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IHF FOCUS: freedom of expression and the media; judicial system and independence of the judiciary; fair trial and detainees' rights; torture ill-treatment and police misconduct; freedom of religion; national and ethnic minorities; returnees and displaced persons.

The political and human rights climate in the Republic of Macedonia was determined in 2003 by the implementation of the Ohrid Framework Agreement² and by the changes stemming from that agreement. Pursuant to it, the constitution and a series of laws and bylaws were amended, institutional and structural changes were also made. The process of personnel changes in the state, police and army administrations also began in accordance with the changes made to the Constitution and to legislation calling for equitable representation of non-majority communities.

Unfortunately, the personnel changes were made in a non-transparent manner, under time pressure, often without previous analysis or appropriate strategy, and without active participation of citizens. And, in light of the fact that these changes were made predominantly based on political party affiliation at all levels, the citizens did not view the changes as related to the implementation of the Ohrid Agreement, but instead as a direct intervention by the ruling political parties in all segments of society. Hence, the changes were seen by the majority Macedonian community as excessive, inappropriate and unlawful, and by the Albanian community as insufficient in terms of utilization of all available human resources.

The authorities in power used the Ohrid Agreement as an excuse not to apply and indeed to violate laws regarding criteria for employment in the administration, changes to the State Judicial Council and appointment of Constitutional Court judges. Instead of the necessary reform in the judiciary, state administration, army and police, personnel changes presented to the public as reforms resulted in further violations and constraints of human rights and freedoms. Furthermore, the practice of radicalization of opposition parties continued, and these continued to call for an early election.

In the economic sector, there were no significant steps forward. Agricultural and industrial production was still characterized by a negative trend (with minor positive changes during brief periods). The unemployment rate reached 37% of the population capable of working. No major production facility was opened. Investment in the agricultural sector was minimal and insufficient. Foreign investors still considered Macedonia a risk area and did not make any significant investments.

According to reports by the United Nations Development Programme and the World Bank, poverty has become the greatest problem in Macedonia. The income of the majority of the population dropped below the subsistence minimum and state welfare benefits were continually decreased. The maximum amount of welfare assistance per month for a four-member family was approximately €50 (down from approximately €60 in 2002), which did not satisfy the elementary needs for food for one person for one month. In addition, the list of free-of-charge medications (i.e. medication covered by state health insurance) was shortened in 2003, while the participation fee for each health care interventions was increased.

¹ Based on the Helsinki Committee for Human Rights of the Republic of Macedonia, *Annual Report on the Situation of Human Rights in the Republic of Macedonia in 2003*, at www.mhc.org.mk.

² The Ohrid Framework Agreement was signed on 13 August 2001 and was hailed as the peaceful solution to the 2001 armed conflict. It envisaged a complex system of voting in the parliament, quantitative standards for the representation of minorities in the administration and public services, and changes in the use of the minority languages. Its full implementation is the precondition for integration into the EU and NATO and also for economic development, job creation and foreign.



The high cost of court fees that must be paid in order to institute a court proceeding discriminated against a huge section of the population, making courts largely inaccessible to them and making it virtually impossible for poor people to have legal recourse against violation of human rights.

In general, the low standard of living, weak economic power, unemployment and lack of basic welfare protection put large sections of the population in an underprivileged position in terms of exercising their rights and freedoms.

Human rights and freedoms were greatly threatened by corruption at all levels of power. The establishment of the Anti-Corruption Commission did not produce significant results in 2003. This prompted the impression that it was under the influence of the ruling political parties.

Another significant problem was the trafficking in human beings, arms and drugs. Macedonia was evermore involved as a transit or end destination for these activities. The number of court cases and pronounced sentences did not correspond to the volume of criminal activities and the victims were completely neglected.

The results of the 2002 population census were analyzed and published in 2003. According to the data, Macedonia is ethnically diverse. The total population of 2,022,547 consisted of 64.18% ethnic Macedonians, 25.17% ethnic Albanians, 3.75% ethnic Turks, 2.66% ethnic Roma, 1.7 % ethnic Serbs and some other small communities.

From the beginning of the census taking exercise, there was criticism that the Census Commission could not do its job properly and that it was under threat to underestimate the percentage of certain, primarily non-Macedonian, ethnic communities. For example, although the 2003 census listed 53,873 Roma living in Macedonia, Roma leaders estimated that there were over 136,000. Very similar claims were made by the Turkish community. In light of the Ohrid Framework Agreement, the population breakdown into the various ethnic communities is extraordinarily important. It is to be used to determine use of languages in local self-government, representation in the parliament and the structure of education and public administration. The results, published at the beginning of December, showed a significant increase in the percentage of ethnic Albanians and a decrease in the numbers of all other communities. This caused open negation of the results by all the other ethnic communities.

Another problem was related to the consequences of the 2001 armed conflict. The insecurity in the conflict-affected areas, the slow reconstruction of destroyed homes and the mistrust and hate among persons belonging to different ethnic communities, represented a continuous threat to the rights and freedoms of Macedonian citizens.

One of the basic problems, however, in the promotion and protection of human rights in Macedonia, was the functioning of the judiciary and the application of rule of law. Most violations were related to police operations, detention and court procedures. Abuses also occurred in inter-ethnic relations, the media, education and the right to practice religion.

Freedom of Expression and the Media

In 2003, the situation of the media improved compared with the 2001 post conflict period in terms of journalistic standards and in terms of the independence of the media. It is significant that one very rarely encountered hate speech despite the fact that there was still division along ethnic lines when reporting about critical events. This was apparent when media reported about the problems in secondary education. Journalists most often took sides

with the defenders of the Macedonian or Albanian cause. The public was often exposed to one-sided, often unconfirmed information, serving the interests of a particular political party. For example, the case of Commander Cakala, a former member of the National Liberation Army who kidnapped two police officers to prevent being arrested and who after negotiations released the police officers and ran away, sheds new light - this time Macedonian and Albanian language media united in condemning the kidnapping of the police officers.

One of the greatest problems in 2003 was the violation of the presumption of innocence by or through the media. Suspects in court cases were labeled as criminals prior to or during court proceedings, and in the cases of their release, the public was not offered appropriate information.

In 2003, the two most influential independent daily newspapers, *Dnevnik* and *Utrinski vesnik* were bought by the German concern VAC. The government did not react to this although the issue of a VAC media monopoly could have been raised. The question of monopoly status and the specific support by the state was raised by representatives of different media concerns in relation to the Macedonian Information Agency (MIA). The case that is before the Constitutional Court of Macedonia is linked to article 55 of the Constitution: "The Republic takes measures against monopolistic positions and monopolistic conduct on the market."

In 2003 several cases of ill-treatment of journalists by the police were registered. A specific feature this year, however, was the large number of court proceedings instituted against journalists. According to data in the last three years, 125 criminal charges were brought against journalists. This can have two implications. On one hand, it could mean that the authorities were continuing the trend of disciplining journalists and sanctioning any undesired reporting, and on the other hand, it could raise the issue of journalists' ethics – that they used insults and libel in reporting. At any event, it was of concern that libel in Macedonian legislation carried a prison sentence, a fact that violates international law.

- In November 2003, the Skopje I First Instance Court fined Sonja Kramarska with 20,000 denars (€333) for a commentary in which she used the word "liar" to describe Stojan Andov, a member of parliament. Explaining the verdict, the court stated that the fine was prescribed as a correctional measure.
- Zoran Markozanov, editor at the *Zum* weekly magazine was sentenced to a three month prison sentence, two years suspended for the same crime of libel.
- Bobi Siljanovski, a journalist for Radio Bitola and correspondent for the Macedonian Radio & Television and *Start*, a weekly magazine, was sentenced to 5 months in prison with a one year suspended sentence and was fined 21,00 denars (€350) for the crime of libel.
- Dragan Antonovski, a journalist at A1 TV, a private TV station, was fined 100,000 denars (€1,649) for slander. His trial was initiated in Skopje's Municipal Court by the HQ of the Army of Macedonia and by the Ministry of Defense. He was accused of slander because at the beginning of the armed conflicts between Albanian armed groups and Macedonian Security Forces he reported that the principal Macedonian HQ officer had leaked information to an American general who then passed the information to the Albanian fighters. This led to the failure of the Macedonian defense efforts.³

³ Reality Macedonia, "Macedonian Army HQ Puts on Trial the Journalist who Accused its former Chief for Treason," 7 November 2001, at www.realitymacedonia.org.mk/web/news_page.asp?nid=874.

- Mende Petkovski, a journalist for Radio Bitola and correspondent for *Dnevnik* and TV Sitel, was, as of the end of 2003, being tried for criminal libel against a Bitola Appellate Court judge. He had reported that the Bitola police enforced traffic regulations equally for all, as demonstrated by the case of this judge, whose vehicle had been banned from traffic on the grounds of driving without a license plate. The public prosecutor brought this case before a court whose judges had been criticized by the same journalist on previous occasions.

A debate was initiated regarding proposed amendments to the Criminal Code with respect to libel. According to the proposal, punishments under the article 172 (defamation) should be stricter for journalists and in cases when they are committed through the media. The Association of Journalists contended that the proposed amendments, which were drafted without the participation of journalists, were too strict and did not correspond to the recommendations of the Council of Europe. The drafters claimed that the proposed amendments were in the spirit of European standards yet called upon journalists to participate in the drafting of amendments. The process was under way as of the end of 2003.

The Helsinki Committee noted that journalists who suffered libel charges tended to be those who criticized the government, not those who criticized government opponents. For example, it remains unclear why no proceedings were instituted against the authors of columns in some daily newspapers who continually used hate speech.

Judicial System and Independence of the Judiciary

The Parliament of the Republic of Macedonia, under the direct influence of ruling political parties and especially the Ministry of Justice and the Ministry of the Interior, appointed new judges and public prosecutors. It appears that each new government has attempted to control the judiciary by "installing" people loyal to the government in key positions such as in the State Judicial Council, the Supreme Court and the Public Prosecutor's Office.

The new government's first step in January 2003 was to change the state public prosecutor unlawfully and without proper argumentation. Members of the State Judicial Council, who are there to guarantee the independence of the judiciary, were dismissed in a manner contrary to the Constitution. The selection of new judges, though still not completed as of the end of 2003, was made with direct interference by the ruling parties.

In 2003, there were several cases of direct influence on judges by the executive branch, especially by the Ministry of the Interior. An example is the case of the Gostivar Court. When the minister of the interior directly protested against the decision of a judge not to prescribe detention for a suspect, the result was a change of judge and the adoption of a decision contrary to the initial one.

Regardless of the stated desire for separation of legislative, executive and judiciary power, courts were perceived as quasi civil servants as it seemed obvious that they took orders from the government and very rarely opposed it. The amendments to the penal procedure concerning special investigative measures and witness protection that were made in response to the threat of organized crime and corruption were, allegedly, aimed at more efficient control of crime.

The latest action plan, drafted in November, for fighting organized crime, however, was especially concerning. It called for close cooperation between the police, prosecutor and courts meaning a return to the old socialist system of relationships in the judicial system

which did not separate between the powers. The lack of independence of the courts was reflected in the manner in which they were financed: through the Ministry of Justice. The corruption of judges was to a great extent dependant on the low income of judges which made them vulnerable to taking bribes.

The violation of independence of some institutions, making them party based, was extended to the Office of the Ombudsperson. According to both the old and the new law, the possibilities for operation of this office were wider. However, the Office of the Ombudsperson did not utilize them, by which it undermines its own existence. For example, the public was not able to see the national ombudsperson: without prior announcement and approval—entering a police station, prison, psychiatric ward or any other state administration body; undertaking concrete measures in respect of a prolonged court procedure or in respect of lack of responsibility by the judiciary; raising initiatives for amendments and additions to laws to the drafters in charge; submitting a proposal to the Constitutional Court for assessment of the constitutionality of the laws and of the constitutionality and legality of other regulations and general acts; or, pointing a concrete state institution where there is inequality and unjust representation of communities, etc.

Criminal and civil law procedures also lasted too long causing people charged with crimes prolonged uncertainty about their fate. It was especially concerning that there were long periods of inactivity in proceedings owing to lack of due diligence or unregulated remuneration of expert witnesses and inappropriate forwarding of court documents during pretrial proceedings. Charges were often brought with insufficient evidence.

Fair Trial and Detainees' Rights

Arbitrary arrests, primarily of government opponents, continued in 2003. People were detained in police stations without court warrants, and in many cases, courts issued arrest warrants with insufficient evidence. The unacceptable practice of not registering people detained in police stations continued. In this context, "apprehension for purposes of an informative interview" was still used though it was abolished quite some time ago by several Constitutional Court decisions. In most cases, it was used as a method to exert citizens to make statements for the police, and as there was no record of their detention, they could not file complaints against such police practice.

Detainees did not have regular access to medical care or to defense lawyers. The right to medical treatment was not prescribed by law but was left to be resolved on a case-by-case basis. The death of the young boy in detention because of an unsolved allergic reaction in December 2003 was one of the cases connected with this problem. Lawyers were not allowed to consult with detainees in private and could, therefore, not provide adequate counsel. Even when they were present at an interrogation, they could only passively observe.

Detention conditions were inhuman, especially in winter, since the facilities, as a rule, are in basements and without heating. People in prolonged detention were not provided with food although the rules of the Ministry of the Interior envisaged the provision of food. There were no standards for special treatment of vulnerable groups such as juveniles and the disabled. In the course of detention, family visits were very restrictive or not permitted at all.

The extensive and selective use of detention was especially concerning and courts abused a measure to prolong detention in exceptional cases.

Existing laws did not provide for equality between the defense and the prosecution. High taxes, fees for access to documentation gathered during an investigation and high fees for the acquisition of copies of documents exposed people charged of a crime to high costs

and made courts inaccessible to the poor. The best example of the lack of respect for equality of arms was that courts often did not permit the defense to present its own witnesses.

Quite often, *in absentia* trials were used in criminal proceedings against terrorism and endangerment of national security. Persons charged were pronounced unavailable, though in a number of cases they were actually present in the courtroom audience.

In smaller towns, the principle of public trial was violated with the excuse that courtrooms were too small. Trials were conducted in rooms that were so small that even the closest family members of the accused did not fit.

There was a lack of competent interpreters in cases where one of the parties (especially the person charged) did not speak the language in which the trial was being conducted. Courts very often appointed incompetent interpreters or simply did not appoint one under the presumption that the defendant understood Macedonian sufficiently. This was problematic because though an ethnic Albanian ethnic may speak colloquial Macedonian, he/she may not fully understand legal language.

- As of the end of 2003, the case of Gideon Sandal, an Israeli national, had been prolonged for two years because a Hebrew language interpreter had not been provided.

Ex officio defense lawyer were not always appointed to poor people, but were frequently appointed in cases where the defendant already had a defense lawyer of their own choosing but with whom the court was displeased.

High officials in the Ministry of the Interior, including the minister himself and the ministry spokesperson gave statements to the media that very often violated the presumption of innocence of suspects, labeling them criminals before their guilt had been legally established in a court procedure.

Torture Ill-Treatment and Police Misconduct

The Criminal Code prohibited torture and envisaged a clear complaint procedure in such cases. The Republic of Macedonia was party to the UN Convention (since 1994) and the European Convention against Torture (since 1997). In 2002, the Council of Europe's Anti-Torture Committee visited Macedonia on three occasions. The committee's reports and recommendations were neither published by the government nor translated into Macedonian.

While in previous years, most cases of torture and ill-treatment by police were reported from the areas affected by the armed crisis and mainly concerned members of ethnic minorities, in 2003 the practice of police misconduct spread to all areas of the country and also targeted the majority population. Namely, most victims in cases in which the Helsinki Committee was somehow involved were ethnic Macedonians (about 20 cases), followed by Roma (4 processed cases and 2 withdrawn cases), and ethnic Albanians (4 cases). The most serious cases were:

- An Albanian from Kosovo was held in detention without medical treatment to remove bullets from the wounds he received in a shoot-out with the Macedonian police officers.
- An ethnic Macedonian died in detention in Bitola. The details were still being determined as of the end of 2003. His relatives had been going through the process of

obtaining his autopsy report for quite some time. This report is necessary to initiate a court procedure.

The entire range of police misconduct cases occurred, from torture in detention and interrogation in police stations, to degrading treatment in the search of homes and persons, all the way to abuse of legal institutions such as detention used to extort confession.

It seemed that authorities were not willing to institute effective measures to decrease the incidence of torture and inappropriate treatment of people by the police. Abusive police officers did not undergo disciplinary measures or court sanctioning and incidents of torture were covered up by other police officers. The department of the Ministry of Interior charged with examining such cases, had no civil participation, acted inconsistently and was characterized by loyalty to colleagues. There was no truly independent body charged with impartially investigating torture.

- Dime Ickovski died during police action while he was being captured. His family openly expressed suspicion that he had been summarily executed. The circumstances in the case were suspicious and statements regarding the forensic examination were contradictory. However, the commission set up to examine the case which included an OSCE representative established "justified use of force."

In one case, the police consistently offered the wrong police officers for recognition in a line-up. In another case they denied in writing that torture had occurred though the Ministry of Defense and the ombudsperson had sufficient evidence of torture. The most frequent response by the police when they were asked to provide information about the possible ill-treatment of a detainee — such as when an emergency medical team had to be called in to prevent mass hemorrhaging — was that the injuries were self-inflicted.

It was a concern that neither the public prosecutor nor the judges reacted in accordance with their legal obligations when people with evident signs of physical torture were brought before them: the statements by defendants that they had been tortured were ignored.

The police continued to use firearms in an uncontrolled manner when arresting suspects in 2003. This caused the death of several suspected criminals in the course of their arrest.

In addition to cases of police misconduct, cases of inhumane treatment were reported in homes for the elderly.

- In the Gjorce Petrov settlement of Skopje, at the center for care of senior citizens, utterly inhuman conditions were discovered by state inspections: several old, feeble people lived in bedrooms with no windows or ventilation. They were not taken outdoors for days at a time. Though these conditions were reported, no action was taken to solve the problem. Thus, the case can be treated as an act perpetrated by the state by non-action.

Freedom of Religion

According to the government Commission for Religious Communities and Religious Groups, there were 25 religious communities and groups in Macedonia. The Helsinki Committee sent a written request to the court responsible for registering religious communities requesting verification but the court failed to reply.

Following the abolishment of about ten articles from the Law on Religious Communities and Religious Groups by the Constitutional Court, several attempts were made to draft new articles. All failed. Representatives from all of the religious communities were never invited to all of the drafting sessions. Yet, the present law still provided that the Commission for Religious Communities and Religious Groups had to issue a statement about each religious community/group wishing to register.

The Constitution guaranteed separation of church and state. Article 19 of the Constitution was amended on the basis of the Ohrid Framework Agreement and mentioned five religious communities by name; the others were guaranteed equal status. In practice, however, the smaller religious communities were under threat and unable to conduct religious activities freely. Most problems had to do with the ownership of property.

- The Bekteshi community, an Islamic religious community, was not able to worship at the Arabati Baba Teke facility in Tetovo, which was usurped by a larger Islamic religious community and turned into a mosque.

There were not enough facilities in which to conduct religious activities and urban plans did not envisage enough locations for the construction of new places of worship. According to the law on religious activities, all religious communities except the Macedonian Orthodox Church and of the Muslim Community were limited to using community facilities specially registered for religious use.

There were open attacks against religious people and facilities and in Strumica, Orthodox priests and their followers prevented the laying of the foundation of a Catholic Church. The construction of a Jehovah's Witnesses facility in Prilep was prevented a similar manner.

Obstacles were erected to prevent religious services from taking place and guest lecturers invited from abroad were prevented from entering the country. According to the law, foreigners must obtain a special permit before being allowed to give a religious lecture or service. The establishment of Orthodox Churches in which services would be conducted in a language other than Macedonian, such as in Vlach, Serbian or Greek, was prohibited.

There was evidence of the persecution of members of the Serbian Orthodox Church. They were banned from entering Macedonia. Their Macedonian national followers were exposed to continuous pressure: their homes were searched, they were invited for interviews at police stations, they were libeled in the media and Serbian language religious material was impounded. This was justified by the government, given the dispute between the Macedonian and the Serbian Orthodox Churches in which authorities from both countries were deeply involved.

National and Ethnic Minorities

In the period following the 2001 armed conflict, there was increased intolerance among people belonging to the different ethnic communities. There was also a division of the state along ethnic lines. This continued in 2003. Tension and mutual intolerance were manifested in every day life by lack of basic communication, maintenance of parallel basic infrastructure facilities such as clinics, bus stations, shops, sports playgrounds, by open demonstrations of hate, and by the violation of basic human rights and freedoms.

At the beginning of the 2002/2003 academic year, ethnic Albanian students that attended Albanian-language classes in "Nacve Bugjoni" and "Goce Delcev" secondary schools refused to attend classes "under same roof with ethnic Macedonians." The Ministry of

Education refused to relocate them. The ethnic Albanians responded with protests, roadblocks and a hunger strike (by parents). After several months of negotiations between the schools, parents' councils, students and the ministry, the ministry finally adopted a short term "Solomon solution" physically separating Albanian and Macedonian classes, meaning that the Albanian classes were moved to four other facilities. In May 2003, the ministry tried to return some of the Albanian-language classes to the "Nace Bugjoni" secondary school but ethnic Macedonian students and parents opposed, arguing that either all of the Albanian classes in all secondary schools should return or none should. The result of these clashes was the creation of "ethnically clean" schools, which directly violates article 29 of the Convention for the Protection of the Rights of the Child.

The case of "Arsenie Jovkov," a multi-ethnic secondary school in Skopje, lasted almost two months. The problems began when the Ministry of Education sought to solve an ongoing issue having to do with ethnic Albanian students who were being educated outside the main school facility. On 10 September 2003, after the school year had begun, the ministry relocated these classes, which had been taught outside the school since their inception in 1994, into the central facility without community buy-in. This created an atmosphere of mistrust and conflict on ethnic grounds between students and parents of Macedonians and ethnic Albanians. Classes were interrupted and there was open violence between students and teachers of different ethnic affiliations. The problem spread to other schools, then to protests and manifestations of nationalistic character. The situation was calmed after a several month boycott by a temporary compromise decision by the Ministry of Education whereby only seven of the fourteen Albanian language classes were transferred to the central school.

The problem in Bitola had to do with a request to open an Albanian language secondary school class in a primary school (otherwise there was both instruction in Macedonian and in Albanian language in this primary school). Again, as in the previous cases, the direct source of the conflict was the Ministry of Education. It tried to impose a solution to a sensitive issue without previous analysis, appropriate consultations or explanations. This resulted in nationalistic outbursts from Macedonian parents and students. After classes were interrupted and parents, students and teachers as well as most of the Bitola population demonstrated, the Ministry of Education and the government were forced to change the decision.

Members of the Skopje and Bitola Associations of Students supported by the president of the Skopje University Senate (and probably some senators), some political parties and some NGOs, organized demonstrations in front of the parliament against the parliament's decision to accept Mala Recica University, an Albanian language university, as the third state university. They also opposed state financial support to the university.

The Albanian population openly demonstrated animosity toward the non-Albanian population in the areas that were affected during the 2001 conflict in crisis-affected villages. They prohibited travel on some local roads in the municipalities of Lipkovo, Aracinovo and Cair, they set fire to reconstructed homes in the villages of Matejce and Aracinovo, they prevented farm activities in the village of Ljuboten, they stole religious objects from the St. Nicolas Monastery and damaged others and they refused to attend school in joint facilities.

The situation of the Roma community, however, was the most concerning. The housing conditions of Roma in urban peripheries were extremely poor. The Roma neighborhoods were ghettos characterized by improvised shacks, homes with falling roofs and walls supplied by jerry-rigged electricity, lack of access to potable water, unpaved and unlit streets, and exposed sewage. Often, these neighborhoods were located near industrial zones, cut off from the city by lack of public transport and under-served by public institutions such as schools and medical centers.

The percentage of unemployed Roma women was 97.7%, almost three times higher than the national unemployment rate for women of 36%.

Roma were still subjected to discrimination and marginalization. Discrimination was widespread in obtaining access to education, employment, health services and housing.

Returnees and Displaced Persons

Two years after the end of the armed conflict, the problem of internally displaced persons (IDPs) remained unresolved. At the time of writing, there were more than 1,500 officially registered IDPs in Macedonia, accommodated in collective centers. This number excluded those who were not registered because they were staying with relatives.

The Ohrid Framework Agreement calls for the prompt return of IDPs to their homes and authorities were pressuring them to return home by threatening to cut off assistance and close the collective centers. There were however, no conditions created for the safe return of these people to their places of origin. Destroyed houses were not fully reconstructed, personal security was not guaranteed because those perpetrating acts of violence against returnees were not punished and no material or financial assistance was provided.

A special form of inhuman treatment was that some IDPs were forced to return to their place of origin despite the fact that their trauma was such that they openly stated that they could not and did not want to return "home."

Macedonian authorities applied this policy in the case of Kosovo refugees (Roma, Ashkalis and Egyptians) who applied for asylum in Macedonia. Although local communities in Kosovo threatened and even demonstrated readiness to oppose the return of the refugees, the authorities threatened to deport them back to Kosovo. The United Nations Interim Administrative Mission in Kosovo (UNMIK) and NATO warned that if they returned they would face imminent danger.

A major conflict emerged when the United Nations High Commissioner for Refugees (UNHCR), in cooperation with the government, adopted a unilateral decision to close the refugee camp in Shuto Orizari on 31 March. The decision to dislocate 950 out of the total of 2,700 people, took the Kosovo refugees and the representatives of the local self-government by surprise. In response, approximately 700 of these people went to the Medjitijska border crossing and demanded the Macedonian government let them pass to Greece. The protest lasted almost three months, until 9 August. As of the end of 2003, these refugees agreed to be accommodated again in the Katlanovo collective center, in the Jug Tourist Hotel and in private houses.

The next conflict emerged with the newly adopted Law on Asylum and Temporary Protection, under which the Kosovo refugees' status was changed from "temporarily humanitarian protected persons" to "persons under temporary protection." The authorities used this new law to end their refugee status, thus forcing them to submit asylum applications. Most of the Kosovo refugees were misinformed and intimidated and submitted the application. According to the vague article 29 of the Law on Asylum and Temporary Protection, asylum applications could be rejected if persecution in the country of origin was restricted to a given territory and effective protection could be provided in another territory. Such was the case in Kosovo, thus the Macedonian Supreme Court refused asylum to Kosovo refugees in some cases on this basis. The UNHCR ignored this and kept pressuring these people to ask for asylum in Macedonia. As of the end of 2003, 2,200 refugees had applied for asylum in Macedonia. A smaller number agreed to voluntarily return to the territory of Serbia and Montenegro.