

EXTERNAL (for general distribution)

AI Index: EUR 65/01/93

Distr: UA/SC

Please bring this to the attention of the refugee coordinator in your section

UA 299/93 Fear of return

1 September 1993

**THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA:
Ethnic Albanians from Kosovo province of Serbia**

Amnesty International is concerned by recent reports that police in the Former Yugoslav Republic of Macedonia (FYRM) have been carrying out systematic round-ups of ethnic Albanians whom they apparently believe come from Kosovo province of Serbia and are citizens of the Federal Republic of Yugoslavia (FRY). The round-ups have been occurring in and around the town of Tetovo in the west of the republic, although it is likely that similar actions are occurring in other areas. Some of these men have reportedly already been returned to the FRY. The people involved appear to be mainly young men of military age, many of whom may have fled to the FYRM to avoid military service in the FRY.

Amnesty International has documented frequent abuses of human rights in Kosovo province of Serbia and continues to receive almost daily reports of ill-treatment of ethnic Albanians, particularly beatings, by police in the province, and sometimes of more serious incidents. The organisation is concerned that ethnic Albanians returned from the FYRM will be at risk of ill-treatment, torture or other human rights' violations in Kosovo province or other parts of the FRY.

BACKGROUND INFORMATION

The FYRM itself has a large ethnic Albanian minority. Many have family ties with ethnic Albanians in the neighbouring Kosovo province of Serbia. Even before the international recognition of the FRYM in April 1993, increasing numbers of ethnic Albanians from Kosovo have sought protection in the FYRM fearing that they would be at risk of human rights violations in Kosovo province or Serbia. In addition, many ethnic Albanians, originating from Kosovo, have been living and/or working in Macedonia for some years before its independence but, if they were to be returned now because of their irregular status in the FYRM, would be similarly at risk.

Since the outbreak of war in Bosnia-Herzegovina the FYR Macedonia has provided temporary protection to around 30,000 refugees from that republic.

Under the principle of *non-refoulement*, states are obliged not to forcibly send any person to a country where she or he would be at risk of serious human rights violations. This principle is recognized by the international community as a norm of customary international law which is binding on all states. International standards recognize that governments face considerable practical and administrative problems when large numbers of asylum-seekers arrive within

a short time in search of protection. But those standards also underline that in all cases the fundamental principle of *non-refoulement* -- including non-rejection at the border -- must be scrupulously observed. Accordingly, under no circumstances should any ethnic Albanian be expelled to Kosovo without each individual's case, and his or her reasons for not wishing to return there, being given a full and thorough examination, taking full account of the current human rights situation in Kosovo.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in English, German or French or in your own language:

- expressing concern by recent reports that ethnic Albanians have been rounded up and forcibly returned by the authorities of the FYRM to Kosovo;
- stressing the obligations of the Government of the FYRM under international law not to forcibly return people to countries where they risk serious Human rights violations;
- calling on the authorities in the FYRM, accordingly, not to send any ethnic Albanian against their will to Kosovo without a full and fair examination, in the light of the prevailing situation in Kosovo, of each individual's reasons for seeking protection and the risks he or she may face on return;
- calling on the authorities in the FYRM to ensure that, in any case where such an examination indicates that the person concerned would be at such risk in Kosovo, he or she should not be returned.

APPEALS TO

1) President of the Republic

Kiril Gligorov
Pretsedatel na Republika Makedonija
11 Oktomvri bb
91000 Skopje
FYR Macedonia

Telegrams: President of The FYR of Macedonia, Skopje, FYR Macedonia
Faxes: +38 91 222 611
Salutation: Dear President

2) Minister of Internal Affairs

Dr Ljubomir Fr_kovski
Republi_ko ministarstvo za vnatrešni raboti
Milicionersko igralište bb
91000 Skopje
FYR Macedonia

Telegrams: Minister of Internal Affairs, Skopje, FYR Macedonia
Telexes: 51 426 rsvrma yu
Faxes: +38 91 227 630
Salutation: Dear Minister

3) Acting Minister for Foreign Affairs

Mr Stevo Crvenkovski
Ministarstvo za odnosi so stranstvo
Maxim Gorki 18 (Dame Gruev 4)
91000 Skopje, FYR Macedonia

Telegrams: Minister for foreign affairs, Skopje, FYR Macedonia

Faxes: +38 91 239 540

Salutation: Dear Minister

and to diplomatic representatives of the Former Yugoslav Republic of Macedonia accredited to your country where they exist; please do not address representatives of the Federal Republic of Yugoslavia.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 13 October 1993.