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RUBBER BULLETS ALLOWED IN MACEDONIA - DANGEROUS CITIZENS OR CITIZENS IN DANGER?

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commentary

□MACEDONIA'S Parliament recently adopted changes to the Law on Police which will allow the police to use rubber bullets, stun guns and shock grenades in dispersing riots and violent protests.

On 2nd of March 2015, the Law passed with the support of 59 deputies in Parliament and without the opposition being present since it is boycotting this parliament over claims of election fraud. Prior to the voting of the law, the Committee on Defence and Security, a working body in the Parliament, held [two plenary sessions](#) in February 2015 on which they concluded that these methods were implemented in most European countries and the experience had proven that there weren't any serious or fatal consequences to the life of the crowds of people. According to the deputy Minister of Interior Zemri Qamili, some of these riot control methods were previously used in Macedonia and the recent changes were only to further legally codify the use of already existing methods. This statement remains unclear, as it to which methods the deputy minister referred, since rubber bullets were never used before in Macedonia. There was only one registered case of using stun grenades, from a football match in Bitola in August 2014, but it was never disclosed where the stun grenade came from, whether the police threw it or it was brought from the football fans.

However, numerous cases in the world suggest a considerably different picture about the fatality of the non-lethal weapons as the riot guns or riot bullets are also called.

Such is the case of 2007 when the UN Mission in Kosovo (UNMIK) banned their use af-

ter the death of two men in Pristina killed by rubber bullets, they [outlawed use of rubber bullets](#) in its mission in Kosovo and consulted on possible wider ban. In two cases [in Kosovo in 2014/2015 once again were used rubber bullets](#), at both protests were severely injured a lot of protesters and policemen. On 27 January 2015, three men who took part in the demonstration in Pristina [were again injured by rubber bullets](#), where one still risks losing his eye.

United Kingdom used lavishly rubber bullets in Northern Ireland before they banned it forever in 1970 after the three fatal deaths that occurred, [including the death of an 11 year old boy](#).

In 1973 plastic bullets were invented by the [British security forces](#) in order to replace the [rubber bullets](#) in an attempt to reduce fatalities. However, they proved to be just as lethal as the rubber bullets, and as a result in [1982 the European Parliament](#) called on all member states to ban the use of plastic bullets in their countries.

How unsafe are the rubber bullets testimonies could be found all over Human Rights Organizations' reports from all over the world. In a [study from The Lancet](#) in 2000, is analyzed how the Israeli military used the rubber bullets against Palestinians, the medical researchers concluded: "Inaccuracy of rubber bullets and improper aiming and range of use resulted in severe injury and death in a substantial number of people. This ammunition should therefore not be considered a safe method of crowd control."

In Macedonia after the new Law on Police got adopted, several NGO-s and the media

reacted that this law is brought in improper time when the state is facing political and institutional crisis. Keeping in mind the increased number of protests the last 3-4 months, this could be understood as a message from the government to discourage people to attend any future protests which can be understood as an attempt to limit the right of freedom of protest and gatherings.

While in Macedonia gets legalized, in Europe efforts are made to ban the use of rubber bullets as a riot control method. Since it was proven when they are not fatal they can cause serious injuries such as in the cases of Barcelona where seven people who got hit by rubber bullets, each of them lost an eye, as for in France two got blinded. As a result [Catalonia decided to ban rubber bullets](#) and campaign against it was initiated.

Additionally there are concerns about whether the Macedonian Police has the necessary training for using these methods and there is no information available whether the Ministry of Interior had consulted experts, NGOs or Human Rights activists on this issue before passing the law.

The case of a Macedonian football fan in Bitola, who got seriously injured after he tried to throw back a stun grenade previously thrown at him allegedly by the police, only shows the fatality of these weapons and our lack of capacities in effectively managing these kinds of cases. [The grenade exploded](#) in his hand causing him to lose two fingers and suffer severe damage to the structure of his arm.

According to the law on public gatherings of Macedonia, the article 3 says that organizers of protests in the interest of public safety

may inform the police for the protest with prior notice of 48 hours, and ask from the police to secure the protest.

However in Macedonia, if we analyze the past two years' protests, we can identify a pattern that the only protests that escalated into violent confrontation between protesters and policemen were ones that had unknown organizer (mostly organized through social media) and also ones raised after inter-ethnic incidents, such as the protest of Albanians citizens against the final [verdict of Monstrum case](#), or the [violent riots](#) in the Skopje suburb of Gjorce Petrov following the murder of a Macedonian teen by a thief of Albanian ethnicity. As a consequence, six ethnic Albanians were sentenced for up to three years for participating in demonstrations opposing the Monstrum verdict, as for the Gjorce Petrov offences the ethnic Macedonian protesters received probation sentences and only one received 6 months prison sentence. The mainstream Albanian media reacted for the punishment to the Albanian protesters as it was harsher than that of the ethnic Macedonians had received. Considering the distrust on state institutions openly expressed by the Albanians, the introduction of rubber bullets could only deepen this gap by questioning again the proportionality of used force by the police in such protests and fuel potential future dissatisfactions.

Therefore, considering again the risks to

life, health and freedom of protest that arise from the latest legislative changes, it is of high importance the police to be additionally trained for its implementation and have the proper oversight tools available for use and improve its control over police operations.

Another downside of using rubber bullets in riot control is, when misused in crowds it is hard to detect fault and responsibility, as from which officer has come the shot. As it was seen in Kosovo's riot of 2007 where it was never resolved which Romanian policeman was responsible for the death of the two citizens, this furthermore brings attention to what kind of problems we might face in the future, without elaborating further into whether independent judiciary exists or the severity of the injuries that might occur.

According to the 2014 EU progress report about Macedonia, an independent and robust external oversight mechanism for the police force is still missing. The absence of an independent system for external oversight of the police needs to be addressed.¹

The Police Law allowed using rubber bullets in dispersing violent rioters but proper mechanisms that would act upon cases of misuse and police misconduct are still under-developed or non-existent.

¹ EU progress report about Macedonia; Chapter 24: "Justice, freedom and security"; pg 51 http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-the-former-yugoslav-republic-of-macedonia-progress-report_en.pdf

In Macedonia the established mechanisms for oversight are internal and external; the important actor from the internal oversight sphere is the **Sector for Internal Control and Professional Standards (SICPS)**.

As for the legislative framework under the Law for internal affairs it defines the actors within the external oversight framework, this being the **Ombudsman and the Parliament of Macedonia**.

However, all have been criticized regularly over the years for avoiding punishing their police-colleagues, or for lacking decision powers to act upon complaints.

Moreover, noting that this law was brought immediately after the opposition party started airing wiretapped recordings allegedly proving involvement of government officials in election fraud, judiciary corruption, and other misbehaviour of government, causes additional dissatisfaction among people and chances for seeing more protests in the future are much higher.

Therefore, to that matter until we have overcome the political and institutional crisis and until independent oversight mechanisms are developed, Macedonia should suspend the newly adopted riot control methods since the repercussions from it will affect everyone in Macedonia, regardless of their ethnicity, religion, political affiliation or whether you stand as a protester or a policeman. □



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