

Macedonia

By the end of 2004, almost all provisions of the August 2001 Framework Peace Agreement (known as the Ohrid Agreement), which ended the 2001 armed conflict between ethnic Albanian insurgents and Macedonian government forces, had been implemented. Certain provisions of the agreement, however, remained controversial and served to exacerbate tensions among Macedonia's ethnic minorities. In general, discrimination against national minorities, including in particular ethnic Albanians and Roma, and police violence continue to be problems in the country.

Implementation of the Ohrid Agreement and Its Implications for Minority Rights

Although ethnic tensions between the Macedonian majority and Albanian minority reached a climax during the 2001 armed conflict, relations remained tense throughout 2004, especially as the redistricting plans called for by the Ohrid Agreement were under consideration. In addition, other unresolved concerns—such as the ongoing situation of displaced persons from the conflict and the absence of a successful disarmament program—continue to plague inter-ethnic relations.

On August 11, 2004, the parliament passed a Territorial Organization Act, the last of a package of legislative initiatives required by the Ohrid Agreement. By increasing the powers of administrative districts and decreasing their number from 123 to seventy-six in 2008, the act decentralizes the country by giving more powers to local government and increases the representation of ethnic Albanians in local government. According to the last census held in 2002, ethnic Albanians make up 25 percent of the population in Macedonia. New administrative districts will be created by joining Albanian rural areas with majority Macedonian districts, thereby increasing the number of districts in which the ethnic Albanian population will comprise more than 20 percent of the population (in Kičevo and Struga to more than 50 percent). As a result, Albanian language will become a second official language in these districts (as stipulated in the Ohrid Agreement), and members of the Albanian minority will be able to elect a larger number of local government representatives.

The introduction of the Territorial Organization Act by the government in August 2004 exacerbated the already existing tensions between the majority Macedonian and minority Albanian populations. Some ethnic Macedonian groups feared that the plan would lead to a division of the country along ethnic lines and ultimately make it easier for ethnic Albanians to secede and unify with neighboring Kosovo. Many Macedonians organized demonstrations against the Act, some of which became violent. For example, the media reported that forty protestors and police officers were injured during anti-redistricting riots in the town of Struga on July 22, 2004. Ultimately, charges were filed against more than fifty people in connection with the disturbances. Contributing further to inter-ethnic tensions, a referendum was called

by the World Macedonian Congress to overturn the redistricting plan. However, the referendum, which took place on November 7, 2004, failed due to low voter turn out.

Three years after the end of the armed conflict, the government has still not succeeded in fully disarming the ethnic Albanian population, contributing to a worsening of the security situation in areas populated predominantly by Albanians.

There are still 1,900 persons who remain internally displaced as a result of the 2001 conflict. The Macedonian Helsinki Committee reported that security is no longer the primary obstacle to return. Instead, the main obstacle appears to be the poor economic situation of the internally displaced, who need financial assistance in order to replace basic household items and farming supplies that were destroyed during the conflict.

Despite the ethnic tensions discussed above, implementation of the Ohrid Agreement has contributed to some positive developments regarding minorities. According to the Macedonian Helsinki Committee for Human Rights, during the three years since the Ohrid Agreement was signed, there has been an 80 percent increase in the employment of minorities. As a result, for example, Albanians have obtained a level of representation in the state administration that is closer to their share of the overall population. In addition, after years of controversy regarding the Albanian-language Tetovo University, it received legal recognition in February 2004. Furthermore, pursuant to the Ohrid Agreement, a constitutional amendment was adopted that requires a “double majority” for laws related to ethnic minorities: the majority of all parliamentary deputies and the majority of all deputies representing ethnic minorities must support such a law in order for it to be adopted.

Police Abuse

Police abuse and violations of defendants' procedural rights continued to be a serious problem during 2004. From January to September 2004, the Macedonian Helsinki Committee reported at least nineteen cases of people who were interrogated by the police without being informed of their rights or the reason for the interrogation. What is more, in the course of their detention and/or interrogation, individuals often reported being ill-treated. Local nongovernmental organizations also reported widespread impunity for police abuses, with the judiciary often responding ineffectively and slowly to complaints of ill-treatment.

The Macedonia government has committed its police and military forces to support the global campaign against terrorism. However, in one bizarre and troubling case, the former Macedonian interior minister, Ljube Boskovski, is currently under investigation along with several others for smuggling an Indian and six Pakistani refugees into the country and then killing them in 2002. Boskovski and the other suspects are also accused of having altered the scene of the crime in an attempt to make it appear as if the seven men were armed Islamic militants who had planned an attack on Western embassies, the aim of which

was to show Macedonia's contribution to the global war on terrorism. Boskovski was arrested in August 2004 and is currently under investigation in Croatia.

Roma Rights

Roma continue to be the most disadvantaged and marginalized minority in Macedonia and are often victims of police abuse and other discrimination. To date, the Macedonian government has failed to adopt affirmative policies that would improve the situation of Roma and generally tends to neglect the concerns of the Roma population.

Although police brutality is not limited to ethnic minorities in Macedonia, reports by human rights groups suggest that Roma are particularly vulnerable to police abuse. For the most part, Roma have been unsuccessful in obtaining redress for police brutality.

Key International Actors

The worst cases of human rights violations committed during the 2001 armed conflict between the Albanian National Liberation Army and Macedonian security forces are being investigated by the Skopje-based bureau of the International Criminal Tribunal for the former Yugoslavia. However, to date no indictments on Macedonia have been issued.

The E.U. and the North Atlantic Treaty Organization (NATO) are among the most active and influential international actors with regard to Macedonia's human rights policies. Macedonia applied for E.U. membership on March 22, 2004. Throughout the year, the E.U. and NATO exerted pressure on Macedonia to pass the Territorial Organization Act discussed above in order to complete the implementation of the Ohrid Agreement, which the E.U. has set as a condition for beginning accession negotiations.

NATO monitored the security situation in Macedonia throughout 2004 and concluded that there had been significant progress towards stability in the country. Specifically, NATO pointed not only to Macedonia's success in showing that ethnic communities can live peacefully together, but also to improvement in equitable representation of ethnic minorities. NATO has stressed that respect for international human rights standards as required by the Ohrid Agreement, as well as reforms of Macedonia's defense structures, are preconditions for it to gain membership in the NATO alliance.

The activities of the Organization for Security and Cooperation in Europe (OSCE) in Macedonia focus primarily on police training and election monitoring. The OSCE monitored the presidential elections on April 28, 2004, and concluded that they were largely in compliance with international standards. However, although the OSCE did raise concern about several electoral irregularities, the Macedonian authorities failed to condemn these irregularities publicly or take steps to investigate or remedy them. The OSCE also carried out several studies on Macedonian local government and encouraged the decentralization of the state.

In the months leading up to the referendum to overturn the Territorial Organization Act, the U.S. said that a “yes” vote would be contrary to the “word and spirit” of the Ohrid Agreement. The U.S. urged Macedonia to complete the implementation of the agreement to increase its chances for membership in the Euro-Atlantic structures.

Eager to maintain good relations with the United States, Macedonia signed a Bilateral Immunity Agreement with the U.S. government, which protects U.S. troops and the troops of its allies from extradition to the International Criminal Court (ICC). With this move, Macedonia joined the U.S. and a number of other countries in their efforts to undermine the authority of the ICC and its mandate to prosecute war crimes, crimes against humanity, and genocide.