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## RESPONSES TO INFORMATION REQUESTS (RIRs)

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17 June 2003

**MCD41427.E**

Macedonia: Military service, and who is required to perform regular and reserve service; treatment of draft evaders who are older than 27 years of age; penalty for desertion; whether the Macedonian government issued a call-up for reserves in January 2001 or later; whether the government issued call-up notices to men over 40 years of age during the 2001 uprising

Research Directorate, Immigration and Refugee Board, Ottawa

The Ohrid peace agreement signed on 13 August 2001, helped to bring an end to the 2001 ethnic Albanian uprising (European Centre for Minority Issues (ECMI) n.d.; Radio Free Europe/Radio Liberty (RFE/RL) 8 Mar. 2002). An important element of the agreement was the creation of an amnesty law (ibid.). According to an unofficial translation on the European Country of Origin Information Network (ECOI) Website, the Macedonian Law on Amnesty adopted on 7 March 2002 states that under Article 2 "[t]he provisions of [A]rticle 1, exclusive of paragraph 4, of this Law also apply to persons who during the period of duration of the conflict have not responded to the invitation and avoided the military service and military exercise as well as persons that have arbitrarily left the armed forces" (Macedonia 8 Mar. 2002). For the full text of this law, please refer to the electronic attachment.

Quoting the Albanian daily *Fakti*, the Republic of Macedonia's Agency of Information reported that the Amnesty Law "'stipulates a general amnesty for all members of the NLA [National Liberation Army or UCK] and for deserters'" (Macedonia 12 Mar. 2002). The law "amnestied men who refused conscription for army service and others who deserted" (Institute for War and Peace Reporting 13 Mar. 2002).

Article 3 of the Defence Law of the Republic of Macedonia, enacted on 14 February 1992, states that "[a]ll male citizens of the Republic, aged 17 to 55 are obligated to fulfill the military obligation." Article 7 states that conscripts must complete nine months of service in the Armed Forces (Macedonia 14 Feb. 1992).

Article 344 of the Criminal Code of Macedonia, enacted on 23 July 1996, states that if a military person fails to complete compulsory service by leaving "his unit or service," he shall be fined or imprisoned up to one year while a person who abandons his unit or service during an important operation shall be imprisoned for three months to three years. Article 344 further states that if a member of the armed services leaves the country to avoid military service, that person shall face between one to ten years imprisonment (Macedonia 23 July 1996). No information on the treatment of draft evaders who are older than 27 years of age could be found among the sources consulted by the Research Directorate.

According to a 19 March 2001 *Glas Srpski* news report on the Alternative Information Network Website (AIM), a "[s]pokesman of the Ministry of Defence of Macedonia Djordji Trandafilovski declared today in Skopje that a call-up of the reserve forces of the Macedonian Army had begun" (AIM 19 Mar. 2001). No information on whether Macedonia issued call-up notices to men over 40 years of age during the 2001 uprising could be found among the sources consulted by the Research Directorate.

For further information, please refer to MCD40320.E of 12 May 2003 and MCD40738.E of 27 May 2003.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. Please find below the list of additional sources consulted in researching this Information Request.

### References

Alternative Information Network (AIM). 19 March 2001. "Call-Up in Macedonia Begins." <<http://www.aimpress.org/dyn/bal/archive/data/2001/10521-015-bale-beo.htm#anchor017>> [Accessed 30 May 2003]

European Centre for Minority Issues (ECMI). n.d. "Securing Implementation of the Ohrid Agreement Through Concrete Policy Action." <[http://www.ecmi.de/doc/projects\\_action\\_6.html](http://www.ecmi.de/doc/projects_action_6.html)> [Accessed 13 June 2003]

Institute for War and Peace Reporting (IWPR). 13 March 2002. Veton Latifi. "Macedonia: Jailed Albanian Insurgents Pardoned." <[http://www.iwpr.net/index.pl?archive/bcr2\\_20020313\\_1\\_eng.txt](http://www.iwpr.net/index.pl?archive/bcr2_20020313_1_eng.txt)> [Accessed 11 June 2003]

Macedonia. 12 March 2002. Agency of Information. "Prisoners Are Being Released, Criminal Pursuits Ceased." <<http://www.sinf.gov.mk/Frames/vestiEn.htm>> [Accessed 6 June 2003]

\_\_\_\_\_. 7 March 2002. Law on Amnesty: Unofficial Translation. (European Country of Origin Information Network (ECOI)). <<http://www.ecoi.net/pub/sb39/mcd-amnlaw-080302.pdf>> [Accessed 11 June 2003]

\_\_\_\_\_. 23 July 1996. Criminal Code. (Public Prosecution Office of Republic of Macedonia) <<http://www.jorm.org.mk/docs/Criminal-Code.doc>> [Accessed 3 June 2003]

\_\_\_\_\_. 14 February 1992. Defence Law of the Republic of Macedonia. <<http://www.morm.gov.mk/english/DefenceLaw/defencelaw2.htm>> [Accessed 3 June 2003]

Radio Free Europe/Radio Liberty (RFE/RL). 8 March 2002. Jolyon Naegle. "Macedonia: Parliament Passes General Amnesty Law." <<http://www.rferl.org/nca/features/2002/03/08032002092911.asp>> [Accessed 6 June 2003]

### Additional Sources Consulted

IRB Databases

Attempts to contact or obtain information from the Embassy of the Republic of Macedonia in Ottawa were unsuccessful.

### **Internet sites, including:**

Amnesty International

Human Rights Watch

Reality Macedonia

ReliefWeb

War Resisters International

### **Search engine:**

Google

### Attachment

Macedonia. 7 March 2002. Law on Amnesty: Unofficial Translation. (European Country of Origin Information Network (ECOI)). <<http://www.ecoi.net/pub/sb39/mcd-amnlaw-080302.pdf>> [Accessed 11 June 2003]



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