

AI INDEX: EUR 65/02/99
6 May 1999

Former Yugoslav Republic of Macedonia: Border closure sends refugees back into danger

The closure of the border between Macedonia and Kosovo by the Macedonian authorities is a blatant violation of Macedonia's obligations under international law, Amnesty International said today following reports that the border was closed last night.

Some reports indicate that a group of up to a thousand refugees who were awaiting processing between the Yugoslav and Macedonian border posts were forcibly returned to the Yugoslav side of the border.

Under the principle of *non refoulement* -- which forbids any country from forcibly returning a person to a country where they might face serious human rights violations -- Macedonia has an obligation to ensure the protection of refugees fleeing Kosovo. This principle is clearly enunciated in the 1951 Convention relating to the Status of Refugees, the cornerstone of international refugee protection, to which the Former Yugoslav Republic of Macedonia is a state party.

"By closing the border, the Macedonian authorities are flouting this principle," Amnesty International said, urging them to comply with their international obligations, and to ensure that the border remains open to refugees.

Macedonia has indicated on numerous occasions that it is unable to accept more refugees from Kosovo, and that for the border to remain open and refugees to be admitted to Macedonia, there must be firm assurances that those refugees will be speedily relocated to other countries.

"Ensuring protection for refugees is the responsibility of the international community as a whole, and no country should bear a disproportionate share of this responsibility because of its geographic location," Amnesty International said.

As in previous situations involving sudden movements of large numbers of refugees, the organization is calling on the international community to give immediate priority to the establishment of a mechanism to ensure a fair and just sharing of the responsibility for protecting refugees.

However, it must be stressed that Macedonia fulfilling its obligations under the principle of *non refoulement* can in no way be contingent upon the implementation of a responsibility sharing program.

“Macedonia’s human rights obligations are not a bargaining counter to be exchanged for a satisfactory evacuation scheme,” Amnesty International said. “ They are duties under international law which must be fulfilled.”

Background

The Macedonian authorities have reportedly stated that the border closure stems from concerns regarding the pace of the “humanitarian evacuation programme”, under which refugees are being transferred to third countries. They have also added that, if the evacuation is not accelerated, they will be forced to take unspecified “new measures”.

Only last October in Geneva, the UNHCR Executive Committee reaffirmed that “[while] international solidarity and burden-sharing are of direct importance to the satisfactory implementation of refugee protection principles, ... access to asylum and the meeting by States of their protection obligations should not be dependent on burden-sharing arrangements first being in place, particularly because respect for fundamental human rights and humanitarian principles is an obligation for all members of the international community.”

ENDS.../