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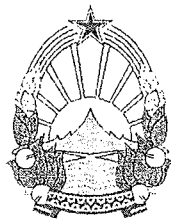
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VIEWS OF THE OMBUDSMAN OF THE REPUBLIC OF MACEDONIA WITH REGARD TO THE CURRENT SITUATION IN THE REPUBLIC OF MACEDONIA

(Short report for the members of the European
Ombudsman Institute on motion of the EOI)



REPUBLIC OF MACEDONIA
OMBUDSMAN

VIEWS OF THE OMBUDSMAN OF THE REPUBLIC OF
MACEDONIA WITH REGARD TO THE CURRENT SITUATION
IN THE REPUBLIC OF MACEDONIA

(Drawn up: Branko Naumovski – Ombudsman of the Republic of Macedonia)

Skopje, May 2001

After the break-up of the former Yugoslav Federation in 1991, on the referendum held on September 8, 1991, the Republic of Macedonia was proclaimed independent, sovereign, and autonomous state through a plebiscite. The Constitution enacted on November 17, 1991 promoted the Republic of Macedonia into a sovereign, independent, civil, democratic, and social state with a political system of parliamentary democracy. The Constitution sets out the basic principles of democracy and determines civil rights and freedoms.

The basic principles of the foreign policy of the Republic of Macedonia are: peaceful policy and resolving of disputes in a peaceful way and through a dialogue, non-interference in the domestic affairs of other countries, as well as respect for their sovereignty, territorial integrity, and independence. The Republic of Macedonia is a member of all major international organizations, and is in the process of (signed agreements) associating with the European Union.

In the Republic of Macedonia live about two million people. The most populous is the Macedonian nation, 67 %; however, there are also 26 other nationalities, ethnic groups, and a negligible number of ethnically uncommitted citizens. According to the consensus from 1994, in the Republic of Macedonia the Albanians represent about 23 % of the total population; the Turks - 4%; the Serbs - 2%, Romanies - 2%, and in smaller numbers are represented Vlachs, Bosniaks, Muslims, etc.

Since its gaining independence to date, the Republic of Macedonia, as the only one of the former six Republics of the former Federal Republic of Yugoslavia that seceded peacefully, continued to build up the concept of civil equality and permanent co-existence of all the nationalities living here. This very feature helped distinguish Macedonia as "the oasis of peace in the Balkans". The Macedonians, as a dominant nation, are inherently peace loving and always solicitous to help and reach out to everyone in need, which, I believe, was observed by most international organizations and associations out of the Republic. On this occasion, I would briefly like to remind of the friendly hand extended to the refugees from the Yugoslav province of Kosovo during the so called "refugee crisis", when the citizens of the Republic of Macedonia in their small land sheltered and made provisions for over 300.000 refugees.

In the Republic of Macedonia is cultivated the spirit of tolerance among its nationalities. This spirit of tolerance and coexistence has a long tradition primarily rooted in the experience of the people in Macedonia. Consolidated by the foundations of the constitutional order, the spirit strengthened the belief of the citizens that without a democracy there could be no progress. Within the institutions of the system, all the public issues are discussed openly and in a trusting manner and with a full observance of the requisite procedures. From the outset, the political decision of the Macedonian leadership was to resolve the inter-ethnic problems with the involvement of the international monitoring. It entailed two positive results: the verification of the constitutional and legal solutions of this issue and the standardization of the demands of the nationalities in keeping with the European standards for minority rights.

Notwithstanding this positive stance and orientation, by the end of February and beginning of March 2001, the Republic of Macedonia faced assaults and occupation of a part of its territory on the northern border with the Federal Republic of Yugoslavia. Namely, the assaults and occupation were carried out by armed Albanian terrorist and

extremist groups from Kosovo, backed up by a small number of extremists of the Albanian ethnic background in the country; they occupied the village of Tanusevci first, and then Brest and Malino Maala. The security forces of the Republic of Macedonia successfully eliminated these groups and restored the control over the occupied territory; however, not without several death casualties and wounded persons.

The irrational assaults of these militant terrorist groups were condemned by all the individuals, institutions, associations, and organizations both in and out of the Republic. In spite of the condemnations, however, after a while, armed terrorist and extremist groups of Albanians crossed the border again and, aided by extremist Albanians in the Republic of Macedonia, from the positions taken up on Sar Planina shelled the town of Tetovo and its neighboring villages. Through a joint campaign of the Macedonian police and army forces, they succeeded in crushing down the resistance and driving the terrorist groups out, back to Kosovo, thereby regaining the full control over the territory of the Republic of Macedonia.

After these grim events, on April 30, 2001, another heinous terrorist act occurred; it was carried out by an armed group of extremists who, in the vicinity of the village of Vejce, municipality Tetovo, cowardly ambushed a convoy of three vehicles of the security forces of the Republic of Macedonia, killing most monstrously and brutally eight members of the security forces and afterwards mutilating the dead bodies with fire-arms and cold steel. In the same assault of the terrorist groups six soldiers were severely wounded and injured.

Provoked and revolted by said event, in several cities in the Republic, groups of Macedonian citizens ravaged and demolished a large number of shops and cafes they thought were owned by the members of the Albanian nationality, which, of course, the majority of citizens, organs, and organizations condemned and deemed that settling matters in such a manner only furthers the cause of the terrorist groups, that is, their intention to create mayhem and havoc in the country, thus instigating a civil war.

After the gruesome events, we can say that, unfortunately, the security in the Republic of Macedonia is a cause of great concern because it has been destabilized and arouses in citizens feelings of fear and anxiety.

As the Ombudsman of the Republic of Macedonia, established with the Constitution of the Republic of Macedonia and the Law on Ombudsman of 1997, with the remit to protect the constitutional and legal rights of citizens, I am trying hard to ascertain the reasons for these uncivilized, terrorist, mean, brutal, and callous actions committed by the terrorist groups; however, in the light of the function I have been exercising in the protection of the constitutional and legal freedoms and rights, that is, starting from the issue whether they have been provided security, respect, or whether their rights have been infringed upon to the extent that would justify their resorting to violence, I can not detect any.

Namely, first of all, I do not agree that in today's conditions, human rights and liberties can be exercised by use of violent, brutal, and uncivilized methods and means, for which I, as the Ombudsman of the Republic of Macedonia, publicly condemned the committers of such actions before the domestic public. Secondly, the Constitution of the Republic of Macedonia does not discriminate men and citizens in the exercising of their freedoms and rights. The citizens of the Republic of Macedonia are equal in their freedoms and rights regardless of sex, race, color of skin, national and social

background, and political or religious conviction, financial or social status. The citizens are equal before the Constitution and the laws of the Republic of Macedonia. This means that by virtue of its Constitution, the Republic of Macedonia implements a civil concept of a legal state that does not discriminate its citizens on any ground. Thirdly, in the three year long existence and operating of the Ombudsman's Office, there have not been registered petitions in which the citizens allege problems and grievances with regard to the exercising of any right brought about by their national or ethnic background. There have been registered only two petitions of the kind. A Romany filed one, and upon our intervention, the event was most severely condemned; the second referred to the demand of some members of the Turkish nationality that their children attend school in their native language, which, again, was adequately resolved. Fourthly, the intention to create a situation and leave the impression that the Albanians allegedly do not enjoy the same rights in the Republic of Macedonia is completely groundless because in spite of the secured constitutional and legal equality in the Republic of Macedonia, the Government, in which participates the largest Albanian party in the Republic of Macedonia –the National Democratic Party of the Albanians (NDPA)- with a Vice President in the Government being Albanian, as well as four ministers (Justice, Economy, Labor and Local Self-Government) and several deputy ministers, took up the obligation before the international and domestic public that there where the rights of the minorities were not observed or were jeopardized, they would be resolved at a negotiating table and through a dialogue, considering the facts and reviewing the problems, and then resolved correspondingly within the institutions of the system.

Unfortunately, although at the moment a political dialogue is in the process, the Republic of Macedonia is still facing terrorist attacks; for example, on May 3, 2001, close to the villages of Vaksince and Slupcane, in the municipality Kumanovo. Again a patrol of the security forces of the Republic of Macedonia was attacked, when two members of the forces were killed, two civilians and one soldier captured, and about two hundred villagers held as hostages and are being used as a human shield.

Not being capable to find a justified motive for these terrorist actions, I will state the opinion shared by the majority of the citizens of the Republic of Macedonia I have had a contact with, as well as the information that I have obtained through mass media. Within the framework of all that can be drawn a conclusion about the right motives and reasons for these terrorist and extremist activities of certain militant groups.

The international community is well acquainted with the situation in the Province of Kosovo of the Federal Republic of Yugoslavia, that is, the striving of the Kosovar Albanians to create an independent Kosovo and induce the international security forces to intervene and set up a civil administration (UNMIK). Aiming to annex the western part of the Republic of Macedonia to the Kosovo territory, and ultimately create an ethnically clean Albanian state with the assistance of the so called OVK – Kosovo Liberation Army- was formed a special terrorist-extremist organization ONA – National Liberation Army for Macedonia, that under the fabricated pretext that the Albanians in Macedonia are oppressed, that they do not enjoy the fundamental rights, and that they are maltreated, calls to arms for a conflict that will have as its ultimate goal the protection of the rights of the Albanians, that is making of provisions that the Albanians become a constitutional nation together with the Macedonians; also, they want the Albanian language to be equal to the Macedonian, and that there is proportional representation of the Albanians in the institutions of the system. However, behind all these rhetoric is concealed the main goal of this terrorist-extremist group, and that is to

generate ethnic intolerance and conflicts among the Albanian and Macedonian population, followed by a civil war, and culminating in the realization of the goal – the creation of the ethnically Big Albania. However, in my view and in the opinion of many people, Albanians among them as well, the Albanians in the Republic of Macedonia are not maltreated, they enjoy equal rights, that is, they do not share the stance of the terrorist groups and condemn their violent actions.

Hence, as the institution that protects the rights of citizens regardless of their color, race, religious and political allegiance, I will repeat that really, no matter how hard I try, I can not detect any motives, reasons, or justification for the misdeeds done in the name of non-provisions and non respect for the freedoms and rights of citizens of the Albanian nationality. My evaluation is that the constitutional and legal rights of all the citizens in the Republic of Macedonia, although exercised with difficulty and with some violations, occur indiscriminately to all the citizens, and I do not see any difference in that regard, neither do I think that it is done purposefully to the disadvantage of a certain nationality, which can be best inferred from the Ombudsman's Annual Report 2000.

Analyzing and evaluating the critical situation emerged in the Republic of Macedonia from the aspect of the institution Ombudsman, once again I state with regret and concern that the intermittent terrorist assaults of the extremist terrorist Albanian groups, that are rapidly spreading throughout the Republic, are violating the basic right to peaceful and safe life of all the citizens of the Republic of Macedonia, which I most severely condemn.

Not only do the terrorist assaults endanger the sovereignty and the territorial integrity of the Republic of Macedonia, but they also bring about a massive migration of the local residents that populate the conflicting areas, which represents another violation of human rights. At the moment, in the Republic of Macedonia there are refugees that abandoned their homes and found a shelter in the safer regions within the Republic or abroad, in an organized manner or visiting their friends and relatives. On the other hand, the security forces of the Republic of Macedonia, acting to defend the sovereignty and territorial integrity undertake corresponding measures for the detection, location, and persecution of the members of these terrorist-extremist groups, which inevitably thwarts the tranquil and safe life of the citizens in these regions, since in their homes are conducted searches and arrests of people suspected of involvement with the terrorist groups or able to extend some information about them.

Respectable colleagues,

It is unimaginably hard for a democratic institution such as Ombudsman to successfully operate in such conditions, especially bearing in mind that the Ombudsman can not decide upon matters, that is, make meritorious decisions; he is, as you yourself know, a mediator that intervenes, suggests, recommends; that can have success in the protection of the rights of citizens only when there are democratic relations and the legal state functions, and not a conflicting situation and fear, restlessness and concern of citizens, as well as the impediments in the functioning of the institutions of the system in the execution of its regular tasks. Notwithstanding this fact, I still think that even in a situation like this, the role of the Ombudsman is not to be undermined. Together with my personnel, we are trying both to assist and to make our contribution so that the refugees are treated in keeping with the international regulations and the domestic legislation, and that they are rendered adequate protection, at the same time not neglecting our regular duty to protect the rights of citizens violated in regular

proceedings, and, finally, as much as it is possible, act in the direction of the creation of peace, functioning of the legal state, and resolution of problems through the institutions of the system.

As a man and holder of the office Ombudsman acting on the territory of the Republic of Macedonia, where together with the Macedonian nation live 26 other nationalities and ethnic groups and a minimal number of ethnically uncommitted citizens, I am of the opinion that Ombudsman can play an efficient role as a mediator between, tentatively phrased, two sides - the government and any ethnicity - that is, in this direction should be timely intervened so that potential violations of the rights of citizens can be prevented because then they can not cause violations in the opposite direction (vindication). There should constantly be communicated with the institutions of the system for the establishment, respect, and implementation of the rule of law as the fundamental system of the government and authorities in general; furthermore, there should constantly be emphasized human rights, civil freedoms and national equality; also, there should be acted in the direction of the making provisions for peace and co-existence of the Macedonian nation with the nationalities that live in the Republic, and if possible in a situation like this, to affect the provision and protection of all the other social-economic and other rights.

Respectable colleagues,

Acting as the Ombudsman of the Republic of Macedonia in this trying critical situation, I want to reiterate publicly my condemnation of these terrorist-extremist events not only in my country but everywhere in the world where such groups are active, as well as all those individuals and groups of people that think that human rights and liberties can be exercised in a violent way, with weapons, and other methods of force. Human rights can be secured, promoted, and protected only in democratic conditions and by democratic means, in the conditions of the rule of law and functioning of the institutions of the system and the legal state.

To that aim, as the Ombudsman of the Republic of Macedonia I am appealing to all the international institutions and political factors to put forth endeavors to contribute to a peaceful resolution of the situation the Republic of Macedonia is in, and to refrain from undertaking any activities that instigate national or religious hatred, intolerance, and conflict.

Finally, it is my hope that you will agree with my condemnation and the activities that I am undertaking for the protection of the rights of all the citizens in the Republic of Macedonia, and to that aim I am calling upon you to condemn such events and together we can set out into the battle against any terrorism, extremism, weapons and other violent methods that are resorted as a means for the exercising of human rights.