

tioning by December 1997. The report notes that the Office would: be composed of the Ombudsman, four Deputy Ombudsmen and some 15 legal professionals, not take a regional approach to its work, but instead cover the entire country from Skopje; be accessible to all members of society to assist in the resolution of grievances, and respond to complaints filed by citizens within a reasonable time; independently institute proceedings when required, and use both formal decisions and public statements to advance the public interest; remain faithful to its independent character; and proceed from the understanding that its primary role is to defend citizens against unlawful or improper government action and that its position with respect to the government is essentially adversarial.

Regarding the right to security of person, the report summarizes events in Gostivar and Tetovo arising from police action to enforce an order of the Constitutional Court compelling the removal of Albanian and Turkish flags installed by local authorities in front of municipal buildings. The SR noted police methods in Gostivar during a confrontation with ethnic Albanian demonstrators which resulted in the deaths of three people and injuries to approximately 200 others. The methods used by the police included excessive force, beatings against those offering no resistance, assaults on children, use of lethal force and firearms, ransacking of the property of ethnic Albanians, and detentions and beatings against demonstrators. The SR acknowledged that police in Gostivar had also been injured.

The report notes that the government responded to the concerns raised by stating that: members of the local Albanian populations in Gostivar and Tetovo were planning armed resistance against any attempt to remove the flags; police who had entered the town halls during the early morning hours to remove the flags found a number of unregistered weapons, as well as documentation related to "crisis committees" which "it was envisaged would take action if authorities attempted forcible removal of the flags"; and, some individuals among the demonstrators possessed and used weapons themselves, ranging from stones to Molotov cocktails and firearms, placing police in danger. The SR noted that as at the end of the August 1997 the government was conducting an inquiry to determine whether police exceeded their authority and that, in September 1997, the Parliament decided to establish a "survey commission", operating independently of government and mandated to report its findings within 30 days after its creation.

The SR referred to the fact that, up to the time the report was prepared, no police officer implicated in the use of excessive force during events in Gostivar had been the subject of legal inquiry or suspended from duty pending the results of such an inquiry while, at the same time, legal proceedings had advanced rapidly against persons who participated in the demonstrations as well as against leaders of the municipalities involved.

In commentary on the right to freedom from arbitrary arrest and detention, the report recalls a previously

expressed concern on the prevalence of arrests carried out in violation of legal safeguards, often without presentation of supporting court orders. Concern was also repeated over the arbitrary and unlawful practice of forcing citizens to attend so-called "informative talks". The report welcomes the decision of the Constitutional Court, in February 1997, and the enactment of the new Law on Criminal Procedures, in March 1997, prohibiting the police from compelling persons to attend "informative talks" without a written court order; however, it noted that the provisions of the new law often go unimplemented.

On the issue of minority rights, the SR recalled the basic principle of the government's minority policy, namely "to support the fostering of the identities of minority groups while at the same time seeking to integrate them into Macedonian society." It was acknowledged, however, that the government's ability to achieve the full implementation of its policies is impeded by objective circumstances but the report also stated that in other circumstances the extent of its commitment to progress may reasonably be questioned. The description of the situation of minorities notes, *inter alia*, that: minorities enjoy the benefits of several state-financed minority culture and art associations and several radio and television programmes and newspapers in minority languages; minority populations take part in political life of the country but their participation still needs to be strengthened as do educational opportunities related to minority representation in the judiciary; all primary and secondary education is available in minority languages, according to students' needs and interest; and there has been an upward trend in the participation of minority students in secondary education in their mother tongue. In the fall of 1996, the Skopje Faculty of Philosophy and the Ministry of Education initiated the Ethnic Conflict Resolution Project consisting of "conflict resolution games" for children, and "conflict awareness seminars" designed for older groups. The report notes that the question of a minority curriculum for ethnic Turkish children from Debarska Zupa however, remained open; the authorities have refused to respond favourably to the demand of minority students in higher education that full instruction in their mother tongues be provided at public universities — on the basis that there is a need to integrate all Macedonian citizens into the society; and the Law on Languages of Instruction at the Skopje Pedagogical Faculty provides for instruction in Albanian and Turkish for future teachers.

To the extent that language and education go directly to the question of self-expression and the capacity of individuals to advance and participate in society, the continuing difficulties in these areas are noted as a cause of concern and the report refers to the fact that: controversy over higher education will persist until enactment of a new Law on Higher Education; deliberations on such a law were initiated nearly two years ago, in November 1995, and a second reading and debate on a draft law would take place at the Parliament by the end of September 1997; while the Constitution does not prohibit the