Human Rights Watch interview with former Police Chief Dime Gjurev, Skopje, December 18, 1997.

³³Report from the Anquete Commission of the Parliament of the Republic of Macedonia on the Analysis of Possible Violations During the Police Intervention in Gostivar on July 9, 1997.

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*, *Večer*, 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 *Večer*, entitled “The Eagles Are on the Ground,”³⁴ 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.³⁵

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:

³⁴The title refers to the Albanian state flag, which is a black double-headed eagle on a red background.

³⁵*Večer*, “The Eagles are on the Ground,” July 10, 1997.

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.³⁶

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!"³⁷ 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.³⁸

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, Rofi 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).³⁹

³⁶*Nova Makedonija*, "Albanian Flags Go Down in Tetovo and Gostivar," July 10, 1997.

³⁷"Rufi" refers to Rofi Osmani, the mayor of Gostivar. "Shqiperi" means "Albania" in the Albanian language.

³⁸*Nova Makedonija*, "After Taking Down the Flags - Gun Shoot-out," July 10, 1998.

³⁹Accusation K. nr. 163/97. August 8, 1997.

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.⁴⁰ 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.⁴¹ 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."⁴²

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."⁴³ 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.⁴⁴

⁴⁰Human Rights Watch interview with Ruzi Osmani, Gostivar, December 11, 1997.

⁴¹According to the Macedonian Code of Criminal Procedure, pre-trial detention of up to ninety days may be ordered by the court if there is a well-founded concern that the defendant will flee the country, destroy evidence, or repeat the offense. Mr. Osmani's lawyers complained that, being a public personality, it was unlikely that Mr. Osmani would do any of these things and, thus, the pre-trial detention was unjustified.

⁴²"Report on the Monitoring of the Trial of Mr. Ruzi Osmani and Mr. Refik Dauti at the Court of Gostivar," September 1997, Macedonian Helsinki Committee Report.

⁴³"Attorneys Give Up Osmani's Defense" MIC News, September 17, 1997.

⁴⁴Verdict K. nr 213/97, September 17, 1997. Osmani received an eight-year sentence for inciting ethnic and racial hatred (maximum punishment is ten years), a four-year sentence for organizing resistance (maximum punishment is five years), and a three-year sentence for disobeying a decision of the constitutional court (maximum punishment is three years).

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.⁴⁵

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.⁴⁶

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.

⁴⁵In March 1997 students at the University of St. Cyril and Methodus in Skopje held a series of demonstrations against the government's decision to expand Albanian-language instruction at the pedagogical faculty. Demonstrators chanted highly xenophobic slogans, including "Albanians to the gas chamber," but no one was ever charged with inciting ethnic and racial hatred. Even the European Union, in a declaration by the presidency, expressed "deep concern about recent outbursts of student and secondary school pupils manifestations." [Press release 6494/97, Brussels, March 11, 1997]

⁴⁶Human Rights Watch interview with Jordan Madunarov, Štip, December 15, 1997.

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.⁴⁷

Newspaper articles corroborate this story. According to an article in *Dnevnik*, Kire Damjanovski, Toni Mitrevski, and Ljupčo 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.”⁴⁸

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:

⁴⁷Human Rights Watch interview with anonymous person, Bitola, December 15, 1997.

⁴⁸*Dnevnik*, “In Prison We Were Beaten and Falsely Charged,” May 28, 1997.

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.⁴⁹

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.⁵⁰ 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.⁵¹ 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.⁵²

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 identification or a ticket, since he had "slipped" 100 dinars to the conductor. The article said:

⁴⁹Human Rights Watch interview with Abdula Bilgin, Skopje, December 17, 1997.

⁵⁰Human Rights Watch interviews with Edis Demirov and Erdovan Ajrušev, Štip, December 15, 1998.

⁵¹Human Rights Watch interviewed Demirov and Ajrušev at the same time, so was not able to independently verify their claims.

⁵²Human Rights Watch interview with Arben Isaku, Tetovo, December 9, 1997.

According to witnesses, the passengers in the train, Petrov was swollen from the beating, and he was unable to open his mouth. He had bruises around his eyes, and was bleeding from his nose and ears. He also had problems breathing, and had aching pains in his ribs; also his jaw was broken.⁵³

According to the article, Dragan was taken off the train and brought to the police station in Bogomila. He later checked himself into the hospital in Prilep and was diagnosed with a broken jaw.

Violations of Due Process

On April 11, 1997, a new Code of Criminal Procedure came into effect, which brought Macedonian criminal law into accordance with the Macedonian constitution and international standards. Police must have a warrant to make an arrest (unless they witness a criminal act in progress), and a court order is needed to summon a person to the police station for questioning. All detainees must be informed immediately of the reason for their detention and provided access to a lawyer. Detainees must be brought before a judge for arraignment within twenty-four hours after detention.

Despite these guarantees, Macedonian citizens regularly experience due process violations at every stage of the legal process. Individuals continue to be summoned for questioning without a court order, a practice known as an “informative talk,” and are sometimes arrested without a warrant when no crime is in progress. Detainees are often not brought before a court within the twenty-four-hour limit. Courts sometimes cooperate with the police by back-issuing warrants or arraignments.

According to the most recent report of Elisabeth Rehn, the former U.N. Special Rapporteur on Human Rights in the former Yugoslavia:

The Special Rapporteur has long expressed her concern about the prevalence in the Former Yugoslav Republic of Macedonia of arrests conducted by police in violation of legal safeguards, often without presentation of supporting court orders. She has been particularly troubled by the arbitrary and unlawful practice of forcing citizens to attend so-called “informative talks.”

In this regard, the Special Rapporteur welcomed ... the enactment of the new Law on Criminal Procedures... however, the Special Rapporteur is informed that the provisions of the new law often continue to go unimplemented.⁵⁴

The U.S. State Department’s Macedonia Country Report on Human Rights Practices for 1997 also mentioned that, “although the law requires warrants for arrests, this provision is sometimes ignored, and the warrant issued only some time after the arrest.”

Former Chief of Police Dime Gjurev told Human Rights Watch that “informative talks” without a warrant took place “very rarely,” and, when they do, the ministry “does not agree with this.”⁵⁵ But Human Rights Watch found a number of cases, and heard of many others, in which the police ordered individuals to police stations, or forcibly detained them, without showing or possessing a warrant.

One case with numerous procedural violations took place in 1997 in the southwestern village of Vevčani—a village with a reputation for independent-minded and politically active residents. According to the mayor of Vevčani, Vasil Radinoski, and members of the local environmental club, Friends of Nature, their problems began after an altercation between members of the club and a lumber company, Jablanica Struge, which works in the nearby forest.

⁵³*Dnevnik*, “Policeman Beat Him Up in the Presence of His Child,” June 23, 1997.

⁵⁴*Situation of human rights in the Former Yugoslav Republic of Macedonia*, Final report submitted by Ms. Elisabeth Rehn, Special Rapporteur of the Commission on Human Rights, E/CN.4/1998/12, September 30, 1997, paragraphs 24 and 25.

⁵⁵Human Rights Watch interview with former police chief Dime Gjurev, December 18, 1997.

The police summoned and then arrested without a warrant Mayor Radinoski and two members of the club, Jovica Partalovski and Duško Aluloški, and then charged them large fees in return for their freedom.

According to Mayor Radinoski, the town had repeatedly asked the Jablanica Struge company to relocate their processing plant in the forest because it was polluting the town's water supply. After the company refused, on March 29, 1997, the city council passed a local ordinance that prohibited the company from working in that location. On May 14, there was a confrontation between members of the environmental club and ten employees of the lumber company. Members of the club then dismantled the company's building in the forest and burned some of the material.

Mayor Radinoski told Human Rights Watch that he was summoned to the police station on May 21 for a "friendly talk." He went, even though the police did not have a court order, and told Human Rights Watch what happened next:

In Velešte was the regional police chief of Ohrid, Struga, and Kičevo. After fifteen or twenty minutes I said that I had to go to work. The chief said that I should go to the court. I said no because you have no court order, I'll only respect an order. He said that they didn't have one, but it's good to go. "No," I said. He said, "stay and we'll find a document." After twenty minutes, a policeman brought an invitation for an informative talk. They didn't let me go myself but took me in a police car. The investigator was waiting at the Struga court, around 5:30 p.m.. He read me a court decision⁵⁶ that I should go to prison for thirty days [for pre-trial detention]. I was given to the police and taken to Ohrid prison.⁵⁷

Mayor Radinoski spent ten days in the Ohrid prison. His case is still open, but, as of December 13, 1997, he had not received any information about the case.

The court indictment given to Mayor Radinoski also contained the names of seven members of the club who were present in the forest on May 14, all of them charged with the same crime: violent behavior, property destruction, and attacking an official on duty. On the day Mayor Radinoski was released, one of them, Jovica Partalovski, was summoned to the police, again without a warrant. After three days in prison, he was released after paying 8,000 DM. Then, on December 5, Duško Aluloški was arrested on his way home from a business trip in Slovenia. He told Human Rights Watch:

When I arrived at the Ohrid airport they saw my passport and told me to wait... They said that they had an order to send me to prison but they showed me nothing. I asked to call my family but they didn't allow me. I was handcuffed and made to face the wall, and I waited one hour in a public room like that... until 1:00 a.m.. I was taken to Ohrid prison where I stayed from Friday to Monday, December 8. They provoked me the whole time I was there. When a guard came in I had to stand and face the wall. The light was on 24 hours a day and there was no window. I was released after paying 6,000 DM. Unofficially, the court said that the remaining five people mentioned in the indictment would not be arrested if they payed DM50,000 to the court.⁵⁸

Sevret Ceka, an activist with the Democratic Party of the Albanians, had two experiences with the Macedonian police in which his due process rights were violated. The first incident took place on July 9 at 3:00 a.m. as the police were taking down the Turkish and Albanian state flags from the Gostivar town hall. According to Ceka, approximately twenty-five policemen with bullet-proof vests, masks, and automatic guns came to his home in Tetovo and ordered him

⁵⁶Court document Kl. Nr. 37/97. In relation to the events in the forest on May 12, Mayor Radinoski was charged with violent behavior, property destruction, and attacking an official on duty.

⁵⁷Human Rights Watch interview with Mayor Vasil Radinoski, Vevčani, December 13, 1997.

⁵⁸Human Rights Watch interview with Duško Aluloški, Vevčani, December 13, 1997.

to come with them, even though they showed no warrant or court order. Ceka told Human Rights Watch that he was taken to a police station in Skopje near the Hotel Continental, where he was held for thirty-six hours without food or water, and interrogated about the work of his party. (See section on police violence in Gostivar.)

According to Ceka, on July 16 he was invited by the police for an “informative talk.” He reported to the police station in Tetovo and was detained for the day and beaten by inspectors with truncheons.⁵⁹ A medical document from July 16 states that Ceka had bruises all over his body, as well as “five wounds that are one and a half inches wide and eight inches long.”⁶⁰

The largest opposition party of the ethnic Macedonians, VMRO-DPMNE, has also complained of harassment and restrictions on its work by the state since 1992, including phone tapings and arbitrary detentions. According to party members and leadership, the police frequently call party activists in for “informative talks.”

On November 17, 1997, the VMRO-DPMNE leadership in Štip was detained for five hours by the local police on suspicion of drug possession. Pane Vele, the local party head and former chief of police in Štip, told Human Rights Watch that he and two members of the party were driving to visit a party office on the outskirts of town when their car was stopped by the police. Although they did not have a warrant, the police searched the car and then ordered the three individuals to the station, where they were held without explanation for five hours.⁶¹ An article the next day in the pro-government newspaper *Večer* was titled “VMRO leadership in Štip Held on Suspicion of Drugs.”

According to party leaders, many VMRO-DPMNE members were also detained in late summer 1997, after a large protest demonstration in Kruševo on August 2 during a speech by President Gligorov. Dosta Dimovska, Vice President of VMRO-DPMNE told Human Rights Watch that the police photographed individuals at the demonstration and then illegally summoned them to the police for informative talks.⁶²

Eight participants in the August 2 demonstration were also arrested. One of them, Mr. Ičo, was sentenced on October 14, 1997, to three years in prison for stepping on the flag of the Republic of Macedonia, although, as of March 1998, he was free on appeal.⁶³ One woman, Ms. Srebra, is awaiting trial for “spitting with an unknown liquid” because she allegedly spat something at President Gligorov during his speech. Six other demonstrators were tried on October 14, charged with “offending the dignity of the Republic of Macedonia,” according to Article 178 of the penal code. One of the five, Sičkov Vančo, was found guilty. According to their lawyer, Tomislav Stojanovski, all eight of the defendants complained of police brutality after their detention, but the court refused to recognize their complaints.⁶⁴

SEEKING REDRESS

Macedonian law envisages a number of ways that law enforcement officials may be held accountable for their actions. First, there is a department of internal legal affairs within the Ministry of the Interior that investigates reports of police abuse and recommends disciplinary action. Second, aggrieved citizens may press civil or criminal charges

⁵⁹Human Rights Watch interview with Sevret Ceka, Tetovo, December 9, 1997.

⁶⁰Medical Report, doc nr. 3355, July 16, 1997.

⁶¹Human Rights Watch interview with Pane Vele, Štip, December 15, 1997.

⁶²Human Rights Watch interview with Dosta Dimovska, Skopje, December 18, 1997.

⁶³Ičo was charged under Article 178 of the penal code which penalizes, “Hurting or offending the dignity of the Republic of Macedonia.”

⁶⁴Human Rights Watch interview with Tomislav Stojanovski, Skopje, December 19, 1997.

against law enforcement officials in accordance with Macedonian law. Lastly, citizens may appeal to the office of the ombudsman (see below).

Despite these options, very few policemen are held legally responsible for violating the law. One problem is that victims of police abuse are reluctant to report a violation, let alone press charges, because they don't believe the judicial system will provide any redress and fear that complaining may invite retribution by the police. Members of UNPREDEP's civilian police, which monitors the work of the Macedonian police, told Human Rights Watch that "people are afraid to report brutality."

When cases are reported, the Ministry of the Interior is reluctant to discipline its employees, the prosecutor's office is resistant to press charges, or the courts refuse to convict. In its annual report for 1997, the Helsinki Committee for Human Rights in the Republic of Macedonia reported, "The public prosecutor is not inclined to sanction the irregularities in police procedure. Judges, instead of seeing their role in the protection of civil rights and freedoms, of legality and fairness of the proceedings, are still acting as partners of the prosecution."⁶⁵

Since 1991, a number of policemen have been taken to court or disciplined internally by the Ministry of the Interior, but the exact numbers are unknown, since the government has provided contradictory statistics. In an interview held in August 1995 while he was Minister of the Interior, Ljubomir Frčkoski told Human Rights Watch that there were fifty-four cases in which the police had "overstepped their duties" in the period 1994-1995, including the excessive use of force in public places or in police stations. In all fifty-four cases, Frčkoski said, the responsible police officer had lost his job.⁶⁶ However, Dime Gjurev, chief of the Macedonian police from 1993 to February 1998, told Human Rights Watch that the ministry had investigated only fifteen cases of police misbehavior in the years 1994 and 1995. Of these cases, he said, three people faced disciplinary action by the ministry and four faced criminal charges.⁶⁷ According to Gjurev, there were five such investigations in 1996, resulting in three people facing disciplinary action, and one case in the first half of 1997, which also resulted in disciplinary action.

The numbers are different still according to the general prosecutor of Macedonia, Mr. Stevan Pavleski. According to a statement published in January 1998, the prosecutor's office opened criminal investigations against thirty-eight police officers or officials of the Ministry of the Interior in 1997. According to Mr. Pavleski, criminal charges were filed against three individuals, and the investigation procedure is still open against nine others. The prosecutor requested additional information for ten cases and dropped criminal charges against the remaining sixteen.⁶⁸

⁶⁵"Annual Report of the Helsinki Committee for Human Rights in the Republic of Macedonia," Skopje, January 1998.

⁶⁶Human Rights Watch interview with then-Minister of the Interior Ljubomir Frčkoski, Ohrid, August 6, 1995.

⁶⁷Human Rights Watch interview with then-Chief of Macedonian Police Dime Gjurev, Skopje, December 18, 1997.

⁶⁸"Public Prosecutor Rejects Helsinki Human Rights Report," MIC, January 27, 1998.

In one case, the Ministry of the Interior confirmed that a Macedonian citizen, Mr. Vasil Bogdonovski, was illegally detained and beaten by the police on November 11, 1996, in the police station in Kočani.⁶⁹ As of March 22, 1998, Mr Bogdonovski's civil case against the police was still in progress. Bogdonovski's lawyer, Jordan Madunarov, who specializes in police abuse cases, told Human Rights Watch that it was the first time he had seen the ministry admit police misbehavior, although it is not known if the ministry took any disciplinary measures. According to Mr. Madunarov, more than twenty people from Štip have come to him in the past two years complaining of police abuse. "Most of them have no documents to prove it," he said, "because they are afraid to go to the hospital."⁷⁰

Another case involved Ismail Biljali, who, according to his written testimony and hospital records, was beaten by the police on November 24, 1988.⁷¹ Although the case was ten years old, Mr. Biljali sued the police, and, on December 8, 1997, two policemen, Blage Apostolovski and Pece Pavlovski, were found guilty of using excessive force (the third policeman involved in the beating had died in the interim). Both Apostolovski and Pavlovski received three-year suspended sentences but are still working in the Proletche police station in Skopje.

As of March 1998, no police officers or Ministry of the Interior officials had been held legally responsible for the excessive force used against demonstrators in Gostivar on July 9, 1997. Macedonian police chief Dime Gjurev, Skopje police chief Spirko Nikolovski, and director of the Agency for State Security and Counter-Intelligence Dobri Velickovski, were removed from their posts in February and March 1998, but the Interior Ministry denied that the changes had any relation to the events in Gostivar. The parliamentary commission tasked with investigating the Gostivar incident issued its report on March 10, 1998, and asked the Interior Ministry to investigate and punish those who used excessive force, as well as to continue with police reform, which suggested that the personnel changes may have been related to Gostivar. The national ombudsman has not issued any public statements about the abuse in Gostivar or the subsequent lack of accountability.

THE NATIONAL OMBUDSMAN

After pressure from the international community, especially from Elisabeth Rehn, the U.N.'s Special Rapporteur for Human Rights in the Former Yugoslavia, the Macedonian parliament passed a Law on the National Ombudsman on February 13, 1997, that created the office of the national ombudsman.⁷² According to Article 2 of the law:

The National Ombudsman shall be a state body who protects the constitutional and legal rights of the citizens when violated by the state administration organs or other organs and organizations that have public authorities.

The law established the offices of the ombudsman as an independent body appointed and discharged by parliament with substantial powers to investigate alleged violations of human rights. When the ombudsman determines that a violation has taken place, he or she may propose disciplinary action or criminal proceedings against the officials found to have violated the law.

⁶⁹Ministry of the Interior, Department of Legal Affairs, Nr. 201-143/3, April 15, 1997, signed by Živko Temelkoski. Two officers, Jovan Stojmenov and Goran Jakimovski, were found to have used excessive force.

⁷⁰Human Rights Watch interview with Bogdonovski's lawyer, Jordan Madunarov, Štip, December 15, 1997.

⁷¹According to the medical documents, Mr. Biljali had "contusions caused by a blunt weapon with hemorrhaging on the hands, legs, back and damage to the kidney." Signed Dr. Blagoj Badijev, Chief of Urology. Faculty of Medicine, Clinic of Surgical Disease, 06-11/101.

⁷²Official Gazette No. 7/97.

On July 3, parliament appointed the first ombudsman, Branko Naumovski, a former high official in the Ministry of Justice. At a meeting in the Ministry of Justice on December 19, Mr. Naumovski told Human Rights Watch that he had already received more than one hundred complaints from citizens around the country.⁷³

In her report from September 1997, Elisabeth Rehn said that she and the ombudsman had “agreed on several key aspects of the ombudsman’s role,” including that he or she must “institute proceedings ...when called for by current events,” and that he or she should “use both formal decisions and public statements to advance the public interest.”⁷⁴ As of February, Human Rights Watch was not aware of any public statements made by the ombudsman, either on the police violence in Gostivar or other human rights violations that had taken place since then.

While the Law on the Ombudsman established the office as an independent and potentially powerful institution, human rights activists in Macedonia expressed concern that the government would not allow the ombudsman to play a truly independent role. There was also concern that the appointment of Mr. Naumovski, a former government official, damaged the ombudsman’s image as an independent body. **While it is too early to judge the performance of the ombudsman’s office, Human Rights Watch believes it is important that Mr. Naumovski, who as a former government official has a heavier burden in demonstrating his independence, be willing to make public statements on abuses that come within his office’s purview.**

ROLE OF THE INTERNATIONAL COMMUNITY

Since 1991, the international community’s stated policy has been to protect the stability and territorial integrity of the Macedonian state. The United States and European governments understood that, unlike Bosnia, fighting in Macedonia could easily spread beyond its borders, engulfing the Federal Republic of Yugoslavia, Albania, Bulgaria, Greece, and Turkey, the latter two both members of NATO. Macedonia is needed as a buffer state between these historically hostile forces, known in Macedonia as “the four wolves.”

Diplomatic efforts to guarantee this stability have focused on bolstering the Macedonian government and protecting it from external threats, such as the conflicts in Bosnia and Kosovo and the instability in Albania. In 1992, the United Nations deployed its first-ever preventive deployment force, whose most important function was to patrol the borders with Yugoslavia in the North and Albania in the West. The Organization for Security and Cooperation in Europe (OSCE) established a spill-over mission in 1992 with a mandate to monitor and report on threats to the country’s stability. The International Monetary Fund, the World Bank, and the European Union, as well individual governments, such as the U.S., provided an estimated \$616 million in foreign aid and loans.

What these intergovernmental organizations and foreign governments did *not* do was hold the Macedonian government accountable for its human rights violations. From the beginning, only mild criticism, if any, was directed against the government which was viewed as a stabilizing force. Foreign aid kept flowing, UNPREDEP and the OSCE rarely applied public pressure on the government, and, in 1997, the U.N. special rapporteur for human rights in the former Yugoslavia recommended that Macedonia be dropped from her mandate. Internal OSCE reporting downplayed human rights violations committed by the government (see Appendices).

The international community successfully protected Macedonia from serious external threats. But it failed to respond to the internal threats to Macedonia’s stability—namely, violence by the police, political interference in the judiciary, and restrictions on minority rights, especially against ethnic Albanians. Ongoing support and foreign aid sent the message to the Macedonian government that human rights abuses, the lack of democracy, and even corruption

⁷³Human Rights Watch interview with Ombudsman Branko Naumovski, Skopje, December 19, 1997.

⁷⁴*Situation of human rights in the Former Yugoslav Republic of Macedonia*, Final report submitted by Ms. Elisabeth Rehn, Special Rapporteur of the Commission on Human Rights, E/CN.4/1998/12, September 30, 1997, paragraph 13.

would be tolerated in the name of short-term stability. The international community ignored democratic values in its day-by-day attempt to keep Macedonia from exploding.

The result is internal instability. Without any doubt, inter-ethnic tension is higher in Macedonia today than at any time since 1991. The ruling party has influence over the courts, police, and the all-important privatization process. Parliamentary elections in 1998, the imminent departure of President Gligorov from politics, and the open conflict in Kosovo make the domestic situation all the more precarious. Social dissatisfaction is high, especially among ethnic Albanians, but also among ethnic Macedonians.

Some foreign diplomats have realized the danger of letting the Macedonian government off the hook. During research for a 1996 Human Rights Watch report on Macedonia⁷⁵, a European diplomat based in the country told Human Rights Watch:

There is no parliament here, no formal political parties, and there are human rights violations. There is no real democracy, and there is a certain domination by the [ethnic] Macedonians. But the OSCE can't write that because it makes the situation unstable.⁷⁶

Human Rights Watch found the attitude explained by this diplomat to be true, if not more so, in 1998. Despite obvious human rights violations, like the police abuse in Gostivar, the U.N., OSCE, and individual governments like the U.S. continue to praise and support the Macedonian government. The criticisms that are public are veiled or excused by "the difficult situation in the South Balkans," and never result in punitive action. Any criticism of the government is accompanied by a condemnation of "radical approaches" by the Albanians or the "extreme nationalism" of VMRO-DPMNE (see Appendices).

In their defense, the Macedonian government must walk a political tightrope between nationalist Macedonian forces on the one side and more radical Albanian parties on the other who have sometimes taken provocative positions. The international community clearly fears the alternatives and sees this government as the best option for securing peace.

But unqualified support is short-sighted and counter-productive. Even if the current government is the best available option, there is no reason not to hold it more accountable for its actions. If the Macedonian government wants international support, economically, politically, and militarily, then it should be encouraged to respect its most basic international legal obligations.

In addition, long-term stability will only be achieved by building democratic institutions, such as independent courts and depoliticized police. Macedonia's long-term survival as a state—rather than the existence of one or another government—is best served by implementing the rule of law and respecting the rights of all citizens, regardless of ethnicity. As the OSCE's High Commissioner for Ethnic Minorities, Max van der Stoep, has pointed out, "stability and security are best served by ensuring that persons belonging to national minorities can effectively enjoy their rights."⁷⁷

In policy terms, this means a commitment from the international community to help the Macedonian government implement human rights standards and to hold it accountable when it does not. Emphasis should be placed on promoting the rule of law, parliamentary reform, training the police, inter-ethnic projects, the independent media, and the development of civil society, as well as economic restructuring. At the same time, foreign aid should be linked to the government's respect for human rights, as is mentioned in some international agreements, like the Cooperation

⁷⁵*A Threat to Stability: Human Rights Violations in Macedonia*, Human Rights Watch report, June 1996.

⁷⁶Human Rights Watch interview with European diplomat, Skopje, August 9, 1995.

⁷⁷OSCE High Commissioner for National Minorities Fact Sheet, February 1997, Ref HCNM/FS-ENG/001.

Agreement between the European Community and Macedonia, where human rights are an “essential element” of the agreement.

Human rights concerns should also be a fundamental aspect of any future peace-keeping force. Whether UNPREDEP is replaced by another U.N. mission, NATO troops, or another preventive deployment option, it is critical that the civilian component of the mission not only be maintained, but strengthened. An international presence to monitor and develop programs on the rule of law and human rights inside the country is essential to keep peace in the long-term.

The U.S. Government

The U.S. government views Macedonia as the key to stability in the southern Balkans and has been the driving force behind the international effort to protect its territorial integrity. Three hundred and fifty U.S. soldiers participate in UNPREDEP, and at least \$76 million has been provided in foreign aid since diplomatic relations were established in 1995. Macedonia is a member of NATO's Partnership for Peace and has participated in numerous joint training exercises. U.S. Ambassador Chris Hill, previously the chief of mission in the U.S. Embassy in Albania (1991-1993) and a member of the Bosnia Peace Negotiating Team, plays an important role in Macedonia's political life.

The U.S. bears a special responsibility for the behavior of the police, since it has trained at least 329 Macedonian policemen since 1995, some of whom were involved in the Gostivar incident on July 9, 1997.⁷⁸ In 1996, twenty-four policemen received tactical training through the State Department's Anti-Terrorist Assistance program (ATA) to form a Crisis Response Team, which responds to terrorist incidents and domestic disturbances, such as there was in Gostivar. Another forty-two policemen were trained through the ATA program in 1997, twenty-four of them in hostage negotiations and “incident management,” and eighteen others were trained in VIP protection (protection of high state officials, diplomats etc.). Some of these policemen, most probably the Crisis Response Team, which is a kind of rapid response police force, were involved in the Gostivar action on July 9, 1997.

A much larger training program was administered by the State Department's International Narcotics and Law Enforcement (INL) program, but received funding through the Support for East European Democracy program (SEED). According to the State Department, INL coordinates programs that are run by a variety of government agencies, such as the Federal Bureau of Investigations, Drug Enforcement Agency, Alcohol, Tobacco and Firearms, Immigration and Naturalization Services, the Customs Service, and the Secret Service. In 1996, 145 people were trained, either in Macedonia or at the International Law Enforcement Academy (ILEA), located in Budapest, Hungary. According to the State Department, one hundred and eighteen Macedonians went through the program in 1997, although the total number is not yet known, since, as of March 1998, the 1997 program reports had not been completed. The total number of Macedonian policemen trained in 1997 through INL programs, according to an INL official, is approximately 200.⁷⁹ Approximately U.S. \$200,000 has been allocated for INL work in Macedonia during 1998.

⁷⁸Human Rights Watch confirmed that at least 329 Macedonian policemen were trained by the U.S. between 1995 and 1997. According to the State Department, the total number is closer to 400, but the precise number is not yet known because, as of March 1998, not all of the 1997 program reports had been submitted. The Macedonian Ministry of Interior, however, told Human Rights Watch that only thirty-four policemen had been trained by the U.S. between May 1994 and June 1997 in courses on hostage negotiations, anti-terrorism, and DEA management. According to the ministry, training was conducted in Norfolk, Virginia, Baton Rouge, Louisiana, Washington D.C, and Quantico, Virginia (where the DEA and FBI have a training site).

⁷⁹State Department officials at INL told Human Rights Watch that, as of March 1998, they had not yet compiled all of the information from the 1997 program. From approximately twenty programs run with Macedonian police during 1997, only ten reports had been processed; thus, according to an INL official, 118 Macedonian policemen were trained, but “that number could be doubled.”

To date, the Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP) has not done any training of Macedonian police. ICITAP is the only U.S. program established specifically to address the developmental and training needs of foreign law enforcement agencies. Programs by the DEA, the ATA, or the FBI are intended to train foreign police officials to meet U.S. law enforcement needs.⁸⁰

The U.S. has repeatedly stressed the importance of constructing a multi-ethnic society in Macedonia built on the rule of law, and some U.S.-funded projects have worked toward that goal. But such statements have not been consistently backed up by policy. Human rights violations by the Macedonian government have never resulted in reduced or conditioned aid and have rarely provoked public criticism. Mention of human rights violations are always accompanied by a description of the difficult economic and political conditions that the Macedonian government faces, and calls for the ethnic Albanians to avoid the creation of parallel structures or ethnically-based federalism.

The administration's view of Macedonia is aptly summarized in the State Department's 1998 Congressional Presentation for Foreign Operations:

FYROM is a parliamentary democracy. Its constitution guarantees fundamental rights recognized under OSCE principles. The government generally recognized these rights but ethnic tensions and prejudices persist, particularly in regard to the ethnic Albanian minority. While the FYROM leadership wants peaceful integration of all ethnic groups into society, it faces political resistance and the persistence of popular prejudices. Moreover, the economic crisis makes it difficult for the government to find resources to fulfill minority aspirations.

The State Department's Country Report on Human Rights Practices in Macedonia for 1997 was an improvement over the report from the previous year, which grossly downplayed the human rights situation. The 1997 report mentioned "credible reports of occasional police abuse of prisoners and police harassment of political opponents of the government," as well as the ongoing practice of "informative talks" and other due process violations. Still, the 1997 report minimized the level of police abuse in Gostivar, portraying it more as a clash between demonstrators and the police, and failed entirely to mention the trial of Rufe Osmani. The U.S. government's statement on the events in Gostivar were also bland and general. The U.S. embassy in Skopje deeply regretted the loss of life in Gostivar and stressed that:

The U.S. strongly supports the territorial integrity and peaceful democratic development of the Former Yugoslav Republic of Macedonia which is an essential element of stability in the region. We urge all citizens and political parties to work within existing legal and political structures to address their concerns through peaceful, democratic means.⁸¹

⁸⁰*Foreign Assistance: Meeting the Training Needs of Police in New Democracies*, Report to Congressional Requesters by the U.S. General Accounting Office, January 1993.

⁸¹Statement proposed by the U.S. embassy July 10, 1997. Unclassified embassy cable to the secretary of state.

The U.S. is helping Macedonia to build a modern, pro-Western defense force. The main concerns are the unresolved border dispute between Yugoslavia and Macedonia, the risk of civil unrest in Kosovo spreading across the border, and the military imbalance between Macedonia and its neighbors in the region.⁸² In 1998, the U.S. is providing \$7.9 million in Foreign Military Financing (FMF) and \$400,000 through the International Military Education Training program (IMET).⁸³ Macedonia will also be eligible in 1998 to receive a grant of Excess Defense Articles (EDA) which provide equipment such as vehicles, office equipment, and medical supplies. The Macedonian government has offered the U.S. military and NATO forces use of its sizable Krivolak training grounds. In February, the U.S. revealed its Action Plan for South East Europe, which seeks to promote regional cooperation in the fields of security, economy, and trade among Albania, Macedonia, Bulgaria, and Slovenia.

The Support for East European Democracy program (SEED) will have provided \$46 million by the end of 1998 for a wide range of projects, ranging from the rule of law to privatization.⁸⁴ According to congressional testimony, the 1998 SEED programs in Macedonia will focus on legal system development, private sector enterprise development, and citizen participation.⁸⁵

In mid-March 1998, Deputy Secretary of State Strobe Talbott visited Macedonia in response to the outbreak of violence in neighboring Kosovo. In a speech addressed to the Macedonian public, he highly praised the progress Macedonia has made in democratic reform. "We know that there are problems in Macedonia in the fields of culture, religion and inter-ethnic relations," he said. "But you entirely avoided the violence and the repression through dialogue, democracy and tolerance. And the U.S. gives you its full support for this."⁸⁶

The United Nations

UNPREDEP

At the request of the Macedonian government, the U.N. Security Council decided on December 11, 1992, to deploy a U.N. force in Macedonia—the first preventive deployment force in U.N. history.⁸⁷ Originally known as UNPROFOR, the mandate was to monitor the borders with Albania and the Federal Republic of Yugoslavia (FRY), to strengthen the country's security and stability, and to report on developments that could threaten the country. First and foremost it was intended as a psychological deterrent against possible aggressors and as a sign that the international community recognized the legitimacy of the new Macedonian state (even though Macedonia had not yet been recognized internationally). In 1995, the mission became UNPREDEP and began reporting directly to New York. The annual cost of UNPREDEP is approximately \$51 million.

⁸²According to UNPREDEP, the Federal Republic of Yugoslavia has 124,000 soldiers, Bulgaria has 102,000, Greece has 160,000, and Albania has 41,000. Macedonia has 20,000 soldiers and four tanks, four airplanes and five helicopters.

⁸³Figures for the previous two years for these programs were as follows: 1996-FMF \$750,000 and IMET \$249,000; 1997- FMF \$1,500,000 and IMET 300,000. The sharp increase in FMF funding for 1998 was meant to compensate for the end of the UNPREDEP mandate on August 31, 1998.

⁸⁴The annual SEED allocations are as follows: \$14,200,000 in 1996, \$16,000,000 in 1997, and \$16,000,000 for 1998.

⁸⁵Prepared Statement by James H. Holmes, Coordinator for East European Assistance, U.S. Department of State, to the Senate Foreign Relations Committee, Subcommittee on Europe, May 7, 1997.

⁸⁶MIC News, March 18, 1998.

⁸⁷Security Council Resolution 795 (1992), December 11, 1992. The mission was originally part of UNPROFOR, which was deployed in Croatia, Bosnia-Herzegovina and then Macedonia. Security Council Resolution 983(1995) later established UNPREDEP as a separate mission, that reported directly to New York, but the mandate remained unchanged.

From the beginning, the mission has had a three-pronged approach: troop deployment, the human dimension, and political action and good offices. Troop deployment includes two mechanized infantry battalions, a Nordic composite battalion, and a U.S. Army task force, each with 350 people, stationed at strategic points along the FRY and Albanian border. The two battalions are supported by a fifty-person heavy engineering platoon from Indonesia.

UNPREDEP also has thirty-five military observers, twenty-six civilian police, and a 189-person civilian staff, coming from forty-nine different countries. The mandate of the civilian police is to observe the conduct and performance of the Macedonian police in the northern and western parts of the country upon the invitation of the Ministry of the Interior. In fact, the civilian police are rarely invited, and the Macedonian government has expressed its opinion that the civilian police should not be part of any future UNPREDEP mandate. Since the civilian police can only monitor how the Ministry of the Interior deals with cases of police abuse upon the invitation of the ministry, they are relegated to addressing their complaints to local police chiefs and ministry officials. Their only tool is to discuss their concerns.

The good offices of the head of UNPREDEP, Mr. Henryk Sokalski, are intended to promote “the maintenance of peace and stability” in Macedonia.⁸⁸ According to the Secretary General’s latest report to the Security Council, from November 20, 1997, the good offices are to encourage:

... a better understanding among the various segments of the population and existing political forces, with a view to easing inter-ethnic tensions and strengthening the application of international standards on human rights.⁸⁹

According to UNPREDEP literature, the good offices includes monitoring and reporting on developments that promote understanding, reconciliation, and dialogue across ethnic and political lines, facilitating contact between the governments of FRY and Albania, and encouraging Macedonian civil society. Thus far, UNPREDEP has assisted in mediating in the border dispute between FRY and Macedonia and has contacted the Albanian military about illegal border crossings. The projects within the human dimension framework include supporting a social policy think tank, providing training in non-violent conflict resolution, and organizing micro credits for women.

Mr. Sokalski, special representative of the secretary-general, has interpreted his good offices mandate in a very limited manner, choosing rarely to make UNPREDEP criticisms public, or even to bring them to the Macedonian government. After the violence in Gostivar, for example, UNPREDEP failed to issue any public criticism of the police. Such inaction sends an implicit message to the government and the Macedonian public that police abuse is tolerable in certain cases. It also further alienates the ethnic Albanian community and undercuts UNPREDEP efforts to promote inter-ethnic dialogue.

The secretary-general's most recent report to the Security Council on UNPREDEP contained only scant information about the human rights situation in the country. There was a factual update on the trials of Rufe Osmani and the other ethnic Albanian leaders who had been arrested for raising the Albanian flag and the violence in Gostivar on July 9, 1997. But the report failed to mention anything about the procedural violations in their trials or the subsequent lack of accountability for the police violence.

The only mention of human rights in the secretary-general's report was related to the work of the special rapporteur of the Commission on Human Rights, Elisabeth Rehn. The secretary-general's report mentioned Rehn's

⁸⁸Security Council Resolution 908(1994), March 31, 1994.

⁸⁹Report of the Secretary-General on the United Nations Preventive Deployment Force Pursuant to Security Council Resolution 1110(1997), November 20, 1997.

recommendation that her mandate for Macedonia be dropped “in light of the considerable progress in the protection of human rights in the country.” At the same time, the secretary-general cited Rehn’s report as saying that, “some important legal provisions continue to be violated with disturbing frequency, including in the form of abuse of police authority.”

Previous reports of the secretary-general mentioned some human rights violations, but still avoided direct criticism of the government. The report from August 11, 1997, which covered the violence in Gostivar, contained a factual description of the events and concluded that there “appeared to be an excessive use of force by government special police forces.”⁹⁰ The report also mentioned the informative talks that followed, which are “a practice restricted by the new law on criminal procedures.” The report said that “some of the demonstrators complained of brutal methods of interrogations,” but failed to confirm or deny this complaint.

UNPREDEP’s mandate is scheduled to expire on August 31, 1998, but the U.N. and U.S. government have stated that, in light of the recent violence in Kosovo, the mandate should be extended. Whether UNPREDEP will continue in its present form, change into something else, or give way to a NATO presence is still undecided.

The Macedonian government has asked for an international military presence that promotes Macedonia’s integration into NATO and the E.U. It has made clear that it does not want an extension of the U.N.’s good offices into the area of inter-ethnic relations or the civilian police, since, in the words of foreign minister, “there is no need for this, since Macedonia is a stable country.”⁹¹ Regarding the civilian component, the Macedonian government would like to see the work assumed by United Nations Development Program (UNDP).

In western capitals there is much discussion about the possible military options after August 31, 1998, but less talk about the civilian component. One option under consideration is for NATO forces to use the Macedonian military base of Krivolak as a training base, which would demonstrate the international community’s continued interest in Macedonia. It is also possible that the UNPREDEP mandate will be extended or, at least, the withdrawal will be drawn out. The secretary-general must present his “exit strategy” to the Security Council by June 1, 1998.

Human Rights Watch believes that a military force is essential to avoid a security vacuum in Macedonia and the spread of war, especially with the recent outbreak of violence in Kosovo. But a civilian component is also a critical part of the UNPREDEP mandate and should be maintained. As the secretary-general said in his most recent report, there is a “growing recognition of the need for additional steps to be taken to harmonize inter-ethnic relations in order to enhance internal stability.” Specifically, the civilian police program should be continued and its mandate expanded, drawing upon the experience of U.N. civilian police in other parts of the world, and the use of the good offices should be expanded, especially regarding human rights. Dropping these programs from any future international presence, whether it be UNPREDEP, NATO, or within the OSCE, sends the message that the international community does not consider human rights violations as a threat to stability. With tension rising throughout the southern Balkans, it is the opposite message that should be sent.

Special Rapporteur of the U.N. Commission on Human Rights

The U.N. Commission on Human Rights has had a special rapporteur for the former Yugoslavia since 1992. The first rapporteur, Tadeusz Mazowiecki, resigned in July 1995 and was replaced by the former Defense Minister of Finland, Elisabeth Rehn, in 1996. Rehn’s mandate in Macedonia was reduced in March 1996, so that her Skopje office stopped sending regular reports, but continued to collect information and organize Rehn’s periodic visits. Rehn still submitted occasional reports to the commission on human rights conditions in the country. In March 1998, Rehn was

⁹⁰Report of the Secretary-General on the United Nations Preventive Deployment Force Pursuant to Security Council Resolution 1110(1997), August 11, 1997.

⁹¹MIC News, February 12, 1998.

replaced by a new special rapporteur appointed by the Human Rights Commission, Jiří Dienstbier, a former Czech dissident and first foreign minister of post-communist Czechoslovakia.

Rehn's last report on Macedonia, issued on September 30, 1997, was contradictory. The body of the report contained strong statements about human rights violations committed by the Macedonian government but the summary and conclusions were overly positive about the government's commitment to human rights. In the end, she ceded to a long-standing demand of the Macedonian government, and recommended that Macedonia be dropped from her mandate.⁹² The Commission on Human Rights will decide whether to extend or drop the mandate at its next meeting in March and April 1998.

In the body of her most recent report, Rehn mentioned some serious human rights abuses, especially regarding the police brutality in Gostivar on July 9, 1997. "The police brutally attacked and beat many people who were offering no resistance, in some cases even assaulting children," said the report. "The Special Rapporteur is convinced that the force used by the police in the Gostivar incident far exceeded the reasonable level required to restore law and order to the situation."⁹³ Other sections of the report mentioned the ongoing practice of illegal arrests and "informative talks."

The general observations and conclusions of the report, however, praised the Macedonian government for "considerable achievements both in the maintenance of peace and in the protection of human rights."

In an interview given to the newspaper *Dnevnik* at the end of her last visit in August 1997, Rehn stated that her decision to recommend an extension of the mandate depended on the government's response to the events in Gostivar. She said:

Of course without the Gostivar events it would have been much easier to give my recommendations regarding the extension of the mandate. And now, I really have to receive strong guarantees from the authorities that the police will change its behavior, that there will no longer be informative talks at the police stations, that during such interventions the privacy of the citizens will be protected. What I have heard is unacceptable. It is inadmissible that the police officers ill-treat someone in front of the family, the wife and the children. There should be no question about that. It is impossible to speak of respect for human rights if the police are behaving in such a way, and that no one is brought to responsibility.⁹⁴

Human Rights Watch questions what "guarantees" she received from the Macedonian government that "the police will change its behavior." As of today, no policemen or Ministry of the Interior officials have been held responsible for the events in Gostivar.

Human Rights Watch strongly believes that the special rapporteur's mandate should be extended. As Rehn's report itself shows, there are enough human rights violations in Macedonia to merit a continuation of the mandate. In addition, dropping the mandate would send the message that these human rights violations are tolerable, as well as undercut efforts by UNPREDEP or individual governments to pursue human rights issues with the Macedonian government. Unfortunately, Rehn's recommendation to drop Macedonia from the mandate has already had that effect.

In the meantime, Rehn also recommended that she retain the right to comment on developments in the country. Her specific interest is the work of the ombudsman, the education of minorities, and training of the police. The office

⁹²The Macedonian government has argued that Macedonia should not be considered together with the other countries of the former Yugoslavia.

⁹³*Situation of Human Rights in the former Yugoslav Republic of Macedonia*, Final report submitted by Elisabeth Rehn, September 30, 1997.

⁹⁴*Dnevnik*, "Gostivar Events Will Determine the Mandate of the U.N. Special Rapporteur," August 29, 1997.

of the Center for Human Rights will remain open, at least until May 1998, to provide technical assistance, as requested by the Macedonian government. As of December 1997, the government had asked for help with the office of the ombudsman, education in human rights, and a U.N. documentation center with a focus on human rights. The center and the government are still discussing the possibility of police training.

The Organization for Security and Cooperation in Europe (OSCE)

OSCE Spill-over Mission

The OSCE deployed a spill-over mission in Macedonia in September 1992 with a mandate to monitor internal developments, promote stability, and prevent possible conflict in the region. The mission maintains regular contact with all political actors, such as government officials, leaders of the ethnic communities, nongovernmental organizations and the media; facilitates the work of international organizations working in the country; and investigates specific complaints regarding political grievances and violations of human rights.

The mission reports its findings to the OSCE chairman-in-office in fortnightly reports and occasional presentations by the Chief of Mission to the OSCE Permanent Council. The mission is mandated to have eight members, "to be supplemented as required." In 1995 and 1996 the mission had only four people, but that number was increased to seven in March 1998 after the outbreak of violence in Kosovo. The annual budget for 1997 was 5,001,424 Austrian shillings (U.S.\$456,530).

The fortnightly reports contain a general overview, reportorial in nature, that describe the political and economic situation in the country, including relations with neighboring countries. There is no section dealing with human rights issues or the government's respect for OSCE documents, nor is there any information on the specific activities undertaken by the mission.

Human Rights Watch obtained four internal OSCE reports that spanned a period from July 1997 to January 1998. In all of them, it was clear that political considerations had overridden any commitment to report on human rights violations. Criticism of the government was expressed in the mildest and most indirect manner possible, if it was expressed at all.

The most extreme example was the report of July 29, 1997, which covered the violence in Gostivar (see Appendix A). The report presents the Macedonian government's version of events, without addressing the serious allegations of police violence or procedural violations. According to the report, the Minister of the Interior conceded that there "may have been instances where the police exceeded their authority," and that "such cases would be investigated." But the report does not go into detail about the nature of the violations, or attempt to confirm them independently. The report's conclusions failed entirely to criticize the police and seemed to place blame on the Albanians who demonstrated:

Summary and Assessment

- The recent events in Tetovo and Gostivar, which regrettably led to the deaths of three people, show the inevitable result if parties are not honouring the basic principles of constitutional order and the rule of law, when building or preserving a civil society;

- The events are also a reminder to all of how very fragile inter ethnic relations can become if extremist, nationalistic viewpoints get the upper hand and block the normal development of relations through dialogue;

- The physical and mental wounds inflicted will not only take time to heal but will also require a great deal of goodwill from all parties involved. If this were to happen, the events of 9 July may even

become a turning point in developing future stability not only in the host country but in the region as a whole.⁹⁵

The report mentions that the Albanian and Turkish press criticized “what they regarded as excessively robust police behavior.” But there was no attempt to substantiate their complaints. The only direct criticism of police behavior dealt with the ongoing practice of “informative talks.” The report said:

There has also been strong circumstantial evidence to suggest that in their investigations after 9 July, some police have been continuing the practice of calling certain individuals for informative talks, backed by the threat of arrest for non-compliance, for which there is no longer any legal basis after the implementation of the new Law on Criminal Procedure in April this year.

The OSCE’s public position on Gostivar was in the same vein. The OSCE Newsletter from July 1997 characterized the riots in Gostivar as an “inter-ethnic disturbance” in which “demonstrators and police clashed,” with no mention of the disproportionate police violence or procedural violations.⁹⁶

The same biased reporting was evident in the OSCE report of September 22, 1997, which covered the trial of Gostivar Mayor Rufe Osmani (see Appendix C). The report gave an account of the trial without stating that there had been procedural violations, even though the OSCE had monitored the proceedings. Irregularities were only mentioned within the context of Osmani’s legal team which announced “their intention to appeal to the appellate court, on the grounds of procedural violations, the denial of the use of the Albanian language in court, and for refusal of defense requests, inter alia, for prosecution documentation and to produce certain defense evidence and witnesses.”⁹⁷ The report indirectly criticized the severity of Osmani’s sentence by saying that it caused “widespread shock and dismay across the political and ethnic divide and has strengthened the sense of alienation apparent in the Albanian community.” But the mission in Skopje refused to comment to the press about the trial.⁹⁸

A fundamental problem is that the OSCE mission is in the country at the invitation of the Macedonian government. According to the Articles of Understanding between the OSCE and the Macedonian government, either party can revoke the mission’s mandate within fifteen days. Since the mission’s fortnightly reports make their way back to the Macedonian government, the mission’s reporting may be tempered by its need to survive. According to a European diplomat who used to be based in Skopje, in the past the Macedonian government has complained directly to the mission that their reporting was “hurting Macedonia’s image.”⁹⁹

Clearly, the OSCE’s reporting is influenced by political considerations. There is an obvious attempt to soften criticism of the government and to focus blame on “the more extreme elements at both ends of the political and national divide”¹⁰⁰—specifically the Democratic Party of Albanians and the Macedonian opposition party VMRO-DPMNE. While these two parties may have taken some provocative positions, the reports show an unsatisfactory attempt to investigate or analyze their grievances, or to criticize the government’s disproportionate responses.

Representatives of minority groups and opposition parties expressed concern to Human Rights Watch that the mission was too close to the government and unwilling to confront the Macedonian authorities on human rights

⁹⁵OSCE Spillover Monitor Mission to Skopje Fortnightly Report 100, July 29, 1997.

⁹⁶OSCE Newsletter, Vol. 4, No. 7, July 1997.

⁹⁷OSCE Spillover Monitor Mission to Skopje Fortnightly Report 102, September 22, 1997.

⁹⁸Financial Times, “Mayor Jailed for 13 Years After Flag Riot,” September 18, 1997.

⁹⁹Human Rights Watch interview with European diplomat, Skopje, August 9, 1995.

¹⁰⁰OSCE Spillover Monitor Mission to Skopje Fortnightly Report, August 20, 1997.

violations. One prominent member of the ethnic Albanian community told Human Rights Watch that he thought the OSCE was in Macedonia “just to give us the feeling like they are doing something.” Despite this reluctance to criticize the government, members of the ethnic communities and opposition parties also thought that there might have been greater human rights violations if the mission were not present.

OSCE High Commissioner on National Minorities

The OSCE’s high commissioner on national minorities, Max van der Stoel, is mandated to provide “early warning” and “early action” with regard to national minority issues that could develop into a conflict within the OSCE area.¹⁰¹ According to van der Stoel himself, the mandate has two missions: to help contain and deescalate inter-ethnic tensions that could lead to conflict and to alert the OSCE whenever such tensions arise.¹⁰² The mandate does not authorize or direct the high commissioner to report about the host government’s respect for OSCE documents relating to minority rights.

A fact sheet produced by the OSCE elaborates further on the work of the high commissioner, specifically the role he/she should play regarding violations of OSCE documents:

If OSCE commitments such as those contained in the Copenhagen Document are violated, the High Commissioner has, of course, to ask the Government concerned to change its policy, reminding it that stability and harmony are as a rule best served by ensuring full rights to the persons belonging to a minority. However, he also has to remind these persons that they have duties as well as rights.¹⁰³

Regarding police abuse in Macedonia in 1997, the high commissioner’s public statements focused more on reminding ethnic Albanians of their obligations to respect the institutions of the state, rather than condemning government abuses and stressing obligations to OSCE principles.

Van der Stoel made an urgent visit to Macedonia after the Gostivar incident. On July 13, 1997, he issued his only statement on the matter, in which he understated the number of injured people and did not make any criticisms, let alone question, the behavior of the police. He expressed “deep regret” at the loss of life and urged Macedonia’s nationalities to “strive to find solutions for inter-ethnic problems by rejecting ethnic hatred and intolerance and by seeking constructive and continuous dialogue, with equal rights for all ethnic groups as the guiding principle.”¹⁰⁴ Van der Stoel visited Rifi Osmani, the mayor of Gostivar, in prison, but did not meet with any victims of the police abuse.

In February 1998, the two largest ethnic Albanian political parties, the PDP and DPA, called on the OSCE to replace van der Stoel on account of his “lack of objectivity.” Both parties were angered by his comments, made in Skopje on February 11, 1998, that the government was not obliged to recognize the Albanian-language private university in Tetovo.¹⁰⁵

The European Union

¹⁰¹Mandate of the OSCE’s High Commission on National Minorities, Article 3.

¹⁰²Address given by Max van der Stoel to the workshop “An Agenda for Preventive Diplomacy,” Skopje, October 18, 1996.

¹⁰³Fact Sheet on the High Commissioner on National Minorities, Organization for Security and Cooperation in Europe.

¹⁰⁴Statement of the OSCE High Commissioner on National Minorities, Max van der Stoel, Skopje, July 13, 1997.

¹⁰⁵Dissatisfied with their access to higher education, a group of ethnic Albanians opened a private Albanian-language university in Tetovo in February 1995. The government declared the university illegal, and the police clashed with demonstrators on the first day of classes, resulting in numerous injuries and one death. The main organizer of the initiative was imprisoned for ten months. Since then, the authorities have not recognized the university, but they have allowed it to function. The first graduates will receive their diplomas in Spring 1998, although the authorities have stated that they will not be recognized.

The European Union established diplomatic relations with Macedonia on December 29, 1995. Since then, at least ECU 125 million (U.S. \$134,450,000) in aid has been provided.

On January 1, 1998, a Cooperation Agreement between Macedonia and the European Union came into effect, which is an important step toward full membership in the E.U.. Article 1 of the agreement states:

Respect for the democratic principles and human rights established by the Universal Declaration of Human Rights, the Helsinki Final Act and the Charter of Paris for a New Europe underpins the internal and international policies of the Community and of the former Yugoslav Republic of Macedonia, and constitutes an essential element of the Agreement.

The agreement included a joint declaration on political dialogue between the two parties. The first meeting of this dialogue was held on February 3, 1998, in Ohrid, Macedonia. A two-paragraph statement by the E.U. after the meeting said that the meeting, together with the Cooperation Agreement, "represents a significant step forward in FYROM's relations with the European Union and a recognition of its place in the European family."¹⁰⁶

On January 20, 1998, the E.U. released the final installment of a ECU 40 million (U.S. \$43,024,000) macro-financial assistance package that had been decided by the council in July 1997. Yves-Thibault de Silguy, European Commissioner for Economic, Monetary and Financial Affairs, commented that, since Macedonia's independence, "substantial progress has been made with democratization and the development of good-neighborly relations and regional cooperation in south-eastern Europe."¹⁰⁷

On March 11, 1996, Macedonia was accepted into the PHARE program, which has allocated ECU 25 million (U.S. \$26,890,000) a year until 1999. The program focused on private sector development, including infrastructure of a North-South corridor. Some PHARE Democracy Program funds have also gone for supporting Macedonian non-governmental organizations.

The E.U. issued a public statement on the police abuse in Gostivar, but it was more critical of the ethnic Albanians than the police. Point one of the ten-point statement welcomed a government report on the incident and point nine called on the Macedonian government to "ensure the rigorous control of the actions of the police force." But two other points reminded the representatives of the Albanian political parties "of their responsibilities" to avoid an escalation of tension and to respect the decisions of the Macedonian Constitutional Court. Point two reiterated "the support of the EU for the efforts of the Government of FYROM to defuse the ethnic tensions within FYROM, to the greatest extent possible."

The World Bank and the International Monetary Fund

¹⁰⁶Declaration by the Presidency on behalf of the European Union on the first EU/FYROM Political Dialogue meeting, Brussels, February 13, 1998.

¹⁰⁷European Union grants financial assistance to the Former Yugoslav Republic of Macedonia, Brussels, January 20, 1998.

The International Monetary Fund (IMF) and the World Bank have been very active in Macedonia since 1991 and 1993, respectively. Macedonia has received approximately \$330 million in loans and credits from the World Bank since it became a member in late 1993. In addition, the International Finance Corporation, which works directly with the private sector, lent \$11 million to Macedonian enterprises in 1997.¹⁰⁸

The IMF has provided Macedonia approximately \$85 million in credit since 1991. From 1997 to 1999 the national bank will receive approximately U.S. \$75 million as a structured adjustment facility (\$25 million per year).¹⁰⁹

SIZE AND STRUCTURE OF THE MACEDONIAN POLICE

Macedonia had to rebuild its police force rapidly after the country gained its independence from the Socialist Federal Republic of Yugoslavia (SFRY) in 1991. By 1993, 70 percent of all policemen were new hires, and the force had grown in size by approximately 10 percent. Today, according to the Macedonian Police Trade Union, there are an estimated 11,000 regularly employed policemen -- 6,000 uniformed and 5,000 civilian officers. Another 11,000 citizens with minimal training are on hand as reservists.

The 1998 budget allocation for the Ministry of the Interior is 3.06 billion denars (U.S.\$61,153,340), or 6.7 percent of the total budget. This compares to the Ministry of Defense's proposed 3.9 billion denars (U.S.\$78,003,160), which is 8.57 percent of the total budget.¹¹⁰ During an interpellation in parliament in 1997, however, then-under secretary at the Ministry of the Interior and chief of the Macedonian police, Dime Gjurev, publicly admitted that the ministry had "discretionary funds" at its disposal, but he did not reveal the amount available or its purpose.¹¹¹ According to the Macedonian Police Trade Union, the average salary of a uniformed policeman is between 9,000 and 11,000 denars per month (U.S.\$180-\$200), while inspectors earn between 11,000 and 16,000 denars (U.S.\$200-\$320).¹¹²

The Ministry of the Interior has ten regional offices, each with a structure that mirrors the ministry as a whole: sections for the uniformed police, the so-called criminal police (police investigators), and the ministry's civilian work (passport issuance etc.) According to the Law on Internal Affairs, all section chiefs are appointed by the ministry in Skopje. By law, local police chiefs are required to provide the local city councils with reports on their work twice a year. Other than these formal reports, Human Rights Watch found that the relationship between the local police and the local government was generally weak, if it existed at all (see below).

According to the Macedonian government, as of January 1997, 8.7 percent of Ministry of the Interior employees were ethnic minorities.¹¹³ According to the U.S. government, 4 percent of ministry employees were ethnic Albanians.¹¹⁴ These numbers show a gradual improvement since 1992, when ethnic Albanians made up only 1.7 percent of the Ministry of the Interior, mostly due to a 22 percent quota for minority students established at the Police Secondary School.

¹⁰⁸Human Rights Watch interview with Aleksander Nacev, Skopje, December 16, 1997.

¹⁰⁹Human Rights Watch interview with Paulo Drummond, Skopje, December 17, 1997.

¹¹⁰Numbers based on a press conference given by Finance Minister Taki Fiti in Skopje on December 2, 1997.

¹¹¹Gjurev was called to parliament because of allegations, subsequently proven, that the ministry was spending tens of thousands of dollars on artwork for ministry offices and for horses and a stable.

¹¹²The average salary in Macedonia in December 1997 was 10,000 dinars per month.

¹¹³"General Policy Toward Minorities," Republic of Macedonia, Ministry of Foreign Affairs, Skopje, January 1997.

¹¹⁴Macedonia Country Report on Human Rights Practices for 1997, U.S. Department of State.

Despite the improvements, ethnic Albanians are still severely underrepresented in the police force, even in areas where they constitute a clear majority of the population. The U.S. State Department's human rights report on Macedonia for 1997 stated that, even in areas dominated by ethnic Albanians, "the police force remains overwhelmingly ethnic Macedonian." According to Alajdin Demiri, mayor of Tetovo, out of 435 local police officers, approximately thirty are ethnic Albanians, even though the town is 71 percent ethnic Albanian, according to official numbers.¹¹⁵

LAWS REGULATING THE POLICE

The Law on Internal Affairs

In 1991, the Macedonian parliament passed a new Law on Internal Affairs that restructured the Ministry of the Interior and the police. During the SFRY, when the Communist Party maintained strict control over all levels of government, local police chiefs were appointed by the local city councils. According to the new law, the selection process of local police chiefs was centralized. Appointments are now made directly by the ministry in Skopje so that there is no formal relationship between the local police and local governments, other than a bi-annual report from the police to the local city council.

Members of local governments in three cities—Štip, Tetovo and Gostivar—told Human Rights Watch that they had poor working relationships with the local police in their respective cities.¹¹⁶ All three said that the police rarely responded to their inquiries, even when there was a crisis, such as the incident in Gostivar on July 9. When they did respond, the mayors or city council members were told to contact the ministry in Skopje. Gordana Cekova, head of the Štip City Council told Human Rights Watch:

The mayor has meetings with the local representatives of the various ministries every month. The Ministry of Interior representative, the local police chief, only came to the first meeting in December 1996, and not once since then. I can call the police chief but I already know his response. For example, after Kruševo¹¹⁷, I called to ask about the people arrested from Štip and he said he couldn't say anything because it was not his responsibility.¹¹⁸

Former police chief Dime Gjurev accepted that relations between the local police and local governments in Macedonia are often poor. But he maintained that the centralization of the police was necessary to guarantee the depoliticization of the police force. He told Human Rights Watch that the law was:

A good step because of the multi-party political system... The best solution is not to have relations with the local government so that there is no risk of influences from different political orientations.¹¹⁹

The centralization of Macedonia's police may have reduced the possibility of political interference on the local level, as the ministry claims, but it has increased the possibility of political influence on the national level, since the

¹¹⁵Human Rights Watch interview with Alajdin Demiri, Tetovo, December 12, 1997. According to the 1994 census, Tetovo is 71 percent ethnic Albanian, but all ethnic Albanians claim the number is much higher.

¹¹⁶All three of these cities are governed by opposition parties. Štip is run by the Internal Macedonia Revolutionary Organization (VMRO), the largest ethnic Macedonian opposition party, while Tetovo and Gostivar are both run by the Democratic Party of the Albanians (DPA), the largest ethnic Albanian opposition party.

¹¹⁷On August 2, 1997, six VMRO activists were arrested in Kruševo for disrupting a speech by Macedonian President Kiro Gligorov.

¹¹⁸Human Rights Watch interview with head of the Štip City Council, Gordana Cekova, Štip, December 15, 1997.

¹¹⁹Human Rights Watch interview with Police Chief Dime Gjurev, Skopje, December 18, 1997.

entire police force is strictly controlled by the central government. The lack of local control over the police contributes to the problem of police abuse, since the local police are still not accountable to the local population or its elected representatives.

The Macedonian Police Code of Conduct

The Macedonian police have their own code of conduct, which is supposed to hang in the front hall of every police station. Among its eight articles are some direct references to the use of force, such as:

- My basic duty as a police officer is to serve the Republic of Macedonia to the best of my ability, to obey the constitution and the laws of the country, to protect the lives of its citizens and their property, to protect innocent people of any wrongdoings, to protect the weak from any pressure, and to shield peaceful people from violence and disorder, and finally to respect public freedom, equality and judiciary system.
- I will act toward violence without compromise, and I will fight against crime to the best of my ability, and 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, and I will never allow myself to be corrupted in any situation.
- My professional identification, as a member of the police force, I understand as a symbol of trust that was given to me by the public, and I will do everything possible within my ability to keep that trust while acting ethically in my duties. I will not take part in any corruption, solicitation, or any wrongdoing of that kind, and I will not tolerate that kind of action from my fellow police officers.

The New Code of Criminal Procedure

On April 11, 1997, a new Code of Criminal Procedure came into effect that brought Macedonian criminal law into accordance with the Macedonian constitution and international human rights standards. Notably, the new code made it illegal for the police to summon anyone for questioning—a practice known as an “informative talk”—without a court order, although this practice still takes place. Other articles eliminated contradictions that existed between the old code and the constitution. The new code guarantees:

- The right of detainees to be informed immediately of the reason for their detention.
- The right of detainees to be informed of their rights.
- The right of detainees to summon a lawyer immediately after their detention.
- The right of detainees not to talk or give statements to the police.
- The right of unlawfully detained individuals to obtain compensation.
- The right of legally detained citizens to be brought before a court within 24 hours of their detention.

The Macedonian Constitution

The Macedonian constitution, passed in 1991, forbids torture or inhumane treatment and provides for full due process guarantees. Regarding the use of force, Article 11 states:

The human right to physical and moral dignity is irrevocable.

Any form of torture, or inhuman or humiliating conduct or punishment is prohibited.

Regarding due process, Article 12 states:

Persons summoned, apprehended or detained shall immediately be informed of the reasons for the summons, apprehension or detention and of their rights. They shall not be forced to make a statement. A person has a right to an attorney in police and court procedure.

Persons detained shall be brought before a court as soon as possible, within a maximum period of 24 hours from the moment of detention, and the legality of their detention shall there be decided upon without delay.

Detention may last, by court decision, for a maximum period of 90 days from the day of detention.¹²⁰

Persons detained may, under conditions determined by law, be released from custody to conduct their defense.

Article 13 guarantees a person's innocence until proven guilty, as well the right to legal redress when a person has been "unlawfully detained, apprehended or convicted." Article 15 guarantees the right to appeal.

International Obligations

Macedonia has ratified the major international human rights documents that guarantee due process and protect individuals from lethal force and cruel, inhuman, and degrading treatment or punishment, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Other non-binding declarations adopted by the General Assembly of the U.N., such as the U.N. Code of Conduct for Law Enforcement Officials¹²¹, the U.N. Body of Principles for the Protection of All Persons Under Any Form of Detention and Imprisonment¹²² and the U.N. Standard Minimum Rules for the Treatment of Prisoners (and Procedures for Effective Implementation of the Rules), have also become universal norms by which police behavior is evaluated.

¹²⁰In February 1998, parliament began discussing a possible extension of the 90-day pre-trial detention period. The Commission for Constitutional Affairs passed a proposal that would allow a court to extend pre-trial detention for up to six months in difficult cases.

¹²¹General Assembly of the United Nations, Resolution 34/169, December 17, 1979.

¹²²General Assembly of the United Nations, Resolution 43/173, December 9, 1988.

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*Human Rights Watch
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APPENDIX A: Excerpts from OSCE Fortnightly Report 100, July 29, 1997

ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE SPILLOVER MONITOR MISSION TO SKOPJE EXCERPTS FROM OSCE FORTNIGHTLY REPORT 100, 29 JULY 1997

SUMMARY AND ASSESSMENT

- The recent events in Tetovo and Gostivar, which regrettably led to the deaths of three people, show the inevitable result if parties are not honouring the basic principles of constitutional order and the rule of law when building or preserving a civil society;

- the events are also a reminder to all of how very fragile inter ethnic relations can become if extremist, nationalistic viewpoints get the upper hand and block the normal development of relations through dialogue;

- the physical and mental wounds inflicted will not only take time to heal but will also require a great deal of goodwill from all parties involved. If this were to happen, the events of 9 July may even become a turning point in developing future stability not only in the host country but in the region as a whole.

DOMESTIC AFFAIRS

LOSS OF LIFE IN CIVIL DISORDER IN GOSTIVAR

The event in the reporting period overshadowing all others, and with profound consequences for inter ethnic relations, was a confrontation on 9 July in Gostivar between demonstrators and police in the context of the issue of flags of nationalities, which lead to a tragic loss of life. Two Albanians died in Gostivar that day and a third in hospital in Skopje some days later. At least 25 persons were seriously injured, some by firearms. Casualties included both members of the police and demonstrators. On the same day there was disorder in Tetovo but on a more minor scale and there was no loss of life.

The HCNM, Mr Max van der Stoel, paid an urgent visit immediately after the disturbances from 10-13 July to assess the situation. Accompanied throughout by the Head of Mission he saw the Prime Minister and other members of Government, representative of Albanian political parties and the mayors of Gostivar and Tetovo, the former whilst on remand. A copy of HCNM's report to the Permanent Council describing the background to the events, the circumstances of 9 July and their aftermath is attached for ease of reference (HC/9/97 of 16 July 1997).

On 24 July the Government announced the setting up of a commission of three ministers under the Minister of Justice, Gjorgji Spassov, to 'monitor the situation in Tetovo, Gostivar and other municipalities in the western part of the country.' The two other members are Ministers without Portfolio, Vladimir Naumovski of the Socialist Party and Jemail Hajdari of the Albanian Party in government, the PDP. The commission is to analyse the past and future actions of members of the Ministry of the Interior in terms of possible exceeding of their authority by the police. The findings of the commission are to be made public. On the same day as the announcement of the commission the Government

submitted to Parliament a report of the Ministry of Interior about the situation in Gostivar and Tetovo and the measures which the Ministry took on 9 July to implement the decision of the Constitutional Court of 11 June for the removal of flags illegally displayed in front of the municipal councils. The report was not debated in Parliament as had earlier been announced. Instead Parliament departed on its summer recess on 25 July. Despite anecdotal evidence suggesting an adequate presence of members in the precincts of Parliament, no quorum was present in the chamber for the debate. The absence of a quorum appears to reflect a decision of the Government, with the agreement of its ministers from the PDP, to delay discussion until after the summer recess.

The Government's report was submitted to Parliament only after it had been revised to take account of PDP objections. The PDP had earlier been boycotting Parliament and government business in protest at police actions on 9 July, reflecting the obvious and particular pressures which it had been facing which had led it again to threaten to withdraw from the coalition. The passing of the Law on the Use of Flags of Nationalities had itself created acute strains within the SDSM with four members of the party voting against the legislation, including the influential President of the Foreign Affairs Commission.

The Government report contains a chronology of the events of 9 July. It notes the first appearance of trouble in Gostivar at 7.30 am with an attack on the police by a group of some 200 using physical force, various weapons and chemicals. By 3.00 pm the police estimated the crowd at 7-8,000 people. According to the police, at 3.18 pm the first smoke bombs were thrown near the police cordon which led to the opening of fire on police positions from automatic weapons. Intensive shooting continued for an hour. Autopsies on the two Albanians who lost their lives were not carried out at the request of their families which prevented the establishing of the precise circumstances in which they died.

Order was re-established in the town around 5.00 pm. The report refers to the finding of Molotov cocktails and documents suggesting preparations for armed resistance upon removal of the flags. Over 200 individuals received hospital treatment. At least eight had injuries by firearms, including members of the police. To date at least 63 persons have been charged with various criminal offences. On the day of the disturbances, 318 people were arrested and 18 held in custody.

Separately from the report, the Minister of the Interior has conceded in interview that there may have been instances where the police exceeded their authority. He undertook that such cases would be investigated.

Following the events of 9 July, both Albanian and Turkish press locally have contained strong criticism of police actions, reflecting a deep and widespread feeling of resentment in those communities, bolstered by televisual reporting of what they regarded as excessively abusive police behaviour. The depth of resentment suggests that it will not easily pass and will remain a continuing and further complicating factor in the inter ethnic relationship. There has been strong circumstantial evidence to suggest that in their investigations after 9 July, some police have been continuing the practice of calling certain individuals for informative talks, backed by the threat of arrest for non-compliance, for which there is no longer any legal basis after the implementation of the new Law on Criminal Procedure in April this year.

APPENDIX B: Excerpts from OSCE Fortnightly Report 101, August 20, 1997

ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE SPILLOVER MONITOR MISSION TO SKOPJE EXCERPTS FROM OSCE FORTNIGHTLY REPORT 101, 20 AUGUST 1997

SUMMARY AND ASSESSMENT

- Recent events have identified more clearly the extreme elements at both ends of the political and national divide and have high-lighted both the possibility and the necessity for more moderate options to join forces. At the same time the risks have been indicated for those who place political popularity before the stability of the country.
- The Commission established in the aftermath of the events in Gostivar has a crucial role in dealing with allegations of police brutality in order to restore confidence in the context of the inter-ethnic relations.
- The international community will have to change its unhelpful lack of financial generosity to the development of the host country if the expected political tension over ethnic as well as economic issues in the coming months is to be kept under control.

DOMESTIC AFFAIRS

THE SITUATION FOLLOWING THE GOSTIVAR DISTURBANCES

The reduction in formal political activity and the arrival of the summer leave season that accompanied the parliamentary recess from late July have contributed to a calming of the atmosphere in Gostivar and Tetovo and the western part of the country, following the disturbances of 9 July. But the scars remain, and the process of repairing the damage to inter ethnic relations will require patient understanding, tolerance and a commitment to dialogue on all sides. The heat has faded from the flag issue itself, but its place has been taken in Albanian communities far and wide by a deep resentment at what was perceived to be gratuitous and excessive use of force by the police in the latter part of the Gostivar disturbances and in the follow-up.

The work of the Commission of three ministers, established by the Government under the Minister of Justice, 'to monitor the situation in Tetovo, Gostivar and other municipalities in the western part of the country', is therefore of paramount importance. It has been charged, inter alia, with reviewing allegations against the police of exceeding their authority. Its work in this area will be crucial to rebuilding public confidence amongst the Albanian community, especially in the light of certain filmed footage of the Gostivar events and circumstantial evidence suggesting the continuing unconstitutional use of the former practice of 'informational talks' backed by threat of arrest. The Commission was due to begin work in mid August. Further details about its composition and modus operandi have yet to be made public.

The municipal court in Gostivar has remanded the mayor of Gostivar, Rufi Osmani, in custody for a further 60 days, but ordered the release of the

chairman of the council. Osmani has been charged with causing national, racial and religious hatred, discord and intolerance and with organising resistance, under two articles of the criminal code. Both he and the council chairman have also been charged with failing to carry out a court ruling.

The trials of the mayor and chairman of the municipal council of Tetovo, both on charges of failing to carry out a ruling of the Constitutional Court, were due to be held on 30 July but were postponed until mid October at the request of the defence, which sought more time for the assembling of evidence.

In separate actions in late July, the government has used its powers under the Law on Local Self-Government to annul decisions of Tetovo council in May and June concerning the management of the municipality, and certain rulings on council employment and redundancies. The Government's actions are subject to review by the Constitutional Court. They follow allegations made that the council has made redundant certain Macedonian employees and replaced them with those of Albanian nationality.

CELEBRATIONS OF THE ILINDEN UPRISINGS

The national celebrations on 2 August in the central town of Krushevo commemorating the uprising there in 1903 were marred by boorish behaviour amongst some hundreds of participants associated with the nationalist party, VMRO-DPMNE. There was whistling and chanting during President Gligorov's commemorative speech, shouting at the mention of the country's constitutional name, and an incident where the state flag was trampled on. There followed widespread condemnation throughout the media and by VMRO-DPMNE's political opponents at the debasement of a pre-eminent national celebration of great symbolic importance. The leader of VMRO-DPMNE, Ljubco Georgievski, subsequently acknowledged responsibility for the behaviour of party members, but sought to justify the protests as directed not against Ilinden or the state but those responsible for current difficulties.

The Ilinden Day incidents followed reports some days earlier of strains in the relationship between VMRO-DPMNE and the Liberal Democratic Party, suggesting that problems in existing coalitions at a local level were significantly damaging the possibility of collaborating at a national level. The signs are that VMRO-DPMNE will again in the autumn endeavour to raise the level of public opposition and protest, based on issues of social and economic discontent.

The events of recent weeks, both in Tetovo and Gostivar, have, however, tended to identify more clearly the more extreme elements at both ends of the political and national divide, counteracting the trend of political development over the past year, which has suggested a more seamless pattern in the political spectrum. This separation at the more extreme ends has highlighted both the possibility and the necessity for more moderate opinion to coalesce in the middle ground, whilst at the same time indicating the relative risks and reward facing those who place political popularity before stability.

APPENDIX C: Excerpts from OSCE Fortnightly Report 102, September 22, 1997

ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE SPILLOVER MONITOR MISSION TO SKOPJE EXCERPTS FROM OSCE FORTNIGHTLY REPORT 102, 22 SEPTEMBER 1997

DOMESTIC AFFAIRS

TRIAL OF THE MAYOR OF GOSTIVAR

After a period of relative quiet during August, the events of Gostivar in July, their prelude and aftermath, have returned to dominate the political scene with the resumption of Parliament after its recess. On 17 September the mayor of Gostivar, Rufi Osmani, was convicted by the municipal court in Gostivar and sentenced to a total of 13 years 8 months imprisonment. He was charged and convicted on three counts: inciting racial, religious and national hatred, organising resistance and failing to comply with a court ruling. The verdicts and sentence are subject to appeal.

The severity of the sentence has caused widespread shock and dismay across the political and ethnic divide and has strengthened the sense of alienation apparent in the Albanian community in the aftermath of the Gostivar events. It has starkly underlined the size of the task that lies ahead in restoring mutual confidence in the constructive development of inter ethnic relations. In the minds of many, the severity of the sentence on Rufi Osmani was foreshadowed by the three year sentence for the individual who trampled on the state flag during the Ilinden celebrations on 2 August (reported in Fortnightly Report 101).

Mr Osmani's trial began on 10 September, having been postponed from 1 September at the request of the defence. The press were present throughout, with no reporting restrictions. Cameras were allowed selectively for the prosecution's opening statement, and at the end of the trial, but not during Mr Osmani's five hour long opening statement. There was attendance by international monitors, including the Mission. There were some controls on public access and limits on numbers. Mr Osmani was represented by three lawyers of his own choice but chose largely to conduct his defence himself. He addressed the court in the Macedonian language in his opening statement. Mr Osmani's lawyers resigned on the penultimate day of the trial in protest at the refusal of the court to grant more time for the preparation of the defence and to accede to other procedural requests. A replacement lawyer was provided by the state and the trial continued. Following conviction and sentence, Mr Osmani's original team of lawyers announced on his behalf their intention to appeal to the appellate court, on the grounds of procedural violations, the denial of the use of the Albanian language in court, and for refusal of defence requests, inter alia, for prosecution documentation and to produce certain defence evidence and witnesses.

PARLIAMENTARY DEBATE ON THE GOSTIVAR EVENTS

The parliamentary debate on the Gostivar events which was postponed from late July took place over several days from late August. The proceedings were dominated by ethnic Albanian representatives from both the PDP of the governing

coalition, and the DPA. The PDP complained, inter alia, at the absence of any prior warning for its ministers of the police operation, the inadequacy of information in the Interior Ministry report to Parliament, and at the congratulating of the police by the Prime Minister after the disturbances which had led to the deaths of Albanians. Both the PDP and DPA demanded the resignation of the Interior Minister, Dr Tomisiav Chokrevski.

The four day debate was finally concluded with the adoption of a resolution proposed by the president of the Assembly, Tito Petkovski, setting up a Commission of Parliament to investigate the possible excessive use of force and abuse of authority by the police within 30 days. The members of the Investigative Commission were to be chosen by the relevant Parliamentary Commission and approved by Parliament in its next session, beginning in mid September. The selections have yet to take place. The governing SDSM and Socialist Party voted in favour of the proposal together with the Liberal Democratic Party, whilst the PDP and DPA voted against.

The Commission of Parliament is quite separate from the Government Commission announced in late July to review the events of Gostivar and police actions, about which there has been no further public statement or indication of its work.

An interpellation in Parliament on the Interior Minister, brought by the DPA, was defeated when put to the vote. A number of attempts to debate a proposal to suspend the leader of the DPA from Parliament, Arben Xhaferi, who has absented himself from Parliament for more than two years, have failed for want of the necessary two thirds' quorum.

The debate on Gostivar and its outcome, together with the trial of Mr Osmani, have continued to underline the difficulties faced by the PDP and the tensions in their relationship in the governing coalition. In the absence of progress in inter ethnic relations there is an obvious risk of greater radicalisation of politics in general in the country as moderate voices find it increasingly difficult to assert themselves, and the otherwise silent majority finds common cause with the radicals.