

Prosecutor Zvrlevski
The Public Prosecutor's Office of the Republic of Macedonia

Budapest, 26 March 2015

Dear Prosecutor Zvrlevski,

The European Roma Rights Centre (ERRC) – a public interest law organisation working to combat rights violations against Roma – is concerned about the recorded conversations¹ that had been recently made public and urges you to investigate any criminal offences that they may reveal. The authenticity of the audio recordings has not yet been confirmed, but neither has there been any denial from the government regarding the content of these recordings. This content suggests that serious criminal offences could have been committed or instructed against Roma people by high-level governmental officials.²

On 6 March 2015, the president of the Social Democratic Union of Macedonia presented recorded conversations³ to the press which suggest that the Minister for the Interior, Gordana Jankulovska and other high-level officials could be involved in unlawfully manipulating Roma by taking and keeping their passports as a guarantee for obtaining their vote for representing particular political party. A voice – widely reported as being that of the Interior Minister – can be heard saying: *“We have to be a bit more careful there, because they, the Gypsies(...)”* and, later, *“It’s a public secret (...) sending three persons, collecting the biometrical”*, that is, the passports or identity documents of Roma *“and in return they should give all of that”*, apparently referring to their votes.⁴ We also understand that in the course of these conversations, there was discussion about manipulating Roma by making promises in relation to social assistance benefits.

Given the gravity of racially-motivated voter manipulation, the ERRC urges you to investigate whether any criminal offences were committed, including race discrimination and offences under Macedonian election laws.

The ERRC is particularly concerned about discrimination. The ERRC is already supporting Roma in challenging the Ministry of the Interior before the courts for the unlawful confiscation and withholding of the passports of Roma Macedonian citizens, preventing them from leaving the country. The various ways in which the passports of Roma are confiscated and withheld is a particularly visible – and we think potentially criminal – indication that Roma are second-class citizens. Macedonian Roma must increasingly have the impression that in their country, their passports are not accorded the same respect as the passports of non-Roma. This is a strikingly visible symptom of second-class citizenship. In this case, relegating Roma to a second-class-citizen status in this way also seems to amount to criminal offences. In particular, it seems to us that there is sufficient information to investigate breaches of Articles 160, 353 and 353-c of the

¹ (ВИДЕО) Заев: Јанакиевски дава пакети брашно за да не „бамборат“ циганите, A1on.mk, 06 March 2015, available at: <http://a1on.mk/wordpress/archives/460458>.

² Ibid.

³ Zoran Zaev at the press conference of the Social Democratic Union of Macedonia, 06 March 2015, available at: <http://www.sdsm.org.mk/default.aspx?mId=55&agId=5&articleId=11779>.

⁴ (ВИДЕО) Заев: Јанакиевски дава пакети брашно за да не „бамборат“ циганите, A1on.mk, 06 March 2015, available at: <http://a1on.mk/wordpress/archives/460458>.

Penal Code. The promises in relation to social assistance also appears sufficient to trigger an investigation into Article 162 of the Penal Code.

Additionally, according to the recordings, the officials speaking used insulting language by calling Roma “Gypsy”, which has a very negative connotation and a stigmatising effect in Macedonia. Sadly, this kind of harmful vocabulary is also used by the Head of the Commission for Protection of Discrimination. The ERRC believes that the use of this language is evidence of other criminal offences which may have been committed, under Articles 137 and 417 of the Penal Code.

We hope that the Public Procecutor will recognise the significance of the alleged problem and begin an investigation.

You will see below that we are copying this letter to various other Macedonian government agencies, as well as to the European Commission delegation, the OSCE delegation, and the embassies of those countries we know to be particularly concerned about respect for human rights in Macedonia, particularly the rights of Roma (France, Germany, the Netherlands, Sweden, the United Kingdom, and the United States). Two of my colleagues will be in Skopje tomorrow meeting with representatives from these international delegations to put our views to them on this matter. We will be monitoring the response to these serious allegations and will keep these international partners informed of our views on the progress of this matter.

We respectfully request to be informed of all actions undertaken by your respective office in response to this letter and would welcome the opportunity to discuss this issue further.

Yours Sincerely,

András Ujlaky
Executive Director

cc:

- EU Delegation in Skopje, Head of Section for Political and Justice and Home Affairs Issues, Information and Communication, Mr Robert Liddell
- OSCE Mission to Skopje, Ms Mirvete Islam
- Ombudsman of the Republic of Macedonia, Mr Idzet Memeti
- The Ministry for Interior
- Inter-Community Relations Committee, President Mr Dzevat Ademi and Vice President Mr Kenan Hasipi
- National European Integration Council, President Mrs Radmila Shekerinska and Vice President Mrs Silvana Boneva
- Embassy of France in Skopje, Macedonia
- Embassy of Germany in Skopje, Macedonia
- Netherlands Embassy in Skopje, Macedonia
- Embassy of Sweden in Skopje, Macedonia
- United Kingdom Embassy in Skopje, Macedonia
- Embassy of the United States in Skopje, Macedonia