

European Roma Rights Center

A Pleasant Fiction

*The Human Rights Situation
of Roma in Macedonia*

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“Roma cannot get a fair trial in Macedonia. If the punishment is five years, they will give you ten. If a Rom speaks in front of a judge, the judge won't believe him. You can get a lawyer if you have the money, but the lawyers won't believe you either. I would trust a Romani lawyer, but if there were Romani lawyers, the judges wouldn't believe them.”

20-year-old Dan Akivovski,
Živkova Karpa neighbourhood, Kumanovo,
August 1997

1. INTRODUCTION

The Republic of Macedonia¹ currently enjoys the reputation of being exceptional in its treatment of Roma in comparison with other central and eastern European states. Macedonia is considered by researchers in the West as a place where Roma do not suffer the same overt racism and racist violence as elsewhere in Eastern Europe. Skopje has a visible Romani presence and many of the traditional Romani crafts, such as smithing, are still practised professionally. The Romani language can be heard openly on the street in Skopje; it has not been driven into secret use as it has in many places in Central Europe. Roma are, additionally, mentioned in the preamble of the Constitution as enjoying “full equality” and “permanent coexistence” with “the Macedonian people” along with Albanians, Turks, Vlachs and “other nationalities”. Roma are also explicitly mentioned in Article 78 of the Constitution, which establishes a

¹ In some international bodies, Macedonia is officially recognised as the “Former Yugoslav Republic of Macedonia”. For the purpose of simplicity in this report, the country is referred to as “Macedonia”.

“Council for Inter-Ethnic Relations”.² There are Romani police officers, Romani representatives of Romani parties in parliament, several Romani-language radio stations and two private Romani television stations. Finally, the almost completely Roma municipality of Šuto Orizari, popularly known as “Šutka”³, stands for many Roma as the fulfilled dream of autonomy, a glimpse of the future.

The view that Roma enjoy relatively better treatment in Macedonia than elsewhere in the Balkans or in Central and Eastern Europe was endorsed by a 1996 publication by the New York-based human rights organisation *Human Rights Watch/Helsinki*:

Comparatively speaking, the Roma community in Macedonia is better off than in other countries of the region. There are a number of Roma political, social and cultural organisations functioning in Macedonia, and a Roma party is represented in parliament. Roma are recognised in the constitution as a nationality, and relations with the ethnic Macedonian population are generally good.⁴

Human Rights Watch also reported that, “Unlike other countries in the Balkans, Roma do not complain of systematic abuse by the police.”⁵

Three years earlier, Hugh Poulton of the London-based *Minority Rights Group* had drawn similar conclusions about the situation of Roma in Macedonia:

² Article 78 states: “(1) The Assembly [the parliamentary body in Macedonia] establishes a Council for Inter-Ethnic Relations. (2) The Council consists of the President of the Assembly and two members each from the ranks of the Macedonians, Albanians, Turks, Vlachs and Romanians, as well as two members from the ranks of other nationalities in Macedonia. (3) The President of the Assembly is President of the Council. (4) The Assembly elects the members of the Council. (5) The Council considers issues of inter-ethnic relations in the Republic and makes appraisals and proposals for their solution. (6) The assembly is obliged to take into consideration the appraisals and proposals of the Council and to make decisions regarding them.”, Constitution of the Republic of Macedonia, Skopje, November 17, 1991. Official translation in Council of Europe: *The Rebirth of Democracy: Twelve Constitutions of Central and Eastern Europe*, Strasbourg: Council of Europe Press, 1995, p.357.

³ Estimates put the number of Roma in Šutka at over 20,000 people.

⁴ Human Rights Watch/Helsinki, *A Threat to Stability: Human Rights Violations in Macedonia*, New York: Human Rights Watch, June 1996, p.56.

⁵ *Ibid.*, p.58.

Insofar as group rights and societal status are concerned, the Roma of Macedonia appear to enjoy a far more advantageous situation than do their counterparts in Greece, Bulgaria or Romania. They are better organised and more cohesive politically. And the government of President Kiro Gligorov appears genuinely sympathetic to their condition. Moreover, in Macedonia there is less evidence of the overt racism toward Roma that is so apparent in both Bulgaria and Romania. There has been a marked lack of incidents and attacks on the Roma by the local population, in contrast to the situation in many other Eastern European countries.⁶

In accord with its mission to monitor the human rights situation of Roma in Europe, the *European Roma Rights Center (ERRC)* began research into the human rights situation of Roma in Macedonia in 1996. In August 1997, the *ERRC* conducted a field mission to Macedonia to investigate allegations of police and other abuses of Roma rights. Much reporting on Roma in Macedonia has, to date, tended to focus on Skopje, and especially on the Romani quarter of Šuto Orizari. The *ERRC* therefore conducted research also in Romani communities outside the capital, in the interest of providing a fuller picture of the situation of Roma in Macedonia. Skopje was not neglected, however, and human rights abuse was documented there.

The *ERRC* sought to establish the facts in instances of alleged human rights abuse by collecting evidence to support allegations. The competent authorities were asked for comments regarding the validity of victims’ claims, as well as to ascertain whether or not allegations had been investigated fully, and those responsible prosecuted and punished.

Many authorities in Macedonia were unwilling to go on record concerning human rights abuse. Police officers deferred to police chiefs. Police chiefs throughout the country referred to (but did not show) an internal Ministry of the Interior document stating that they could only provide information to individuals who had previously acquired permission from the Ministry. The *ERRC* therefore sought to acquire permission from the Ministry and was told that the Ministry would not grant such permission, but that all information requested would be provided directly through the Ministry. The *ERRC* then met with the Assistant to the Minister of the Interior, Dr Zoran Veruševski, in order to present its concerns. Dr Veruševski, however, refused to accept inquiries into specific cases in person, but instructed the *ERRC* to put such

⁶ Poulton, Hugh, “The Roma in Macedonia: A Balkan Success Story?”, RFE/RL Research Report, Vol. 2, No. 19, May 7, 1993, p.42.

requests for information in writing and send them to him, whereupon he would contact local authorities and inform the *ERRC* of the results of his investigation. The *ERRC* submitted queries regarding a number of cases by fax and post on August 28, 1997. To date, we have received no response from the Ministry.

Some representatives of both police and municipalities only agreed to speak with the *ERRC* on condition of anonymity. Aside from Dr Veruševski, the only official who would speak with the *ERRC* in an official capacity was Mr Zoran Todorov, spokesperson for the Ministry of Foreign Affairs. He graciously provided the *ERRC* with abundant general information on the situation of Roma in Macedonia, but was unable to comment on specific instances of abuse. A similar query to the Ministry of Justice, sent by the *ERRC* on September 4, 1997, according to instructions provided by them, has also remained unanswered.

The New York-based human rights organisation *Human Rights Watch* has recently come under criticism by the Macedonian government for failing to involve the government in its research. According to the MIC wire service on April 13, commenting on a recent *Human Rights Watch* publication concerning police brutality in Macedonia, government spokesperson Zoran Ivanov stated:

The standpoints of *Human Rights Watch* are irrelevant. As much as I am informed, the methodology for research has to reach all the relevant sources. The Government was not consulted and this organization needs additional education which will be helpful for the research.

Given that authorities in Macedonia maintain the posture that all information which the public needs to know is provided by press offices endowed only with imprecise and general information not at all pertaining to specific instances of human rights abuse, such criticism is clearly inadequate. The *ERRC* expects that since Macedonian authorities proved generally aloof, uncooperative and obscurantist during *ERRC* research, the Macedonian government will use the opportunity of the publication of this report to formulate a more substantive and meaningful response to the allegations contained herein, as well as to reports by other human rights organisations.

On the basis of field research conducted in Macedonia, and in marked contrast to the conclusions of the reports quoted above, *ERRC* researchers could not avoid the conclusion that the serious human rights issues that have given rise to such concern elsewhere in the region, such as rampant police abuse and racially-motivated violence, exist in Macedonia. Further, the prevailing view that Macedonia is somehow “exceptional” with respect to Roma has contributed to a consistently inadequate state

response to human rights violations of Roma. Macedonian authorities are among the most enthusiastic supporters of the idea that “Roma have complete civil rights in Macedonia”, and have been lax in responding to the many acts which contradict this pleasant fiction. Indeed, recent sociological surveys indicate that Macedonia has a very high level of aversion toward Roma.⁷

This report is structured as follows: following discussion of large-scale deportations of Roma from western Europe, specifically Germany, which have taken place throughout the 1990s, the report discusses the effects on Roma of the 1992 Act on Citizenship, and the existence of high numbers of stateless persons among Roma in Macedonia. The following chapter discusses ethnic tensions and racially motivated violence against Roma. In chapter five, police and judicial abuses of Roma rights, especially police violence, court failure to remedy police violence, and a denial by Macedonian authorities of the existence of anti-Romani hate crime are discussed. Chapter six addresses the issue of forced homelessness and abuses by municipal authorities, including instances of discrimination in the allocation of social welfare payments and chapters seven and eight discuss political abuse and education respectively. Finally, service bans in restaurants, bars, clubs and discos are presented. The report concludes with *ERRC* recommendations to the Macedonian government.

This is not a comparative report. Although reference is made to the situation of other minorities in Macedonia and the situation of Roma in other countries, no systematic comparison has been undertaken with respect to either. No statement in the report should be taken as implying a comparative approach, or a systematic evaluation of, for example, levels of police brutality with respect to other minorities or, indeed, ethnic Macedonians. The sole intention of this report is to shed light on the human rights situation of Roma in Macedonia.

⁷ See Kanev, Krassimir, “Dynamics of Inter-Ethnic Tensions in Bulgaria and the Balkans”, *Balkan Forum*, Vol. 4, No. 2 (15), June 1996, pp.242-243. 59% of ethnic Macedonians report “aversion” toward Roma and 65% of ethnic Albanians in Macedonia report such sentiments. By comparison, 84% of Romanians report aversion toward Roma; 73% of Albanians; 55% of Greeks; and 51% of Bulgarians. See Appendix for the complete results of the survey.

2. GERMANY I

This story begins in the western German industrial city of Düsseldorf. There, in early February 1990, approximately 1400 Yugoslav Roma whose asylum applications had been denied and who faced the prospect of summary dismissal from Germany due to the absence of other legal roads towards integration there, arrived at the offices of the North Rhine-Westphalia state government after one month of walking, and demanded the right of stay (*Bleiberecht*). The month-long march, which set out from Cologne on January 6, was the culmination of two years of political activity which had begun when the *Roma and Cinti Union* of Hamburg took up the cause of a Yugoslav Roma family named Adžović who were threatened with deportation. In the months following the march, as North Rhine-Westphalia and other states in Germany conducted a wave of Roma-specific deportations, Roma held a range of highly publicised protests. The march and the burst of political activity is among the rare instances to date of Roma taking to the streets to claim their human rights in an initiative reminiscent of the civil rights movement in the United States.⁸

The movement met with both hostility and support. As it developed steam, it provoked a debate at the state government level in North Rhine-Westphalia, where the ruling Social Democratic Party split over the issue: Interior Minister Schnoor took up the cause of demanding the right of stay for the Yugoslav Roma, while Minister for Social Affairs Heinemann opposed concessions. Heinemann prevailed— the Roma would have to leave. Meanwhile, the Catholic charity group *Caritas* in the Essen bishopric began calling for a “new politics of refugees” which would treat not refugees themselves, but the causes of flight, by providing social aid in countries of origin. Following the lead of the Essen *Caritas*, North Rhine-Westphalian Minister-President Johannes Rau proposed a compromise. He offered a “reintegration program” including houses and workplaces, in the massive Romani neighbourhood of Šuto Orizari or “Šutka” in Skopje, to any of the refused asylum seekers who would go quietly.⁹

⁸ On the two year movement leading up to the march, see *Bleiberecht: November 1988-November 1990*, Hamburg: Roma and Cinti Union, 1990; Krausnik, Michail, “Der Kampfe der Sinti und Roma um Bürgerrechte” in Giere, Jacqueline, ed., *Die gesellschaftliche Konstruktion des Zigeuners: Zur Genese eines Vorurteils*, Frankfurt: Campus Verlag, 1996, pp.147-159; Schmid, Thomas, “Wie man die Zigeuner los wird”, *Wochenpost*, August 15, 1996, pp.13-14.

⁹ German states are free to pursue development policies abroad independent of the federal government. A history of the *Caritas* program, as well as a collection of press reports on the prehistory and history of the program is presented in Grätz, Christof, Rudi Löffelend, and Martin Stockmann, *Aus dem Teufelskreis Herauskommen: Fortschreibung der Dokumentation über das Reintegrationsprogramm für Roma in Skopje/Makedonien*, Essen: Caritas im Ruhrbistum, 1996.

The offer created the division that ultimately destroyed the movement. While all of the Roma in question awaited deportation, members of the *Roma and Cinti Union* and the Evangelical Church continued to demand the right of stay. When, in September 1990, approximately 600 of the Roma took up the offer to return “voluntarily” in exchange for houses and jobs subsidised by the government of North Rhine-Westphalia, the movement collapsed.

Since then, thousands of Yugoslav Roma have been dislodged from German society and forced to go to the former Yugoslavia. 1998 is the tenth anniversary of a huge, steady, institutionalised project aimed at prying Roma out of western Europe's largest society. This project is now so normalised that it receives little press coverage, although almost all of the points at which it occurs (asylum seekers' hostels, airports, border crossings, etc.) are perfectly observable.

A large part of the Roma forcibly removed from Germany have been returned to Macedonia, and recognition of the inordinate numbers of Romani returnees resulted in the country's becoming the subject of Western Europe's largest Roma-specific development project in Eastern Europe to date. Macedonia was the poorest republic of the former Yugoslavia, and throughout its history Roma and non-Roma migrated from there to the north and west in search of work. Often, this migration was within Yugoslavia— to Belgrade or to the relatively wealthier northern and western regions such as Slovenia and Croatia. Unlike the rest of the eastern bloc however, Yugoslavia's borders were open to the West, and it was possible for the more enterprising to go abroad in search of work.

Western Europe, in the economic boom years of the 1960s and 70s, offered Yugoslavs and Turks jobs as low-paid unskilled labourers or seasonal labourers. Germany, which experienced the so-called “economic miracle” of growth and prosperity in the 1960s, was a particularly attractive goal for families from southeastern Europe. Jobs for unskilled manual labourers were precisely the jobs which Roma most frequently took in Yugoslavia. A Rom from Macedonia inclined to leave home in search of opportunities could go abroad and receive low wages by European standards, but high wages by Yugoslav standards. Many Roma were suddenly and perhaps for the first time able to move into the Yugoslav middle class, or at least able to send enough money home for their families to do so.

Macedonian Roma who went West for economic reasons soon began to establish themselves in Western Europe. Romani children went to Western European schools and grew up with Western European languages. People settled in one place for fifteen or twenty years are no longer “guest workers”, as the German public called them, but

people with ties to a community. Post-World War II Western European legal provisions pertaining to foreigners, many of which have been repeatedly amended in recent years, were drafted in such a way as to deny this fact. In many Western European countries, acquiring citizenship remains in principle contingent upon ethnic belonging and even where possibilities exist for integration, bureaucracies are often obstructive and hostile.¹⁰ Macedonian Roma residing in Germany were therefore not steadily accruing legal rights. Instead, while ethnic Germans from eastern parts of Russia received citizenship upon arrival in Germany, Macedonian Roma were forced to make the absurd claim that they were political refugees under the Geneva Convention in order to stay in the country. At the same time, a form of verbal convention appeared among German politicians in the late 1980s: every several months, public officials at all levels up to and including the chancellor would remind the public that “Germany is not a land of immigration” and that “The boat is full”. Germany was seen to be in danger of sinking if citizenship was afforded to foreigners, especially dark-skinned ones.

Thus most Roma from Macedonia entered the asylum procedure and used it as an *ersatz* to an absent integrative and empowering system of rights acquisition. And there they were caught. By the mid-1980s, many Germans believed that German asylum policy was too liberal, and that it was, as public opinion had it, “inviting people to take advantage of German generosity”. The fact that a huge number of those in the asylum procedure were people like Macedonian Roma, to whom the procedure was inapplicable, and who had only ended up there due to deficiencies in other areas of the German legal system, only encouraged this view. Foreigners “cheating the system” and “relaxing” in asylum seekers' hostels became mythical characters of German social life.

Because German asylum provisions are embedded in the German Constitution, changing them required constitutional amendments. Responding to public pressure to change the asylum law took nearly ten years. However, in 1993, with the support of both conservative government parties and the opposition Social Democratic Party, Germany did just that and the asylum loophole closed. The Constitutional Court chose to adopt all of the amendments rather than oppose what was seen as a consensus decision by all major players of the political spectrum.

So the deportations began. German practice was not colour-blind during the dislodge-the-foreigners game, and Roma were deported because they were Roma.¹¹

¹⁰ See Çinar, Dilek; Christof Hofinger and Harald Waldrauch, *Integrationsindex; Zur rechtlichen Integration von Ausländerinnen in ausgewählten europäischen Ländern*, Vienna: Institut für höhere Studien, 1995; European Roma Rights Center, *Divide and Deport: Roma and Sinti in Austria*, September 1996.

¹¹ Less than eight years after the episode, the language used by both German politicians and the

Approximately half of the Roma with whom the *ERRC* met in Macedonia had been in Germany. Most of these had been there for periods of longer than two years and their children had been in school in Germany. Some of these children speak better German than Macedonian.

Thousands of Roma in Macedonia lived for extended periods of time in Germany and none had left Germany willingly: some had been served papers and had left prior to deportation, others had been deported. Of those deported, Roma repeatedly described the following scenario: individual families living in private flats or in hostels for asylum seekers, usually inhabited by mixed populations, were picked up by the police. They would be the only family taken from the hostel that day. The police would bring them to the airport and a social worker would possibly give them some money and/or food. They were then put on a plane allegedly containing only Roma and sent back to Macedonia. Some Roma reported that they had not been given adequate time to collect their belongings. The experience of 35-year-old Mr I.A. from Tetovo was typical. He told the *ERRC*:

I was in Germany for five years. They returned me in 1994. They don't think highly of people like us. I was registered as an asylum seeker. The whole family was there; the kids too. I was in Steinfurt, Westphalia. The kids were in school. We lived in a hostel for asylum seekers. There were Russians, Arabs, Albanians and Roma from Kosovo there too.

We were deported. They came for us during the day. They weren't in uniform. There were four of them in the flat and some more in the door and outside. They didn't even give us a chance to go to the bathroom. They took us in a police van to the Düsseldorf airport and put us on a plane. The plane was full of Roma— it was all Roma from Macedonia. They flew us back to Skopje. Nobody bothered us at the airport in Macedonia— they just set us free. I was from Macedonia, so I was unpolitical. I should have said I was a Kosovo Albanian. Then they would have let us stay.¹²

German press would likely be unthinkable today. On September 13, 1990, for example, the Westphalia daily newspaper *Westfalenpost* published an article under the headline “North Rhine-Westphalia will deport over 15,000 Gypsies” (“NRW schiebt über 15 000 Zigeuner ab”). The article went on to report that North Rhine-Westphalia Minister for Social Affairs Heinemann stated that his government would “find criteria so that the state would be burdened with no more than 1000 Roma.”

¹² *European Roma Rights Center* interview with 35-year-old I.A., August 10, 1997, Tetovo.

Some Roma, however, experienced harassment or had goods confiscated from them upon returning to Macedonia. A 20-year-old Rom named Dan Akivovski told the *ERRC*:

I was in Wuperthal in a hostel. All of the people in the hostel were Roma from Yugoslavia. First they sent me a letter that said I should leave the country within seven days. I didn't go though. Then one morning about a week later, three or four policemen came with two people from the office for foreigners. It was about 8:00 in the morning. They were not violent and they gave me plenty of time to pack. They took five or six other people from my hostel and they took us to the airport. All of the people on the plane were Roma being deported. When we got to Macedonia, the border guards told us that if we had any money or stereos, we should show them. The people who showed their things to the border guards lost them. I didn't show them anything, so I didn't lose anything. When we got out of the airport, there were buses to take us wherever we wanted to go. I said "Kumanovo" and now I'm here.¹³

Throughout Western Europe, following 1989, governments adopted legislation to exclude foreigners from outside the European Union. Many Roma in Macedonia have been in Western European countries other than Germany. However, in both numerical and experiential terms, Germany dominates the history of deportations of Roma to Macedonia.

¹³ *European Roma Rights Center* interview with 20-year-old Dan Akivovski, August 9, 1997, Kumanovo.

3. ROMA MADE STATELESS BY THE ACT ON CITIZENSHIP OF THE REPUBLIC OF MACEDONIA

Pried loose from Western Europe, thousands of Roma have not become full members of Macedonian society. Significant structural obstacles, such as the difficulty many Roma have in fulfilling the requirements necessary for Macedonian citizenship, hinder their integration as fully empowered members of society. Also, many Roma presently resident in Western Europe live in a state of extreme legal precariousness because of difficulties or an inability to acquire Macedonian citizenship.

Many Roma with whom the *ERRC* met had failed to secure Macedonian citizenship and were not citizens of any country at the time of the *ERRC* visit in August 1997. Fait Kamberovski, Chairman of the Kumanovo branch of the Democratic Party for the Total Emancipation of Roma in Macedonia, told the *ERRC*:

Around 5000 Roma live in Kumanovo and roughly 30% of these have no citizenship in any country. The situation is similar in Skopje. This problem—stateless Roma with no access to the citizenship of any of the former Yugoslav republics—is especially pronounced here in northern Macedonia—in Kumanovo, Tetovo and Skopje.¹⁴

Roma leader Saladjin Rustemi from Tetovo told the *ERRC* that between 500 and 1000 Roma in his town have no citizenship. An employee of the Ministry of Interior explained to the *ERRC* that there are many stateless Roma in the Šuto Orizari municipality in Skopje:

After the 1963 earthquake, the ghetto called Šutka was built. Also, Roma from Macedonia married Roma from Kosovo and Serbia, and many people who had previously been nomadic were settled there. Many of these people and their children have not acquired citizenship.¹⁵

The present Act on Citizenship of the Republic of Macedonia entered into effect on November 11, 1992. It replaced the Act on Citizenship of the Socialist Federal

¹⁴ *European Roma Rights Center* interview with Fait Kamberovski, Chairman of the Kumanovo branch of the Democratic Party for the Total Emancipation of Roma in Macedonia, August 11, 1997, Kumanovo.

¹⁵ *European Roma Rights Center* interview with a member of the Interior Ministry who spoke with the *ERRC* on the condition of anonymity, August 18, 1997, Skopje.

Republic of Yugoslavia of 1976 and the 1977 Act on Citizenship of the Socialist Republic of Macedonia. Under Article 3 of the Act, individuals may become citizens of the Republic of Macedonia by origin¹⁶, birth within the territory of the Republic of Macedonia¹⁷, naturalisation, or international treaty. The Act is typical of European legislation in its rejection of birth on the territory of a country as sufficient for the acquisition of citizenship.

The Act was adopted in the circumstances of the break-up of the former Yugoslavia and, like similar laws in the other republics of the former Yugoslavia, in the Czech and Slovak Republics and in the states of the former Soviet Union, the Macedonian law on citizenship had to perform two tasks. First of all, Macedonia's law on citizenship had to define what constituted Macedonia's initial body of citizens, and what status citizens of the other former Yugoslav Republics would have in the new state. Secondly, the law had to define how and under what conditions an individual can acquire citizenship in the country. As has been amply shown in the Czech Republic, such laws can have a dramatic effect on the ethnic composition of a country; force segments of the population into economic and social marginality; and deprive

¹⁶ Article 4, the first article in the law to address the specifics of the acquisition of citizenship, addresses the acquisition of citizenship "by origin". Article 4 states: "A child shall acquire citizenship of the Republic of Macedonia by origin, in cases when:

1. both parents, at the time of birth, are nationals of the Republic of Macedonia;
2. one of the parents, at the time of birth, is a national of the Republic of Macedonia and the child is born in the Republic of Macedonia, unless the parents mutually agree that the child acquires citizenship of the other parent, and
3. one of the parent, at the time of birth, is a citizen of the Republic of Macedonia, while the other parent is unknown or is of unknown nationality, i.e. stateless, and the child is born abroad. Citizenship of the Republic of Macedonia by origin shall also acquire an adopted child when legally adopted, where both or one of the adoptive parents is a national of the Republic of Macedonia."

All citations from this act in this report are from a translation distributed by the Foreign Ministry of the Republic of Macedonia. All errors in the translation have been retained on the presumption that the translation is official, although nowhere in the document is this stated.

¹⁷ Birth on the territory of the Republic of Macedonia, addressed under Article 6 of the Act, is not sufficient for the acquisition of citizenship and is only applied in cases in which a child of unknown parents is found on the territory of the Republic of Macedonia. Article 6 states, "(1) A child found within the territory of the Republic of Macedonia of unknown parents shall be considered as a national of the Republic of Macedonia. (2) A child as set forth in paragraph 1 of this Article shall cease to be a national of the Republic of Macedonia in cases when it is established, prior to reaching an age of 15, that his parents are foreign nationals." [Act on Citizenship of the Republic of Macedonia]

individuals of their rights.¹⁸ Due to its cursory and inadequate recognition of the situation of many citizens in the former Yugoslavia and the administrative actualities of Yugoslavia at the time of its end, the Macedonian Act on Citizenship has failed to ensure that former citizens of the federation with genuine ties to Macedonia can have effective access to Macedonian citizenship.¹⁹ Deficiencies in the law itself are therefore one crucial reason for the high number of *de facto* and *de jure* stateless persons presently living in Macedonia.

3.1. ONE YEAR OF SIMPLE PROCEDURE

As a rule, successor states have historically conferred their nationality to former citizens of the predecessor state who continued to have their habitual residence on the

¹⁸ The Czech Republic's Law on Citizenship, which went into effect on January 1, 1993, has been widely criticised as resulting in the removal of Roma from the country. See Commission on Security and Cooperation in Europe, "Ex Post Facto Problems of the Czech Citizenship Law", September 1996; European Roma Rights Center, "Statement of the *European Roma Rights Center* on the Occasion of the Acceptance of the Czech Republic, Hungary and Poland into NATO", July 10, 1997; European Roma Rights Center, "Letter to the Council of Europe", August 6, 1997; Human Rights Watch/Helsinki, "Roma in the Czech Republic: Foreigners in Their Own Land", June 1996; The Tolerance Foundation, "The Non-Czech Czechs", August 1995; The Tolerance Foundation, "Notes on the Czech Citizenship Law's Background", February 1995; The Tolerance Foundation, "A Need for Change, The Czech Citizenship Law: An Analysis of 99 Individual Cases", November 1994; The Tolerance Foundation, "Report on the Czech Citizenship Law: The Effect of the Citizenship Law on the Czech Republic's Roma Community", May 1994; UNHCR, "Citizenship in the Context of the Dissolution of Czechoslovakia", September 1996; UNHCR, "The Czech and Slovak Citizenship Laws and the Problem of Statelessness", February 1996. Some observers commented that the Macedonian citizenship law was drafted with anti-Albanian, anti-Muslim, or general anti-minority intentions. See Human Rights Watch/Helsinki, *A Threat to "Stability": Human Rights Violations in Macedonia*, June 1996; International Helsinki Federation, *1997 Annual Report*, 1997.

¹⁹ The former Special Rapporteur of the UN Commission on Human Rights for the Former Yugoslavia, commenting on the situation in the successor states of Yugoslavia, stated that it is, "imperative to distinguish the citizenship law of a State dealing with immigration under ordinary circumstance, where the applicant may have no social attachment to the territory concerned, as opposed to a new State where denial of citizenship on the basis of ethnic or national origin affects those who have previously enjoyed citizenship of the predecessor State and lawful residence on the territory concerned." UN Commission on Human Rights, "Situation of Human Rights in the Territory of the Former Yugoslavia: Fifth periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission Resolution 1993/7 of 23 February 1993," E/CN.4/1994/47, November 17, 1993, p.17.

transferred territory and only exceptionally upon application.²⁰ Macedonia, however, enacted legislation under which only those individuals with Macedonian republican citizenship were automatically eligible for citizenship in the new state. A large number of Roma were not holders of Macedonian republican citizenship under the 1977 citizenship law, and, consequently, were not among those included in the initial body of citizens of the new state. This despite the fact that, as the Special Rapporteur for the UN Commission of Human Rights has observed, “[...] republican citizenship within SFRY was essentially symbolic and had little or no legal effect.”²¹ Accordingly, many Roma who could have qualified as Macedonian republican citizens never took the time to do so.

Provisions for what constitutes the original body of Macedonian citizens are set down in Article 26 of the Act on Citizenship of the Republic of Macedonia. This stipulates that citizens of the Socialist Republic of Macedonia in former Yugoslavia are citizens of the new state.²² Additionally, citizens of other republics of the former Yugoslavia were eligible to apply under the following conditions:

The nationals of the other republics of former SFRY [Socialist Federal Republic of Yugoslavia] and the nationals of former SFRY with registered residence on the territory of the Republic of Macedonia may acquire citizenship of the Republic of Macedonia by lodging a request within one

²⁰ This principle is embodied in Article 8(a) of the Declaration on the Consequences of the State Succession for the Nationality of Natural Persons formulated by the European Commission for Democracy through Law and clarified in the Explanatory Report (see European Commission for Democracy through Law, “Explanatory Report on the Declaration on the Consequences of State Succession for the Nationality of Natural Persons”, adopted at its 28th Plenary Meeting, Venice, September 13-14, 1996, CDL-NAT(96)8rev). Article 8(a) reads: “In all cases of state succession, the successor state shall grant its nationality to all nationals of the predecessor state residing permanently on the transferred territory”. According to Article 8(b) of the Declaration, nationality shall be granted without any discrimination in particular on the basis of ethnic origin, colour, religion, language, or political opinion.

²¹ See UN Commission on Human Rights, “Situation of Human Rights in the Territory of Former Yugoslavia: Fifth periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993”, E/CN.4/1994/47, 17 November, 1993, p.16.

²² Article 26 provides, “A person who, according to the existing regulations has a citizenship of the Republic of Macedonia, shall be considered as a national of the Republic of Macedonia in accordance with the provisions of this Act. [...]”. [Act on Citizenship of the Republic of Macedonia.]

year from the date this Act takes effect, in case they have a permanent source of funds, they are adults and before the filing the request legally resided on the territory of the Republic of Macedonia at least 15 years.²³

The law does not stipulate what the contents of a “request” under Article 26 should be, nor does it point to legislation or administrative directives that would clarify the contents of such a request.²⁴

The effect of these requirements was disproportionately felt by the Romani population of Macedonia. First of all, given the high rate of unemployment among Roma and discrimination against them in access to social assistance, many Roma could not satisfy the requirement of a “permanent source of funds”. Secondly, many Roma who had lived for extended periods in Macedonia had never formally registered as legal residents. Third, many Roma lacked the financial means to pay the 50 USD administrative fee required to process the application. Finally, the government's failure adequately to publicise the procedures deprived many potential applicants—both Roma and non-Roma—of an effective opportunity to apply for citizenship in due time.

The requirement of a permanent source of funds is particularly troubling. The government has attempted to clarify that applicants may prove income in various manners including savings in bank accounts, social welfare payments, and children's notarised declarations that they are financially supporting their parents.²⁵ However, a

²³ Article 26, Act on Citizenship of the Republic of Macedonia.

²⁴ An employee of the Interior Ministry department responsible for the allocation of citizenship who spoke with the *ERRC* on the condition of anonymity, called the procedure which was used during the first year after the adoption of the law, the “simple procedure”:

“Between November 11, 1992 and November 11, 1993, there was a simple procedure; all a person who was not on the lists of persons automatically eligible for Macedonian citizenship had to do was fill out a request stating that they chose Macedonian citizenship and they were granted it. They did not have to fulfil any of the conditions. For example, there was no Macedonian language requirement at that time and the requirement of good health did not exist either. Individuals had to be resident, but the fifteen years requirement did not exist.” (*European Roma Rights Center* interview with a member of the Interior Ministry who spoke with the *ERRC* on the condition of anonymity, August 18, 1997, Skopje).

In an evident bout of amnesia or impulse to be obscurantist, the official interviewed made no mention of the requirement of a permanent source of funds which is set down in Article 26 and evidently erred concerning the fifteen year residency requirement, which is certainly present in Article 26.

²⁵ See the reply of The Former Yugoslav Republic of Macedonia in the “European Bulletin of Nationality” DIR/JUR (97)4, p.176.

significant number of Romani individuals earn their living in ways which do not fall under any of the delineated categories. This consequently renders them incapable of complying with the requirement. Additionally, it is unclear what sum of money would have to be deposited in a bank in order to constitute a permanent source of funds. Taking into consideration the high unemployment rate and the widespread poverty of the Romani community, the “permanent source of funds” requirement has a particularly discriminatory effect on Romani applicants.

Another reason many Roma did not acquire citizenship during the first year after the Act came into effect was the condition that non-Macedonian citizens demonstrate fifteen years of legal residence in Macedonia. For most Roma, demonstrating legal residence is close to impossible because most Roma during the 1980s lived in several different places in the former Yugoslavia or spent time in Western Europe. However, for many Roma in Macedonia *any* demand for legal residence poses problems, since Roma in the former Yugoslavia, as well as in many other places in Eastern Europe, often lived in unregistered dwellings or residences which lacked a clear legal status. The bureaucratic obstacles hindering legal residence proved sufficiently steep in many instances: Roma from Serbia often tended either to retain legal residence in Serbia, or to have no legal residence whatsoever. The condition of fifteen years of continuous legal residence is therefore entirely inconsistent with the actual situation of many people whose ties to Macedonia are genuine. In this context, the present fifteen year permanent residence requirement is unacceptable.²⁶

²⁶ The fifteen year permanent residence condition is far too restrictive by European standards. This is true even by comparison with other new successor states, many of which have adopted restrictive citizenship laws. Macedonia's fifteen years stands in stark contrast with the Czech Republic's imposed two years and five years (the shorter period providing preferential treatment for applicants immediately after succession who were former citizens of the dissolved state, the longer period being time required during a normal naturalisation procedure); Estonia's three and five years; and Croatia's five years of permanent residence as one of the requirements for the acquisition of citizenship. (See European Commission for Democracy Through Law, “Consequences of State Succession for Nationality”, report adopted on 13-14 September 1996 (CDL-NAT(96)9), p.23, paragraph 81).

An indication of the trend of European law in the sphere of residence requirements for naturalisation is given by Article 6, paragraph 3 of the new European Convention on Nationality, which provides that in establishing the conditions for naturalisation, a state party shall not require for a period of residence exceeding ten years before the lodging of the application. Macedonia actively participated in the preparation of the Convention on Nationality and subsequently signed it on November 6, 1997 (Macedonia has not yet ratified the Convention). The Macedonian authorities have already indicated their willingness to shorten the required residence period from fifteen years to ten years in order to comply with Article 6(3) of the Convention (See “Certain clarifications in respect of the regulation of the citizenship status in the Republic of Macedonia”,

An administrative fee of 50 US dollars, to be paid in dollars, was also required during the first year. Many Roma, suddenly unemployed in a country where access to foreign currency was the purview of elites and 50 US dollars was the equivalent of close to one month's salary, were unable to take advantage of the simplified procedure.

It is not clear how widely publicised the law or the grace period year were, or if efforts were made to inform individuals required to apply for citizenship through the naturalisation procedure that their status in the new state was tenuous. Members of the human rights community in Macedonia believe that a failure to widely publicise the law was among the main reasons for the failure of many persons to apply under the simple procedure.

Finally, suspicion of government authorities born of years of prejudice and mistreatment discouraged many Roma who could have gained legal resident status from formally registering to claim it.

document attached to the letter of Macedonian Ambassador in US, Ljubica Z. Acevska to Mr. Michael Hathaway, Chief of Staff of the Commission on Security and Cooperation in Europe, Congress of the United States, March 4, 1998, No. 022/011/98).

However, Article 6 of the European Convention on Nationality establishes rules on acquisition of citizenship for immigrants in ordinary circumstances. The consistency with its minimum residency standards cannot and should not be used as argument for adopting and/or maintaining restrictive citizenship requirements in the context of state succession. Successor state discretion to grant its citizenship has to be exercised respecting the principles established by Article 18 of the Convention which “needs to be seen in the light of the presumption under international law that the population follows the change of sovereignty over the territory in matters of nationality” (See Explanatory Report to the European Convention on Nationality, paragraph 108).

The same distinction between the citizenship norms applied for the naturalisation of immigrants and those adopted in the context of state succession has been drawn by the Council of Europe experts on nationality when they examined the Czech citizenship law: “Acquisition and loss of citizenship and status of aliens cannot be considered according to the same criteria in the case of State succession and in the case of ordinary immigrants taking up residence in a state and eventually applying for its citizenship.” (See “Report of the experts of the Council of Europe on the citizenship laws of the Czech Republic and Slovakia and their implementation and replies of the Governments of the Czech Republic and Slovakia”, Strasbourg, 2 April 1996, DIR/JUR/(96)4, paragraph 149). The promised eventual reduction of the permanent residence requirement from fifteen years to ten years, should it take place, is therefore not sufficient.

In a letter addressed to Macedonian Foreign Minister Stevo Crvenkovski, the OSCE High Commissioner on National Minorities, Max van der Stoep, recommended that the permanent residency requirement be lowered to five years (See letter 3016/94/L, November 16, 1994).

3.2. ALIENS

On November 11, 1993, all Roma and other persons from other republics of the former Yugoslavia who had not yet succeeded in becoming Macedonian citizens became foreigners in the strict sense and could only apply for citizenship via the naturalisation procedure as set down in Article 7 of the Act on Citizenship of the Republic of Macedonia. Article 7 stipulates:

An alien who lodged a request for citizenship of the Republic of Macedonia may become a national of the Republic of Macedonia by naturalisation, in case the following conditions are met:

1. to be at least the age of 18,
2. to have resided on the territory of the Republic of Macedonia legally, continuously at least 15 years, prior to filing the request,
3. to be physically and mentally healthy,
4. to have living facilities and a permanent source of funds,
5. not to be charged with criminal charges in his state or in the Republic of Macedonia,²⁷
6. to speak the Macedonian language,
7. his acceptance as a national of the Republic of Macedonia not to endanger the security and defence of the Republic of Macedonia, and
8. to be renounced from foreign citizenship, i.e. he shall receive renouncement if accepted as a national of the Republic of Macedonia.²⁸

The administrative fee for receiving citizenship through naturalisation was set at 500 US dollars. In 1993, 500 US dollars amounted to half a year of the average salary of a person who still had a steady job, and most steady jobs had recently disappeared. In response to domestic and international pressure, the Macedonian government lowered the administrative fee from 500 to 250 US dollars. This price is still high enough to render citizenship a luxury that remains out of the reach of most of the Roma unlucky enough to have been designated foreigners by the law.²⁹

²⁷ The Macedonian language version of the law is clearer in conveying that an individual should not be presently the subject of criminal proceedings; applications for citizenship should not be rejected on grounds that a person has previously been sentenced for a crime.

²⁸ Act on Citizenship of the Republic of Macedonia, translation provided by the Foreign Ministry.

²⁹ The exorbitant application fee imposed by the Macedonian authorities is not “reasonable” as required by Article 13(1) of the European Convention on Nationality (Article 13(1) provides: “Each State Party shall ensure that the fees for the acquisition, retention, loss, recovery or

The conditions of the Act, too, make access to citizenship for many ex-Yugoslav Roma either daunting or impossible. In addition to the difficulties posed by those requirements described above which are identical to those of the grace year, the following opportunities exist for rejecting citizenship applications filed by Roma. First of all, a significant population of stateless people, among them a large number of Roma, may not qualify for citizenship if their health is deemed poor. The exclusion of physically or mentally ill individuals from citizenship constitutes cruel treatment in breach of Article 7 of the International Covenant on Civil and Political Rights (ICCPR); its discriminatory nature and effects are in violation of Article 26 of ICCPR.³⁰ This condition additionally raises worrying issues with respect to the issue of invasion of privacy if, for example, Ministry officials are able to acquire lists of persons with AIDS, cancer or other terminal diseases. Field research by the *ERRC* revealed that while, to date, the medical examination has been a formality, persons in institutions for the mentally disabled are effectively blocked from acquiring citizenship.

Secondly, many of the Roma being forcibly returned from Western Europe under new stringent anti-foreigner legislation may not have an adequate command of the Macedonian language to acquire citizenship.³¹ This problem is, as has been seen, especially pronounced among the younger generation in Skopje, and is also an issue in western Macedonia, where many Roma have assimilated to the Albanian minority.

Thirdly, individuals without a steady income— and many Roma fall into this category— are still ineligible for citizenship. One representative of the Interior Ministry who works in the department responsible for processing applications for citizenship told the *ERRC* that they regarded social welfare payments to applicants or to their family members as a proper source of income and that they had never turned down an application for citizenship on the grounds that the applicant could

certification of its nationality be reasonable.”) It also has a discriminatory effect upon indigent applicants, among whom Roma— due to their precarious economic situation— are over-represented. Moreover, the absence of a waiver provision operates as an “obstacle” for Roma as well as other applicants, and is inconsistent with Article 13(2) of the European Convention on Nationality and with the common practice of European states. Article 13(2) provides: “Each State Party shall ensure that the fees for an administrative or judicial review be not an obstacle for applicants”. Macedonia signed the Convention on November 6, 1997, but has not yet ratified it.

³⁰ Macedonia succeeded to the ICCPR on January 18, 1994, but has been bound by its provisions since June 2, 1970, when the Socialist Federal Republic of Yugoslavia ratified the Covenant.

³¹ A school diploma from a Macedonian school satisfies the language criteria. For persons without such a diploma, oral exams are held three times per month.

not demonstrate a proper income. The arbitrariness of this response to the injustice of the law notwithstanding, it also emerged that applications for citizenship never even arrive at the Ministry until they are deemed complete by local authorities. Indeed, rejections by local authorities are not issued in writing, so they are difficult to appeal and do not appear in government statistics on statelessness or citizenship.

Testimony provided to the *ERRC* by Roma in Kumanovo indicates that applications are not regarded as complete if Roma cannot demonstrate an adequate income, and local authorities evidently do not regard social welfare payments as adequate. A 40-year-old Romani woman named Vezira Sani told the *ERRC* that officials at the local office processing citizenship applications had refused her application because neither she nor her husband has regular work:

I am from Serbia and I have no citizenship. I have lived here in Kumanovo for thirty years. I went to apply for citizenship and I showed them all of the documents they wanted. They wanted to know who supports me. They kept asking me, "Who is your husband? Who is your husband?" My husband was a shepherd but now he doesn't work and I told them we live on social welfare payments. Then they asked me "How will you support yourself?" They told me to go to Serbia and apply for citizenship there.

Later, when I found out they wanted 500 US dollars, I gave up trying to apply. I don't have 500 US dollars, so why would I waste my time? I have children in Serbia who are married, but I can't cross the border to visit them.³²

Similarly, 36-year-old Zijavere Mustafovska, a Romani woman who also lives in Kumanovo, told the *ERRC* that local authorities had refused to process her application for citizenship because neither she nor her husband has a steady income:

I was born in Serbia and I have lived in Macedonia for fifteen years, in Kumanovo. I have a husband, and one child who was born in Macedonia. My husband and child are Macedonian citizens. My husband had no difficulty getting citizenship. He was born in Macedonia. He only had to pay 300 denars [approximately 10 German marks].

³² *European Roma Rights Center* interview with 40-year-old Vezira Sani, August 9, 1997, Kumanovo.

I have no citizenship. I went to apply for citizenship after my husband had received his citizenship. They asked me if I work somewhere or if my husband works somewhere. They told me I couldn't get citizenship because my husband doesn't have a job.³³

Fourthly, the law does not clarify the meaning of "living facilities", leaving to the administration to establish what type of accommodation is acceptable and what standard of proof is required for these to be regarded as adequate.

On top of the strict conditions codified by the law, Roma allege discriminatory treatment in its application. In 1996, *Human Rights Watch* reported a number of allegations of rejections of applications for citizenship by Roma who fulfilled all of the requirements set forth in the law.³⁴ Similar cases were reported to the *ERRC* during field research in August 1997. A 20-year-old Romani man named S.A. was one such person. He told the *ERRC*:

I was born in Macedonia and I have lived in Kumanovo my whole life. I have never lived abroad. After the break-up of Yugoslavia, you had to have Macedonian parents to get citizenship. My parents are from Serbia. They are not married. My mother still has Serbian citizenship— the red Yugoslav passport. My father has a Macedonian identity card [*lična karta*]. He also has no citizenship. My grandfather is a Macedonian citizen. I sent all papers in and waited for six or seven months, but I was refused. I don't know on what grounds they rejected my application, but I believe my application was in order.³⁵

Interior Ministry officials complain that most of the problems relating to the processing of applications were due to the fact that Macedonian authorities were not adequately prepared for the break-up of Yugoslavia and that offices which previously had to process ten applications per month were suddenly faced with thousands of applications. However, it is precisely in such an atmosphere of crisis that certain categories of person seem to have been afforded different treatment in comparison

³³ *European Roma Rights Center* interview with 36-year-old Zijavere Mustafovska, August 9, 1997, Kumanovo.

³⁴ See Human Rights Watch/Helsinki, *A Threat to "Stability": Human Rights Violations in Macedonia*, New York: Human Rights Watch, 1996, pp.58, 72.

³⁵ *European Roma Rights Center* interview with 20-year-old S.A., August 11, 1997, Kumanovo.

with others, and the administration's lack of preparation for the break-up of Yugoslavia cannot be used by the Macedonian authorities as a justification for discriminatory treatment. Additionally, as illustrated by the case described above, basic administrative rules, such as providing the reasons for rejection or issuing administrative decisions in written form in order to facilitate the use of remedies against them, are not respected.

3.3. STATELESS

It is difficult to determine the precise number, or even an approximate number, of stateless persons presently in the Republic of Macedonia, because data presented by Macedonian officials on the subject is misleading. In the first place, the Ministry measures in “numbers of proceedings” rather than in numbers of persons applying. Since the citizenship procedure has at least three instances, statements of the kind presented by the Macedonian Ambassador Ljubica Z. Acevska to Mr Michael Hathaway of the Commission on Security and Cooperation in Europe are effectively meaningless:

Current situation: in Macedonia, in the period from 11 November, 1992 until 31 December, 1997, by the application of the principle of legal continuity contained in Article 26, paragraph 1 of the Law on Citizenship, ex officio the citizenship status of 1 867 382 persons was regulated. A total number of 73 888 applications regarding the regulation of citizenship status have been submitted to the Ministry of the Interior, i.e., 123 354 proceedings on all basis (admission, determination and definition of the citizenship status) were conducted.

117 684 of these proceedings were favourably resolved, while 5870 were *negatively* resolved. Out of the negatively resolved 5870 proceedings, for 490 of them appeals were lodged, which means that for the remaining 5180 proceedings (i.e., 0,26% of the total number of inhabitants of the Republic of Macedonia) the decisions are final. This means that the regular (otherwise factually three instance) legal procedure was exhausted: the two instance administrative procedure (The Ministry of the Interior as the decision making organ, and the government competent for appeal proceedings), as well as the possibility of lodging an appeal before the Supreme Court.³⁶

³⁶ “Certain clarifications in respect of the regulation of the citizenship status in the Republic of Macedonia” document attached to the letter of Macedonian Ambassador in US, Ljubica Z.

The last time the Macedonian government appears to have made a coherent statement on the subject of statelessness was in March 1997, when it reported to the Committee on the Elimination of Racial Discrimination that 18,851 persons were stateless, among them 4,356 Roma. At that time, according to the government's own figures, the status of 68,989 persons was “unknown”, among them 7,407 Roma.³⁷ *ERRC* field research indicates that, with respect to Roma, these figures are implausibly low.

Macedonian officials claim that “the problem does not consist in resolving cases of statelessness but it consists in changing from one federal unit citizenship into the citizenship of another federal unit.”³⁸ They further claim that under the 1949 Yugoslav federal citizenship law and the successive republican citizenship laws, primacy was given to the citizenship of the republics (“federal units”) and that no individual was left without citizenship. In practice this was not true; many individuals did not have a republican citizenship. Finally, due to new restrictive citizenship laws all over former Yugoslavia, not all citizens of the federation are automatically eligible for the citizenship of one of the successor states.

Roma without citizenship may not vote in Macedonia and interviews with Roma indicate that they are not provided with travel documents by the Macedonian authorities, notwithstanding their right to such documents under Article 28 of the UN Convention Relating to the Status of Stateless Persons. Roma report that although previously they had been able to cross the border to the Federal Republic of Yugoslavia with only their identity cards, since mid-1996, authorities have been demanding passports.

Finally, according to representatives of the Romani community, a government decree issued in June 1996 made social welfare payments contingent upon the possession of citizenship. This decree was evidently repealed after protests by Romani leaders. Nevertheless, although representatives of the Ministry of Interior assured the *ERRC* that the receipt of social welfare payments was not dependent upon being in

Acevska to Mr Michael Hathaway, Chief of Staff of the Commission on Security and Cooperation in Europe, Congress of the United States, from 4 March 1998, No. 022/011/98.

³⁷ See “Third periodic reports of States parties due in 1996: The Former Yugoslav Republic of Macedonia. 13/03/97. CERD/C/270/ADD.2. (“State Party Report”), paragraph 57.

³⁸ See paragraph 1 of “Certain clarifications in respect of the regulation of the citizenship status in the Republic of Macedonia” document attached to the letter of Macedonian Ambassador in US, Ljubica Z. Acevska to Mr Michael Hathaway, Chief of Staff of the Commission on Security and Cooperation in Europe, Congress of the United States, from 4 March 1998, No. 022/011/98.

possession of citizenship papers, some stateless Roma told the *ERRC* that since late 1996 or early 1997, they had been prevented by local authorities from collecting social support. For example, 52-year-old Čamil Muslić told the *ERRC* that he had received no social benefits for the past ten months because he is not a citizen of Macedonia, despite the fact that he has lived in Macedonia for over forty years. Members of the NGO community in Macedonia confirmed for the *ERRC* that, contrary to the claims of the Ministry, in practice, persons without Macedonian citizenship do not receive social support.

4. ETHNIC TENSIONS ON THE RISE

The precariousness of the present situation of Roma in Macedonia stands in dramatic contrast to their rich history there. Scholars believe that Roma arrived on the territory of present-day Macedonia probably around the time of the arrival of the Ottoman Turks in the 13th and 14th centuries.³⁹ There were both nomadic and sedentary Roma on the territory of today's Macedonia in the Ottoman Empire, and evidence indicates that both were monitored, documented and taxed by Ottoman authorities. Although in general Ottoman policy, and especially taxation policy, divided Muslims and Christians to the financial disadvantage of the latter, Roma seem to have been regarded separately, and treated as one large unprivileged group. Between the 17th and 19th centuries, there were tendencies of conversion from Christianity to Islam among Roma in the European possessions of the Ottoman Empire.⁴⁰

Roma often fled slavery in Wallachia and Moldova into the Ottoman Empire. This tendency grew steadily during the 17th and 18th century. Flight increased dramatically following the abolition of slavery in the Romanian principalities in the 19th century as previously enslaved Roma were set free into destitution. To this day, one of the primary divisions between Roma in Macedonia is between Vlach groups— those whose dialect of Romani links them to Wallachia— and non-Vlach Roma.

Macedonia was the site of bloody warfare and territorial and ethnic competition between 1912 and 1918, following which the Ottoman Empire collapsed definitively and the territory presently known as the Republic of Macedonia became a part of the first Yugoslav entity. Serbianisation followed and Macedonia was plagued by guerrilla warfare by largely autonomist revolutionaries into the mid-1920s.⁴¹ A remote part of the new state, the reality for most Macedonians in the inter-war period was poverty. Much of the Ottoman social structure probably remained intact during this period and there is little indication that the lives of Roma changed drastically between the wars.

³⁹ See especially Fraser, Angus, *The Gypsies*, Oxford: Blackwell, 1992, pp.10-44.

⁴⁰ See Marushiakova, Elena and Popov, Vesselin, *Tziganite na Bulgaria. Problemi na multikulturalnata muzeina ekspozitsia/The Gypsies of Bulgaria. Problems of the Multicultural Museum exhibition.*, Club 90 Publishers, Sofia: 1995, p.6.

⁴¹ See Banac, Ivo, *The National Question in Yugoslavia: Origins, History and Politics*, Ithaca, NY: Cornell University Press, 1984, pp.307-327.

During World War II, most of the territory of the present-day Macedonian state was occupied by the Bulgarian army. Areas along the western border were awarded by the Axis powers to Italian-occupied (and later German-occupied) Albania. The Jewish community of Skopje was deported to Auschwitz-Birkenau and genocidal persecution of Roma remained a permanent threat throughout the war. The Romani community was spared wholesale destruction for a number of reasons, most notably their adherence to Islam and tendency to declare themselves as other minorities; the German-dominated Axis states were wary of provoking the intervention of, especially, neutral Turkey. Individual non-Muslim Roma who disclosed their ethnic identity were deported to the death camps. Roma in the Bulgarian-occupied zone were sent to the Bulgarian interior and made to perform forced labour.⁴² At the end of the war, Albanian troops under Enver Hoxha moved into Yugoslavia to join forces with Tito's partisans and atrocities reportedly occurred on all sides.⁴³

The 1948 Yugoslav census indicated that among Roma, slightly over 55% were "workers and apprentices", approximately 18% were farmers, generally farming very small plots, just under 15% were artisans and approximately 7% were "private persons". Roma were extremely underrepresented in other occupational categories, such as "officials" and "professionals".⁴⁴ Post-war censuses indicated that in Yugoslavia, the highest population density of Roma was in Macedonia.

Roma in the Balkans divide into many groups and it is impossible to list all divisions here. A large split exists between those speaking Vlach and those speaking non-Vlach dialects. Divisions also occur over religion— Roma in Macedonia tend to be Muslim, but there are Christian groups. "Arlije", "Yerli" or "Yerlides"⁴⁵ is a broad designator used to describe settled Roma of the Balkans, who probably have lived in many of the settlements in which they can be presently found in Macedonia for at least one hundred

⁴² See Jonuz, Sefedin, "Memory Needs a Place", *Roma Rights*, Summer 1997, pp.33-35; Kenrick, Donald and Grattan Puxon, *Sinti und Roma: die Vernichtung eines Volkes im NS-Staat*, Göttingen: Gesellschaft für bedrohte Völker, 1981, pp.91-92.

⁴³ Atrocities were put to propagandistic use following the war, as first Yugoslavia and then Albania left the orthodox Soviet camp. Albanian historiography preserved the record of anti-Albanian massacres, while the Albanian flirtation or alliance with the Axis powers was put to use by post-war Yugoslav official historians.

⁴⁴ See Vukanović, T.P., "The Gypsy Population in Yugoslavia", *Journal of the Gypsy Lore Society*, Vol. XLII, Nos. 1-2, January-April 1963, pp.10-26.

⁴⁵ From the Turkish "yer", meaning "place", and "yerli" meaning "local, settled".

years, and possibly for quite a bit longer. Non-settled Roma are "Čergari"— "tent-dwellers". Some geographical distinctions have constituted themselves into organisational ones— the Roma of Prilep speak their own dialect and consider themselves a closed entity. As in many areas of southern and eastern Europe, Romani groups in Macedonia are often delineated by profession. Thus groups such as the "Barudžije" are traditionally gunpowder makers⁴⁶, "Džambazi" are or were horse traders, "Burgudžije" make awls while "Arabadžije" have traditionally made wagons.⁴⁷ Other "Romani professions" in Macedonia include tobacco picking, tinsmithing, oven-casting, watch-making, and music.

A Romani middle class flourished in the Ottoman cities and can still be seen in cities such as Skopje and Gostivar, sending their children abroad to study the Koran. Roma also participate in the Dervish sects of Macedonia. In post-war Yugoslavia, significant proletarianisation took place and Roma worked in the many factories established in Macedonia as part of socialist development policy. Many of these Roma are, today, unemployed.

Roma in Macedonia are generally at least bilingual and often tri- or quadrilingual, speaking some combination of Albanian, English, German, Macedonian, Romani, Serbian and old Turkish. There is no way, in a report of this kind, to present the full ethnic, linguistic and social complexities of the many Romani communities of Macedonia and, indeed, much of this complexity remains undocumented.

Like most countries in which Roma live, official figures concerning the number of Roma living in Macedonia do not reflect the actual number of Roma in the country. According to the internationally funded and supervised 1994 census, 1,945,932 people live in Macedonia. Of these, 1,378,687 are ethnic Macedonians, 441,104 or 22.7% are Albanians, 78,019 or 4.0% are Turks, 43,707 or 2.2% are Roma, 40,228 or 2.1% are Serbs, 8601 or 0.4% are Vlachs, and 38,309 or 1.9% are "other". Pre-publication figures issued by the Interior Ministry on the basis of the 1994 data showed a total population of 2,075,196 people in Macedonia, of whom 47,408 were Roma and 478,967 were Albanian. According to Mr Zoran Todorov of the Ministry of Foreign Affairs, the latter figures include

⁴⁶ Although in the 1930s travel account of Yugoslavia by Rebecca West called *Black Lamb and Grey Falcon*, non-Roma explain that the "Gunpowder gipsies" of Macedonia are so-called because they gathered saltpetre for the Ottoman army. See West, Rebecca, *Black Lamb and Grey Falcon: A Journey through Yugoslavia*, New York: Penguin Books, 1994, p.657.

⁴⁷ See Fennesz-Juhász, Christiane, "Me ka-džav ko gurbeti... Klage und Abschiedslieder mazedonischer Roma-Migranten" in Hemetek, Ursula and Emil H. Lubej eds., *Echo der Vielfalt: Traditionelle Musik von Minderheiten/ethnischen Gruppen*, Vienna: Böhlau Verlag, 1996, pp.255-268.

Macedonian citizens living abroad. In both views of the 1994 census, the figure for Roma in Macedonia has declined significantly from the 55,580 people who declared themselves to be Roma in the 1991 census. Even this census puts the number of Roma too low: despite existing and observable Roma quarters in Debar and Strumica, the 1991 census recorded no Roma living there. Romani leaders estimate that between 150,000 and 250,000 Roma live in Macedonia.

The reasons for the absence of Roma from census data are manifold and complicated, and the border of the Romani/Gypsy and non-Romani identity is blurred. At least two groups do not claim the Romani identity, are not recognised by Roma as Roma, but are regarded by non-Roma as Gypsies.⁴⁸ One major factor contributing to the absence of

⁴⁸ Perhaps the most perplexing aspect of the question of Romani identity in Macedonia was the appearance in 1991 of 3307 people from the south-western Macedonian towns of Struga and Ohrid who declared themselves “Egyptians” in the census. “Egyptians” with whom the *European Roma Rights Center* met in Ohrid told the *ERRC* that they did not speak Romani, but only Albanian, and so it was out of the question that they were Roma. Mr Petrit Umer, a forty-year-old man who asserted that he was a Rom in the face of his wife's objections that they were “Egyptians”, told the *ERRC*: “I was a Rom, but then I went to Germany, where we were all Yugoslavs. But I was deported from Germany in 1996, and when we got back here, a man came to the door with a list and told us to write down our names as “Egyptians”. I told him, 'I don't care what you write on that piece of paper, but I am a Rom.' I think we should all go back to being Roma, because there are many more Roma in Macedonia than there are “Egyptians”. If I lived in Skopje, I would be a Rom.” (*European Roma Rights Center* interview with 40-year-old Petrit Umer, August 19, 1997, Ohrid). Local non-Roma/non-“Egyptians” call these people “Gyptari”, “Edjupci” or “Dyupci”. On Macedonian “Egyptians”, see Duijzings, Ger, “The Making of Egyptians in Kosovo and Macedonia”, in Govers, Cora and Vermeulen, Hans, eds., *The Politics of Ethnic Consciousness*, London: Macmillan, 1997, pp.194-222; *European Roma Rights Center, No Record of the Case: Roma in Albania*, June 1997, pp.8-13; Poulton, Hugh, *Who Are the Macedonians?* London: C. Hurst and Co., 1995; Reemstma, Katrin, *Roma in Mazedonien*, Göttingen: Gesellschaft für bedrohte Völker, 1995. According to Duijzings, “For Kosovo, all the signs indicate that the “Egyptians” recruit their members mainly from the Ashkali [...], a term that most of these 'Albanian' Gypsies use for themselves. The designation 'Egyptian' is new among them.” (p.205). Duijzings contends that the “Egyptians” previously declared themselves as Albanians in post-war Yugoslav censuses, but in the heightened ethnic tensions of the 1990s have sought to distance themselves from Albanians by adopting the “Egyptian” identity. A different position is taken by Elena Marushiakova and Vesselin Popov, who argue that the idea of the Egyptian origins of Gypsies was superseded elsewhere, but was particularly intractable in the Balkans (See Marushiakova, Elena and Vesselin Popov, *Studii Romani, Volume I*, Sofia: Club '90 Publishers, 1994, pp.44-45; Marushiakova, Elena and Vesselin Popov, *Studii Romani, Volume II*, Sofia: Club '90 Publishers, 1995, pp.36-45). In addition to the “Egyptians”, the “Krci” (“Christians”) of eastern and central Macedonia are viewed as Gypsies by non-Roma but do not regard themselves as Roma and are often not accepted as Roma by Roma.

Roma from census figures, however, is pressure exerted by non-Roma to claim that they are something else. Out of all of the communities visited by the *ERRC*, this problem is most pronounced in the western Macedonian town of Tetovo, where Roma report that they are under pressure by local Albanians to identify themselves as ethnic Albanians. This pressure is particularly strong during censuses and elections.

Western Macedonia is the heartland of Macedonia's most numerous minority, ethnic Albanians.⁴⁹ In addition to significant settlement in villages, Albanians are a majority of the population in major towns such as Gostivar and Tetovo. Gostivar, an ethnically mixed town with visible Albanian, Macedonian, Romani and Turkish cultural life was the scene of bloodshed on July 9, 1997, when the Macedonian police moved to enforce a court order to remove the Albanian flag from the city hall, where it had been flown for months by the mayor. Three people were killed and tens injured in the ensuing violence.⁵⁰ Tetovo, which is approximately 80% Albanian, is the site of the Albanian university,⁵¹ one of the centres of Albanian nationalist activity in Macedonia.⁵²

⁴⁹ Albanians partially boycotted the 1991 census and the extraordinary 1994 census. According to the 1994 census, which was sponsored, monitored and later endorsed by the European Commission and the Council of Europe, there are 441,104 Albanians in Macedonia and these comprise 22.7% of the population. Albanian sources continue to contest this figure and claim 35% to 48% of the population. See Minority Rights Group International, *The Southern Balkans*, 1994, p.26 and, for comparison, figures published by the Ministry of Foreign Affairs of the Republic of Macedonia.

⁵⁰ See the International Helsinki Federation for Human Rights (IHF) and the Helsinki Committee for Human Rights of the Republic of Macedonia (MHC), “Macedonia: Police Brutality During Events in Tetovo and Gostivar”, Skopje and Vienna, August 1, 1997, and Human Rights Watch/Helsinki: “Police Violence in Macedonia: Official Thumbs Up”, New York: Human Rights Watch: April 1998.

⁵¹ The Albanian University in the Mala Rečica suburb of Tetovo achieved international notice when, during its opening ceremonies on February 17, 1995, Macedonian police in riot gear clashed with ethnic Albanians, resulting in the death of an Albanian man. See Human Rights Watch/Helsinki, *A Threat to “Stability”: Human Rights Violations in Macedonia*, New York: Human Rights Watch, June 1996.

⁵² Albanians were a population despised by many in the former Yugoslavia. Non-Slavs, they were regarded as “colonists” of Serbia's most cherished symbolic piece of territory, Kosovo, although their presence both there and in Macedonia was centuries old. There were occasional calls for their expulsion (see, for example, Čuprilović, Vaso, “Iseljavanje Arnauta”, *Predavanje održano u Srpskom kulturnom klubu od dr. Vase Čuprilovića, 7. ožujka 1937. god.*, reprinted in *Hrvatska domovina* 3, 4, 5, 6, 1993). Both dissatisfaction among the Albanians in Yugoslavia and repression against them grew throughout the 1980s. Many regard Slobodan Milošević's failure to intervene on the side of the police and the (largely ethnic Albanian) Kosovo Communist party leadership to

Much of the struggle between Albanian nationalists and the Macedonian state is waged on the terrain of demographics. Albanians have reinforced claims that they are underrepresented in Macedonian institutional and national life by reference to population figures which they claim deny the real number of Albanians in the country. Widespread boycott by ethnic Albanians of both the 1991 and the internationally funded and supervised 1994 census has meant that thus far, attempts to resolve the present dispute concerning the real percentages of the various ethnic groups in Macedonia have not been successful. Ethnic Macedonians with whom the *ERRC* spoke were anxious and frustrated at the situation and the following beliefs are widespread: “They move in in hordes from Kosovo”; “They are led by extreme nationalists who are not Macedonians but rather Albanians from Kosovo”; “They have a lot of children and are trying to Albanianize the state”; “They are much richer than us”; “They are buying up all of Macedonia.”

In this situation, a cold war is presently being fought over the identity of every person in the country. Roma living in areas of heavy Albanian settlement come under pressure to claim that they are Albanians, to study in Albanian schools, and to vote for Albanian candidates in elections. Macedonian authorities on the other hand would prefer that Roma claim to be anything but Albanians, with Macedonian identity preferred but Romani accepted if asserted. Roma are useful to non-Roma only during censuses and elections. Identity in Macedonia is nearly completely instrumental, and the Romani identity is often either a commodity or the purview of the very poor. Although an extremely diverse group, Roma are all regarded as “Gypsies” by non-Roma.

calm Serb nationalist mobs in Kosovo in 1987 as the first clear move in the re-involvement of nationalism in Yugoslav politics, a gambit which sparked the chain of events ultimately leading to the secessions and wars of the 1990s. Albanian frustration boiled over in 1989 when the Serbian parliament abrogated the provisions of the 1974 Constitution which had afforded Kosovo status as an “autonomous province” of Serbia (see especially Silber, Laura and Little, Allan, *Yugoslavia: Death of a Nation*, New York: TV Books, Inc., 1995, pp.37-81). Macedonian independence fundamentally changed the relation of ethnic Macedonians and the Macedonian state to the Albanian minority; the confident dominance Macedonia had exercised in the multinational state of South Slavs was untenable in the new small nation state where at least every fifth person was an Albanian. In January 1992, the Albanians in Macedonia held a referendum and voted overwhelmingly in favor of “the political and territorial autonomy of Albanians in Macedonia” and the establishment of their own state, to be called the “Republic of Ilirida” (see Danforth, Loring M., *The Macedonian Conflict: Ethnic Nationalism in a Transnational World*, Princeton: Princeton University Press, 1995, esp. pp.142-153). Relations between the state, the ethnic Macedonian majority population and ethnic Albanians have again become troubled since the intensification of the Kosovo crisis in the first half of 1998.

Pressure takes various forms. First of all, Roma leaders report that, during censuses and at election times, Roma are often offered bribes to persuade them to sway their vote or their personal claims. Given the present level of poverty in Macedonia, such bribes must be viewed as coercive. Pressure also takes more threatening forms: the *ERRC* observed that especially in the neighbourhood called Tetje in Tetovo, as well as the hill behind Arabat, also on the edge of Tetovo, clusters of Romani houses are surrounded by Albanian neighbourhoods. These Roma houses are covered in the graffiti of the Albanian nationalist parties, especially the Party for the Democratic Prosperity of Albanians in Macedonia (PPDSH/PDPA). The graffiti is only on or near houses inhabited by Roma, and not in the ethnic Albanian residential areas. One Romani leader in Tetovo reported that after he failed to publicly endorse a PPDSH candidate, several carloads of ethnic Albanians visited his shop, threatened him, and removed merchandise without paying for it.

Finally, Roma are physically attacked by ethnic Albanians. Roma with whom the *ERRC* spoke, and especially Roma from the Tetje neighbourhood of Tetovo, report that they are regularly attacked by “hooligans”. They claim that since 1990, five or six Romani girls have been attacked and raped on the barren road which connects Tetje with the center of Tetovo. In addition, five or six attacks have allegedly taken place by gangs of ethnic Albanians on the houses of Roma in the Tetje neighbourhood. During these attacks, groups of several young men allegedly storm the houses of Roma, beat the inhabitants, and steal belongings while an additional five to ten young men wait outside the house which is being attacked. Although all of the Roma with whom the *ERRC* spoke knew of the attacks on houses, the *ERRC* did not manage to interview either victims or witnesses of such attacks since, according to one Rom, “Everyone is terrified”. Both a local policeman in Tetovo and Assistant to the Minister of the Interior Dr Zoran Veruševski told the *ERRC* that they were aware of such attacks, but neither was willing to provide the *ERRC* with details.

Attacks by ethnic Albanians on Roma are not confined to Tetovo. A Romani man named Nezmedit Teiri was attacked in the Bajnica settlement outside Gostivar in mid-June, 1997, by a group of approximately ten ethnic Albanians who surrounded him and pelted him with stones. According to victim testimony, on or around June 17, 1997, Mr Teiri went with several of his and his brother's children to a field near the cemetery at Bajnica on the outskirts of Gostivar to collect scrap metal. One of the children with Mr Teiri was allegedly collecting metal approximately forty meters from Mr Teiri when he was approached by a group of approximately ten ethnic Albanians. Mr Teiri quickly came to the aid of his brother's son and discovered that one of the men was holding a knife. The other children evidently ran off at this point. The men then formed a ring around Mr Teiri and his nephew and began throwing stones at them from a distance

of approximately ten metres while shouting racial epithets at them. Mr Teiri was allegedly hit in the arm, the chest and the mouth by stones and suffered damage to his teeth. The men only stopped throwing stones when a group of Roma from the Romani settlement in Pazaneri came to their aid, evidently summoned by the other children with whom Mr Teiri had been collecting metal. According to Mr Teiri, he filed a complaint with the Gostivar police and they have charged one man, who is 25 or 26-years-old, in connection with the incident. A hearing was set for September 15, 1997, but this did not take place. As of May 20, 1998, the *ERRC* was unaware of any legal action whatsoever having been taken against the perpetrators.

Roma in predominantly Albanian areas are wedged between conflicting circumstances. On the one hand, Roma are dependent upon Albanians for their livelihood. 21-year-old O.R. of Tetovo told the *ERRC*, “We live in Macedonia, but we work for Albanians. We live on Albanians. We Roma are in between. Now, for example, when there was an election for mayor, I didn't vote. Many Roma didn't vote. Choosing sides is not an option for us.”⁵³ Many Roma have assimilated to the Albanian minority, at least in part to avoid the stigma of being Roma. However, within the Albanian community they are stigmatised as well, and referred to by such derogatory terms as “mameljuci”.⁵⁴

On the other hand, renewed Albanian nationalism recalls among Roma atrocities committed by ethnic Albanians against them during the period of World War II in which western Macedonia was occupied by Italian and Albanian troops, as well as the chaotic period at the end of the war during which Albanian troops under Enver Hoxha moved into Yugoslavia to join forces with Tito's partisans. 42-year-old F.A., a Romani man who is a native of the Tetje neighbourhood in Tetovo, told the *ERRC*:

In World War II they were with the fascists. The old people say that the worst things which happened during the war took place in the areas occupied by the Albanians. In one village in the Šar Planina mountain above Tetovo, they cut the ears off old women to get their gold earrings. At that time one would take your wife, while another put a gun to your head.⁵⁵

⁵³ *European Roma Rights Center* interview with 21-year-old O.R., August 10, 1997, Tetovo.

⁵⁴ “Mamelukes” were slave members of an Egyptian military class. In Muslim countries the term is also commonly used for slaves.

⁵⁵ *European Roma Rights Center* interview with 42-year-old F.A., August 17, 1997, Tetovo.

Presumably due to history, attacks by ethnic Albanians, far from being isolated incidents of violence, evoke past abuses of Roma by Albanians.

The outcome of efforts to impose a non-Romani identity is defined on a micro-regional level. Within Tetovo alone, two neighbourhoods comprising between 500 and 700 Roma declare themselves Turks. Tetje and the surrounding area, with its 1000 Roma embedded in the Albanian suburb and virtually in the shadow of the Albanian university, register as Albanians. In one neighbourhood, Potok, consisting of 200 houses comprising approximately 2000 Roma, the Roma declare themselves as such. This is, according to Roma from Potok, a “success” and was only achieved recently. The combination of economic dependence, political manipulation and fear produces a particularly noxious form of oppression.

Ethnically-motivated violence is not confined to Albanian-speaking areas, however. Roma in predominantly Macedonian areas in Central and Eastern Macedonia report that they are attacked by ethnic Macedonians, and that over the past ten years, inter-ethnic relations have deteriorated drastically.

According to testimony provided to the *ERRC* by a 23-year-old Romani man named S.I., he and two friends of his, also Roma, were attacked by a group of ethnic Macedonians in Kočani in mid-July 1997. Mr S.I. told the *ERRC* that he had gone to a public swimming pool with two friends. He had just got into the water when he observed a group of four ethnic Macedonians summon one of the Roma in his company and, following a brief discussion, slap him twice in the face. Mr S.I. approached the group and observed that his friend had become angry, but that more ethnic Macedonians were gathering, and he persuaded his friend to calm down and leave. The third Romani man evidently left the scene at this point, as did the Romani man who had been slapped. Mr S.I. stopped, however, to gather his belongings, and as he bent over to collect his clothes, towel and watch, he was first kicked and then beaten by the group. He told the *ERRC* that he is able to identify three of his assailants.

Mr S.I. filed a complaint with the Kočani police immediately following the incident and they brought him to hospital. He reports that his face was badly swollen and he was bleeding from his right ear. The hospital allegedly bandaged his ear, did not issue a medical protocol, and denied his request for anaesthetic. He then returned home with his parents. According to Mr S.I., the police promised that they would find his assailants, but at the time of his interview with the *ERRC*, they had allegedly taken no action. Mr S.I. claims to have gone once thereafter to the police to inquire about the progress of the investigation, and been told by a police officer, “Get out of here, we

will call you when we are ready for you.” Not understanding, Mr S.I. inquired further and was told that he was under suspicion of threatening to kill his attackers with an electric saw. Frightened, he did not inquire further into the nature of the accusation. Mr S.I. told the *ERRC* that, since the fight, he does not leave the Roma neighbourhood unless it is absolutely necessary:

That was the first time in my life I had ever been in a fight. I spent years in Germany and I never had any trouble there. I'm afraid to go into town now. I haven't been there for a month. The people are bad here in Kočani, but the police don't arrest *gadje*.⁵⁶

Roma in Kočani report that attacks on Roma by non-Roma are now very common there. 19-year-old Šukri Mustafiov was also attacked by non-Roma in Kočani while he was selling at the local bazaar. Mr Mustafiov told the *ERRC*:

I was selling plastic bags at the bazaar in Kočani when a man— another vendor— came up to me and started cursing and swearing at me. He was angry that I was selling things and he was yelling really loudly. He was saying really nasty things about my mother. Then he hit me in the face. I hit him back. Two other men came over and the three of them started beating me. I fell to the ground and they started kicking me as well. After they left me I had to go to the hospital and have my leg set in plaster. Later I went to the police to make a complaint. They wrote down everything that had happened to me and they said they would look into it. As far as I know, absolutely nothing has ever been done as follow-up. The police haven't done anything.

Roma in the town of Vinica report that because of the frequency of attacks on Roma in Kočani, they are steadily moving to rural settlements like Vinica. One Romani woman in Vinica who had recently moved with her family from Kočani told the *ERRC* that she finally moved because at least in the mountains, Roma are left alone. A Romani leader in Vinica told the *ERRC* that during the 1994 census, his community all put down their identity as “Romani”. In Vinica, where the local government has a majority from the Macedonian nationalist VMRO party, it is presumably safer to register as “Romani” than “Turkish”, the other available local option.⁵⁷

⁵⁶ *European Roma Rights Center* interview with 23-year-old S.I., August 14, 1997, Kočani. “Gadje” is the Romani word for non-Roma.

⁵⁷ VMRO (the “Internal Macedonian Revolutionary Organisation”— officially VMRO-DPMNE, the

Roma from Veles report similar physical assaults by non-Roma. A 24-year-old Romani man named Faik Demirov reported to the *ERRC*:

I have been beaten up three times by non-Roma in Veles. The last time was four months ago. Four people came out of a bar and started swearing at me and calling me “Gypsy”. They were drunk. I asked them why they were picking on me and one of them came over and started hitting me. Then the rest came over. They punched me until I fell down and then they started kicking me. This went on for about ten minutes. They left me lying on the ground.

Some people called the police, who came and brought me to the hospital. I was hurt and they bandaged my leg. The police questioned me and wrote things down. They found out the names of the people who had beaten me from the people at the bar, but nothing happened. They didn't arrest anyone. The police know the names of all the troublemakers in Veles, but they never do anything.

Mr Demirov told the *ERRC* that since the late 1980s, ethnic relations in Veles have been bad:

Non-Roma hate us. They come in groups, chase us and call us Gypsies. They swear at us. They attack us when we leave the settlement and go into the city. They curse, and they call Romani girls obscene names. It is mostly young people who do this to us. It is not like it was before - now there is no trust between Roma and non-Roma. Sometimes we fight back, but mostly we run away. There are many more of them than there are of us.⁵⁸

Internal Macedonian Revolutionary Organisation— Democratic Party of Macedonian National Unity) is today the main nationalist party in Macedonia and is named after an anti-Ottoman and later anti-Yugoslav revolutionary group from the late 19th and early 20th century. In the 1990 Yugoslav elections they were the most popular party in Macedonia, but they did not form a government. On February 16, 1993, VMRO-DPMNE MP Tomislav Stojanovski complained to the Macedonian Parliament about “the state we are building with Gypsies.” See Reemstma, Katrin, *Roma in Mazedonien*, Göttingen: Gesellschaft für bedrohte Völker, May 1995, p.25.

⁵⁸ *European Roma Rights Center* interview with 24-year-old Faik Demirov, August 10, 1997, Tetovo.

19-year-old Erzan Mustafov told the *ERRC* that he had been very sorry to leave Germany, where he lived from the time he was nine years old until he was seventeen:

We are all sorry we had to leave Germany. We got along fine with the Germans. Those of us who were in Germany know what it is like to get along with non-Roma now.⁵⁹

⁵⁹ *European Roma Rights Center* interview with 19-year-old Erzan Mustafov, August 15, 1997, Štip.

5. "YOU GYPSIES DON'T KNOW HOW TO LIVE PROPERLY": POLICE AND JUDICIAL ABUSE OF ROMA IN MACEDONIA

Article 9, paragraph 1 of the Constitution of the Republic of Macedonia states that, "Citizens of the Republic of Macedonia are equal in their freedoms and rights regardless of sex, race, colour of skin, national and social origin, political and religious beliefs, property and social status." Article 54(3) additionally provides that, "The restriction of freedoms and rights cannot discriminate on grounds of sex, race, color of skin, language, religion, national or social origin, property or social status." Macedonia is also signatory to the International Covenant on Civil and Political Rights; the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), which it ratified on April 10, 1997; the European Convention for the Prevention of Torture, ratified on June 6, 1997; the International Convention for the Elimination of All Forms of Racial Discrimination, ratified on January 18, 1994; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, also ratified on January 18, 1997. International law has the status of domestic law in Macedonia under Article 118 of the Constitution. This states that: "The international agreements ratified in accordance with the Constitution are part of the internal legal order and cannot be changed by law."⁶⁰ In contravention of these obligations, the *ERRC* documented instances of abuse at all points in the criminal justice system in Macedonia.

Sometime on or around August 21, 1996, a large brawl took place between Roma and ethnic Macedonians in the town of Štip. Evidently beginning with a fight between Roma and ethnic Macedonians at a local discotheque, Roma reported to the *ERRC* that the fight began in earnest when a Romani boy was discovered beaten outside a wedding which was taking place in a hotel in the centre of the city. According to 17-year-old I.A., the boy was allegedly "lying on the ground, covered in blood, with one eye swollen"⁶¹ in front of the hotel. A group of Roma then set out from the wedding to retaliate and they found and beat an ethnic Macedonian who, they reported, had shouted racial epithets at them. Acting on a rumour that the same group of ethnic Macedonians had also beaten a Rom at a local disco, eleven Romani men proceeded in the direction of the disco in two groups.

⁶⁰ Constitution of the Republic of Macedonia, Skopje, November 17, 1991, in Council of Europe: *The Rebirth of Democracy: Twelve Constitutions of Central and Eastern Europe*, Strasbourg: Council of Europe Press, 1995, p.373.

⁶¹ *European Roma Rights Center* interview with 17-year-old I.A., August 15, 1997, Štip.

On the way to the disco, six of the Roma were evidently detained by local police and brought to a Štip police station in a police van. According to the testimonies of three of them, the police questioned each of them individually. Two of the men told the *ERRC* that they had been forced to sign statements which they were not given the chance to read, and which were exacted under threat. 17-year-old Mr S.N. told the *ERRC*:

They took us in one by one. They called me into a room with six policemen in it who demanded to know why I had beaten up the little Macedonian who had been swearing at us. I told them it was not my fault. I said he had been asking for it by swearing at us and offending us and saying dirty things about my mother. One of the policemen wrote everything down and I could see that he and the rest of them didn't believe me. Then they made me sign a statement. They didn't give me time to read it. The one who made me sign told me that if I didn't sign the statement, they would take me down to the cell. By the tone of his voice, I knew what he meant by that.⁶²

All six of the detained Roma were then allegedly made to stay in a police waiting room for one to two hours. After that, the police brought three of the men together into the same room in which they had been interrogated, where six policemen allegedly beat them with truncheons. One of the men, 17-year-old S.N., testified to having been beaten repeatedly by two policemen on the neck and back of the head, until he was lying on the floor in the foetal position:

The six of us waited outside while each one was called in to be interrogated. Then they made all of us wait for a long time— maybe two hours. Finally they called me, a friend of mine, and my cousin back in and, without saying a word, they started beating us with their sticks. There were six policemen altogether. Two policemen took on each one of us. They beat me everywhere: the back of the head, the neck— everywhere. They kept hitting and hitting. I fell to the floor and wrapped myself up in a ball and they went on hitting me for what seemed like hours.⁶³

The six men were then allegedly detained in a single cell until 4:00 pm the next afternoon without food or water. A further five Roma were evidently brought in early the next morning, as was a group of approximately ten ethnic Macedonians. One of

⁶² *European Roma Rights Center* interview with 17-year-old S.N., August 15, 1997, Štip.

⁶³ *European Roma Rights Center* interview with 17-year-old S.N., August 15, 1997, Štip.

the Romani men detained the following morning told the *ERRC* that he had been beaten ten or twelve times by policemen with truncheons during questioning. Fighting between Romani and non-Romani gangs had, according to one witness, continued sporadically all night.

A hearing evidently took place late in the afternoon of the following day, violating the rights of all of the defendants concerned, provided under Article 6(3)(b) of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and Article 14(3)(b) of the International Covenant on Civil and Political Rights (ICCPR), to have adequate time and facilities to prepare a defence. According to the testimony of the defendants, eleven Roma and ten ethnic Macedonians were tried in closed proceedings for the misdemeanour charge of disturbing the public peace. The Roma went to trial without a lawyer, in contravention of their right to legal assistance of their own choosing as provided under Article 6(3)(c) of the ECHR and Article 14(3)(d) of the ICCPR. Nor were they informed of the right to counsel as guaranteed under Article 14(3)(d) of the ICCPR. Roma questioned independently by the *ERRC* claimed that the judge's questions suggested that he assumed that Roma were the sole cause of the fight, effectively violating their right under Article 6(2) of the ECHR and Article 14(2) to be presumed innocent until proven guilty, as well as the right to fair trial as set down in Article 6(1) of the ECHR and Article 14(1) of the ICCPR. Their testimony additionally indicates violations of the right to equal treatment before the tribunals and all other organs administering justice as enshrined in Article 5(a) of the International Convention on the Elimination of All Forms of Racial Discrimination. Indeed, eleven Roma were evidently sentenced to fines of 6000 denars each (approximately 200 German marks), a sentence which was exacted in the form of 16 days community service. The ethnic Macedonians charged were released with only a reprimand. One Romani defendant told the *ERRC* that while being questioned, the judge told him, "You Gypsies don't know how to live properly."⁶⁴

Since the event, relations between Roma and non-Roma in Štip have degenerated drastically. 20-year-old E.R. told the *ERRC*:

As soon as we came out of the courtroom, the Macedonian kids started picking on us like they wanted to fight us again. A few days after that, a Rom was run over in the street by a car that didn't stop. I think it was on purpose. Around six that evening, a Rom was beaten up at the market. Finally it got so bad that fifteen of us went to the police to tell them that we are not safe in Štip. They told us, "If you have problems with the

⁶⁴ *European Roma Rights Center* interview with 20-year-old E.R., August 15, 1997, Štip.

Macedonians, report it to us and we will take care of it". So now everything is supposed to be reconciled, but it is not. Just two days ago, I was passing the school and two kids on motorbikes drove past me shouting "Cigani! Cigani!" We all dream of getting out of here. We can't live like normal human beings here.⁶⁵

Anti-Roma violence has not been addressed adequately by Macedonian authorities and inter-ethnic tensions now regularly erupt into inter-ethnic street-fighting. This is especially true in central and eastern Macedonia, although the *ERRC* also documented brawls in the south-western town of Ohrid. The *ERRC* noted that there is more-or-less constant street fighting between groups of Roma and non-Roma in the towns of Delčevo, Kočani, Štip, Titov Veles and Vinica, with similar fighting allegedly also common in Berovo, Kavadarci and Strumica.⁶⁶ In many instances, such street fighting is followed by episodes of police abuse and unequal treatment by the judiciary, with Macedonian authorities tending to blame Roma for disruptions of public order. In extreme situations, police abuse and judicial bias combine to magnify the scale of abuse.

Street fighting is not the only context in which authorities violate the rights of Roma in Macedonia. Police abuse was seen most commonly in several circumstances: First of all, police beat Roma when they violate stringent 1995 legislation restricting outdoor trade. Secondly, it is common practice for police to beat Romani suspects in order to obtain confessions or as a form of impromptu punishment. Finally, when

⁶⁵ *European Roma Rights Center* interview with 20-year-old E.R., August 15, 1997, Štip.

⁶⁶ Street fighting is usually prosecuted under the 1984 Law for Offences Against the Public Peace and Public Order. The relevant articles state: "Article 4: He who disturbs the public peace and order at a public place by quarrelling, yelling or indecent behaviour will be punished with a monetary fine [...] or with a prison sentence of up to 30 days. Article 10: (1) He who provokes the disapproval of citizens or becomes a threat to their security through the mistreatment of another or by the use of force towards another at a public place will be punished with monetary fine [...] or with a prison sentence of up to 30 days. (2) He who, in committing the offence in paragraph 1 of this article, displays special carelessness, obstinacy or impudence, will be punished with a prison sentence of 30 to 60 days. Article 11: (1) He who participates in, provokes or encourages another to fight in a public place will be punished with a monetary fine [...] or with a prison sentence of up to 30 days. (2) He who, in committing the offence in paragraph 1 of this article, displays particular brutality, will be punished with a prison sentence of 30 to 60 days. Participating in a fight with the intention of helping to protect an attacked person is not considered participation in a fight in the sense of paragraph 1 of this article. Article 12: He who physically attacks another person in a public place will be punished with a prison sentence of 30 to 60 days." *Official Gazette of the Republic of Macedonia*, No. 8, Year 40, March 14, 1984. Unofficial translation for the *European Roma Rights Center*.

Roma fall victim to ethnically-motivated attack, the police often do not investigate, or conduct inadequate investigations. A state of denial reigns among Macedonian authorities with respect to the fact that anti-Romani hate crime exists in the country. In some cases, such as in the events in Štip detailed above, abusive practice by the police precedes and abets judicial abuse.

5.1. POLICE ABUSE OF ROMA IN MACEDONIA

Police abuse of Roma is rampant in Macedonia.⁶⁷ The *ERRC* documented instances of police ill-treatment in Kočani, Kumanovo, Makedonska Kamenica, Ohrid, Prilep, Skopje, Štip and Tetovo. A new Law on Commerce, adopted in 1995, triggered a wave of physical violence against Roma by the police, both in custody and in public. Other documented police abuse includes beatings of Roma as a technique of police investigation or as a judicially unsanctioned form of punishment, and failure to investigate racially motivated crimes. Finally, testimony by Roma indicates that ill-treatment of Roma by the police is so common in Macedonia that it has become part of the Romani social landscape, an object of folk culture.

5.1.1. Police Abuse of Roma in the Context of the 1995 Law on Commerce

Many of the abuses documented by the *ERRC* occurred in the context of the Law on Commerce (*Zakon za trgovijata*), which went into effect in July 1995. This law provided a legal regime for small business that was, according to Macedonian business lawyers with whom the *ERRC* spoke, intended to be more "European". Previous legal norms regulating trade dated from socialist Yugoslavia, or had been adopted during the brief and unsuccessful attempt between 1989 and 1991 of the government of Ante Marković to introduce market reforms to that system. The aftermath of the adoption of the law has been a dramatic rise in reported police beatings of Roma over the past two years, and at least one death during that time. The pre-history, circumstances and repercussions of the law are discussed below.

Yugoslavia faced economic difficulties in 1970s which were to have continuing repercussions throughout the 1980s. Beginning in the 1980s, however, the entire structure of the Yugoslav economy began to change and jobs Roma had previously

⁶⁷ Domestic and international organisations have noted that police brutality is widespread in Macedonia regardless of ethnic origin. See, for example, Human Rights Watch/Helsinki, April 1998, *op.cit.*

typically held began to vanish. Many jobs for unskilled manual labourers were replaced by machines. 45-year-old Nedžad Ibrahimov told the *ERRC*:

My generation of Romani men in Kočani worked in the rice-fields doing work such as carrying rice bags, loading and things like that. But in the early 1980s, we were all replaced by combine harvesters.

Following the loss of his job at the rice factory, Mr Ibrahimov went to work at a local brewery:

The workers were Roma and the directors were non-Roma. There were about one hundred Roma working at the brewery.

However, in 1990 it was privatised. This was a catastrophe for the Roma of Kočani:

A businessman bought it. We worked there for three or four more days and then they came and told us, “You are free”, and one hundred Roma lost their jobs. Now it is all *gadje* up there. We were replaced by non-Roma. I think they have hired back two Roma.⁶⁸

Since the moment of its independence on September 17, 1991, Macedonia has faced economic difficulties even beyond those of other countries from the former-Communist block. In addition to the technology lag and the large factory staffs typically hindering post-Communist economies, Macedonia has had troubled political relations with its neighbours. Access to ports in Albania has been rendered difficult due to state friction over Macedonia's large Albanian minority as well as serious infrastructure problems. The international trade embargo imposed on the Federal Republic of Yugoslavia in 1992 severely complicated trade with its former fellow-Yugoslav republic, given that Macedonia's political stability depended to a large part on both Western friendliness and international presence in the form of UNPREDEP troops (United Nations Preventive Deployment Force) and the Organisation for Security and Co-operation in Europe.⁶⁹ Further, although the European Union stands at Macedonia's border with Greece, that country imposed a trade blockade on Macedonia due to what Greece perceived as an attempt by Macedonia to usurp Greek state symbols and historical figures. As such, Macedonia's most frequented trade route at present is through Bulgaria to Turkey, although relations with Bulgaria are also complicated.

⁶⁸ *European Roma Rights Center* interview with Nedžad Ibrahimov, August 14, 1997, Kočani.

⁶⁹ Macedonia joined the international embargo of Serbia. Approximately 80% of Macedonia's trade prior to the break-up of Yugoslavia was with other Yugoslav republics.

The economic troubles in Macedonia have created one of the highest unemployment rates in Europe nationally and near total unemployment for Roma all over the country. At present, thirty of the approximately one thousand Roma of Kočani have jobs, mostly working for the state forestry service. Roma in the town of Prilep in southern-central Macedonia reported similar problems to the *ERRC*:

There used to be factories here: textile factories like *Biljana* and *Polytext* and big construction companies like *Partizanka*. All of them are closed now. The only factory still open is the tobacco concern *Tutunski kombinat*. They employ Roma, but only the ones who were already working there before 1990. The young people finish school with absolutely no chance of getting a job in the factories.⁷⁰

Official unemployment in Macedonia in April 1998 was 37.1%. With respect to Roma, documents distributed by the Foreign Ministry state that, “On March 30, 1996, the total number of unemployed persons in the Republic of Macedonia was 233,892 [...], while the total number of unemployed Roma was 10,865 persons [...]”⁷¹ The *ERRC* observed massive chronic unemployment among Roma. The overwhelming majority of the Roma with whom we spoke were living on state social aid. Discrimination plays no small part in this situation. One Rom in Štip told the *ERRC*:

The local shoe factory always has openings— they once advertised one hundred and fifty jobs— but they never employ Roma. The requirements are that you have completed eight-class primary school, so many qualified Roma have applied, but they haven't hired a single Rom.⁷²

Approximately 5000 Roma live in Kumanovo. Roma with whom the *ERRC* spoke could name all of the people who still had jobs in the state sector. A 46-year-old Romani man named Dževat Bektešovski told the *ERRC*: “Ten or twelve people have

⁷⁰ *European Roma Rights Center* interview with 35-year-old I.A., August 20, 1997, Prilep.

⁷¹ Unemployment figures provided by the Ministry of Social Affairs; see also Foreign Ministry of the Republic of Macedonia, “The Situation of the Roma in the Republic of Macedonia”, unpublished but distributed by the Ministry, pp.2-4, as well as supplementary data distributed by the Foreign Ministry concerning the final results of the 1994 census.

⁷² *European Roma Rights Center* interview with 19-year-old Šenaj Osmanov, August 16, 1997, Štip.

jobs here. They are plumbers or public cleaners.”⁷³ Mr Bektešovski did not attribute the lack of jobs solely to the economic crisis:

There is an economic crisis, yes. Times are bad for everybody, it is true. But other Macedonians get flats and jobs. Roma don't.⁷⁴

The result of the massive dismissal of Roma from the work force which took place in Macedonia has been manifold. First of all, Roma often take on work which is exploitative; one 16-year-old Romani orphan living with his aunt told the *ERRC* that he regularly packs boxes of grapes for 10 denars (approximately 1/3 of 1 German mark) per 20 kilo box.⁷⁵ Some Roma, on the other hand, turn to crime—mostly in the form of petty theft or smuggling—while others attempt to live solely off the meagre sum afforded by the Macedonian welfare system, 4200 denars (approximately 120 German marks) per month per family of four. Most, however, have begun selling at the bazaar.

As a direct result of the closing or effective dysfunction of the larger part of Macedonia's industrial sector, outdoor trade, including legal and illegal selling at the public markets, as well as freelance illegal street trade outside such legally designated areas, began to increase in the early 1990s. Heavily affected by the factory closures, Roma were over-represented among the new street dealers. In Gostivar, for example, a 33-year-old Romani man named A.H. told the *ERRC*:

The factories all closed four or five years ago. In Gostivar the main factories were the ceramics factory called *Silica* and the textile factory called *Gotex*. More than 100 Roma lost their jobs when *Silica* closed. Now some people try to make money playing music at weddings, but most sell textiles on the street. Nearly everybody receives social help, but 4200 denars is not enough to live on. Now we sell.⁷⁶

At the same time as factories closed and Roma took to the streets to sell, however, the developing Macedonian small business sector began to put pressure on the

⁷³ *European Roma Rights Center* interview with Dževat Bektešovski, August 9, 1997, Kumanovo.

⁷⁴ *European Roma Rights Center* interview with Dževat Bektešovski, August 9, 1997, Kumanovo.

⁷⁵ *European Roma Rights Center interview* with Serdar Asanov, August 15, 1997, Kočani.

⁷⁶ *European Roma Rights Center* interview with 33-year-old A.H., August 17, 1997, Gostivar.

government to crack down on unregulated trade.⁷⁷ Various arguments appeared to legitimate the coming crackdown. First of all, it was argued that revenues were being lost due to an uncontrolled flood of smuggled goods—especially textiles and clothing—from Turkey. Secondly, unregulated public street trade was increasingly viewed as “not European” and therefore not in step with the spirit of the times in the new Macedonia. Finally, consumer safety was deemed to be at risk if unregulated trade continued.

In August 1993, the government made an attempt to impose order on street trade by issuing decree No. 23-2293/1. This attempted to distinguish agricultural products from other goods for the purposes of public sale, granting legitimacy to the former for the purposes of outdoor trade.⁷⁸ Finally, in April 1995, the Macedonian parliament ratified a new Law on Commerce (*Zakon za trgovijata*). Article 6 of this law allowed only the sale of agricultural products, some foodstuffs and trinkets of various kinds (*galanterija i bižuterija*), effectively banning the outdoor sale of textiles.⁷⁹

⁷⁷ The first private cafés in Macedonia opened in the early 1980s. Promoting small business was the central program of the Ante Marković government which attempted broad liberalizing economic reforms in Yugoslavia in 1989-1991. See Woodward, Susan L., *Balkan Tragedy: Chaos and Dissolution After the Cold War*, Washington D.C.: The Brookings Institute, 1995. Although much unregulated street trade concerns domestic or second-hand goods, there is a widespread belief that all street merchants deal in smuggled goods, thus undermining local businesses and industries.

⁷⁸ The “Decision to Prohibit the Sale of Certain Products at the Retail Market” states, “It is prohibited, at the retail market at which retail trade of agricultural-food products is being performed, to sell: meat and meat products; candied products; non-alcoholic beverages; spare-parts and equipment for motor vehicles and motor oils; electro-technical and electronic devices, radio and television sets, machines, spare parts and equipment, lighting fixtures; ready medicaments, medical and pharmaceutical raw materials, products and preparations, medical and laboratory appliances and instruments, gear, spare-parts, equipment and disposable materials of all kinds except medicinal herbs; chemical products, paints, varnish and painting tools, washing soaps and other hygiene products, detergents, tobacco and tobacco products.” *Official Gazette of the Republic of Macedonia*, No. 53, Year 49, August 26, 1993.

⁷⁹ Article 6 of the Law on Commerce states: “At markets at which wholesale trade is conducted, only agricultural products may be sold. At markets at which retail trade is conducted, only the sale of agricultural products, milk and dairy products, fish and poultry, healing herbs, flowers, trinkets of various kinds (*galanterija i bižuterija*), honey and clay products is permitted. [...] At specially organised markets which take place once a week, retail trade of old motor vehicles and old spare parts for cars is permitted. The sale of cattle is done at specially organised markets. For the sale of antiques, special markets could be organised once per week, to be determined by the organs of individual local governments. This law will come into effect eight days after its publication.” *Official Gazette of the Republic of Macedonia*, (number 08-1626/1), No. 23, pp.523-529, April 27, 1995.

It is unclear how far discriminatory intentions infected the drafting of the new Law on Commerce. Legal experts and individual members of the human rights community with whom the *ERRC* spoke were united in their conviction that it was not possible that anti-Romani sentiment could have influenced the drafting of law, because all were convinced that anti-Romani sentiment has little influence on politics in Macedonia, if it exists at all. Nevertheless, it was widely acknowledged that “everybody knows that Gypsies sell textiles” and several police officers with whom the *ERRC* spoke explained that Roma are not, for the most part, involved in violent crime, but tend to enter the criminal process as a result of smuggling and illegal trade. One non-Romani lawyer explained the underlying necessity for the new legislation to the *ERRC*:

The law had to be the way it is now. It is a good law. There were lots of smuggled goods, and the state was unable to collect tax revenues. Also, it was impossible to regulate the quality of the goods being imported since, again, most of it was smuggled. People were selling everything before; Gypsies were selling mostly textile goods, such as jeans, mainly brought in from Turkey.

The 1995 law was a big improvement. Earlier regulation was socialist and much less comprehensive. This new law is a good law in that it is very effective. There are not too many problems with it, except maybe this problem with Gypsies, but this too is not a problem; all countries, once they have a western civilisation, regulate trade in this manner. All firms must be registered. The state needs control.⁸⁰

There is a widespread belief in Macedonia that street vending is not honourable work. Many people with whom the *ERRC* spoke seemed to believe that it is not, in fact, work at all. Due to the over-representation of Roma among the new vendors, the stigma of street vending bears with it an unarticulated or only partially articulated anti-Roma sentiment.

The law on commerce has affected a disproportionate number of Roma as compared with non-Roma. Romani leaders told the *ERRC* that Roma are significantly over-represented among Macedonia's unemployed, and that it is very common for Roma to make their living by selling on the street or at the bazaar. Mr Moadin Šaitovski, coordinator of the Kumanovo branch of the *Party for the Total Emancipation of Roma* told the *ERRC*, “Our problem is called Article Six. From this, almost all other problems flow.”⁸¹

⁸⁰ *European Roma Rights Center* interview with Kristian Polenak, August 14, 1997, Skopje.

⁸¹ *European Roma Rights Center* interview with Moadin Šaitovski, August 11, 1997, Kumanovo.

Public outdoor sale was always limited to strictly delineated areas (bazaars and kiosks) and times (market days) even before the 1995 Law on Commerce. Also, it has always been necessary to procure a license for public trade. The only innovation in the new law in this regard is the notable absence of clothing and textiles among the list of goods permitted for outdoor sale, even in the legally designated areas. However, following its ratification, the new law provided the context for a major crackdown on all forms of illegal outdoor trade.⁸² This began in August 1995 and has continued with periods of fluctuating intensity to the present. Targeting unlicensed vendors and public sellers of textile and other illegal goods, police now subject vendors, especially Romani vendors, to harassment and/or physical violence. Roma also report that they are denied receipts or other documents for goods that are confiscated. Since most Roma do not have enough money to go into business themselves, they are beholden to bosses from whom they receive merchandise and for whom they sell. One Romani man in Tetovo described what he and most Roma now face since the adoption of the law:

The police here torment merchants. They don't let them sell. When a policeman comes, he will want to know if you have a license. But to get a license, you have to have a place. I don't even have a house; how would I get a vending space? The police take your merchandise and you have to pay a fine. If you have connections, you can get your merchandise back, but if you don't have connections, the police keep your things.

The merchandise we have comes from rich people who do the importing. We receive a percentage for our sales. When I used to sell, I made about 350 denars [approximately 12 German marks] per day. When you go to a boss for merchandise, you must guarantee that the police won't take it. This is crazy: how do I know if the police will take my stuff or not. But you have to guarantee if you want to sell his stuff. If the police take your things, you will have problems on both sides: from the police and from your boss.⁸³

16-year-old Serdar Asanov, from the eastern Macedonian town of Kočani, has been detained by police both in the central town of Štip and in Makedonska Kamenica, in the northeast. He told the *ERRC*:

⁸² Violations of the Law on Commerce are misdemeanours and are therefore referred to administrative courts. However, police may bring smuggling charges if the goods being sold are foreign and legitimate import papers cannot be shown. This is a criminal violation under Article 278 of the Macedonian Penal Code.

⁸³ *European Roma Rights Center* interview with 26-year-old M.N., August 11, 1997, Tetovo.

Six weeks ago I went to Kamenica to sell at the market. I didn't have the money to rent a space, so I put my things out on six boxes, stacking one box on top of another to make a sort of table. It was about 6:00 in the morning. I had stockings, t-shirts, shirts and some children's one-piece suits. All together I had clothing worth about 36,000 denars [approximately 1200 German marks]. They weren't my things— I was working on commission for someone else. We sell and get a percentage of the sale.

Almost as soon as I had set up my stand, a policeman came and kicked my boxes over. Everything fell on the ground. I asked him to please not kick my things, because I was selling on consignment. I told him I was sorry—that I was in Kamenica for the first time. He said, “Fuck your Gypsy tribe”. When I told him not to insult me, he took me in.

At the police station, there were two policemen. First they made an inventory of my things. Then they took all of them into another room. They acted as if I was selling to hurt them. They said things like “Why are you against us?” I asked them why they had kicked over my box, rather than telling me not to sell. That's when they started beating me. Both of them beat me repeatedly on the shoulders and back with their sticks. I'm not sure for how long— it seemed like two hours.

After that they told me I could go. I had no money to get back to Kočani, so I asked them to give me one pair of stockings to sell for bus fare. That made the taller of the two policemen really angry and he punched me three times. I had to walk back to Kočani— all seventy kilometres. It took me a day and a night. Before I left, the police gave me a ticket for 7000 denars [approximately 220 German marks] and told me that if I didn't pay within two days, I would go to jail. My aunts borrowed the money to pay the fine and to pay back the money for the merchandise which was confiscated. We are still in debt. We pay back 3000 denars [approximately 100 German marks] per month from our social welfare money and try to live on the remaining 1200 [approximately 40 German marks].

I had had trouble with the police once before, in Štip. This was around six months ago. I went there in the early morning, put my boxes together and started to sell. A policeman came along and asked me why I was selling. I told him, “For a piece of bread”. He handcuffed me, brought me to a police wagon and put me in the back. Then they drove

me to the police station— there were two policemen in front and one in the back with me. The one with me beat me with his stick as we drove to the police station.

When we arrived at the police station, they took me into a small room and three policemen beat me with their truncheons. Luckily my uncle had been at the market, and when he saw me being arrested, he came straight to the police station. When he arrived, they let me go. He drove me back to Kočani. After a week we received a fine for 4500 denars in the mail. The letter said that if we didn't pay in one week, I would go to jail for six months. There was nothing in the letter about being able to challenge the fine in court.⁸⁴

19-year-old Šukri Mustafov, a Romani man who is also from Kočani, reported to the ERRC that he had also been subjected to physical abuse by the police in both Makedonska Kamenica and in Kočani:

A month ago I went to Kamenica to sell at the bazaar. I was selling soap and plastic bags. One policeman came up to me and asked me where I was from. I said I was from Kočani. He told me to come with him to the police station.

At the police station, they took my things from me— twenty boxes of soap and about 20,000 plastic bags. There were three or four policeman in the main room. One of them took me downstairs to a cell. It was dark there, so I couldn't see very well. Once we were in the room, he beat me with his truncheon on my legs, arms and feet. Then he left the room and another one came in and did the same thing. Then a third policeman came in and beat me as well. I think this went on for about an hour. Then they took my belt and left me there for twenty-four hours without food or water.

After twenty-four hours they put me in a police car and brought me back to the police station in Kočani. They put me in a chair and made me say what I had done. I told them I had been selling soap and plastic bags at the bazaar in Kamenica and I demanded my things back— I told them that the soap and the bags weren't mine, and that I sell for other people. I told them that if they took my things I would get in trouble with my boss.

⁸⁴ *European Roma Rights Center* interview with 16-year-old Serdar Asanov, August 14, 1997, Kočani.

Then they beat him:

One big policeman beat me here in Kočani. He made me hold out my hands and he hit them with his stick. Then he hit me twice on my back. Finally they let me go. They gave me a document saying there would be a court hearing and they told me I would have to pay 28,000 denars [approximately 950 German marks]. I haven't received the fine yet. They didn't give me back my bags or my soap and now the person I sell for also wants money. He told me to find the money or we will have to fight. I don't know what I am going to do.

Mr Mustafov told the *ERRC* that most Roma in Kočani, especially young Roma, have had similar experiences with the police, and that the episode was typical of his life to date:

What can I say? I have to eat and we have no other possibilities here in Macedonia. I have been beaten by the police about ten times, and I have had my things confiscated about that many times as well. They always scream at you that you shouldn't sell, but they give us no alternative.⁸⁵

A 26-year-old Romani man named M.N. told the *ERRC* that he had also been subjected to arbitrary treatment in the northwestern town of Tetovo:

Here the law is "fear the police". I had problems with the police three months ago. I was selling in the car park of a local hospital when one policeman caught me. I asked the policeman please not to take my things because I live by selling. This is dangerous, because if you talk back to the police, they hit you with their truncheons. But this policeman wanted me to come to the police station with him. I begged; I told him I wouldn't sell anymore in that place, but he said he wasn't interested in my story and he told me that if I kept talking, I would taste his stick. I told him that I was an honest man. That was when he stepped up and hit me. In front of everybody, he punched me in the stomach. There were five or six people watching.

Then he handcuffed me, took me into the hospital and brought me into a small room there. No one in the hospital stopped him. He handcuffed me to a chair and started hitting me with his truncheon. He hit me two or three times. One blow hit the back of my head and I lost consciousness. I don't

⁸⁵ *European Roma Rights Center* interview with Šukri Mustafov, August 14, 1997, Kočani.

know how long I was in the hospital room; I have a feeling it was about one hour. When I regained consciousness, he removed the handcuffs from the chair, brought me to his car, and drove me to the police station.

At the police station, they confiscated my merchandise. The policeman who brought me in told the others that I had talked back and so he had had to take me to the hospital room and teach me a lesson. One of the other policemen said, "If that had been me, I would have broken you with beating." The police chief wanted to know how long I was going to live like this. I told him that I had to sell to support my children and that if I had a choice I would be a police chief instead. They wrote in my file that I had talked back and resisted. Then they let me go and told me they were giving me my last chance and that if I did it again, I would go to jail. Now I don't sell anymore. I try to live off social benefits but they are too low. I don't know what I will do.⁸⁶

20-year-old Orhan Seladin witnessed his cousin being beaten by the police for selling jeans on the street in the western town of Gostivar. He told the *ERRC*:

They give you one warning and then they hit. One year ago my cousin and I were selling jeans, t-shirts and pullovers in the park by the hospital. The police came and told us to pack up our things and leave, but we didn't. After two hours, the police returned. I saw them coming, and I took my things and put them in my bag. My cousin didn't see them coming however. There were two of them. They came up to him and started shouting at him and demanding to know why he hadn't left. He told them that he had to sell, because he has children and he wouldn't be able to feed them otherwise. The policeman told him, "This is not my problem." Then one of them hit him in the chest with his stick. This made him double over, and then the policeman hit him twice on the back. He kicked him as well, and hit him in the face once with his fist. Then the police confiscated his things and told him to come to the police station later. He went there one week later and had to pay a fine of 8500 denars [approximately 285 German marks].⁸⁷

In Skopje, vendors reported biweekly raids by up to 25 police officers of the Bit Bazaar, the Green Bazaar and the Stone Bridge, the latter of which is off-limits to all

⁸⁶ *European Roma Rights Center* interview with 26-year-old M.N., August 11, 1997, Tetovo.

⁸⁷ *European Roma Rights Center* interview with 20-year-old Orhan Seladin, August 17, 1997, Gostivar.

vendors. 17-year-old A.M., who regularly sells stockings and bandages on the Stone Bridge, told the *ERRC*:

I was beaten by the police for selling six weeks ago. There was a big raid that took place at about ten in the morning. There were two to three vans, which came and blocked off all of the possible entrances to the bridge. Then they put seven or eight of us into one van with two or three policemen and took us to the police station. One guy ran and a policeman caught him about 200 metres from the bridge. He told me later that the policeman beat him with his fist when he caught him and used karate on his neck.

When we arrived at the police station, they made us wait in a room and then they brought us in individually for questioning. I was interrogated by three policemen. They made a report documenting all of the things I had been selling. One policeman asked me why I sell. I told him, "I sell so I will have something to eat".

Then the policeman asked, "Why do you people lie and cheat innocent people?" I said, "I don't lie. They can see perfectly well what they are getting. I sit in the sun all day for twenty denars."

Then out-of-the-blue, one of the policemen stood up and started hitting me with his stick. He hit me four or five times, on my shoulders, on my back, and on my knees. The whole time he was shouting, "Why do you sell? Don't let me catch you doing this again!" He called me "Gypsy".

Then they locked me up in a cell with the other seven or eight people I had been arrested with. I found out that the police had beaten another person from the group as well. I was there for twelve hours and I was released late in the evening— maybe 11:00 o'clock. I wasn't given any food while I was locked up. My mother and father had been to see me and they had brought food, but the police had not let them in. I wasn't charged or fined— they kept my merchandise though. I couldn't walk for a week because of where the policeman had hit me on my knee.

That was the third time I had been arrested. The first time was seven or eight months ago. But I have been chased many times. Once, I jumped the fifty stairs on the bridge in three leaps. I was so scared my soul came out of me. The raids come two or three times per week. It is quieter now

because it is summer, but just wait for the first week of September— there will be raids three times a week then. The policeman whose beat this is is a nice guy though— he is our generation— maybe 19 or 20-years-old. He doesn't give us any hassles. He just tells us to move up the bridge.⁸⁸

One Rom who has a vending license to sell at the Bit Bazaar, Skopje's largest market, but often sells banned goods such as jeans and shirts, told the *ERRC* that in addition to having been beaten by the police, approximately six weeks previous to the *ERRC* visit in August 1997, he was told by a police officer, "We have to lock you up for ten hours or so, so you come to your senses." He was then detained in an unlit cell for approximately ten hours without food or water and without being allowed to go to the toilet. This was evidently intended as an extralegal cure for the desire to sell textiles. In early April 1998, a Rom reportedly jumped from the Stone Bridge during a police raid there in order to avoid being detained.

Roma also allege that confiscated goods are simply being appropriated by the police. One Rom in Vinica told the *ERRC* that the police in Berovo had taken approximately 300 German marks' worth of merchandise, without giving him any receipt. They simply informed him that he shouldn't sell anymore. 18-year-old Sebastien Sebadin told the *ERRC* that police had taken textile goods from him in the western Macedonian town of Kičevo:

The inspectors took my merchandise at the market in Kičevo. I had jeans and shirts worth more than 1000 German marks. They came, wrote down what I had and took my things. This was in summer 1996. They told me I would have to go to court, but I have received nothing in the post. I think they just took my things and sold them.⁸⁹

In summary, the *ERRC* observed the following police reactions to illegal public sale: confiscation of goods, fines with the possibility of appeal, fines absent the possibility of appeal, beatings in public, detention, and beatings in detention. Practice appears to vary both from municipality-to-municipality and, indeed, from day-to-day. When asked how they decide whom to arrest and whom to ignore, one policeman in Tetovo told the *ERRC*, "There is no procedure. We arrest them if we feel like it. Some days we feel like it, other days we don't."⁹⁰

⁸⁸ *European Roma Rights Center* interview with 17-year-old A.M., August 12, 1997, Skopje.

⁸⁹ *European Roma Rights Center* interview with Sebastien Sebadin, August 17, 1997, Gostivar.

⁹⁰ *European Roma Rights Center* interview with a police officer who declined to give his name and spoke unofficially, August 17, 1997, Tetovo.

Finally, and perhaps most importantly, Roma reported that they are targeted not because of their occupation as street vendors, but because of their ethnicity. Most Roma with whom the *ERRC* spoke were adamant that the police single out Roma and, in areas with Macedonian majorities, Albanians, far more than ethnic Macedonians when applying the Law on Commerce. One Rom from Skopje told the *ERRC*:

If they arrest ten people, you will hardly find one Macedonian in there. It will be all Roma and Albanians.⁹¹

Significantly, few of the non-Romani vendors with whom the *ERRC* spoke reported having been detained by the police. One Rom summed up his frustration and despair at the present situation in Macedonia as follows:

They beat us if we steal and they beat us if we sell. At the same time, everyone knows there is no work, and that you would starve to death trying to live on just the welfare payments. What, then, do they want us to do?⁹²

Some Roma with whom the *ERRC* spoke had attempted to conform closely to the stipulations of the new Law on Commerce. That is, they had forsworn the sale of clothing and textiles on the street and attempted to register to sell only small articles at a legally designated kiosk or stand. In order to sell goods in one's own possession legally at an outdoor stand, one must register a company, rent a stand, and successfully pass three inspections. These are administered by one or more commissions of the municipality. Many of the Roma with whom the *ERRC* spoke had encountered difficulties while attempting to acquire the necessary permits. Mr A.H., a 33-year-old Romani man from Gostivar, described for the *ERRC* the difficulties he had experienced when he tried to become a legitimate legal vendor and register his kiosk:

I had a kiosk where I was selling cosmetics and nail polish. I had to pass three kinds of inspection in order to become legally registered: a sanitation and health inspection, a labour and social politics inspection, and a minimum technical standards inspection. I paid the various different inspectors a total of 4000 denars [approximately 130 German marks], but none of them would sign anything until I passed the minimum technical standards inspection. They, however, decided that my kiosk was not well-

⁹¹ *European Roma Rights Center* interview with 20-year-old I.H., August 21, 1997, Skopje.

⁹² *European Roma Rights Center* interview with 16-year-old Serdar Asanov, August 14, 1997, Kočani.

located, so they rejected my application. I submitted the application at the office and I received the rejection in the mail.

I went back to the authorities to ask again in person hoping they would reverse the decision, but they said I had no chance. They told me, "If your kiosk had been built with strong material, we might have overlooked its location, but unfortunately it is not, so we cannot grant you the minimum technical standards certification." I have the feeling that if I had bribed someone, I might have been able to get the license, but I had already spent 4000 denars in inspection fees, and I didn't feel like throwing more money away.

I think there is an appeal procedure where I could protest the rejection of my stand, but I don't think it will help because the city is now removing a lot of kiosks. I think they don't want us selling. I have heard of 50-100 kiosks being removed. If you are rejected, you are supposed to dispose of the kiosk yourself. I have heard of many people selling their kiosks for a low price because they were rejected by the minimum technical standards inspection. My kiosk is now in storage. I have to pay a warehouse to keep it. If I didn't do this, the police would come and confiscate it.

There was a time when I was selling a thousand lipsticks a day. Now I don't even have enough money to buy my wife a lipstick.⁹³

Meanwhile, during the three months in which he was attempting to register his kiosk as a legal entity, Mr A.H. was visited by the police:

They came at 12:00 or 1:00 p.m. on August 2, 1996. There were four or five policemen who came with a van and took me to the police station where they made a list of the things I was selling. From the police station we went to the offices of the municipality, where they confiscated my cosmetics. I protested that they were my things and they said, "Don't worry, we'll settle this in court".

I never received an invitation to court. I never received a fine. I never went back to the municipality to complain, because I didn't want to receive a fine. I think they have probably just divided up my things and kept them for themselves. I don't care anymore, because they are more than a year old

⁹³ *European Roma Rights Center* interview with 16-year-old Serdar Asanov, August 14, 1997, Kočani.

and even if I got them back they would be all spoiled; cosmetics go bad after a certain period of time. I paid approximately 50,000 denars [approximately 1650 German marks] for the goods I lost, and I think I could have sold them for about 20% more.⁹⁴

Testimony such as that of Mr A.H. suggests that municipal officials do not welcome the mass registration of illegal vendors, and that the Macedonian authorities would prefer that vendors such as Mr A.H. simply stop selling. Indeed, the existence of strict legislation may simply be encouraging the freelance confiscation of goods by underpaid police officers of Roma, who are less likely to have access to avenues of redress than non-Roma.

On August 9, 1996, approximately one year after going into effect, Article 6 and the subsequent crackdown on illegal public vending in Macedonia led to a tragic incident, the possibility of which was implicit in the law and subsequent burst of repressive police and municipal authority activity. On that date, a 41-year-old Romani woman named Rekibe Mehmed died in the course of arrest procedure after she was chased, shoved from behind and then beaten during a police raid on the Green Bazaar in downtown Skopje. Eleven-year-old Jukse Mehmed, the son of Ms Rekibe Mehmed and a witness to the event, told the *ERRC*:

We were selling crackers and biscuits at the Green Bazaar at around noon when the police came. We ran. I was running ahead of my mother. I am faster than her. I heard something happening behind me and I saw a policeman pushing my mother into a bush. She had fallen. Then he hit her twice on the back of the head with his stick, and he kicked her. Then he looked at me and started running at me. I got scared and ran away.

I stopped running after a while and came back. My mother was lying in the street. Someone must have pulled her out of the bush. I started crying and yelling, "Mom! Mom!" There was a big crowd and my brother came and carried her to the hospital.⁹⁵

Another son of Ms Mehmed, 25-year-old Birsan Mehmed, also was selling at the other side of the Green Bazaar when the police raid on August 9 began. He told the *ERRC*:

⁹⁴ *European Roma Rights Center* interview with 33-year old A.H., August 17, 1997, Gostivar.

⁹⁵ *European Roma Rights Center* interview with 11-year-old Jukse Mehmed, August 12, 1997, Skopje.

I was on the other side of the bazaar and I saw the police coming. Everyone started running. I grabbed my things and ran too, but then I heard that something had happened to my mother, so I went back. I found her in the street surrounded by a crowd of people. There was blood coming from both of her ears and she was lying in a strange position. I picked her up and started toward the hospital— there is a hospital very close to the Green Bazaar, but I knew as soon as I picked her up that she was dead.

I carried her to the entrance of the hospital. They took my mother from me at the entrance but they wouldn't let me in. They told me to wait outside and they closed the door.⁹⁶

The third son of Ms Mehmed, 15-year-old Suared Mehmed, had been at home during the event. He described to the *ERRC* what followed:

Someone came up here to the Šuto Orizari neighborhood at about 12:30 in the afternoon to tell us what had happened. My father and I went straight down to the hospital, but they weren't letting anyone in. There were policemen all around the hospital and they kept us outside. Around 9:00 in the evening they finally told us that she had died, and they let us take her body home.⁹⁷

Eleven-year-old Jukse Mehmed told the *ERRC*, "In the hospital, they told me she was sick and that was why she died."⁹⁸

On Monday, August 11, two days after the incident, the Ministry of the Interior announced that an autopsy had revealed that Ms Mehmed had died of heart failure. Shortly thereafter, an investigating judge decided that on the basis of the autopsy, there would be no investigation. An article published shortly afterwards in the Macedonian daily *Nova Makedonija* quoted an aunt of Ms Mehmed to the effect that it was a pity that while washing the body for burial they had not photographed it, since she had large bruises on her neck and right shoulder. The Mehmed family told the *ERRC* that no one from the authorities had ever contacted them or taken statements from them. They also believe that none of the other eyewitnesses have ever been contacted by the

⁹⁶ *European Roma Rights Center* interview with 25-year-old Birsan Mehmed, August 12, 1997, Skopje.

⁹⁷ *European Roma Rights Center* interview with 15-year-old Suared Mehmed, August 12, 1997, Skopje.

⁹⁸ *European Roma Rights Center* interview with 11-year-old Jukse Mehmed, August 12, 1997, Skopje.

authorities. Local television stations recorded witness statements on video cassette and reportedly submitted them to the Ministry of the Interior, but the Ministry evidently did not regard these as a legitimate form of complaint, because the case was not opened. Assistant to the Minister of the Interior Dr Zoran Veruševski told the *ERRC* that the Ministry had not received any appeals to open the case.⁹⁹ The family of the victim believes that no disciplinary measures were ever taken against the policemen responsible for Ms Mehmed's death, and statements made by both Dr Veruševski and Foreign Ministry spokesman Zoran Todorov to the *ERRC* support this contention.

In the case of Rekibe Mehmed, the Macedonian authorities apparently thought that it was sufficient to demonstrate that she had died of heart failure in order to conclude that there had been no wrongdoing; the circumstances under which she died were evidently considered by all concerned to be irrelevant. Further, it has apparently not occurred to anyone to reconsider legislation which necessitates that middle-aged women should fear violent death for the crime of selling crackers and biscuits on the street in downtown Skopje.

5.1.2. Impromptu Punishment by the Police

The Law on Commerce caused an increase in levels of police abuse against Roma in Macedonia. Violent breaches of law and international standards by representatives of the Macedonian state do not, however, only take place in connection with the 1995 law and the *ERRC* documented instances of police abuse of Roma in other contexts as well. Most notably, Roma who are suspected of crimes or misdemeanours by the police are often beaten in custody, and arrests are often characterised by significant departures from international norms on police procedure, especially in the area of the reasonable use of force.¹⁰⁰ Indeed, Macedonian police seem to view the use of the truncheon as a natural and integral part of police investigation, or as a form of punishment which can be applied quickly and easily, without going through the bother of judicial procedure. Additionally, a well grounded suspicion that a suspect has committed a crime is often absent when Roma are detained by the police.

One such case involved a 27-year-old Romani man from the central Macedonian town of Štip named Demir Sulejmanov. He reported to the *ERRC* that he was beaten

⁹⁹ *European Roma Rights Center* interview with Assistant to the Minister of the Interior Dr Zoran Veruševski, August 19, 1997, Skopje.

¹⁰⁰ See *UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (September 7, 1990).

by police in the eastern Macedonian town of Krupište in March 1998 after he and another Romani man named D.Š. had been detained in connection with the theft of two sheep. Mr Sulejmanov told the *ERRC* that he and D.Š. were stopped by traffic police who then told the two men to follow them with their car. Mr Sulejmanov recounted to the *ERRC* what happened next:

After we had gone approximately five kilometers, we reached the village of Balvan. There, two policemen with a police car stopped us. I think they might have been drunk. The two policemen came over to us and without asking us anything, they started beating us with their sticks very hard, on our heads and all over our bodies. I felt blood start to run from my mouth and my nose. Then they put us in their car and took us to the place from which we had taken the sheep. There, one of the policemen called over the owner of the sheep. The two policemen took me out of the car, face to face with the owner of the sheep and one of them swore at me and said to me, "All Gypsies will remember me forever. I can sacrifice you all." Then he handcuffed my hands and started beating me again with his stick in front of everyone there. When he stopped beating me, he watched while the owner of the sheep beat me with the branch of a tree in front of my friend and the two policemen. Then all three of them beat me all over my body. I cried and begged them to stop, but they took my friend out of the car and started beating him too. After this, they took us into the police station. When we arrived in front of the entrance they put us on the ground outside, two meters from the door of the police station, and five policemen beat us. Then they brought us inside and tied us to a bench in the hall, and beat us again. I was terribly thirsty, so I asked for some water, but they said to me: "There is no water for Gypsies!" and they started to beat me again. They accused me of theft and made me sign a statement. We were tied to the bench in the hall all night. The next morning we were released and I went to the hospital because my arm was in intense pain. In the hospital, the doctors told me that my arm was broken and had to be put in a cast.¹⁰¹

At the time Mr Sulejmanov reported the incident to the *ERRC*, his arm was still in a cast. He told the *ERRC* that he had not attempted to file a complaint against the police because he was afraid that they would retaliate if he did.

Another instance of police brutality was reported to the *ERRC* by the Štip Romani organisation *Association of Human Rights Protection of Roma*. On April 16, 1998, 33-year-

¹⁰¹ *European Roma Rights Center* interview with Demir Sulejmanov, March 15, 1998, Štip.

old Perušan Jašarov and 33-year-old Fejmi Demirov were beaten by police following their arrest in a downtown bar in Štip. Perušan Jašarov told the *Association of Human Rights Protection of Roma*:

Fejmi and I were sitting in one corner of the Café Bar Lotus. On the other side of the café, a Rom and a Macedonian were gambling. The Macedonian lost over 10,000 German marks and, assuming that the Rom had not been playing fair, he pulled out a gun and demanded his money back. He fired in the air several times. All of us who were in the café were frightened and everyone tried to leave the café in a hurry. But the two of us were caught by police. They grabbed Fejmi and twisted his arm behind his back while I was forced into a police van. There were five of them. They drove us to the police station where they started to torture me. They made me squat and when I was down with my knees bent, one of them kicked me in the chest and blood came out of my mouth. Then one of the policemen took me by the hair and pulled me up. Then he started to hit me over the head with a truncheon. Late in the evening three new officers came in and continued the torture. In the next office, I heard later, they also hit Fejmi. They beat us in turns between the period midnight and 5 am and afterwards they took us to another office for questioning. They let me go at 11 am the next morning to go to the hospital.¹⁰²

Mr Jašarov, who was very badly hurt due to kicks he had received in the face, was released from hospital after one day because he could not afford to pay for medical treatment. He was incapable of speaking coherently on April 17, when the *ERRC* attempted to interview him.

In testimony provided to the *ERRC* on April 17, the other victim, Mr Demirov, told the *ERRC* that five police officers had detained three Roma and one non-Rom. The non-Rom was the man who had been gambling and who had fired the gun in the bar. One of the three Roma had arrived during the arrest procedure, after the fight which had taken place at the other side of the bar. Mr Demirov told the *ERRC* five police officers had beaten him in custody, and that following the beating, he was forced to stand all night. One officer, whose identity is known to the *ERRC*, insulted his ethnic origins and made genocidal threats against “Gypsies”. Mr Demirov was released at 7:30 the next morning. Neither Mr Demirov nor Mr Jašarov have been charged with any crime, but both have been informed that they are expected to be witnesses to the fight in Café Bar Lotus. A doctor has stated that he is willing to testify on behalf of Mr Jašarov. The *Association of Human Rights Protection*

¹⁰² *Association of Human Rights Protection of Roma* interview with Perušan Jašarov, April 22, 1998, Štip.

of Roma is attempting to provide Mr Jašarov and Mr Demirov with a lawyer. The Štip-based Romani organisation *Čerenje* sent an open letter about the incident to the Macedonian television station *Sitel*, but to date they have not publicised the event or the letter.

Use of the truncheon is especially common when Roma are detained in connection with street fighting. Kočani is typical: inter-ethnic brawls are common there, and Roma report that they are often attacked without cause by non-Roma. Following one particularly serious fight which took place in August 1996, an 18-year-old Romani youth named R.I. was allegedly detained and subjected to beatings by the police, evidently as an impromptu punishment. He told the *ERRC*:

We had a Roma disco in one of the local hotels. It was August— tourist season— and there were lots of people in town. The disco lasted until twelve or one in the morning. Towards the end of the evening a big group of non-Roma came over from another disco, and they started calling us names. They said obscene things. Some of us went out of the disco to meet them— around fifteen of us. We beat them that night, and we threw them into the river.

After that, for around a week they followed us. One night I went out and some friends and I were sitting in a café with some girls. We noticed that they were around. Later in the evening we went up the hill toward the monument above town. It was around midnight. We sat on the stairs leading up to the monument. After five or ten minutes, we noticed that we were completely surrounded by non-Roma.

Three people came up to us and said they were looking for us. We sent the girls away so nothing would happen to them. That left three of us, and around fifty of them. They beat us hard that night. They beat us with baseball bats and chains. They beat us until we lay dazed and bleeding on the ground. When they had left, we got up and went back into town. I met a cousin of mine as I was coming down the hill and he took me to the hospital. I spent the night in the hospital with my two friends.

The police then allegedly arrived and initiated the formalities of investigation. These included, in the case of Mr R.I., an interrogation in which he was not believed, and a beating by the police:

The next day, the police came to us in the hospital. They took me to the police station. They didn't take my two friends because they are underage. They took me into a room, had me sit down at a desk and started asking me what had

happened. I told them about how the crowd had attacked us up on the hill. There were three policemen interrogating me and writing things down. I talked for around half an hour. I could see they didn't believe me. Then they started hitting me with their sticks. They hit me on my back, sides and ribs. When they started hitting me I stood up. I don't know how many times they hit me, but it was many times and it was agony because I was so sore from being beaten the night before. After a while they stopped hitting me and they let me go.

Finally, however, nothing happened:

They didn't charge me with any crime and they never charged the gadje who beat us either. Nothing happened.¹⁰³

One police officer in Kočani complained to the *ERRC* that he was not happy with the way Roma had been behaving there lately:

They [Roma] used to be like a minority. Before, I would go up into their neighbourhood and they would call me “Mr Chief” and they would be respectful. But now many of them have been to Germany and the situation is different. They've got money, possibly earned in an unlawful manner, and since they have come back they are just not the same. But they can't do anything to me— they are just Gypsies.¹⁰⁴

The *ERRC* also documented police violence in connection with inter-ethnic street fighting in the south-western town of Ohrid. Fourteen-year-old M.D. told the *ERRC*:

Six weeks ago, police caught us as we fought. It was about 1:30 in the morning. There were more than one hundred people who had gathered to fight, and we had a good brawl for about fifteen minutes. Everyone ran when the police appeared, but the police caught me and took me to the police station. At the police station they wanted to know how the fight started and who was with me and who we were fighting. I wouldn't tell them anything, so they started beating me. I was sitting at a table and two of them beat me from behind. They hit me three or four times hard on the back with their truncheons. Then I had to stand for half an hour while they shouted at me. One of them hit me twice on the back of my legs with a

¹⁰³ *European Roma Rights Center* interview with 18-year-old R.I., August 14, 1997, Kočani.

¹⁰⁴ *European Roma Rights Center* interview with Officer M.L., August 14, 1997, Kočani.

truncheon, but finally they got tired and let me sit down. Then they called my mother. She came in the morning to pick me up and when she signed something, they let me go. I spent the night in an office with policemen who were watching films on television. Before my mother came, they told me not to tell my mother that they had hit me, or it would be worse for me. They said that if I told my mother or the lawyer or the court what they had done in the police station, they would beat me again, and they would tell the court that I had been taken in for drugs, and then I would have to go to a penitentiary. I didn't tell my mother or the lawyer that I had been beaten. There was a court date, but I didn't go. My mother went and I sat in the car. She had to pay a fine.¹⁰⁵

M.D. told the *ERRC* that when there are inter-ethnic fights, Albanians, Roma and “Egyptians” are arrested more frequently than ethnic Macedonians. He reported that the police detain them in connection with all of the fighting that takes place in Ohrid. He also reported to the *ERRC* that he knows approximately fifteen people who have been beaten by the police. Statements of this kind stand in marked contrast to the assertions of the Minister of the Interior, Dr Zoran Veruševski, who, in an interview with the *ERRC* in August 1997, stated that in Macedonia, there is no street violence.

Mr Faik Demirov told the *ERRC* that in Veles, although non-Roma are rarely detained for street fighting, Roma are often arrested and mistreated. Mr S.I., a 23-year-old Romani man from Kočani, similarly told the *ERRC*:

They arrest ours whenever they can. They arrest them and knock them senseless with beatings.¹⁰⁶

Although there seems to have been a significant rise in police abuse following the adoption of the 1995 Law on Commerce, many Roma reported police brutality as a normal occurrence, a phenomenon so familiar that it required no description. In the words of one Rom who sells lingerie on the Stone Bridge in Skopje, “My father sold here and so did my grandfather and his father. The police beat my father whenever they could. They also beat my grandfather. I come from generations of police beatings.”¹⁰⁷

¹⁰⁵ *European Roma Rights Center* interview with 14-year-old M.D., August 21, 1997, Ohrid.

¹⁰⁶ *European Roma Rights Center* interview with 23-year-old S.I., August 14, 1997, Kočani.

¹⁰⁷ *European Roma Rights Center* interview with 17-year-old A.D., August 12, 1997, Skopje.

It was therefore difficult to take seriously the claim of Assistant to the Minister of the Interior Dr Zoran Veruševski that, "Police brutality is not a problem in Macedonia."¹⁰⁸

Very few police brutality cases have met with redress and few officers are disciplined for excessive use of force. The *ERRC* has no knowledge of Roma who have successfully obtained any remedy for police violence. The Ministry of the Interior and the Ministry of Justice could not provide the *ERRC* with data on the number of officers who had been disciplined for excessive use of force. *Human Rights Watch* reported that Macedonian authorities had presented researchers with inconsistent figures on the number of police officers who had been disciplined since 1991.¹⁰⁹ Further, members of the Macedonian government have made statements endorsing demonstrative acts of force by the police. It is difficult to escape the conclusion that not only are authorities not investigating allegations of police abuse against Roma, but that this practice is endorsed, or at least tolerated at high levels in the Macedonian government.¹¹⁰

5.2. DOWN-PLAYING HATE CRIME AGAINST ROMA

Investigation by the *ERRC* revealed that police and judicial authorities are systematically ignoring indications that crimes may be racially motivated. The *ERRC* investigated a series of instances of such bias in the criminal justice system. The following case from Delčevo was typical.

According to *ERRC* information, police detained only Roma in connection with an inter-ethnic fight which took place in the eastern Macedonian town of Delčevo on June 22, 1997. Mr Emil Šabanov told the *ERRC* that he and a friend had gone to a bingo game room in Delčevo at approximately 9:00 pm on June 22 when they were assaulted by a group of ethnic Macedonians who shouted racial epithets at them, swore at them, insulted their mothers, and told them, "We'll make soap out of you" and "Let

¹⁰⁸ *European Roma Rights Center* interview with Assistant to the Minister of the Interior Dr Zoran Veruševski, August 18, 1997, Skopje.

¹⁰⁹ See *Human Rights Watch*, April 1998, *op.cit.*

¹¹⁰ Following the violence in Gostivar between ethnic Albanians and the police on July 9, 1997, Prime Minister Crvenkovski visited police units in Gostivar on June 10 and gave them "thumbs up" sign on national television. Other members of the government and parliament praised the actions of the police, which allegedly included violence against detained and immobilised individuals after the police had secured order. See *Human Rights Watch*, April 1998, *op.cit.*

VMRO come to power and then you will see." The group of non-Roma then attacked the men physically, kicking and beating them with sticks. According to the testimony of Mr Šabanov, the fight lasted for approximately five minutes, during which time a second Romani man, Mr I.L., who is diabetic, lost consciousness. He was, according to Mr Šabanov, "covered in blood". Mr Šabanov told the *ERRC* that the attack ended when five or six employees of the game room forcibly ejected the ethnic Macedonians.

Upon leaving the game room, Mr Šabanov and his friend were again attacked by a group of ethnic Macedonians who now numbered between forty and fifty people. They beat the two men with wooden sticks while insulting the ethnic origins of family members of Mr Šabanov. Members of the group allegedly suggested that they take the two men to a nearby bridge and throw them into the river. The police arrived, however, after several minutes, and detained both of the Romani men. They then brought them to hospital, where doctors treated Mr Šabanov for a broken arm. A medical protocol was issued but the police allegedly withheld it from the victim. At the time of the *ERRC* visit to Macedonia, Mr Šabanov's arm was still in a cast.

Mr Šabanov and the second Romani man were told by police that they would have to pay fines of 4,500 denars each (approximately 150 German marks) for disturbing the public peace. As of May 10, 1998, Mr Šabanov had not received a fine nor a court summons. According to Mr Šabanov, the police sent the ethnic Macedonians away without any form of reprimand.

Mr Šabanov told the *ERRC* that the approximately 800 Roma living in Delčevo no longer leave the Romani settlement unless they have to, because they are afraid of being attacked by non-Roma. Mr Šabanov told the *ERRC*:

Now it is nationalism. They hate us Roma. They don't let us go out. We are not free citizens. If two or three of us sit in a café, they immediately start picking on us. The worst thing is the humiliation. When you go out, they treat you like a dog. There are constant fights.¹¹¹

Police and investigating authorities prefer regarding all episodes of violence between communities as "gang fighting" to identifying a racial motive in attacks on Roma. Finally, since it is widely held that there is no racially motivated violence against Roma in Macedonia, courts have enforced this opinion by turning a blind eye to anti-Roma violence and threats of violence when it occurs. Even where complaints on the

¹¹¹ *European Roma Rights Center* interview with 20-year-old Emil Šabanov, August 14, 1997, Kočani.

part of Roma do not concern such weighty issues as ethnically-motivated violence, police and judicial authorities consistently find that non-Roma are not at fault, or fail to provide remedy to Roma when they fall victim of violent crime.

Authorities have also thus far failed to bring a perpetrator to trial in connection with the rape of a Romani girl reported to the *ERRC* in Tetovo, effectively violating the victim's right to effective remedy under Article 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. According to *ERRC* information, a 15-year-old Romani girl named A.R. was raped in July 1997 in a hospital room in Tetovo. Testimony provided to the *ERRC* by the victim indicates that around dusk on an evening sometime during late July, Ms A.R. went to a hospital in downtown Tetovo to be treated for burns. After being treated, she fell asleep in a chair in a hospital waiting room. She was awoken an undetermined amount of time later by someone stroking her hair. Ms A.R. stated that she had never seen her assailant before. When Ms A.R. told the man to leave her alone, the man led her forcefully into a second room where there was a metal desk and a chair. The man allegedly locked the door and kept Ms A.R. in the room until dawn the next morning, during which time he forced her to have sexual intercourse with him. In the morning, he allegedly released her into the hospital parking lot, leaving her by a parked car. According to the family of the victim, she was found by a friend of the family and brought home, after which she was brought immediately to the local police station. The police then brought her to the hospital, where a medical protocol was obtained. Also according to the family, one man was detained and then released.

Speaking unofficially, a policemen at the Tetovo police station told the *ERRC* that he knew of the case and that the man had been released because they know where he lives and "it was not possible for him to commit another crime or flee". Also off the record, the policeman informed the *ERRC* that the suspect is married and has not been convicted of any previous major offences. The Tetovo Chief of Police refused to speak to the *ERRC*. An original hearing was scheduled for mid-September 1997. On May 6, 1998, the lawyer for the victim told the *ERRC* that the investigation is still open and that hearings in connection with the crime have not yet taken place. It is unclear why judicial authorities are over nine months late in convening a hearing on the case.

On May 19, 1998, Mr O.R. told the *ERRC* that his daughter, emotionally traumatised by the event, had run away from home three months previously and had not returned. Mr O.R. was beside himself with grief at the events of the past year.

Exploiting the weak position of the Roma in Macedonia, authorities fail to pursue justice when Roma are victim of crimes. Reflecting the utter denial of the possibility

of racially-motivated crime in Macedonia, attacks with a racial motivation remain without explicit description in the Criminal Code, and authorities wishing to describe a crime as racially-motivated have to rely on case law for guidance as to how to proceed. The penal code articles which exist in connection with racially motivated crime sanction crimes such as defamation, incitement to racial hatred and genocide.

At all levels of the criminal justice system, the *ERRC* observed that when acts by Roma are being adjudicated, they are measured by a different standard than those of non-Roma. Although Macedonians in general are confident that the anti-Roma sentiments and deeds affecting the rest of central and eastern Europe have not yet troubled their country, scrutiny of any aspect of the criminal justice system reveals that, in fact, Roma are more likely to be held accountable for gang fights; are considered less worthy of significant remedy when they are attacked; are viewed as more likely to be at fault in ambiguous circumstances. Roma are viewed by the police as simply in need of a beating. Judicial authorities bring heavier sanctions against Roma than against non-Roma, and in many cases non-Roma are not prosecuted at all for street fighting. In short, all of the tendencies seen elsewhere in the region, from weakness as a minority up to vulnerability to racist attack and failure to achieve remedy, are present in Macedonia. Perhaps most importantly, however, Macedonian authorities are not viewing the growth of anti-Romani sentiment and anti-Romani violence in Macedonia with the gravity it merits.

6. UNCERTAIN GROUND: ABUSE OF ROMA BY MUNICIPAL AUTHORITIES

The *ERRC* documented instances of abuse of Roma by municipal authorities in Macedonia. Corruption in the areas of the provision of infrastructure and the legalisation of buildings and structures is widespread, and Roma are the least likely segment of the population to have relatives in an office to “arrange” things. As a result, the *ERRC* observed that it is possible for municipalities to ignore the needs of Roma when they demand such basics as water, roads or electricity, and to demolish their dwellings and move them on if they stand in the way of the plans of city authorities. The *ERRC* also documented allegations that city authorities apply laws pertaining to illegal building in a discriminatory fashion.

6.1. DESTRUCTION OF PROPERTY, NON-COMPENSATION FOR DESTRUCTION OF PROPERTY, AND THREAT OF EVICTION

While extending a road in the town of Gostivar, western Macedonia, in February 1997, the municipality knocked down two houses in the small Roma quarter called Čiflik, in the centre of the town. The city re-housed the fourteen individuals living in the houses in new flats. However, while demolishing the two houses in the direct path of the road they were lengthening, workers ripped out the upper section of wall from the home of 40-year-old Mr Sadkija Bećiri, which had been attached to one of the two houses. This left a gaping hole in Mr Bećiri's house on the street side. The city subsequently ceased all activity in Čiflik, leaving both the road unpaved and the wall unrepaired. Mr Bećiri described to the *ERRC* the subsequent bureaucratic odyssey he undertook in an effort to have the damage done to his house repaired:

I went to the municipal authorities [*opština*] to demand that they do something about my house, but they told me to go and play bingo for the money to repair it. Following that I went to the Office for Housing and Construction. They said they would send over a committee to evaluate the damage, but they haven't done this. Finally I went to *Pellagonia*, which is the firm the city had contracted to do the work of paving the road. They, however, were striking, so when I went in and said I wanted to speak to the director, they told me, “We are all directors here now.”¹¹²

¹¹² *European Roma Rights Center* interview with Sadkija Bećiri, August 18, 1997, Gostivar.

The *ERRC* documented a similar episode of housing destruction in Tetovo. Nurima Osmani, a 38-year-old Romani man, used to live in a house on the edge of the Dolna Mala neighbourhood in Tetovo, a settlement in the centre of town comprising approximately fifty houses. In 1986, however, the Municipality undertook a widening of the road and knocked down Mr Osmani's house, leaving him and his two children on the street. Mr Osmani states that the city never provided him with compensation for his destroyed house.

This petty act of abuse may be dwarfed by a more impressive one: a “businessman” from Skopje was reportedly endeavouring to convince the Roma of Dolna Mala to allow him to knock down the entire neighbourhood in exchange for flats in an apartment block he plans to build on the site. Conditions in the neighbourhood are bad, and the structures are overcrowded and damp. Many Roma were therefore tempted to take up the offer, evidently impressed by both the power of the businessman and the total lack of interest of the municipality in intervening on their behalf. Nurima Osmani told the *ERRC*:

The municipality never comes to see how we live. They only come here to destroy illegally built structures. I want to get out of this house because I am afraid I will catch tuberculosis here. The mildew crawls up the walls. A businessman was here one month ago and he promised us all new flats. Up until now, no one has been interested in us. He told us he has firms in Romania, Bulgaria and Yugoslavia. I don't know his name. Now we are waiting for him to come again. I don't know what will happen.¹¹³

Mr I.A., another resident of the Dolna Mala neighbourhood, told the *ERRC*, “The only time the municipality comes here is to destroy things”.¹¹⁴ He alleged that last year the city knocked down a set of stairs leading to the roof of his house. Similarly, Roma in Kočani report that the municipality has destroyed thirty houses in the Roma neighbourhood over the past fifteen years.

6.2. DISCRIMINATORY APPLICATION OF BUILDING RESTRICTIONS

In Gostivar, the *ERRC* stumbled into the twilight of quasi-legality which renders Roma in Macedonia vulnerable to abuse by municipalities. There are twelve houses in the

¹¹³ *European Roma Rights Center* interview with Nurima Osmani, August 10, 1997, Tetovo.

¹¹⁴ *European Roma Rights Center* interview with Mr I.A., August 10, 1997, Tetovo.

Romani neighbourhood of Pazaneri, outside Gostivar. Farther out of town there is another settlement of fifty or sixty houses. Roma have been settled in Pazaneri for twenty-five years, but conditions in the settlement are wretched. The one pump there was paid for with private money and electricity was brought in by a local Roma organisation after repeated requests for an electrical line from the city had allegedly been ignored. A shabby archipelago of huts stretches away from one half-built house into a sea of mud. The whole area floods in early spring when runoff from snow up the hill brings a sea of sludge through the quarter. According to local Romani leader Ibrahim Bajaziti, however, the only time officials from the municipality come to see them is if they think they are building:

The municipality gave us this spot twenty-five years ago. Now they don't want us to build here. My wife started building our house and that was the only time they have ever come to visit us. They came to tell us to tear it down. I'm the only person in the settlement who has succeeded in building a house and they have told me they expect me to destroy it. They told us that if we pay the municipality 40,000 German marks, we can build. "Pay and you can build," they said. But if I had that much money, I would buy a flat.¹¹⁵

In an attempt to discover the legal basis for the municipality's demand for 40,000 German marks, the *ERRC* visited the Ownership Legal Department of the Gostivar municipality and spoke with an official who provided information on the condition of anonymity. The official told the *ERRC* that although not knowing of the case in particular, the Roma of Pazaneri were probably being asked to buy the land under them:

First you have to pay for the land you are building on, then you have to pass infrastructural tests, making sure you have water and things like that, and then you can get permission to build from the authorities, according to the zoning regulations in your area. Once you have the land, it is purely an administrative matter.

She went on to explain that municipalities do not own land in Macedonia, and therefore do not discriminate in the allocation of building permits:

We do not regulate building on municipal land, because in the early 1990s the law changed and now municipalities are no longer legal persons who can own land. There is only state-owned land, such as parks and

¹¹⁵ *European Roma Rights Center* interview with Ibrahim Bajaziti, August 18, 1997, Gostivar.

boulevards, which are administered in care-taker fashion by municipalities. Building claims on state-owned land are now dealt with by the Ministry of Urban Development, while the municipality deals only with building permits for land that is privately owned.¹¹⁶

The official told the *ERRC* that there has been little property restitution in Macedonia, that there is no proper restitution law for land or property confiscated under socialism or during World War II, and that land which is passing into private hands is mostly doing so by sale to individuals. The official carefully avoided the question of whether Roma were being removed from property because it was being privatised.

Both officials and non-officials estimate that up to three quarters of all structures existing in Macedonia have illegally-built components, meaning that permission has not been acquired from municipal authorities to build or add to existing structures. One Macedonian lay person explained the building situation to the *ERRC* in the following terms:

We had socialism and this meant two things: first of all, no one trusted the state or did anything officially if they could possibly avoid it. This was especially true of registering structures and it remains true today. Secondly, there is a lot of official denial of what everyone knows is going on anyway, so gradually people began to build things and arranged everything with bribes. If a person wanted to build, it was very difficult to do so by legal means, but if you paid the right people in the municipality, the municipality ignored it. This problem has become much more pronounced over the past few decades. Now city officials have a big problem: new bureaucrats receive urban plans that are twenty-five years old and bear no relation to the present physical situation of the city. What can they do? They are faced with their own absurdity. Most of the things built in any given city here are illegal, or at least have illegal components. How would they begin legally registering buildings even if they wanted to? City ground plans and reality no longer bear any relation to one another.¹¹⁷

¹¹⁶ *European Roma Rights Center* interview with a municipal official who spoke with the *ERRC* on the condition of anonymity, August 18, 1997, Gostivar. The legislation referred to is Amendments 57 to 80 of the Constitution of the Socialist Federal Republic of Yugoslavia and the Law on Administrative Agencies, 1990, *Official Gazette of the Republic of Macedonia*, No. 40/90.

¹¹⁷ *European Roma Rights Center* interview with Ms A.M., August 21, 1997, Skopje.

It was ultimately impossible for the *ERRC* to determine whether there was any legal basis for the fee of 40,000 German marks demanded by Gostivar municipal authorities. One Romani man, 49-year-old Aidin Demirov, told the *ERRC* that authorities crack down on illegal building by Roma more frequently than they do with non-Roma:

I had a house in Kumanovo— I built it without permission. Two years ago the municipality destroyed it. There were thirty houses in the neighbourhood and every one of them was built with funny papers, but they only destroyed the two where the Roma lived.¹¹⁸

Mr Demirov subsequently returned to his hometown of Veles, but due to regular attacks by non-Roma in the town, he had left again with his family. At the time of the *ERRC* visit, Mr Demirov and his family lived in a temporary structure on a mud flat next to the bus station in Tetovo.

The absurdity presently reigning in the Macedonian bureaucracy and its negative effect on Roma was nowhere more evident than in Štip, where Roma rendered homeless by a fire which took place in 1992 are still without proper accommodation, due to refusals by the local authorities to either rehouse them or to allow them to rebuild their prior dwellings. On July 2, 1992, two rows of huts and shanties in the Roma ghetto in Štip, east-central Macedonia, burned to the ground, rendering 150-180 Roma homeless. The cause of the fire remains, today, unknown. At the time of the blaze, according to the German non-governmental organisation *Gesellschaft für bedrohte Völker*, accusations ranged from accident to arson by two members of the Macedonian nationalist party VMRO-DPMNE to arson following a fight between a Serb and a Rom.¹¹⁹

Following the fire, Roma who had been rendered homeless were housed in a student dormitory in the centre of Štip. However, when the school year began one and a half months later, they were evicted. Since that time, Roma who formerly lived in the huts have either had to leave the area, live with family or squat in abandoned buildings around Štip, since the city has neither rebuilt the houses, provided alternative housing, nor granted permission to the Roma to rebuild the huts. The *ERRC* visited Štip in August 1997. Mr Duško Stojanov of the Štip office of the Ministry for Urban Development told the *ERRC*:

We approved a contract with a public enterprise to rebuild the barracks, but they didn't have money to complete the project. The previous local council

¹¹⁸ *European Roma Rights Center* interview with Aidin Demirov, August 11, 1997, Tetovo.

¹¹⁹ See Reemstma, *op.cit.*, p.23.

also had an initiative to rebuild the barracks in the old settlement, but they too could not secure financing. Since the land belongs to the Republic of Macedonia, they may not rebuild the houses on their own.¹²⁰

Ms Biljana Kukuševa, the former director of the public enterprise contracted to rebuild the houses told the *ERRC*:

We planned a project for a small apartment building, but there was a problem because there were more families than barracks, and therefore more families than apartments. Furthermore, the municipal offices which issue building permits wouldn't waive the fees for the various documents necessary. We would have had to pay for a permit for electricity, for a housing permit and a water and drainage fee, and since we were unable to pay the fees, we didn't get a building permit. The Roma were interested in rebuilding on their own, but the problem is that the land is state owned, so they weren't allowed to do so.¹²¹

The local council told the *ERRC* that it has nothing to do with re-housing Roma and Mr Stanko Dimitrov, the director of the Štip social office, told the *ERRC* that his office had assisted only in providing emergency accommodation and by distributing one-time emergency humanitarian help in 1992.

The result of this bureaucratic maze is that Roma who formerly lived in the houses are not being provided with alternative housing, and yet are forbidden to build their own. The *ERRC* met with Roma who were still, five years after the fire, living with relatives in overcrowded conditions in nearby houses. Other Roma have been forced into a cycle of illegal tenancy and eviction; at the time of the *ERRC* visit in mid-August 1997, Ms Melana Mehmedova was living with her four children in a mildewed basement they have illegally occupied in the center of Štip. She told the *ERRC*:

Following the fire, we were put in a student's home, but when the school year started, they kicked us out on the street. For a long time after that, we lived in tents. Finally we found this basement and we moved in.¹²²

¹²⁰ *European Roma Rights Center* interview with Duško Stojanov, August 29, 1997, Štip.

¹²¹ *European Roma Rights Center* interview with Biljana Kukuševa, August 29, 1997, Štip.

¹²² *European Roma Rights Center* interview with Melana Mehmedova, August 15, 1997, Štip.

This has caused the family problems:

We were in court and they ordered us to move out and they made us pay 2800 denars [approximately 30 German marks]. We didn't move though. Where would we go? A friend wrote an appeal to the court, but we haven't heard anything about that. The police were here one month ago. They told us that we must leave this building. Also, our neighbours come all the time and shout that we must leave. The city has lied to us for five years. They told us we would receive housing, but nothing has happened.¹²³

At the time of the *ERRC* visit, Ms Mehmedova and her family were again threatened with eviction, and had no prospects for alternative housing.

The situation of the Roma rendered homeless by the Štip fire is set in sharp relief by the fact that following a fire in an apartment block housing non-Roma in 1991, the municipality re-housed the victims almost immediately and replacement housing has since been built. The evident discriminatory treatment of the Roma triggered two demonstrations organised by the Štip Romani organisation *Čerenje*. The first took place in front of the offices of the Štip municipality on June 17, 1996. On August 8, 1997, *Čerenje* brought approximately eighty Roma from Štip to Skopje to demonstrate in front of the offices of the government of Macedonia to protest against the discriminatory treatment to which they had been subjected.

Corruption, unworkable zoning restrictions, and the restrictive remnants of a policy of social support which has vanished has created an atmosphere in which the needs of Roma are overlooked and their right to decent housing easily violated. Discrimination, denied by everyone concerned in Macedonia except the Roma effected, plagues Roma-municipal relations.

6.3. FAILURE TO PROVIDE INFRASTRUCTURE

The widest evidence of discriminatory treatment of Roma by municipal authorities is visual; all over Macedonia, the roads lead up as far as the Roma communities and then stop. This is true in all of the communities that the *ERRC* visited. The situation in several Roma communities, however, is noteworthy and demands comment here.

¹²³ *European Roma Rights Center* interview with Melana Mehmedova, August 15, 1997, Štip.

In Šuto Orizari, the immense Roma ghetto in Skopje, much of the housing has been provided by the government of Rhineland-Westphalia and not by that of Macedonia. Following enactment of a new law on municipalities in September 1996, Šuto Orizari was, in fact, made a municipality in its own right.¹²⁴ This satisfied most Romani leaders with whom the *ERRC* spoke, mainly because this removed Šuto Orizari from its previous jurisdiction in the municipality of Čair, a stronghold of the Macedonian nationalist party VMRO-DPMNE. The Čair municipality had allegedly disregarded Šuto Orizari entirely, failing to provide rubbish disposal services or to respond to any of the needs of the neighbourhood.

A Roma leader in Vinica lobbied municipal authorities for a road. The city put in a road that stretches as far as the house of the Roma leader and stops, leaving all but thirty metres of a kilometre-long stretch of housing without pavement.

The neighbourhood of Sredorek in Kumanovo is between a split river, on a low piece of ground. The river has been heavily polluted for the past ten years and it floods every year, driving the approximately 2000 Roma who live there out of the settlement. Roma leaders with whom the *ERRC* spoke report that most of the humanitarian aid they receive is provided by local and national Roma organisations.

In Tetovo, the *ERRC* visited a Roma settlement on a hill above the Ottoman fortress of Arabat, overlooking the Tetje neighbourhood. Here, the roads are unpaved, the water is not clean, the electricity is substandard or unavailable, and sewer provisions are non-existent. Roma reported high rates of disease due to both the overwhelming presence of mildew and poor sanitation provisions. One house had an outhouse uphill from it with the result that sewage flooded the house during rainstorms.

There is no sewage system in the Roma ghetto in Prilep. Faeces runs in the unpaved street in front of the houses. At the time of the *ERRC* visit, “an Austrian” had submitted a petition to city authorities, with the signatures of hundreds of the Roma, to call their attention to this threat to public health. There is still no sewage system in the Romani ghetto in Prilep.

Claims by authorities in Macedonia about the housing of Roma are therefore misleading. It is unclear on what basis the Macedonian government told the United

¹²⁴ The Law on the Territorial Division of the Republic of Macedonia and Determining the Areas of the Units of Local Government, *Official Gazette of the Republic of Macedonia*, 14 September, No.49, 1996 divides Macedonia into 123 municipalities (*opštini*), which are in turn divided into “inhabited places” (*naseleni mesta*).

Nations Committee on the Elimination of Racial Elimination in 1997 that, “...no cases of segregation have been registered.”¹²⁵

6.4. DISCRIMINATORY ALLOCATION OF SOCIAL WELFARE PAYMENTS

The *ERRC* documented allegations of discriminatory treatment by public officials in the offices responsible for processing applications for social welfare.

Many Roma who have lived in Germany report that following their return to Macedonia, they have had to pay exorbitant bribes to officials in various municipal offices for such services as the registration of new-born children and the acquisition of social welfare documents. A 41-year-old Romani man named Isinad Sali told the *ERRC*:

The authorities here know who was in Germany and they say, “We know where you’ve been, so we know what you can afford.” They want 1500 German marks to register a kid. There are no honest officials in Macedonia.¹²⁶

Mr Ramadin Pini, chairman of the Gostivar Roma organisation *Mesečina*, told the *ERRC* that Roma there had had similar difficulties with the authorities responsible for distributing social aid in Gostivar. Mr Pini told the *ERRC* that local authorities often decide the merit of an application based on how attractive an applicant’s house is, rather than on their employment status.

Many Roma also complained of a lack of transparency in the application procedure for social support and told the *ERRC* that they believe there is a high level of corruption in the process of deciding who is eligible for social support. 41-year-old Petrit Umer told the *ERRC*:

The people in the social office are out of control. They give money to their friends but not to those in need. I am medically certified as needing social support, and I have applied five or six times, but I have been repeatedly refused. They work secretly. They should send our applications to the central office in Skopje, but I don’t think they do— I think they write the replies here.¹²⁷

¹²⁵ Third periodic reports of States parties due in 1996: The Former Yugoslav Republic of Macedonia. 13/03/97. CERD/C/270/Add.2. (State Party Report), paragraph 76.

¹²⁶ *European Roma Rights Center* interview with 41-year-old Isinad Sali, August 9, 1997, Kumanovo.

¹²⁷ *European Roma Rights Center* interview with 41-year-old petrit Umer, August 9, 1997, Ohrid.

In 1997, the Macedonian state was three months behind in social welfare payments. In order to remedy this situation, a catch-up program was put into place, whereby one of the months was being paid over the twelve months of the 1998 calendar year. A second month of derelict welfare payments had been cancelled. According to state calculations therefore, payments will be only one month behind as of the end of April 1998.

7. ABUSE OF POLITICAL RIGHTS OF ROMA IN MACEDONIA

Roma in Macedonia make political demands from a position of fundamental weakness. As one Romani politician explained to the *ERRC*, “I have two lists of political demands: one list of things I would like, and another of things I can reasonably expect.”¹²⁸ The same politician told the *ERRC* that he was prepared to enter into a coalition with any party not actively espousing an anti-Romani position.

There are several political parties in Macedonia explicitly representing Roma; that is, there are several parties which specifically call themselves Roma parties. These are:

- The Alliance of Roma in Macedonia;
- The Democratic Party for the Total Emancipation of Roma in Macedonia (D-PCER);
- The Democratic Progressive Party of Roma in Macedonia (DPPRM); and
- The Party for the Total Emancipation of Roma, also referred to as the Party for the Total Emancipation of Roma in Macedonia (PCER).

The first of these parties was founded in 1990. This was the Party for the Total Emancipation of Roma (PCER), founded by Faik Abdi, who currently holds a seat in parliament from the Šuto Orizari constituency on the Party for the Total Emancipation of Roma ticket. Mr Abdi is the subject of much criticism, by both Roma and non-Roma. These sentiments can be heard especially outside Skopje, where none of the German money has gone. His house was reportedly stoned by a group of angry Roma in September 1996, after he evidently withheld video-taped testimony by witnesses of the killing of Rekibe Mehmed, and allegedly took part in a Ministry of the Interior cover-up of the case.

In 1991, a second party, the Democratic Progressive Party of Roma in Macedonia (DPPRM), was founded under the leadership of Mr Bekir Arif.¹²⁹ Mr Nezed Mustafa, the first and present mayor of Šuto Orizari, is a member of the DPPRM.

In 1995, the Kumanovo branch of PCER left the party and founded the Democratic Party for the Total Emancipation of Roma in Macedonia (D-PCERM). At

¹²⁸ *European Roma Rights Center* interview with Mr Fait Kamberovski, chairman of the Democratic Party for the Total Emancipation of Roma in Macedonia, August 11, 1997, Kumanovo.

¹²⁹ See Reemstma, *op.cit.*, p.19.

the time of the *ERRC* mission to Macedonia, this party had offices in Kumanovo and Miladinovci and was negotiating to open party cells in Delčevo, Kriva Palanka and Vinica, in northeastern Macedonia. The goals of the party are “equality in all areas—the economy, culture and education”.¹³⁰ Mr Kamberovski told the *ERRC* that his party seeks integrated schooling, with extra-curricular lessons three or four times per week in the Romani language. Due to the situation of most Roma in Macedonia, the goals of the party are, according to Mr Kamberovski, “primarily social”.

Finally, during the local elections in Autumn 1996, Mr Amdi Bairam, one of the two members of parliament from Roma parties, left PCER to found the Alliance of Roma in Macedonia (SRM). According to Mr Bairam, however, he is having great difficulties registering the party due to changes in the election law:

Before, you only needed ten members to found a party. Under the new law you need five hundred people who are citizens of Macedonia. You must submit proof of citizenship for all five hundred members, and you have to renew the registration every year. The Alliance of Roma in Macedonia is the first party that will be registered under the new law.¹³¹

The new law will clearly have a detrimental effect on Roma attempting to form political parties, and given the stipulation that proof of citizenship of five hundred members must be submitted every year, it seems almost certain that Mr Bairam and other Roma will have a very difficult time conducting any political activity other than the perpetual re-registration of their parties.

The most common form of political abuse takes place outside the sphere of the Romani parties. The mainstream parties exploit the weakness of Roma parties and Roma in general in the interest of garnering support. Mr Fait Kamberovski told the *ERRC*:

¹³⁰ *European Roma Rights Center* interview with Mr Fait Kamberovski, chairman of the Democratic Party for the Total Emancipation of Roma in Macedonia, August 11, 1997, Kumanovo.

¹³¹ *European Roma Rights Center* interview with Mr Amdi Bairam, August 10, 1997, Skopje. Article 7 of the Law on Political Parties, which went into effect in August 1994, states: “A political party may be founded by at least 500 citizens of age who are citizens of the Republic of Macedonia and have permanent residence in the Republic of Macedonia. A political party is obliged, 15 days before the end of each year, to submit written proof at the Circuit Court in Skopje with which will be confirmed that the number of founders has not diminished. A member of a political party may be any citizen of age who is citizen of the Republic of Macedonia, and who provides a written statement testifying to his or her voluntary membership in the political party.” *Official Gazette of the Republic of Macedonia*, No. 41, Year 50, August 1994. Unofficial translation for the *European Roma Rights Center*.

No non-Roma party has Roma emancipation in its program. Political parties only approach us at election time. After the elections they forget about us. In 1994, for example, the Alliance for Macedonia¹³² approached us for support. We pledged the votes of Roma in Kumanovo to the Alliance, and in response we demanded electricity, plumbing and drainage for Sredorek, the neighbourhood in the worst condition in Kumanovo. We also demanded that they sand the roads in Sredorek, since at the moment they are all mud. Before the elections, they put in 100 metres of plumbing and upgraded electrical services to one hundred houses. They also gave out some food. As soon as the elections were over, all activity ceased. They haven't done anything since. From now on, we will only vote for our own representatives, even though they have no chance of being elected.¹³³

8. EDUCATION: A LOST GENERATION OF ROMANI YOUTH

Romani children are, at present, either not being well-educated or not being educated at all in Macedonia. Many Romani children do not attend school or only attend school irregularly.

According to Mr Fait Kamberovski, the chairman of the Democratic Party for the Total Emancipation of Roma in Macedonia, 90% of Romani children enroll in the first class of primary school, but by the fifth class this has dropped to 50%. According to Mr Kamberovski, 35-40% of children finish the eighth class, the last mandatory year of education. He claims that 10-20% of Roma enroll in secondary education, although other Roma thought this figure was too high. Mr Kamberovski told the *ERRC* that approximately one Rom per year finishes tertiary education, including two-year colleges.

There is a quota for nationalities at the university level in Macedonia. This was introduced in 1992 and during the period 1992-1995, it amounted to a flat 10% for all minorities. During this period, according to government figures, no Roma were enrolled in Macedonian universities until the 1994/95 school year, during which five Roma attended university. According to the 1997 Macedonian government report to the Committee on the Elimination of Racial Discrimination (CERD), the quota system changed in 1995:

Due to unsatisfactory results, the Government made a decision in 1995 to introduce a quota system that will correspond to the percentage of minorities in the total population. On the basis of this decision, in accordance with the Public Competition for Admission of Students to the First Year of Study at Faculties within the St. Cyril and Methodius University in Skopje, in the 1996/97 school year, faculties, besides the regularly enrolled persons belonging to the national minorities, shall provide additional admission of students— members of national minorities, until they reach the percentage of the relevant minority in the total population of the Republic of Macedonia, if they have passed the admission exam, i.e. they have got the minimum credits necessary for admission.¹³⁴

¹³² The Alliance for Macedonia was a coalition composed of the Social Democratic Party of Macedonia (the successor party to the Communist Party), the Liberal Party and the Socialist Party, which stood in the 1994 parliamentary elections. They were endorsed by President Kiro Gligorov, won a majority in that election, and have governed since, sometimes in combination with other parties.

¹³³ *European Roma Rights Center interview* with Mr Fait Kamberovski, chairman of the Democratic Party for the Total Emancipation of Roma in Macedonia, August 11, 1997, Kumanovo.

¹³⁴ “Third Periodic State Report Submitted by the Former Yugoslav Republic of Macedonia to the UN Committee on the Elimination of All Forms of Racial Discrimination”, CERD/C/270/Add.2 from 13/3/97, paragraph 17.

According to the Macedonian government report to the CERD, in the 1995/96 school year, the number of Roma enrolled in the two main universities in Macedonia, St. Cyril and Methodius University in Skopje, and St. Clement of Ohrid University in Bitola, increased to six. In 1996/97, there were nine Roma enrolled in university in Macedonia.¹³⁵ In its concluding observations, following examination of this report, CERD expressed its concern at the low level of participation by Roma in education, especially at a secondary and tertiary level.¹³⁶

The change in the numbers of Roma enrolled in university from zero to nine is clearly an improvement, although it is evident that much more work in this area will have to be done if Roma are to achieve educational parity with non-Roma. Given the scale of the present crisis, the government quota system, which still demands completion of the entrance exam at a level with other students, should be reviewed. It is in fact unclear as to what efforts have been made to prepare disadvantaged members of minorities for entrance exams.

Romani leaders are sceptical of the quota system on other grounds as well. Mr Ramadin Pini, chairman of the Gostivar Roma association *Mesečina* told the *ERRC* that because the procedure by which students are selected for university through the quota system is not transparent, his association doubted its efficacy:

A closed commission reviews the applicants. In practice, it is very rare that someone from a socially deprived background enters university, and these are the people for whom a quota is most necessary.¹³⁷

Finally, however, the problem of the low rates of schooling at a university level among Roma is actually a problem at the elementary and secondary school level: here too, Roma are not in school, although the scale of this problem is not known. Spokesperson for the Ministry of Foreign Affairs, Mr Zoran Todorov, told the *ERRC* that the Ministry had no figures on overall school attendance of Roma in Macedonia.

¹³⁵ “Third Periodic State Report Submitted by the Former Yugoslav Republic of Macedonia to the UN Committee on the Elimination of All Forms of Racial Discrimination”, CERD/C/270/Add.2 from 13/3/97, paragraph 19.

¹³⁶ “Concluding observations of the Committee on the Elimination of Racial Discrimination: The Former Yugoslav Republic of Macedonia. 15/10/97. CERD/C/304/Add.38.”, point 10.

¹³⁷ *European Roma Rights Center* interview with Mr Ramadin Pini, August 21, 1997, Gostivar.

Roma report that the single biggest factor hindering Romani children from entering school is financial: Roma simply cannot afford school expenses. In Kočani, the books for one pupil in the first class cost 1619 denars or roughly 50 German marks. Books for a pupil in the eighth class cost 3600 denars or roughly 100 German marks. This latter price is roughly three weeks of social welfare for a family of four.

All of the children with whom the *ERRC* spoke who had been in Germany recalled the German education system fondly and spoke competent German. One child with whom the *ERRC* spoke in Vinica said that he liked German schools and had gone to them gladly, but he did not go to school in Vinica because “Here they beat you.”¹³⁸ He spoke fluent German without an accent. “Egyptian” children in Ohrid reported that teachers slap, pull hair and twist the ears of misbehaving children. Both Romani and “Egyptian” parents with whom the *ERRC* spoke expressed anger at the fact that Macedonian teachers regularly hit children as a form of punishment. Those who had been in Germany stated that they found the German educational system far superior, because teachers there did not beat their children. The *ERRC* noted that for many Romani children in Šutka, Macedonian is a third language after Romani and German.

Another reason for the absence of Roma from schools is the fact that schools are often not close to Roma neighbourhoods, and parents fear sending their children long distances on heavily-trafficked roads. In the Pazaneri neighbourhood of Gostivar for instance, the school is several kilometres down a main road into the centre of town. Mirjana Najčevska of the Skopje-based NGO *Center for Multicultural Understanding and Cooperation* told the *ERRC* that the problem of the exclusion of Roma from education extends beyond merely the problem of access to schools. For example, Roma almost invariably live far from cultural infrastructure such as libraries. Also, in her experience, the schools which Roma attend tend not to have libraries of their own.

Responses to the educational marginalisation of Roma have been borrowed from the Albanian demands on the Macedonian state, although the situation and educational needs of Romani children are quite different from those of the Albanian minority. Given the lack of effort to date aimed at remedying the wide discrepancies in quality between schools which Roma attend and those attended by non-Roma, the focus on the right to Romani-language education by the authorities is mystifying. However, state educational initiatives seem to have concentrated precisely on Romani-language education as an elixir to the exclusion of Roma from the Macedonian educational system. Officials with whom the *ERRC* spoke pointed proudly to the fact that Roma

¹³⁸ *European Roma Rights Center* interview with 12 year-old Aimir Demirov, August 15, 1997, Vinica.

have the right to receive extra-curricular hours in the Romani language.¹³⁹ These hours are evidently being provided at schools in Skopje, but nowhere else in the country. Mr Zoran Todorov, spokesperson for the Ministry of Foreign Affairs told the *ERRC*:

We have been making plans to begin education in Romanes [the Romani language] for the past five years, but there have been problems: first of all, there is a lack of competent teachers and secondly there are two dialects of Romanes in Macedonia, so codification has been a problem. Beginning in October 1996, optional training in Romanes began in four elementary schools in Skopje. Altogether 554 pupils took advantage of these classes: 63 in the Jane Sandanski school, 127 in the Vasil Glavinov school, 259 in the “Bratja Ramiz i Hamid” school in Šuto Orizari and 105 in “26 July” school, also in Šuto Orizari. Teacher training was organised by the pedagogical bureau and around twenty participants completed the course.¹⁴⁰

Many of the best educational experiences reported by Roma were not state programs but had been provided by private sources. For example, 17-year-old Ahmed Abdullai from Gostivar had learned Arabic and studied the Koran in Saudi Arabia through a private agency that facilitates educational exchanges for young Muslims.

For a number of reasons, including the unavailability of financing, the hostile atmosphere in Macedonian schools and the fact that large numbers of Roma have been displaced from Germany, there is a generation of Romani children in Macedonia who are effectively cut off from education, and whose schooling needs are not being met by the Macedonian educational system. This wholesale abandonment of the future of Roma clearly needs to be addressed soon, in a pro-active and thorough-going way.

¹³⁹ Article 48 of the Constitution of the Republic of Macedonia provides for cultural rights for minorities: “(1) Members of nationalities have a right to freely express, foster and develop their identity and national attributes. (2) The Republic guarantees the protection of the ethnic, cultural, linguistic and religious identity of the nationalities. (3) Members of the nationalities have the right to establish institutions for culture and art, as well as scholarly and other associations for the expression, fostering and development of their identity. (4) Members of the nationalities have the right to instruction in their language in the primary and secondary education, as determined by law. In schools where education is carried out in the language of a nationality, the Macedonian language is also studied.” Official translation. Macedonia has signed but not ratified the European Charter on Regional and Minority Languages. Macedonia has also ratified the Framework Convention for the Protection of National Minorities and this entered into force on February 1, 1998.

¹⁴⁰ *European Roma Rights Center* interview with Mr Zoran Todorov, spokesperson for the Ministry of Foreign Affairs, August 21, 1997, Skopje.

9. SERVICE BANS ON ROMA IN PUBLIC ESTABLISHMENTS

Discriminatory treatment by public officials is matched by widespread allegations of discriminatory treatment in other areas of Macedonian society. Roma in Delčevo, Kočani, Štip and Vinica report that there are cafés, restaurants, pubs and discos in their towns which bar entry to Roma. *ERRC* investigators in the company of nine Romani youths were refused service at a terrace restaurant in Gostivar, until it was made clear that a non-Romani foreigner was with the group.

Meanwhile, there is a view widely held by both the authorities and the legal community in Macedonia that, “There is no discrimination in Macedonia because Macedonian laws are not discriminatory”. It is not surprising therefore that few have tried to sue for discrimination and those who have, have failed. Mirjana Najčevska of the Skopje-based NGO *Center for Multicultural Understanding and Cooperation* told the *ERRC* that despite the presence of effective domestic and international legislation, legal proceedings to combat discrimination are almost unheard of in Macedonia.¹⁴¹ She stated that the only lawsuit ever undertaken in Macedonia in response to allegations of ethnic bias concerned three ethnic Vlachs to whom the Ministry of Interior had refused the right to use their old Vlach surnames in official documents. The case was rejected by a lower court in early 1997 and no appeal was launched. In Kočani, a 45-year-old Romani man named Nedžad Ibrahimov told the *ERRC*:

There are many cafés here where Roma can't go. The bosses of the main shopping centre won't let Roma go in. We can't complain to the police, because they refuse to let us into the police station.¹⁴²

¹⁴¹ Complaints concerning discrimination may be brought before the courts, the Constitutional Court (in cases of discriminatory legislation), or a special inquiry commission of the government. According to Ms Najčevska, however, “Most lawyers do not know and cannot recognise either a human rights case or a discrimination case.” *European Roma Rights Center* interview with Mirjana Najčevska, August 19, 1997, Skopje.

¹⁴² *European Roma Rights Center* interview with Mr Nedžad Ibrahimov, August 14, 1997, Kočani.

10. CONCLUSION: GERMANY II

Germany has conducted package deportations to a number of countries in recent years and now tends to entice home countries into accepting returnees by delivering them along with aid packages.¹⁴³ The Macedonian Roma in Germany presented diplomatic difficulties by coming from a country which did not exist at the time when most of the Roma concerned had arrived in Germany, and which only came into existence after the decision had been made to remove the Roma concerned from that country. Initial discussions had been conducted with the Yugoslav government in Belgrade, with the Skopje government only becoming fully involved after Macedonian independence in September 1991.

The project proposed by Minister-President Rau and adopted by the state government of Rhineland-Westphalia envisioned spending large sums of money on the “reintegration” of the approximately 600 Roma who had returned “voluntarily” to Macedonia. This money was predominantly spent on projects in the Skopje neighbourhood of Šuto Orizari, paid out in the form of social aid, subsidies for school supplies, and subsidies for continuing education classes. The Macedonian government was contracted to build shelters for the homeless Roma among the deportees, and 114 units of low-budget row houses have been built, adding the term “*germanski baraki*” to the lexicon of every Rom in Macedonia. An early project envisioned placing Roma in Macedonian firms, but when these firms refused to take them, a building company, cleaning service, and public kitchen were established, in which to employ Roma taking part in the program.

In addition to goods supplied within the framework of the Rhineland-Westphalia program, *Caritas* undertook a partner project which provided Šutka with medical supplies, a youth centre, a clinic, night school lessons, hygiene seminars, seminars on housing, and classes for the elderly. The good will of the Macedonian authorities was solicited with the aid of non-Roma projects associated with the “reintegration program”. These included an administrators exchange, courses on reforming the tax system, a development fund for the Macedonian-Bulgarian border, a refugee camp for Bosnians and the gift of a urology clinic. Altogether, between 30 and 35 million German marks were spent.

¹⁴³ On German deportation agreements generally, see Heinhold, Hubert, “Rücknahme und Schubabkommen”, in *Handbuch der Asylarbeit*, von Loeper, Dankwart and von Loeper, Angelika, eds., Karlsruhe, 1997, p.15.

The project is now finished. From September 1995, it was contracted to a German consulting firm called PEM. In May 1996, the project ended. At that point, according to one of the assistant directors of PEM, “We privatised everybody.” He also told the *ERRC*, “We had to bribe a lot of people, because the Macedonian state was never interested in this project. Projects like this need federal assistance and at a federal level everybody was against this project. Everyone in Rhineland-Westphalia will be happy when the project is finished.” He went on to note, however, “This was a kind of model project. The next decade will be full of such programs. There is one being developed now which envisions spending 25 million German marks in North Africa.”

As Germany has effectively shown, money can be used to regurgitate peoples from a society and force other governments to take them. However, 35 million German marks is not enough money to overcome the forces which bring them to western Europe in the first place, and there is little evidence to indicate that removing people from a society in which they have found a niche is anything other than brutal and unjust.

Roma with whom the *ERRC* spoke in Macedonia had mixed feelings about the demonstrations for the right to stay which had taken place seven years earlier in Germany. On the one hand, many of them had fond memories of the event as a real moment of solidarity which set the period apart from the otherwise depressingly monotonous reality of atomisation and casual abuse to which Roma are subject. An 18-year-old Rom named Šenaj Osmanov, for example, told the *ERRC*:

It was great. There were doctors, ambulances, everything. There were between twelve hundred and sixteen hundred of us. I helped to pass out diapers. We slept in the church in Cologne. We walked from town-to-town down the highway. Sometimes the women and kids organised buses, but the men walked. We had a real sense that we were doing something worthwhile.¹⁴⁴

Other Roma were either circumspect or bitter about the past, especially in light of subsequent developments. A 21-year-old Romani man named O.R., for example, told the *ERRC*:

I was on the highway. I was at the blockade in Düsseldorf. There were 2000 of us. Maybe I helped someone by being there, but those Düsseldorf

¹⁴⁴ *European Roma Rights Center* interview with 18-year-old Šenaj Osmanov, August 16, 1997, Štip.

Roma got deported. Then [Prime Minister Kiro] Gligorov and [Roma Parliamentarian Faik] Abdi came and said they would take care of us at home. They signed for millions of German marks, but they took the money and the government took the rest. Then the Germans and *Caritas* came and built houses in Šutka. Nothing happened here in Tetovo. It was a good game they played. We lost.¹⁴⁵

¹⁴⁵ *European Roma Rights Center* interview with 21-year-old O.R., August 10, 1997, Tetovo.

11. A JUST SETTLEMENT: RECOMMENDATIONS OF THE EUROPEAN ROMA RIGHTS CENTER TO THE GOVERNMENT OF THE REPUBLIC OF MACEDONIA

The *European Roma Rights Center* urges the government of the Republic of Macedonia to adopt all of the following policies in full:

1. Without further delay, sign and ratify *United Nations Convention on the Reduction of Statelessness* and ratify the *European Convention on Nationality*.
2. Amend Macedonian legislation on citizenship by acknowledging the legitimate ties to Macedonia of Roma from the former Yugoslavia, thereby bringing the Macedonian citizenship law into conformity with international norms on citizenship in the context of state succession. All persons permanently residing on the territory on the date on which Macedonia declared its independence should be automatically granted citizenship in the new Macedonian state.
3. Initiate measures to insure that all Roma in Macedonia who are currently stateless are provided with clear guidance in acquiring and/or documenting Macedonian citizenship; reduce the administrative barriers to the acquisition of citizenship and give more transparency to the application of the Act on Citizenship by:
 - registering all applications for citizenship and giving guidance to individuals as to when and how the conditions for granting citizenship may be fulfilled;
 - issue all rejections in writing with the ground or grounds for rejection clearly stated;
 - adopting guidelines for the interpretation of the Act on Citizenship and making these public.
4. Produce accurate statistics on the number of persons in the Republic of Macedonia and with legitimate ties to the Republic of Macedonia who are presently without citizenship and the reasons for their statelessness.
5. Appoint a special person in each district authority to deal with the citizenship applications from, and give information to, the Romani community; advertise the name, telephone number and functions of this person in the media.
6. Investigate fully and bring to justice the persons responsible for the death of Ms Rekibe Mehmed.

7. Take concrete steps to reduce the disturbing levels of police brutality in Macedonia, including training for police officers and discipline and criminal prosecution of police officers who violate international norms on police procedure.
8. Facilitate the investigation into instances of police brutality by providing trustworthy and reliable avenues for the reporting of police abuse to Romani individuals who have been abused. Publicise the existence of such avenues widely.
9. Investigate allegations of inactivity by police investigation authorities.
10. Amend the Criminal Code by establishing articles providing sentencing enhancements for racially motivated violence.
11. Consistent with international privacy protections, gather statistics which might provide indicators with which to assess and quantify racial discrimination in the criminal justice system, including data concerning racial/ethnic identity of crime victims, as well as persons arrested, indicted, tried and sentenced for various offences; gather statistics on ethnically and racially motivated crime, including figures on perpetrators, victims, defendants of racially motivated crime, as well as individuals charged, individuals convicted and individuals sentenced in connection with racially motivated crime.
12. Investigate allegations of racial discrimination in the criminal justice system.
13. Provide racial tolerance training and training in international law for judges.
14. Provide housing for, or assist in the housing of, the victims of the 1992 Štip ghetto fire.
15. Provide assistance with the legalisation of Romani settlements and other dwellings of Roma which are presently not legally registered.
16. Intervene at a local level to remedy the current dearth of proper roads, electrical provisions, water supply, sewer systems and other waste-removal infrastructure in Romani communities.
17. Take steps to ensure that in the present transition period to a market economy, Roma displaced from housing due to privatisation procedures are provided with decent alternative accommodation.

18. Provide extensive financial assistance to Romani families for the purchase of school textbooks and materials.
19. Address immediately the significant language problems barring Romani children from integration into the mainstream of the Macedonian educational system. Allocate appropriate funding for language training and create adult education courses for re-certification.
20. Investigate and punish acts of violence and/or harassment of Romani children by teachers and others in schools.
21. Undertake effective affirmative action programmes for Roma at secondary and tertiary levels of education.
22. Make available to all Roma communities legal services to compensate for the relative exclusion of Roma from Macedonian society and the Macedonian legal system.
23. Undertake affirmative action in hiring Roma and other minorities in public employment including the police force, local government and the judiciary.

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13. APPENDIX

SYMPATHY FOR OR AVERSION TO THE ETHNIC GROUPS IN SOME BALKAN COUNTRIES

from Kanev, Krassimir, “Dynamics of Inter-Ethnic Tensions in Bulgaria and the Balkans”, *Balkan Forum*, Vol. 4, No. 2(15), June 1996.

■ Generalised data obtained on a 10-grade scale:

ROMANIA

	Hungarians	Roma	Germans	Jews	Russians	Bulgarians
Sympathy	25	4	66	40	24	41
Neutral	12	7	14	19	19	20
Aversion	56	84	13	31	47	23
DK/NA	7	5	7	11	10	15

ALBANIA

	Greeks	Roma	Vlachs	Macedonians	Bulgarians	Serbs
Sympathy	24	6	15	13	22	7
Neutral	15	19	29	20	22	3
Aversion	59	73	52	58	47	86
DK/NA	1	1	5	8	9	4

MACEDONIA (Data for Macedonians)

	Albanians	Roma	Turks	Vlachs	Bulgarians	Serbs	Jews
Sympathy	3	12	12	22	4	25	7
Neutral	8	28	23	32	15	25	20
Aversion	87	59	62	44	78	47	60
DK/NA	2	0	1	1	1	0	12

MACEDONIA
(Data for Albanians)

	Albanians	Roma	Turks	Vlachs	Bulgarians	Serbs	Jews
Sympathy	14	12	58	11	4	0	2
Neutral	29	22	16	30	22	0	8
Aversion	53	65	24	44	61	98	91
DK/NA	1	1	0	14	12	0	0

GREECE

	Slavs	Roma	Jews	Muslims	Albanians
Sympathy	16	20	15	11	8
Neutral	27	21	21	16	13
Aversion	38	55	57	62	75
DK/NA	18	4	7	11	4

BULGARIA

	Turks	Roma	Bulgarian Muslims	Jews	Romanians	Russians
Sympathy	23	12	22	24	24	45
Neutral	47	31	42	34	34	32
Aversion	23	51	15	6	5	5
DK/NA	7	6	21	36	37	18

**14. O RAPORTO PO MANUSHENGO SHAIPE
E RROMENGO ANDAI MAKEDONIA**

Kadava raporto silo po shaipe e manushengo, thai pi situacia e Rromenge andai Makedonia thai si o rezultati butendar interviurea e rromenca thai gadjenca andai Makedonia. Ando pirvo kapitolo/rig e raportosko kerdolpe diskusia po deportacia e Rromengi anda o vesto la Evropako, specialno andai Germania. I discusia anda kadava sili pe situacia e Rromengi pala o bersh 1990, zhi akana. O aver kapitolo/rig anda o raporto, kai delpe дума pe leste ando 1992, si po thanesko nevo zakono (law on citizenship). Andi Makedonia si akana but zhene bi lilengo/dokumenturea themesko shaipe. O aver kapitolo/rig si pe relacia mashkar e rroma thai e gadje anda Makedonija. O kover nasul badimos andai Makedonia sila motivacia rasisto, pe violentija kai kerdilea po rroma. Aver motivacia kai rodelpе si e abuso la politjiako/zhandarea po shaipe e rromenge, specialno po violencia kai kerenla po rroma thai o interesu kai ni sikavelnes e Makedonskurea autoritetea, ni kamen te den дума po existencia e discriminatiako thai e zhungalimaste kai silo po rroma katar e gadje. A aver kapitolo silo po situatia e manushengi kai nale ker thai e abusurea kai kerenle e autoritetea katar o municipio, thai I discriminatia kai kerenla gadjikane institucia po rroma. O kapitolo 7 thai 8 kerel diskucia po politiko shaipe thai pi edukacia. Mai palal si sikade e servisurea kai sile anda birturea, restauranturea, thai disko. O raporti phandadol thai kerel ek rekomandacia katar o ERRC karing o makedonsko guvernno/dirzhava.

The *European Roma Rights Center (ERRC)* is an international public interest law organisation which monitors the situation of Roma in Europe and provides legal defence to victims of human rights violations. Roma (Gypsies) remain to date the most deprived ethnic group of Europe. Everywhere, their fundamental rights are threatened. Disturbing cases of racist violence targeting Roma have occurred in recent years. Discrimination against Roma in employment, education, health care, and other fields is common in many societies. Hate speech against Roma deepens the negative stereotypes which pervade European public opinion.

The *ERRC* is governed by an international board of directors, which is chaired by András Bíró (Hungary) and includes Isabel Fonseca (UK), Nicolae Gheorghe (Romania), Deborah Harding (USA), Khristo Kyuchukov (Bulgaria) and Lord Lester of Herne Hill QC (UK).

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