
Department for Conference Services

At the request of the High Commissioner on National Minorities, the attached report regarding his visit to the former Yugoslav Republic of Macedonia as well as his statement, are being distributed to all delegations.

**REPORT OF THE HIGH COMMISSIONER ON NATIONAL MINORITIES
REGARDING HIS VISIT TO THE FYR OF MACEDONIA
10-13 JULY 1997**

From 10 to 13 July I visited the FYR of Macedonia in order to make an analysis of the recent disturbances in Tetovo and Gostivar and their background. The authorities provided me with full cooperation. The Head of the OSCE Mission, Ambassador Faber-Rod, participated in all the meetings with members of the Government, representatives of the Albanian political parties, and the mayors of Gostivar and Tetovo. As there was repeated request for media interviews, I decided to issue a statement at the end of my visit, which is attached to this report.

The incidents in Tetovo and Gostivar which regrettably led to the death of two persons of Albanian nationality, have to be seen against the background of the question of the use of the flags of the nationalities in the FYR of Macedonia - a question which is complicated by the fact that the flag of the Albanian nationality is identical to that of Albania.

The flying of the Albanian flag next to the flag of the FYR of Macedonia on flagpoles in front of the townhalls of Tetovo and Gostivar - a practice which began after Mr Demiri (PDP-A) was elected as mayor of Tetovo and Mr Osmani (PDP-A) as mayor of Gostivar - has led to various procedures before the Constitutional Court of the FYR of Macedonia, finally resulting on 4 June in an order of the Court to remove the Albanian flag. Both mayors refused to obey the order, however.

The Government did not decide on immediate police action to remove the flag, but prepared a new law on the flag which was intended as a compromise solution. Albanians in the FYR of Macedonia would be free to use the Albanian flag during

sport and cultural events. In municipalities where a nationality would have a majority the flag of the nationality could also be hoisted next to the flag of the FYR of Macedonia on official state holidays. In the case of Tetovo and Gostivar, this means therefore that the Albanian flag can be hoisted next to the flag of the state on official state holidays.

The Albanian party PDP accepted this compromise and voted for it in Parliament; the PDP-A rejected it. When the law was debated and adopted without any significant change on the evening of 8 July, the PDP-A spokesman in the debate stated that this would not make the mayors decide to lower the Albanian flag before the townhalls of Gostivar and Tetovo. The mayors of Tetovo and Gostivar took the same line in an earlier meeting with the Prime Minister.

In the early morning of 9 July the police took down the Albanian flags in front of the townhalls of Tetovo and Gostivar. This surprise action in the middle of the night did not meet resistance. In the morning there were some disturbances in Tetovo, however, while later in the afternoon in Gostivar a large group of demonstrators assembled. A confrontation began when they came to a police cordon sealing off the streets leading to the townhall. Skirmishes began, and at a certain moment firearms were used. According to the police it was fired at from balconies of surrounding houses. According to the Albanian side, the police opened fire in the course of the skirmishes. Both the police and the mayor of Gostivar, Mr Osmani, told me that when the situation was getting out of hand, discussions took place between Mr Osmani (detained in the townhall according to himself; having decided to stay according to the police) and police officers about a possible appeal of Mr Osmani to the demonstrators to disperse. This did not happen because both according to Mr Osmani himself and the police he insisted that the police would have to go as well. This was refused by the police, because it felt convinced that the Albanian flag would then be hoisted again.

According to police information some of the demonstrators were in possession of Molotov cocktails, while during the search of houses weapons were found. The police also claims that during a search of mayor Osmani's office detailed plans were found for organised resistance in case the police would start taking action.

The mayor of Tetovo, Mr Demiri, and the mayor of Gostivar, Mr Osmani, are both charged with failing to implement the Constitutional Court ruling. Mr Osmani is charged, in addition, with organizing resistance, and with instigating national, racial and religious hatred, discord and intolerance. He is in prison. My request to meet him there was granted. I had a long talk with him without the presence of any state official or prison guard.

On Sunday morning, 13 July, I visited Gostivar. Police still patrolled in the town, but shops and restaurants were open and people were strolling on the streets.

During a conversation with Mr Xhaferi, the leader of the PDP-A (soon to be merged with the Albanian NDP party into a new party, the Democratic Party of Macedonia, DPA) he identified the aims of his movement. It is in his view intolerable that in Parliament persons of another nationality can decide on the interests of the Albanian nationality. Therefore there was a need to a fundamental restructuring of the state in

such a way that no decisions could be taken against the will of the Albanian nationality. When I emphasized the need to respect legality, he answered that in case of suppression there was the right to deviate from this principle. In my conversation with Mr Osmani, he developed similar ideas. I was also struck by the decision taken during a PDP-A congress on 5 July to create departments parallel to the various governmental departments.

In my conversation with PDP leader Aliti he confirmed the support of his party for the new law on the flags. He was, however, critical of the fact that the Government had not informed him about the impending police action, and made it clear that he would have preferred new efforts to convince the mayors to take down the flags. Finally he insisted on a full statement by the Government before Parliament regarding the disturbances. This has been promised.

Prime Minister Crvenkovski emphasized that further delay in taking down the flags would not have caused the mayors to change their minds, while at the same time it could have led to a far greater number of casualties, because more time would have been available for building up organised resistance. He repeated that his Government was determined to seek constructive solutions for all problems facing the Albanian nationality.

STATEMENT OF THE OSCE HIGH COMMISSIONER ON NATIONAL MINORITIES

On 10-13 July 1997, I held meetings with, inter alia, Prime Minister . Branko Crvenkovski, Minister of Foreign Affairs Mr. Blagoj Handziski, Under-Secretary of the Ministry of the interior Mr. Dime Gjurev, the President of the PDP Mr. Abdurrahman Aliti, the President of the PDP-A Mr. Arben Xhaveri, and the Mayor of Tetovo. Alajdin Demeri. The authorities also enabled me to meet with the Mayor of Gostivar, Mr. Rufi Osmani, who is presently in detention.

The main subject of these conversations, in which the Head of the OSCE Mission Ambassador Christian Faber-Rod also took part, was the recent incidents in Tetovo and Gostivar which, to my deep regret, led in Gostivar to the death of 2 persons and the serious injury of 25 others. I welcome the intention of the Government to present a full report to Parliament on these events.

With regard to the question of the flying of the Albanian flag at the town halls of Tetovo and Gostivar, I have noted that the Mayors of both towns have persistently refused to implement the order of the Constitutional Court to remove the flags. Nor did they give any indication that they would change their attitude after adoption by Parliament of the new law on the use of the flags of nationalities, which, as applied in Tetovo and Gostivar, restricts the use of the Albanian flag as the town halls to official State holidays.

In the coming period, it is in my view more important than ever before that all nationalities within the State strive to find solutions for inter-ethnic problems by rejecting ethnic hatred and intolerance and by seeking constructive and continuous dialogue, with equal rights for all ethnic groups as the guiding principle. In order to be successful, such a dialogue must be based on internationally accepted norms and standards, but it must equally be based on respect for the sovereignty and territorial integrity of the State as well as the Constitutional order and the Rule of Law.

Max van der Stoel
Skopje, 13 July 1997