



TRANSPARENCY  
INTERNATIONAL  
MACEDONIA



**GRAND CORRUPTION  
AND TAILOR-MADE LAWS IN  
REPUBLIC OF NORTH MACEDONIA**



# GRAND CORRUPTION AND TAILOR-MADE LAWS IN REPUBLIC OF NORTH MACEDONIA



PROJECT:

Ending impunity for grand corruption in the Western Balkans and Turkey

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## For Transparency International Macedonia,

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**SPO – SPECIAL PUBLIC PROSECUTORS OFFICE**

**RNM – THE REPUBLIC OF NORTH MACEDONIA**

**PPO – PUBLIC PROSECUTOR OFFICE**

**POOC – BASIC PUBLIC PROSECUTOR’S OFFICE FOR THE ORGANISED CRIME AND CORRUPTION**

**SCPC – STATE COMMISSION FOR THE PREVENTION OF CORRUPTION**

**MOI – MINISTRY OF INTERIOR**

**SPP – SPECIAL PUBLIC PROSECUTOR**

**PP – PUBLIC PROSECUTOR**

**CC – CRIMINAL CODE**

**LCP – LAW ON CRIMINAL PROCEDURE**

**LJC – LAW ON JUDICIAL COUNCIL**

**LC – LAW ON COURTS**

**LPP – LAW ON PUBLIC PROSECUTION**

**EU – EUROPEAN UNION**

**EC – EUROPEAN COMMISSION**

**GRECO – COUNCIL OF EUROPE GROUP OF STATES AGAINST CORRUPTION**

**UNCAC – UNITED NATIONS CONVENTION AGAINST CORRUPTION**

**ACCMIS – AUTOMATED COURT CASE MANAGEMENT INFORMATION SYSTEM**

# EXECUTIVE SUMMARY

This report is a part of the EU-funded project *Ending impunity for grand corruption in the Western Balkans and Turkey*. Together with colleagues from the national chapters of Transparency International in the region, we seek to inform the conversation about the state capture, high-level corruption and tailor-made laws in Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia and Turkey.

Our analysis found many cases that satisfy Transparency International's definition of grand corruption and confirmed existence of criminal organisation structure that benefit from the abuse of power. The research presents evidence for an ineffective rule of law due to state capture of the judiciary and other institutions and tailor-made legislation. As a result, criminal acts related to corruption and organised crime, such as abuse of an official position, money laundering, and unscrupulous work in the service have gone unpunished by effective legal action. The total damages for the state budget and individuals for the 30 analysed cases is approximately €255.2 million based on indictments from the Special Public Prosecutors Office (SPO) and other relevant documents. The total value of frozen or confiscated property in these cases is about €38 million.

Problems with the rule of law were first documented in 2015 in the so-called Priebe Report<sup>1</sup> and became even clearer after the leak of wiretapped conversations in which top government officials plotted to rig votes, buy off judges, and punish political opponents.<sup>2</sup> The SPO<sup>3</sup> was established to investigate corrupt officials and restore trust in the law and judicial system. But the SPO did not preserve its integrity, with its head prosecutor receiving a seven-year prison sentence for abusing his official position in a case related to the office's work.<sup>4</sup> The SPO has been dissolved, and its cases were returned to the dysfunctional Public Prosecutor's Office (PPO). The SPO left behind 19 investigations against more than 150 accused officials<sup>5</sup>, the majority of whom were charged with multiple transgressions.<sup>6</sup> Those cases are now proceeding in the courts. However, very few grand corruption cases have resulted in successful convictions. The few that have typically saw high officials receive only the minimum sentence from the courts.

<sup>1</sup> Recommendations of the EC established Senior Experts' Group on systemic Rule of Law published in the so called "Priebe Report published in 2015."

<sup>2</sup> Macedonia's leaders unable to resolve festering crisis [www.nytimes.com/2015/05/19/world/europe/macedonias-leaders-unable-to-resolve-festering-crisis.html?\\_r=0](http://www.nytimes.com/2015/05/19/world/europe/macedonias-leaders-unable-to-resolve-festering-crisis.html?_r=0)

<sup>3</sup> "Law on Public Prosecutor's Office for Prosecuting Cases Related to and Arising from the Content of the Unauthorized Interception of Communications"

<sup>4</sup> <https://360stepeni.mk/presuda-za-reket-9-godini-zatvor-za-boki-7-za-janeva/>

<sup>5</sup> The 19 investigations of the Special Public Prosecutors Office undertaken by the regular prosecution are: X-ray; Producer; Transporter 2; Tarifa 2; Foreign services; Drumarina; Leaders; Actor; Census; Powerful; Imperija; Poshtenska banka; Design; Propaganda; Harmony; Base station; Patient; Present; Board. Among the suspects in these cases are the leader of DUI, Ali Ahmeti, and the former president of VMRO-DPMNE, Nikola Gruevski (investigation "Leaders" and "Census"), Deputy Prime Minister Bujar Osmani (investigation "Patient"), the MP of VMRO-DPMNE Antonio Milososki (investigation "Powerful"), former Minister of Finance Zoran Stavrevski (investigation "Gift"). However, among the 19 investigations are the cases "Imperija" and "Poshtenska banka", which according to some of the suspects were used for blackmail against them, which resulted in the case "Racketeering".

<sup>6</sup> Ibid

Our analysis shows a high degree of impunity for grand corruption in North Macedonia. Institutions failed to investigate grand corruption when they sensed that a case could lead to high circles of government. High-level corruption has not been prosecuted even after a change in government. The current president, Stevo Pendarovski, emphasised in the interview<sup>7</sup> on October 15, 2020, that no senior politician has been brought to justice and held accountable for corruption. They all seem to enjoy impunity due to a culture of political protectionism and party control.<sup>8</sup> The TI Macedonia *National Integrity System Report* from May 2016 found that “shortcomings in the independence of the legislature and the judiciary, and their failure to oversee the executive, indicate critical deficiencies in the system of checks and balances.” In our analysis, the court proceedings in every case have been prolonged, lasting an average of five years. Two court cases against two former prime ministers became obsolete after the statute of limitations expired. One of those former prime ministers evaded a two-year prison sentence in another case by escaping to Hungary, where he received political asylum. The fact that no one was held accountable for his escape by car through Albania and Montenegro is another indicator of the captive state.

Details for the majority of analysed cases were available on the official websites of the SPO and also in media reports. However, the information is no longer available after the SPO dissolved. North Macedonia’s Criminal Code (CC) has no definition of grand corruption. The majority of the analysed cases contained indictments for abuse of an official position and authorisation, laundering money and the proceeds of crime, and accepting a reward for unlawful influence. The indictments also included charges for the creation of a criminal association for fraud, receiving and giving bribes, embezzlement, helping the perpetrator of a criminal offence, forging official documents, damage or privilege of creditors, and reckless work in office.

The enactment of tailor-made laws to benefit private interest groups is also a serious problem in North Macedonia. We selected 12 laws to illustrate this frequent and worrisome practice. Tailor-made laws have been used in specific cases of high corruption and are powerful evidence of state capture.

We recommend that North Macedonia take several concrete steps to strengthen the rule of law. Our recommendations include:

- The Judicial Council and the Prosecutors Council must adopt stricter integrity measures for judges and prosecutors.
- The European Commission should conduct additional expert-led assessments similar to the Priebe Report.
- Authorities must research and design better strategies to tackle high-level corruption.
- A working group on judicial reform should be established to carry out a comprehensive assessment of the underlying causes of state capture in the judiciary, public prosecutor’s office, and police, and propose evidence-based solutions.
- The government must involve national experts and civil society in policy-making and the supervision of the judiciary, the public prosecution, and police.
- Political influence must be effectively removed from the appointment, evaluation, promotion, and dismissal of judges and public prosecutors, as well as members of the Judicial Council and the Council of Public Prosecutors.

<sup>7</sup> Telma TV, Interview Stevo Pendarovski, President of the Republic of North Macedonia, 15th October 2020

<sup>8</sup> Ibid



- The Assembly of North Macedonia must provide clear criteria and transparent procedures for appointing non-judicial members of the Judicial Council.
- Courts must provide detailed explanations of their detention decisions.
- The Assembly must ensure anti-corruption scrutiny of legislation before the laws are submitted to the parliament.
- The government must include national experts and relevant stakeholders in working groups to draft laws and legal amendments.
- The government must draft a new law on lobbying to ensure transparency and accountability in the contacts between officials and lobbyists and give a clear presentation of interests in legislative activities.
- The government must implement the Law on Whistleblower Protection and educate the public about the possibility of reporting corruption in protection of the public interest.



# INTRODUCTION

“Grand corruption” has become a common phrase in the Republic of North Macedonia, but the term is rarely defined in a way that makes clear the necessary judicial and legislative reforms. International organisations like the Group of States Against Corruption (GRECO) and the European Commission (EC) have said that North Macedonia has passed anti-corruption legislation to meet international standards. However, the country has not followed through on implementation and enforcement, eroding public trust in the rule of law. Powerful politicians in North Macedonia enjoy impunity, tailor laws to benefit private interests, and interfere in the justice system. This report seeks to clarify the nature and extent of grand corruption in North Macedonia by identifying cases of state capture in the judicial system and tailor-made laws.

The common features of the analysed cases will help citizens and civil society to recognize state capture and develop clear indicators for EU integration, which evaluates a “government’s steps to restore checks and balances, and to strengthen democracy and the rule of law.”<sup>9</sup>

## NORTH MACEDONIAN TRANSITION AND ANTI-CORRUPTION LEGISLATIVE BACKGROUND

The Republic of North Macedonia has been in transition since independence in 1991. The fall of communism and the dissolution of Yugoslavia burdened the country’s political and economic systems with new types of crime. New national borders and embargos created opportunities for smugglers, while the privatisation of state companies and resources transferred wealth into the hands of the politically connected. This marked the beginning of state capture in North Macedonia. The phenomenon is now embedded in society, due to the weak economy and a lack of external controls. The international community played an important role in facilitating the signing of the so-called Ohrid Agreement<sup>10</sup> that settled the internal security crisis in 2001. Similarly, the European Union mediation led to the Pržino Agreement<sup>11</sup> in 2015 that resolved political crisis and protests against corruption and lack of trust in the rule of law.

North Macedonia adopted a criminal code in 1996<sup>12</sup> and amended it numerous times to integrate international standards against corruption and organised crime. In 2002, the country passed its first anti-corruption<sup>13</sup> and anti-money laundering laws and established the State

<sup>9</sup> North Macedonia 2019 Report, 2019 Communication on EU Enlargement Policy

<sup>10</sup> Framework Agreement (Ohrid Agreement) signed on 13 August 2001, An agreed framework for securing the future of democracy of the former Yugoslav Republic of Macedonia and permitting the development of closer and more integrated relations between the former Yugoslav Republic of Macedonia and the Euro-Atlantic community [www.osce.org/files/f/documents/2/8/100622.pdf](http://www.osce.org/files/f/documents/2/8/100622.pdf)

<sup>11</sup> [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news\\_corner/news/news-files/20150619\\_agreement.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news_corner/news/news-files/20150619_agreement.pdf)

<sup>12</sup> Official gazette 37/96 in force 1 November 1996

<sup>13</sup> Official gazette no 28/02 The Law has been amended in 2004, 2006 and 2008. New Law for the prevention of corruption and conflict of interest is adopted in January 2019

Commission for the Prevention of Corruption (SCPC). The 2010 Law for Criminal Procedure (LCP) introduced judicial police and investigative units.

An amendment to the Constitution<sup>14</sup> in 2002 enabled the use of special investigative measures. As a result, the Law for Intercepting Communication and the Law for Protecting Personal Data were adopted and witness protection measures were added to the LCP. In 2005, 11 articles of the Constitution were amended following recommendations from the 2003 State Programme for the Prevention and Repression of Corruption, mainly to ensure the independence of the judiciary.<sup>15</sup> A new Law for the Courts was adopted in May 2006,<sup>16</sup> as well as the new Law for the Judicial Council.<sup>17</sup>

Their reforms were applauded in independent evaluations, such as GRECO's evaluation reports and the European Commission Progress Report. However, the EC Progress Report stressed that widespread corruption remains a cause for concern and further efforts are needed to streamline the legal framework.<sup>18</sup>

## INTERNATIONAL ANTI-CORRUPTION STANDARDS AS DRIVERS OF CHANGE

The first results in strengthening North Macedonia's capacity to combat organised crime, corruption and money laundering were achieved with the active cooperation of international organisations. The Republic of North Macedonia has ratified multilateral treaties including the Council of Europe's Criminal Law Convention on Corruption (ETS 173) on 28 July 1999;<sup>19</sup> the UN Convention on Combating Trans-border Organized Crime (the Palermo Convention) and its Protocols in 2000; the Additional Protocol to the Criminal Law Convention (ETS 191) on 14 November 2005;<sup>20</sup> the European Convention for Protection of Personal Data and the UN Convention Against Corruption (UNCAC)<sup>21</sup> in 2007.

In 2020, GRECO<sup>22</sup> noted significant progress by the Republic of North Macedonia and upgraded its assessment of compliance with GRECO recommendations from "generally unsatisfactory" to "satisfactory".

North Macedonia has completed the first and the second round of evaluation by the United Nations Convention Against Corruption (UNCAC). The evaluations highlighted some successes, such as the right to compensation for people who testify or give statements in a procedure for corruption and the establishment of a special agency to deal with frozen, seized and confiscated property. The UNCAC reviewers also identified some challenges in implementation and grounds for further improvement.<sup>23</sup> The second round of evaluation

<sup>14</sup> Article 17 from the Official Gazette no. 91/2002

<sup>15</sup> Official Gazette no. 107/2005

<sup>16</sup> Official gazette 11/05

<sup>17</sup> Official gazette 60/05

<sup>18</sup> The former Yugoslav Republic of Macedonia 2009 progress report – Commission of the European communities, 14 October 2009

<sup>19</sup> The Convention entered into force on 1 July 2002 and the Republic of Macedonia did not enter any reservation

<sup>20</sup> It entered into force on 1 March 2006 and the Republic of Macedonia" did not make any reservations to the Additional Protocol to the Criminal Law Convention on Corruption.

<sup>21</sup> The United Nations Convention against Corruption (UNCAC) came into force on 14 December 2005 Republic of Macedonia has Ratified the UNCAC in 2007 Official Gazette 37/07

<sup>22</sup> At the Plenary Session held on 24th September 2020

<sup>23</sup> Such as: consideration for a wider use of articles 253 (passive bribery) and 253-a (active bribery) of the CC; the Republic of North Macedonia should furnish copies of its laws criminalising the laundering of proceeds of crime to the Secretary-General of the United Nations (art. 23, para. 2(d) of the Convention); With regard to illicit enrichment, the country is encouraged to increase the effective implementation of article 359-a of the CC (art. 21 of the Convention); to extend the scope of application of the domestic provision on the criminalisation of attempt to cover all corruption offences (art. 27, para. 2 of the Convention); and the country is encouraged to continue efforts to enact specific legislation on the protection of reporting persons (art. 33 of the Convention).

emphasized the need to clarify the institutional roles of different offices in asset recovery, given their overlapping mandates (Art. 51). In response, North Macedonia established a centralised Asset Recovery Office (ARO) in the Higher Prosecution Office.

## ANTI-CORRUPTION AGENDA IN EU INTEGRATION PROCESS

Fighting corruption is a key component of the Stabilisation and Association Agreement<sup>24</sup> (art. 78) signed between the EU and the Republic of North Macedonia in 2004. The country is legally required to satisfy the provisions of this agreement.

In a progress report in 2015, the European Commission identified direct political influence in the judiciary as a setback. The next year's progress report was more alarming, concluding that the Republic of North Macedonia is a captive state with captive institutions. Reports in 2018 and 2019 noted some progress in urgent reform priorities, including reforming the judiciary.

On 1 July 2020, the EC presented to the Council draft negotiating frameworks for Albania and North Macedonia, laying out the guidelines and principles for accession talks. Under the proposal the negotiation chapters will be grouped in several so-called clusters; the negotiation process can be reversed if progress lags; and the candidate countries are obligated to implement the reforms.<sup>25</sup> The new methodology calls for a politically credible, accountable and transparent process and was presented to the Parliament.<sup>26</sup>

On 24 March 2020, European leaders confirmed the decision to open accession negotiations with North Macedonia and Albania. Once member states have adopted the negotiating frameworks, the president of the EU Council will present the EU position, marking the formal start of the accession negotiations. The negotiating framework will be made public at this stage.<sup>27</sup>

## ESTABLISHMENT OF THE SPECIAL PUBLIC PROSECUTORS OFFICE

Parliament established the Special Public Prosecutors Office (SPO) in September 2015 after a series of scandals involving the alleged illegal wiretapping of thousands of political and state actors, which, according to EU Commissioner Johannes Hahn, revealed "serious concerns about political interference and high-level corruption", and tipped off the country into a crisis.<sup>28</sup>

In February 2015, the opposition leader Zoran Zaev released a series of audio excerpts – what he called "bombs" – from 670,000 secretly recorded conversations of more than 20,000 telephone numbers. In the released recordings, top government officials are heard plotting to rig votes, buy off judges and punish political opponents. Zaev said the recordings

<sup>24</sup> Decision 2004/239/EC

<sup>25</sup> <https://www.slobodnaevropa.mk/a/30447124.html>

<sup>26</sup> [https://www.sobranie.mk/sednici-nsei-16-ns\\_article-novata-metodologija-za-proshiruvanje-na-evrofskata-unija-prezentirana-pred-nacionalniot-sovet-za-evr.nsp](https://www.sobranie.mk/sednici-nsei-16-ns_article-novata-metodologija-za-proshiruvanje-na-evrofskata-unija-prezentirana-pred-nacionalniot-sovet-za-evr.nsp)

<sup>27</sup> European Commission, *Commission drafts negotiating frameworks for Albania and North Macedonia*, European Commission - Press release 1 July 2020

<sup>28</sup> Transparency International Macedonia, *National Integrity Assessment*, (Skopje: TI Macedonia, 2016). [www.transparency.mk/en/images/stories/NIS\\_eng.pdf](http://www.transparency.mk/en/images/stories/NIS_eng.pdf)

were made by the government and leaked to the opposition.<sup>29</sup> In May 2015, the three largest political parties signed the Pržino Agreement.<sup>30</sup> This EU-brokered agreement included the creation of the SPO to investigate the illegalities and corruption indicated in the wiretapped conversations.

The SPO was supposed to work independently and autonomously from the Public Prosecutor (PP) of the Republic, with its own team of lawyers, investigators, researchers and IT experts.<sup>31</sup> However, the SPO collapsed in 2019 after its chief, the Special Public Prosecutor (SPP), resigned for her role in the grand corruption scandal named “Racketeering”.

The former SPP chief was sentenced to seven years in prison for the abuse of an official position and authority.<sup>32</sup> On 16 September 2019, the Council of the PP terminated all SPO prosecutors’ mandates and reassigned them to the prosecution offices where they had worked before.<sup>33</sup> The SPO was abolished and its investigations were transferred to the Basic Public Prosecutor’s Office for Organised Crime and Corruption (POOC).<sup>34</sup> The SPO had three resolved cases, two closed with a dismissal of the indictment, 15 active cases before the CC, four cases returned for retrial, two pending decisions by the Court of Appeals, and 19 ongoing investigations against more than 150 accused officials<sup>35</sup> for which no charges had yet been filed. In total, it was 40 unfinished processes after four years of work.<sup>36</sup>

## JUDICIARY REFORMS

After the Pržino Agreement, the new government adopted the Strategy to Reform the Judicial System in 2017. The Strategy set guidelines to establish judicial independence in three phases. However, implementation of the Strategy is still pending.

The Strategy concluded that the independence of the judiciary was compromised by political interference in the appointment of judges and the adjudication of cases where a government interest was at stake. “Despite all the new draft laws and new institutions in the judicial sector, and the incorporation of international standards and norms in the legal system, the problem of their inconsistent implementation remains,” according to the Strategy’s introduction. “The results achieved in the field of judicial efficiency remain in the shadows due to its disrupted independence, resulting in low quality and distrust of citizens in the institutions of the judicial system.”<sup>37</sup>

These conclusions are in line with the findings of TI Macedonia’s 2016 National Integrity System (NIS) assessment.<sup>38</sup> The overall pillar score for the judiciary was 53/100 while the score for accountability, independence and integrity of the judiciary was 25/100. The NIS recommended replacing political appointments with merit-based employment; developing a unified Code of Judicial Ethics and guidelines on its implementation; and establishing rules

<sup>29</sup> [www.nytimes.com/2015/05/19/world/europe/macedonias-leaders-unable-to-resolve-festering-crisis.html?\\_r=0](http://www.nytimes.com/2015/05/19/world/europe/macedonias-leaders-unable-to-resolve-festering-crisis.html?_r=0)

<sup>30</sup> [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news\\_corner/news/news-files/20150619\\_agreement.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news_corner/news/news-files/20150619_agreement.pdf)

<sup>31</sup> Article 6 Law on Public Prosecutor’s Office for Prosecuting Cases Related to and Arising from the Content of the Unauthorized Interception of Communications

<sup>32</sup> <https://360stepeni.mk/presuda-za-reket-9-godini-zatvor-za-boki-7-za-janeva/>

<sup>33</sup> <https://emagazin.mk/prekinuva-mandatot-na-site-obviniteli-na-s-o-utre-e-se-odluchi-dali-e-se-vratat-vo-matichnite-obvinitelstva/>

<sup>34</sup> Article 108 Law for the Public Prosecution, Official Gazette of the RN Macedonia no 42 from 16 February 2020

<sup>35</sup> [https://360stepeni.mk/site-istragi-na-sjo-konechno-vo-pogon/?fbclid=IwAR0khhWi9S0xXVvRDD5DEzfkMssP7d5X1\\_cilgHwM4pZnZEG3T0O8srObHU](https://360stepeni.mk/site-istragi-na-sjo-konechno-vo-pogon/?fbclid=IwAR0khhWi9S0xXVvRDD5DEzfkMssP7d5X1_cilgHwM4pZnZEG3T0O8srObHU)

<sup>36</sup> <https://prizma.mk/janeva-go-ostava-sjo-so-samo-tri-zavrsheni-sluchai/>

<sup>37</sup> Strategy for the Justice sector reform 2017-2022 p. 5

<sup>38</sup> Ibid.

for judges concerning the acceptance of gifts, hospitality and other perks.

A study published in September 2020<sup>39</sup> found that detention was used commonly for minor crimes but almost never in cases of corruption before the SPO. The authors stressed the need to clarify detention provisions and build a system for uniform practices of judges and public prosecutors. Another recent survey showed that 52 per cent of citizens do not trust the judiciary due to corruption and external influence.<sup>40</sup>

Recent amendments to the Law on Courts<sup>41</sup>, the Law on the Judicial Council and of the Codes of Conduct for Judges<sup>42</sup> have improved the situation. A recent assessment from the Venice Commission on the Law on Courts was positive about progress on reform priorities in the European integration process.<sup>43</sup> In February 2020, North Macedonia adopted a new Law on Public Prosecution<sup>44</sup> giving financial independence to the POOC that replaced the SPO.

The Law for Public Prosecutors (LPP) regulates the selection of public prosecutors. Based on the Priebe Report's recommendation, judges and public prosecutors should be selected from the Academy for Judges and Public Prosecutors and promoted only after a positive evaluation. The only exception is a public prosecutor of the Republic North Macedonia, who should have continuous work experience of at least ten years as a public prosecutor or as a judge in the field of criminal law.<sup>45</sup>

EC Progress Report 2020, p. 16:

The judicial system of North Macedonia is moderately prepared. There was good progress in the implementation of the judicial reform strategy, thereby addressing the 'Urgent Reform Priorities' and recommendations from the Venice Commission and the Senior Experts' Group on systemic Rule of Law issues. Efforts are still needed to ensure systematic implementation of the updated action plan of the judicial reform strategy. Judicial institutions are implementing new rules for appointment, promotion, discipline and dismissal of judges and the Judicial Council has been exercising its role more pro-actively.

In recent years, the government has shown a greater respect for judicial independence and impartiality than in the past and delivered judgments on some high-profile former SPO cases.<sup>46</sup> According to the EC's 2019 report, North Macedonia's judicial system made good progress in addressing the EU's urgent reform priorities and recommendations from the Venice Commission and the Senior Experts' Group on Systemic Rule of Law Issues.

<sup>39</sup> How to a cleared judiciary and independent judges, EPI Institute, September 2020

<sup>40</sup> What is the trust in the judicial system?, <https://epi.org.mk/post/16083>

<sup>41</sup> Law on Amending the Law on Courts Official Gazette 96/19 from 17 May 2019

<sup>42</sup> Code of Ethics for the Judges and Jurors <http://www.vsrn.mk/wps/wcm/connect/vsrn/>

<sup>43</sup> <https://akademik.mk/kluchnite-izmeni-na-zakonot-za-sudovite/>

<sup>44</sup> Law for the Public Prosecution, Official Gazette of the RN M No. 42/20 from 16<sup>th</sup> February 2020

<sup>45</sup> [www.pravdiko.mk/stapuva-na-sila-noviot-zakon-za-javnoto-obvinitelstvo/](http://www.pravdiko.mk/stapuva-na-sila-noviot-zakon-za-javnoto-obvinitelstvo/)

<sup>46</sup> [www.state.gov/reports/2019-country-reports-on-human-rights-practices/north-macedonia/?fbclid=IwAR0qEo5sW\\_yXDsjFtyd2o6-ldNni\\_OPyQvYzSSrWE9ZwpPCx4kswpCxFDuQ](http://www.state.gov/reports/2019-country-reports-on-human-rights-practices/north-macedonia/?fbclid=IwAR0qEo5sW_yXDsjFtyd2o6-ldNni_OPyQvYzSSrWE9ZwpPCx4kswpCxFDuQ)





# BACKGROUND

This report is one of the research outputs of the EU funded project *Ending impunity for grand corruption in the Western Balkans and Turkey* to decrease corruption and state capture in Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia and Turkey. The project seeks to improve governance, transparency and accountability of the judiciary and democratic law-making. To do so, we are looking into how state capture is achieved and sustained by highlighting shortcomings of the criminal justice system when handling grand corruption cases, and exposing tailor-made laws created to protect the private interests of an elite few.

Research is combined with evidence-based advocacy campaigns to push for change in each country. Together with the regional report, the research outputs of the project are seven national reports and two databases.<sup>47</sup> One database collects corruption cases in the region, specifically grand corruption cases or ones that might represent an entry point to state capture. These cases illustrate the red flags and shortcomings in the judicial systems of these countries when addressing political corruption. The second database includes tailor-made laws, laws that serve to gain and maintain privileged benefits and in doing to make state capture legal. It reveals how law-making is used to protect private interests. The databases are not meant to be fully comprehensive. Instead, they use a qualitative approach to both the collected cases and the laws, as tools to understand how the judicial system operates and how law-making is influenced.

This project builds on Transparency International's previous work in the Western Balkans and Turkey. In-depth research into anti-corruption efforts<sup>48</sup> conducted by Transparency International in Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Montenegro, Serbia and Turkey between 2014 and 2015, found state capture as a consistent problem across all countries. Subsequent research on cases of state capture in specific sectors of each country allowed us to understand better where capture takes place and its characteristics. Now, analysing how each country's judiciary addresses corruption cases that can be an entry point to capture, and how undue influence in law-making results in tailor-made laws, is allowing us to answer the question of what makes that state capture possible.

To build on our research, we are developing recommendations for effective anti-corruption and rule of law reforms in these countries.

<sup>47</sup> [www.transparency.org/en/projects/grand-corruption-western-balkans-and-turkey](http://www.transparency.org/en/projects/grand-corruption-western-balkans-and-turkey)

<sup>48</sup> Transparency International, *Fighting corruption in the Western Balkans and Turkey: priorities for reform*, 2016, [https://images.transparencycdn.org/images/NISWBT\\_EN.pdf](https://images.transparencycdn.org/images/NISWBT_EN.pdf)

## METHODOLOGY

State capture is a key obstacle for the effectiveness of anti-corruption and rule of law reforms in the Western Balkans and Turkey. It occurs when private and public actors target certain state organs and functions using corrupt means to direct public policy decisions away from the public interest to further their own private interests, ultimately for financial gain. Impunity for corruption, and the creation of laws to further the private interests of particular groups or individuals at the expense of the public interest, is considered key drivers of state capture.

Our analysis considers several sources of information: primary data collected on corruption cases and tailor-made laws; previous assessments of corruption, state capture and the rule of law in the region by Transparency International's National Integrity System, the European Commission, the Group of States against Corruption and UNCAC; official documents; media articles; and specialised literature.

The collection of original data on cases and laws covered the last 10-12 years in order to identify possible variations brought by changes in government after elections. The selection of corruption cases for our research followed three criteria. The first was to include any corruption cases matching Transparency International's definition of grand corruption. This covers offences in Articles 15-25 of the United Nations Convention against Corruption (UNCAC) when committed as part of a scheme involving a high-level public official and comprising a significant misappropriation of public funds or resources, or severely restricting the basic human rights of a substantial or a vulnerable part of the population.

However, as a legal definition presents limitations for exploring a complex political phenomenon, we expanded criteria to include cases showing a lack of autonomy, independence and impartiality in the judiciary, and as third criteria, cases that serve as an entry point for state capture.

The indicators for considering a case as an entry point for state capture include:

- when a member of parliament or official with the power of law-making or policymaking is involved in such capacity in criminal offences
- when a top-level decision-maker in a regulatory body is involved in such capacity in criminal offences
- when the alleged criminal offences involve a public official who obtained their position through a revolving-door situation
- when the conduct in any of the above three categories serves the interest of a legal person or a narrow group or network of connected persons, and not the interest of other actors in a sector, another social group or the public interest
- cases linked to tailor-made laws.

All three criteria have in common the involvement of at least one public official who has the power to influence or change policies and regulations. In most cases, the public officials have held roles of high responsibility in state-level institutions, such as ministries. However, given that the political reality in the Western Balkans and Turkey is characterised by the power of political parties and party members in certain municipalities, corruption cases involving powerful mayors or other local authorities were also included.

Tailor-made laws are defined as legal acts designed to serve only the interests of a natural person, a legal person or a narrow group or network of connected persons, and not the

interest of other actors in a sector, another social group or the public interest. Although tailor-made laws seem to be generally applicable, they apply only to a particular matter and circumvent potential legal remedies that could be provided by ordinary courts.

Based on this definition, we asked the following questions in order to identify potentially tailor-made laws: who is behind the law? Were there any irregularities in the making or the approval of the law? Who benefitted from the law or who loses out?

We considered three types of tailor-made laws, those designed to: 1) control a sector or industry, or protect certain privileges 2) to achieve impunity for corruption, and 3) reduce institutional power to exercise checks and balances by controlling personnel procedures, reducing the monitoring capacity of agencies or audits, preventing accountability, or weakening scrutiny by the media and civil society organisations (CSOs).

While not providing a comprehensive picture of the situation, this report offers a qualitative approach and builds on the best efforts made by Transparency International's chapters and partners in the region in identifying cases and laws and collecting detailed information. Details on the corruption cases and tailor-made laws mentioned in this report can be found in the databases.<sup>49</sup>

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<sup>49</sup> [www.transparency.org/en/projects/grand-corruption-western-balkans-and-turkey](http://www.transparency.org/en/projects/grand-corruption-western-balkans-and-turkey)



# FINDINGS AND DISCUSSION

## GRAND CORRUPTION IS THE BIGGEST PROBLEM

### STATEMENT OF THE PRESIDENT OF THE REPUBLIC OF NORTH MACEDONIA STEVO PENDAROVSKI

“The biggest problem in our country is grand corruption. In all these years, there has been no conviction for a high-level official or other person involved in grand corruption. Those in power always look to the past and do not pay attention to what is happening today. But even in those cases there is no effective conviction or the sentences are very low.”

Telma TV, Interview, 15 October 2020

North Macedonia’s criminal code does not define “grand corruption,” but the phrase is used frequently in the country to describe cases involving powerful officials and high damages. The criminal code does contain numerous corruption-related offences,<sup>50</sup> while the Law for the Prevention of Corruption and Conflict of Interest defines corruption as the abuse of office, public authority, official duty or position for profit, directly or through an intermediary, for oneself or another.<sup>51</sup> North Macedonia is also one of the few countries to incriminate the illegal acquisition and concealment of property<sup>52</sup> as well as giving or accepting a reward for illegal influence.<sup>53</sup> North Macedonia’s incrimination of corrupt acts accords mostly with the UNCAC Convention.<sup>54</sup>

For this project, TI Macedonia analysed 30 cases that met the definition of grand corruption presented in the Methodology section. The majority of these cases were investigated under the now-abolished SPO and transferred to the Public Prosecution Office; and involve the abuse of power by high-profile politicians.

## MAIN FEATURES OF THE ANALYSED CASES

We identified criminal cases involving policy-making and regulatory officials whose alleged conduct served the narrow interests of a group or network of connected persons and not the

<sup>50</sup> More than 20 criminal offences: such as the: tax evasion (Article 279 of the Criminal Code), accepting a bribe (Article 357 of the Criminal Code), giving a bribe (Article 358 of the Criminal Code), abuse of official position and authority (Article 353 of the Criminal Code), embezzlement in the service (Article 354 of the Criminal Code), fraud in service (Article 355 of the CC), serving in the service (Article 356 of the CC), forgery of official document (Article 361 of the Criminal Code), negligent work in the service (Article 353c of the Criminal Code), fraud of customers (Article 248 of the Criminal Code), insurance fraud (Article 250 of the Criminal Code), abuse of the public call procedure, award of a public procurement contract or public-private partnership (Article 275c of the CC), illegal payment and collection (Article 362 from the CC). are considered

<sup>51</sup> [https://dskk.mk/fileadmin/user\\_upload/Zakon\\_za\\_sprecuvanje\\_na\\_korupcija\\_i\\_sudirotna\\_interesi.pdf](https://dskk.mk/fileadmin/user_upload/Zakon_za_sprecuvanje_na_korupcija_i_sudirotna_interesi.pdf) Article 2

<sup>52</sup> Article 359-1 of the CC)

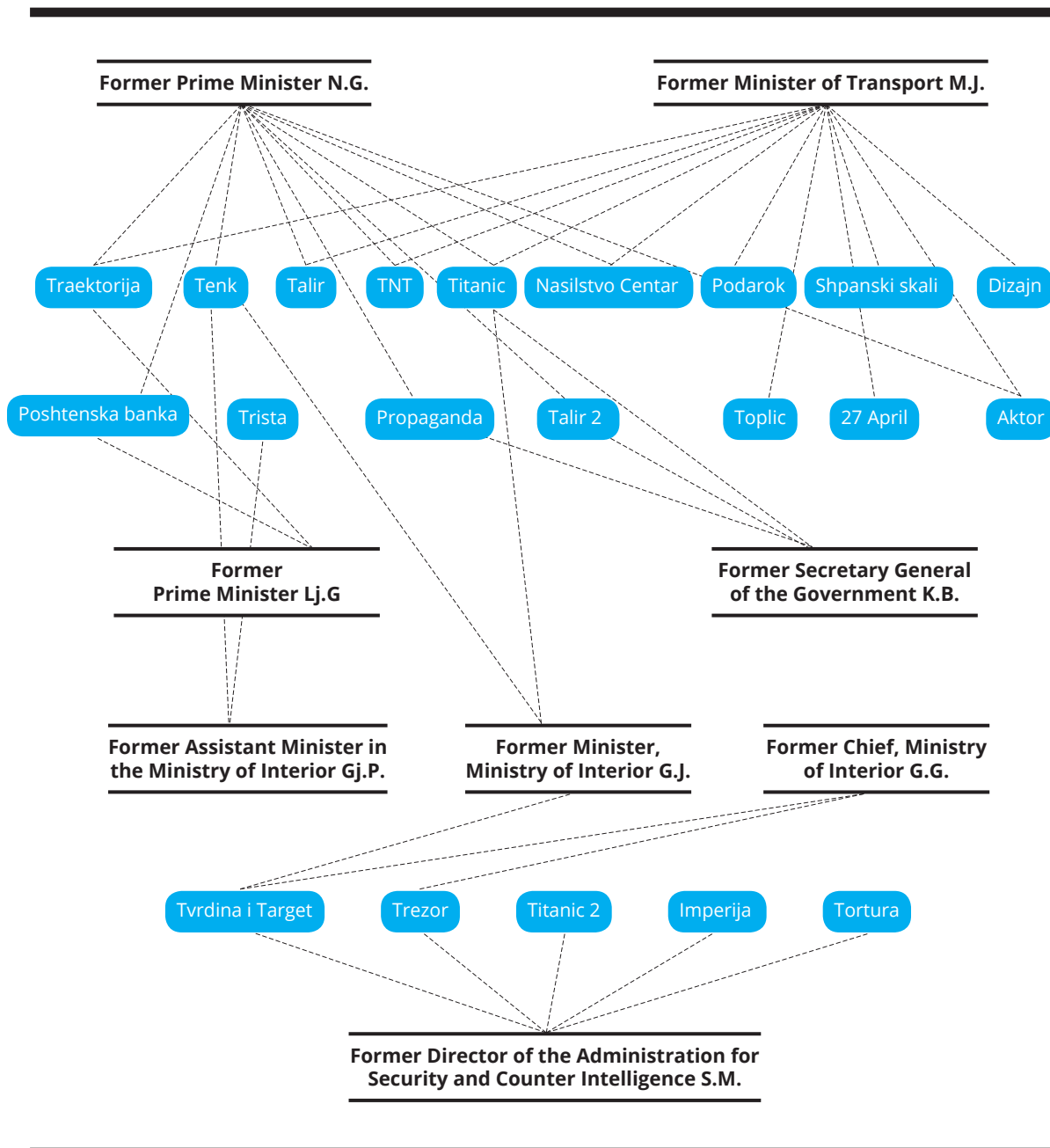
<sup>53</sup> Article 358-a of the CC

<sup>54</sup> [www.slv.esnik.com.mk/Issues/90E0B29D702D49A48DBCC2239374B927.pdf](http://www.slv.esnik.com.mk/Issues/90E0B29D702D49A48DBCC2239374B927.pdf)  
[www.pravdiko.mk/krivichen-zakonik/](http://www.pravdiko.mk/krivichen-zakonik/)

public interest. Additionally, some analysed cases involved tailor-made laws. In most cases, the accused officials occupied important roles in state-level institutions, such as ministries. Some corruption cases involving powerful mayors and other local authorities were also included.

The most common criminal offence was abusing an official position and authorisation. Other common convictions were money laundering and accepting a reward for unlawful influence. Despite the recurrence of a small group of figures in multiple cases, criminal association was not a common offence.

GRAPH 1: EXAMPLE OF NETWORKS INVOLVED IN HIGH-LEVEL CORRUPTION CASES



There were 233 defendants in the analysed cases, All suspects in the analysed cases were high level of officials, including:

- The former Prime Minister Nikola Gruevski. He was a suspect in ten cases (Traektorija, Poshtenska banka, Tenk, Talir, Propaganda, TNT, Talir 2, Titanic, Nasilstvo Centar, Aktor) and accused of abusing an official position, money laundering, and other offences. He was sentenced to two years in the Tenk case and one year and six months in the Nasilstvo Centar case. However, he is not serving the sentences because he fled to Hungary, where he received political asylum.
- The former Minister of Transport Mile Janakievski. He was a suspect in eleven cases (Traektorija, Talir, TNT, Titanic, Nasilstvo Centar, Toplic, Podarok, 27 April, Shpanski skali, Aktor, Dizajn) and accused of abusing official duty, money laundering, elections-related crimes, organising a criminal association, and other offences. So far, he has only been convicted for his role in Nasilstvo Centar and received a suspended sentence of one year. Other cases are ongoing.
- The former Director of the Administration for Security and Counterintelligence (UBK) Sašo Mijalkov. He was a suspect in five cases (Tvrđina-Target, Trezor, Titanic 2, Tortura, Imperija) and accused of abusing an official duty, intermediation, money laundering, organising a criminal association, and other offences. He was sentenced to three years in prison in the Titanic 2 but an appeals court overturned the verdict and remanded for retrial. He was sentenced to 12 years in prison in Tvrđina-Target for abusing an official duty, criminal association, and receiving a reward for illegal influence; but the verdict is not final. Other cases are ongoing.
- The former Prime Minister Ljubčo Georgievski. He was a suspect in two cases (Traektorija and Poshtenska banka) and accused of abusing an official duty. The crime in Poshtenska banka became obsolete.
- The former Assistant Minister in the Ministry of Interior Gjoko Popovski. He was a suspect in two cases (Tenk and Trista) and was accused of abusing an official duty. In the Tenk case, he was sentenced to six years and six months in prison, which an appeals court decreased to four years and six months. In the Trista case, he was sentenced to nine years in prison.
- The former Minister of the Interior Gordana Jankulovska. She was a suspect in three cases (Tvrđina-Target, Titanic, and Tenk) and accused of abusing an official duty, creating a criminal association, violating electoral rights, and other offences. In the Tenk case, she was sentenced to six years in prison, which an appeals court decreased to four years. She was also sentenced to four years in prison in the Tvrđina-Target case but that verdict is not final.
- The former Chief of the Ministry of Interior Goran Gruevski. He was a suspect in two cases (Tvrđina-Target and Trezor) and accused of abusing an official duty, creating a criminal association, and forgery of official documents. He was sentenced to 15 years in prison in the Tvrđina-Target case, but the verdict is not final and he managed to flee the country.

## STATE CAPTURE IN ANALYSED CASES

The most explicit demonstration of state capture in North Macedonia is the Skopje 2014 case, which is still pending prosecution. This case involved the estimated expenditure of €685 million of public money on grand monuments in the capital Skopje. The Ministry of Culture transferred funds to municipalities for projects initiated by local councils. The government



chose to work through local municipality councils in order to exclude Parliament, which required a double majority the ruling coalition could not secure.

The case study – construction of the “Skopje 2014” project refers to the manner and mechanisms used to achieve the end goal, constructing 137 buildings in the amount of 685 million EUR, funds from the Budget of the Republic of Macedonia. The manner of implementation of the project refers to the existence of series of omissions of different kind in running the procedure and constructing the buildings, breaches of law individually related to each of the planned constructions. Frequent changes were made to the laws, of which a significant number in summary procedures, the integrity and independence of the judiciary were impaired, there were pressures on the media, violation of laws and selectivity, carried out massively by the executive. A series of amendments were made to laws and by laws in the period from 2007-2015, in order to make an attempt to legally cover the constructions. Partically all laws were upon initiative of the Government of RNM, and adopted by the Parliament, which was firmly controlled by the political center of the executive government, whereas, the laws were adopted in the interest of realization of the project. The whole procedure was performed in a nontransparent and subtle way, by adoption of decision and initiatives on a central level and construction permits on a local level, while directing money for this purpose from the central budget to the account of the Municipality of Centar. Public procurements were conducted in a nontransparent manner – often using the opportunity to conclude annexes and agreements on performing additional and unpredicted works. In this manner, the initially calculated amount for the constructions is increased several times.<sup>55</sup>

Many of the cases analysed for this project, such as TNT, Talir, Traektorija, Trezor, and Imperija, also indicate state capture. The TNT<sup>56</sup> case involved high-level officials abusing their political power and authority for their own benefit. The indictment alleges that the former Prime Minister Nikola Gruevski ordered the destruction of a business and apartment building whose owner left the ruling government coalition in 2011. According to the SPO prosecutors, the decision by the local municipality to demolish the building was based on a falsified inspection report. Other defendants in the case include the Transport and Construction Minister, who coordinated the illegal detonation, and the former mayor of the Gazi Baba municipality in Skopje. This case also shows the inefficiency of prosecutors and the judiciary. The Basic Prosecution did not file an indictment until June 2017, after the change in government. In October 2017, the SPO established the real jurisdiction<sup>57</sup> of the case. Now the case is before the POOC.

In the Trust case, a series of amendments to laws and by-laws provided impunity to the son of an MP. In the Tenk and Traektorija cases, public procurement procedures were carried out in an untransparent manner. Public officials used their powers to benefit a small circle of trusted persons while evading the system of internal and external control.

The Talir case was the first inquiry into corruption related to political party financing. The case involved high-ranking political party officials who also served in government and abused their official positions and authorisations. The former Prime Minister Nikola Gruevski and his collaborators were charged with abuse of an official position and money laundering. One of the collaborators pleaded guilty. According to the indictment, the group laundered about €5 million.

<sup>55</sup> State capture – illustration through “Skopje 2014” project [https://www.transparency.mk/en/images/stories/publications/state\\_capture.pdf](https://www.transparency.mk/en/images/stories/publications/state_capture.pdf)

<sup>56</sup> The Special Prosecution Office was naming cases based on associations. In this case type of explosive.

<sup>57</sup> With 26 telephone conversations and 57 text messages, the Special Prosecutor’s Office in the courtroom today proved the illegal demolition of the Cosmos facility <https://sitetel.com.mk/prodolzhi-sudenjeto-za-sluchajot-tnt-odbranata-negoduva-za-snimkite-za-sjo-tiese-dokaz-za>

According to the SPO,<sup>58</sup> there is a reasonable suspicion that illegal funds were deposited into the party bank account in cash. The origin of the money is still to be established. It is assumed the accused misused party members' personal data to make individual payments from the party account. All suspicious payments were made between 2009 and 2015.

The analysis also found inefficiency by prosecutors, who failed to initiate investigations before the creation of the SPO. For this reason, the statute of limitations expired in some cases. In the Skopje 2014 case, the city's newly elected mayor initiated an audit.<sup>59</sup> He presented two audit reports to the prosecution, but the PPO did not start the investigation or file any charges.

A high-level defendant also avoided serving a prison sentence in the Tenk case from 2007. The former Prime Minister Vlado Buckovski was initially given a two-year sentence, but after several delays and appeals the case became obsolete at the beginning of his third trial.<sup>60</sup>

## GRAND CORRUPTION PROCESSING IN THE COURTS

### THE OBSTACLES TO PROSECUTION AND PROGRESSION OF THE CASES IN THE JUDICIAL PROCESS

We identified several ineffectual procedural aspects in almost every case: a failure to meet deadlines to commence the main hearing after the indictment; excessively lengthy proceedings; the restarting of trials from the beginning; the absence of persons whose presence is necessary; slow decisions on admissible evidence; and the incomplete composition of the judicial council.

#### EXCESSIVELY LENGTHY PROCEEDINGS

Delays are common in the judicial process. In all but one of the analysed cases, the deadline to commence the main hearing after the indictment confirmation was not met. According to the LCP, the president of the council of the first instance court must schedule the main hearing within 30 days of receiving the indictment (or 60 days for indictments involving organised crime).<sup>61</sup> In the cases analysed in the OCSE report,<sup>62</sup> the average time from indictment confirmation until the beginning of trial was longer than 60 days. The process in many cases took five to six months.

Due to the delays, the six-year statute of limitation expired for former Prime Minister Gruevski in the Traektorija case on October 31, 2019.<sup>63</sup> Gruevski was charged with abuse of official duty, relating to the unlawful award of a tender for constructing a highway.<sup>64</sup> According to the SPO, Gruevski awarded a €570 million worth contract to a Chinese company<sup>65</sup> even though another Chinese company submitted a lower bid for the same work. The alleged crime was

<sup>58</sup> Ibid

<sup>59</sup> First Report on the Involvement of the Municipality of Centar in the "Skopje 2014" project, Prepared by: Slagjana Taseva, PhD and Dragan Malinovski [http://opstinacentar.gov.mk/LinkClick.aspx?fileticket=FFWpQbLwYvcpercent3d&portalid=0&language=mk-MKSecondreportontheactualsituationwiththerealizationof"Skopje2014"projectthroughtheMunicipalityofCentar-Publicprocurementformonumentsdesign](http://opstinacentar.gov.mk/LinkClick.aspx?fileticket=FFWpQbLwYvcpercent3d&portalid=0&language=mk-MKSecondreportontheactualsituationwiththerealizationof) Second Report on the Involvement of the Municipality of Centar in the "Skopje 2014" project <http://opstinacentar.gov.mk/Portals/0/Documentatin/Banners/izvestajper cent2011per cent2024.11.2013.pdf>

<sup>60</sup> <https://sdk.mk/index.php/makedonija/zastare-deloto-na-buchkovski-za-tenkovski-delovi/>

<sup>61</sup> <http://www.slvesnik.com.mk/Issues/BDBF29F810D5E9468FC65FA542B857B3.pdf> Article 345, page 58

<sup>62</sup> [https://www.osce.org/files/f/documents/0/7/391745\\_0.pdf](https://www.osce.org/files/f/documents/0/7/391745_0.pdf)

<sup>63</sup> In Trajectory, former Prime Minister Gruevski is charged with abuse of the official duty, relating to the unlawful award of a tender for the construction of a highway. According to the indictment, the crime was committed between October 2012 and October 2013. Based on the last date of the commission of the offense, 31 October 2013, the absolute SoL would apply after six years.<sup>209</sup> Therefore, this indicates the SoL expires on 31 October 2019.<sup>210</sup>

<sup>64</sup> <https://www.pravdiko.mk/gruevski-nema-da-odgovara-za-traektorija-poradi-zastarenost-na-deloto/>

<sup>65</sup> <https://balkaninsight.com/2017/05/22/macedonia-prosecution-suspects-former-pm-of-money-laundering-05-22-2017/>

committed in 2012, but the trial was repeatedly delayed due to obstacles in the court, such as changes in the composition of the judges' council.

Changes in the composition of the Judicial Council were a frequent reason for the postponement of hearings. The indictment in the Tvrdina-Target case was filed in June 2017 and the first trial started half a year later; but a change of the Judicial Council in January 2018 required them to restart the trial from the beginning.<sup>66</sup>

## DEFICIENCIES IN ASSESSING ADMISSIBILITY OF EVIDENCE BEFORE THE TRIAL

Judges did not always have the authority to determine the admissibility of proposed evidence during trials. However, many of them allowed all proposed evidence without making a separate assessment of its admissibility before the trial. Failure to address and resolve procedural issues during pre-trial (e.g. objections regarding the admissibility of evidence or complaints regarding the process of evidence sharing) resulted in lengthy discussions of these issues during the main hearings, delaying the presentation of evidence.

Court hearings were often postponed because of judges' reluctance to take an active role in case management. Judges frequently stepped back during the selection of witnesses and the presentation of relevant material evidence during trials. Often the SPO failed to provide information about the context in which wiretapped conversations and text messages took place. In cases such as Tenk, Trust, Traektorija and Titanic, the SPO did not reveal the names of the wiretapped persons in audio recordings. Without any explanation from the SPO, it was often difficult for judges and the public to understand the content of many of the wiretapped conversations and text messages. In the Traektorija case, the prosecutors from the SPO read almost 260 text messages over three hours. Although messages indicated the names of the senders and recipients, many contained abbreviations or encrypted words that were not explained.

## ABSENCE OF THE DEFENDANT MAIN REASON OF POSTPONEMENTS

The absence of defendants was the main cause of postponements in the SPO cases.<sup>67</sup> In 316 hearings OCSE monitored between November 2016 and November 2018, at least one defendant was absent 46 times (14 per cent), and 44 out of 104 postponements were due to the absence of the defendant.<sup>68</sup> For example, hearings in the Talir case were delayed nine times as some of the defendants were frequently absent.<sup>69</sup>

The Law on Criminal Procedure requires, as a general rule, that a trial must be held in the presence of the accused. A defendant may only be tried in absentia if he or she has fled the country or is otherwise inaccessible to state institutions, or if there are unspecified "especially important reasons" to hold the trial.<sup>70</sup> The court shall issue a decision to try a defendant in absentia upon the prosecution's request and an appeal of this decision does not prevent the continuation of the trial in absentia.<sup>71</sup>

After former Prime Minister Gruevski illegally fled the country and received asylum in Hungary, the SPO proposed he be tried in absentia in the TNT case. The trial council approved the proposal. However the start of the trial is still pending before the court because other defendants have successfully postponed hearings.

<sup>66</sup> <https://prizma.mk/sluchajot-target-tvrdina-na-brza-pruga/>

<sup>67</sup> [https://www.osce.org/files/f/documents/a/e/422567\\_0.pdf](https://www.osce.org/files/f/documents/a/e/422567_0.pdf)

<sup>68</sup> [https://www.osce.org/files/f/documents/a/e/422567\\_0.pdf](https://www.osce.org/files/f/documents/a/e/422567_0.pdf)

<sup>69</sup> Who and why wants to bury "Talir"? <https://irl.mk/koj-i-zoshto-saka-da-go-zakopa-talir/>

<sup>70</sup> Pursuant to LCP, Art. 365(3),

<sup>71</sup> Under LCP, Art. 365(4),

In the Trezor case, four officials from the Counter Intelligence Service and Ministry of Interior were accused of abuse of an official position and authorisation in purchasing equipment worth €860.000. The two main defendants fled the country to Greece and the Athens Supreme Court decided against the extradition due to the act of abolition issued by the President Gorge Ivanov.<sup>72</sup>

### *PRE- TRIAL DETENTION AND PRECAUTIONARY MEASURES DENIAL*

A study conducted before the establishment of the SPO showed that courts frequently approved the detention of defendants and rejected appeals to replace detention with alternative security measures.<sup>73</sup>

However, the courts decided to be more cautious in the SPO cases. Although detention was often proposed to ensure the suspects' presence, the courts frequently rejected it. The SPO requested detention in 11 of the analysed cases for 56 suspects in total. The courts approved detention in nine cases for 30 suspects. The courts rejected detention for 24 suspects and placed two under house arrest. Instead of detention, the court imposed less restrictive precautionary measures such as an obligation to appear in court, a temporary confiscation of passports, and a ban on issuing new passports.

The Imperija case was the only investigation where all five suspects were detained in its early stage. After one month, their detention was replaced by house arrest. The court later abolished the house arrest measure for three defendants, including Sašo Mijalkov, the former Director of the Counterintelligence Service. Mijalkov was also a defendant in the Tvrдина- Target case, where the basic criminal court requested a house detention for Sašo Mijalkov until the verdict is pronounced and he managed to make himself unavailable to receive the decision for detention issued by the court one day before the verdict. Sašo Mijalkov, became unavailable to the authorities, and the police failed to deliver the house detention decision to him. The Mol issued a national and international arrest warrant. Two days after he was unavailable to the authorities, he appeared before the Public Prosecutor's Office. The controversial escape (latter explained as unavailability to communicate due to the high temperature) was followed by even more controversial return<sup>74</sup> where followed by media Mijalkov was heading to receive (pick up) the court order for house detention from the office prosecution instead the court. In meantime, the prosecution revoked the appeal submitted to the court of appeal, requesting for Mijalkov a detention measure instead of house detention. This case provoked a wider public reaction, the Mol issued an arrest warrant and finally the government initiated investigation to detect the mistakes in the proceedings and accountability.

## PERFORMANCE OF THE PROSECUTORS

Public Prosecutor (PPO) is responsible for investigating and collecting evidence (including exculpatory evidence) and has the judicial police at its disposal. The fact that the public prosecutors failed to investigate the cases perceived as "political cases" and there was believe that in such cases usual standards are set aside has been essential for creating the SPO. It also lead to the statement that no such thing as a "political case" shall be known in the judicial process. This assessment could not confirm that this situation is resolved and left in the past.

<sup>72</sup> Иванов го востоличи разминувањето на правото и правдата, Deutsche Welle, <https://p.dw.com/p/1J3QK>, 09.06.2016.

Уставниот суд го затвори прашањето за аболициите на Иванов, на потер е Стразбург, Deutsche Welle <https://p.dw.com/p/3IWcn>, 19.11.2020

<sup>73</sup> pod\_lupa.pdf (transparency.mk)

<sup>74</sup> <https://www.mkd.mk/makedonija/sudstvo/sasho-mijalkov-stilskiot-begalec-shto-otide-za-da-se-vrati>

In North Macedonia, the Public Prosecutor (PPO) is responsible for investigating and collecting evidence (including exculpatory evidence)<sup>75</sup> and has the judicial police at its disposal.<sup>76</sup>

Access of the defence to files can be restricted only to protect the fundamental rights of third parties (for example, witnesses at risk of retaliation) or to protect an important public interest (e.g. national security). The SPO allowed the defence to inspect files immediately after its investigations. It also gave defense attorneys compact discs with evidence gathered in support of the charges. This practice is in line with standards for fair and equitable trials.

The SPO also took care to inform the public about its investigations. However, the wiretapped conversations created challenges for the SPO when presenting evidence in court. Prosecutors submitted recordings of wiretapped conversations as evidence in almost every case. In three cases—Titanic 1, Traektorija, and TNT—the SPO also included over 1,000 intercepted text messages (SMS) as evidence. The messages were projected onto a screen and read out in court, but it was difficult for judges and the public to understand the content of many of the wiretapped conversations without adequate explanation from the prosecutors. In some situations, the entire hearing was spent listening to the wiretapped conversations without any information about their meaning or connection to the key facts in a particular case. The SPO did not always make an appropriate choice about the most incriminating conversations, and some of the conversations were irrelevant to the case. The situation was even more confusing when the names of the persons participating in the conversation were not indicated.

## CONVICTIONS

A few grand corruption cases concluded with conviction. However, the sentences were lenient and have sometimes been lowered in second-instance procedures.<sup>77</sup> One defendant's sentence of nine years imprisonment in the Trista case was lowered to five years by an appeals court decision on 16 November 2020.<sup>78</sup> The same person is a defendant in two cases and is already serving a prison sentence for the Tenk case for the illegal purchase of a high-class Mercedes for the former prime minister.<sup>79</sup> The most prominent defendants in the Tenk case are the former Minister of Interior Gordana Jankuloska, who began serving a four-year prison on 28 September 2020, and the former Prime Minister Nikola Gruevski who fled the country before serving his sentence.<sup>80</sup> Jankuloska was also sentenced to four years in prison in the Tvrđina-Target case alongside the former Director of the Administration for Security and Counterintelligence (UBK), Sašo Mijalkov, who received 12 years in prison, and the former Chief Minister of the Interior Goran Gruevski, who received 15 years in prison. These verdicts are not final.<sup>81</sup>

The law allows a considerable time to pass between the announcement of the final verdict and the beginning of a prison sentence. In this period, convicted persons have a chance to escape.<sup>82</sup> This was the case with former Prime Minister Gruevski.

<sup>75</sup> <http://www.slvesnik.com.mk/Issues/BDBF29F810D5E9468FC65FA542B857B3.pdf> Article 291, paragraph 4

<sup>76</sup> <http://www.slvesnik.com.mk/Issues/BDBF29F810D5E9468FC65FA542B857B3.pdf> Article 29, paragraph 2

<sup>77</sup> Please see the explanation in the Tailor made laws

<sup>78</sup> <https://libertas.mk/apelaci-a-a-namali-kaznata-na-okolo-popovski-od-9-na-5-godini-za-slucha-ot-trista/>

<sup>79</sup> <https://www.slobodnaevropa.mk/a/30230291.html>

<sup>80</sup> <https://telma.com.mk/2020/09/28/jankulovska-na-pat-kon-zatvorot-idriz/>

<sup>81</sup> <https://360stepeni.mk/presuda-za-target-tvrđina-mijalkov-12-godini-zatvor-jankuloska-4-gruevski-i-boshkovski-po-15-godini/>

<sup>82</sup> <https://www.osce.org/files/f/documents/1/3/422579.pdf>



# TAILOR-MADE LAWS

Tailor-made laws result from undue influence in law-making. The beneficiaries of tailor-made laws are natural persons, legal persons or a narrow group or network of connected persons whose private interests are privileged and protected by legislation at the expense of the public interest.

The practice of tailoring laws to private interests is well-established in North Macedonia. Our research identified three main purposes of tailor-made laws: to control an industry or sector, to achieve impunity for corruption, and to avoid checks and balances.

- The most frequent purpose of tailor-made laws in North Macedonia is to control an industry or sector. This can take the form of regulating subsidies, manipulating the custom rates for certain products, lowering the price of state land for certain projects, etc. One example is the Macedonian government's prolonged liberalization of the telecommunication market since 2005. The government required new operators on the market to use the existing network established by Mobimak. Rather than negotiating to provide cheaper mobile services for citizens, the government signed a protocol to ensure a privileged position for Mobimak. In return, the majority shareholder of Macedonian Telecom (Magjar Telecom 53%) made dividend payments worth around 90 million Euros to the government as minority shareholder (47%). The court case Magjar Telecom revealed a huge amount of bribery paid to politicians for passing legislation to favor Mobimak.
- Tailored laws were also used to grant impunity for corruption. A 2018 amendment to the criminal code, discussed in more detail below, reduced the sentences for the misuse of the public call (tender) procedure and an award of a public procurement contract or public-private partnership. It resulted in impunity for a person convicted of a crime.
- Legal amendments allowing the government to decide and regulate specific issues by by-laws were adopted as a way of avoiding checks and balances, as in the Skopje 2014 case. The opposition cannot challenge a government decision under by-laws the way it can challenge draft laws in Parliament. Decisions and regulations in important areas, such as customs rates and industry subsidies, are left to government discretion. Often the same laws are tailored multiple times. For example, the Law on Construction was changed 21 times between 2009 and 2015 to enable the realisation of the Skopje 2014 project. The Law on the Protection of Cultural Heritage also had numerous amendments related to building monuments for the Skopje 2014 project.<sup>83</sup>

The amendments to the Criminal Code in 2018 are of particular importance because of their

<sup>83</sup> Asaf Ademi, Minister of Justice, a statement at a conference on the topic "State Capture - illustration through the case - Construction of "Skopje 2014" project, held on June 25, 2018, Skopje.

impact on the justice system in North Macedonia.<sup>84</sup> The Amendment 248/2018<sup>85</sup> adopted on December 28, 2018, lowered the prison sentence from five to four years for cases involving the misuse of public procurement with significant damages or value.<sup>86</sup> The amendment allowed the penalty to be lowered even further to two years if conditions are met, which made it possible for the courts to replace imprisonment completely with probation (since courts can issue a suspended sentence for a two-year prison sentence). The amendment also decreased the statute of limitations from 20 to 10 years.

Sixteen NGOs wrote to Parliament requesting they withdraw the amendment, since it might lead to impunity for the accused in the cases of the SPO.<sup>87</sup> In the plenary session of Parliament, 64 MPs out of 108 present voted in favor of the amendment,<sup>88</sup> which came into force on 7 January 2019. The Appeals Court applied the amendment to the TRUST case, a high-level corruption case with significant damages to the state budget. The court reduced sentences from six years to four years for the first main defendant, and from three years to two years for the second main defendant, who was ultimately released under a suspended sentence.<sup>89</sup>

## TYPES AND PROCESS OF ADOPTION OF TAILOR-MADE LAWS

Tailor-made laws usually hide the desired provisions in proposals that are prepared for other purposes. Usually the changes do not comply with the overall purpose of the law and were not part of the public debate before submitting the proposal to Parliament. However, there are also examples of laws that are “tailor-made” in their entirety, such as the Law for Amnesty.<sup>90</sup> This law halted all criminal proceedings against and released from prison persons suspected of committing a crime on 27 April 2017, when 300 people stormed the Assembly to disrupt a press conference by the newly elected President Talat Xhaferi. After a long debate about the process of political reconciliation, political factions passed the Law on Amnesty in December 2018. Amnesty did not extend to persons suspected of participating having e participated in the preparation or organisation of the event; persons with a hidden identity who used physical force; the perpetrators of violence; persons unauthorized to carry weapons or explosive materials; and persons acting in breach of official powers.

Another relevant tailor-made law was the amnesty issued by former President Gjorge Ivanov on 12 April 2016 to the former Prime Minister Nikola Gruevski and 54 government members implicated in the ‘wire-tapping’ scandal and numerous SPO cases. A month later, in May 2016 Ivanov revoked the amnesty. However, the Supreme Court in Athens cited the amnesty act and pardon by President Ivanov<sup>91</sup> as reasons to reject extraditing Nikola Boskovski and

<sup>84</sup> “Law for Amending the Criminal Code,” (“Official Gazette of the Republic of North Macedonia” No. 37/96, and Amendments: 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7 /2008, 139/2008, 114/2009, 51/2011, 135/2011, 185/2011, 142/2012, 166/2012, 55/2013, 82/2013, 14/2014, 27/2014, 28/2014, 115/2014, 132/2014, 160/2014, 199/2014, 196/2015, 226/2015, 97/2017, 248/2018).

<sup>85</sup> <http://www.slvesnik.com.mk/Issues/b089570bacc436a9b39c585dca78b3f.pdf> Article 275-v. paragraph 3 of the CC, for the criminal offence “Misuse of the procedure for the public call (tender), award of a public procurement contract or public-private partnership”,

<sup>86</sup> Article 122 of the Criminal Code p. 35 provides definition for the (35) Significant property gain, value or damage means gain, value or damage that corresponds to the amount of 50 average monthly salaries in the Republic at the time of the execution “large scale”

<sup>87</sup> <https://meta.mk/16-graganski-organizatsii-pobara-itno-da-se-povlechat-izmenite-na-krivichniot-zakonik/>

<sup>88</sup> <https://www.sobranie.mk/sessiondetails.nsp?sessionDetailsId=b60d583c-c0e3-4787-829c-08924da34e11>.

<sup>89</sup> <https://www.alsat-.tv/mk>

<sup>90</sup> Official Gazette of RM, no. 233 from 20.12.2018

<sup>91</sup> <https://vistinomer.mk/vrhovniot-sud-vo-atina-gi-oslobodil-grujovski-i-boskovski-vrz-falichen-dokument/>



Goran Grujovski. The granting of asylum to Gruevski in Hungary was also based on this amnesty. On 28 November 2019, the North Macedonian Constitutional Court passed an initiative for a review of Article 11-a of the Pardon Law, which allowed the president to revoke the granted amnesty.<sup>92</sup> The majority of judges said Article 11-a exceeds the powers given to the president in Article 84 of the Constitution and violates the principle of the rule of law.<sup>93</sup> TI Macedonia and the Transparency International Secretariat<sup>94</sup> issued a joint statement calling for President Ivanov's resignation.<sup>95</sup> Some law professors followed the TI initiative by saying: "It would have been easier if the withdrawal of the pardons was accompanied by any legal qualification of the pardon as unconstitutional, i.e. as a deliberate abuse of official powers of the President. Maybe it is not too late for Ivanov to finally be held accountable for his own actions and for criminal proceedings to be initiated against him."<sup>96</sup>

According to the NIS assessment from 2016, the government controls the Parliament. The government proposed 888 of the 907 laws adopted between 2011 or 2014 (98 per cent), while MPs proposed only 19 (2 per cent). Laws were frequently adopted according to summary procedure as often as 70 per cent of the time in 2017 and 2017, according to the Index of Accountability, Transparency and Productivity of the Assembly<sup>97</sup>—that shortens the time MPs have to scrutinise draft laws and prepare amendments.

Public officials could have conflicts of interest if they are making policies or conducting negotiations on subjects in which they also have a private interest. For example, the Anti-Corruption Commission concluded that Deputy Prime Minister Kočo Angjushev had a conflict of interest when he participated in a session where the government decided to reduce the customs duties on imports of electric lithium-ion batteries. Angjushev concealed his private interest as the owner of the company called Brako that planned to import these batteries. The Commission submitted a request to the prime minister to initiate proceedings against the deputy prime minister.<sup>98</sup> The prime minister never took action and the case has never been investigated by the Public Prosecution Office.

## SECTORS AFFECTED BY TAILOR-MADE LAWS

Our research shows that construction is one of the sectors most vulnerable to tailor-made laws. Many laws concerning land property and construction were changed hastily over the last 15 years.

For example, the Skopje 2014 project was presented as an opportunity to kick-start the economy. With an estimated cost of €680 million, it should have provided jobs for construction workers, artists, carpenters, architects and sculptors. The government and the mayor of the Centar municipality in Skopje controlled the spending and amended many laws with provisions to serve private investors' interests.

The energy sector is also affected by tailor-made laws. The government has passed decrees on the production of electricity from renewable sources and the total installed capacity of electricity producers. The decrees protect and guarantee the price of electricity

<sup>92</sup> <https://sdk.mk/index.php/makedonija/se-aktiviraat-amnestiite-na-ivanov-za-gruevski-jankuloska-mijalkov-janakieski-protoger-pet-ustavni-sudii-ja-stavija-tochkata-na-dneven-red/>

<sup>93</sup> Ibid

<sup>94</sup> [http://www.transparency.mk/en/index.php?option=com\\_content&task=view&id=557&Itemid=30](http://www.transparency.mk/en/index.php?option=com_content&task=view&id=557&Itemid=30)

<sup>95</sup> [http://www.transparency.mk/en/index.php?option=com\\_content&task=view&id=557](http://www.transparency.mk/en/index.php?option=com_content&task=view&id=557)

<sup>96</sup> <https://www.slobodenpecat.mk/sudot-vo-strazbur-ke-ja-ozhivuva-aboliczijata-na-ivanov/>

<sup>97</sup> Association "Most" <https://www.pravdiko.mk/se-namaluva-brojot-na-zakoni-doneseni-vo-skratena-postapka/>

<sup>98</sup> <https://akademik.mk/antikoruptionskata-komisija-otvori-predmet-za-kocho-angushev/>

that small hydro plants produce and sell on the energy market. Reports from Radio Free Europe have revealed that one-third of the registered hydro plants receiving the subsidies are owned by Deputy Prime Minister Kočo Angjushev. Angjushev and his brother founded in 2003 the company Feroinvest, which operates 25 small hydro plants, according to its website.<sup>99</sup> Angjushev stepped down from management in 2016 due to his high position in the government, but as deputy prime minister Angjushev personally participates in the drafting of the laws on the energy sector. His brother still runs Feroinvest, which also appears to be a partial owner of a company called Small Hydro Plants Skopje that owns an additional seven hydro plants.

Small hydro plants have become a contentious issue between environmental activists, ecological NGOs, and the energy sector. The environmental groups Eco Svest and CEE Bankwatch Network filed a complaint with the Energy Community to extend EU internal energy market rules and principles to countries in Southeast Europe in a legally binding framework. The complaint alleges a disproportional use of small hydropower plants in North Macedonia over other energy sources.<sup>100</sup> North Macedonia is a signatory to the Energy Community Treaty, which prohibits 'any public aid that distorts or threatens to distort competition by favouring certain companies or certain energy resources'. The producers of other forms of energy claim they are disadvantaged because they have to compete on the open market, while small hydro plants benefit from a fixed price. The profits of small hydro-plants are very high according to the data from the trade register from 2019, with the five most profitable plants making a profit between €100,000 and €1 million.

## RESPONSE TO TAILOR-MADE LAWS

Based on Article 17 item 2 of the Law for the Prevention of Corruption and Conflict of Interest, the Anti-Corruption Commission SCPC has the authority to conduct an anti-corruption review of laws, bylaws, and other general acts.<sup>101</sup> The SCPC can review and evaluate the form and content of regulations that are being prepared or have already been adopted, as well as examine and prevent risks of possible corruption and conflicts of interest in laws, bylaws, and other general acts. The SCPC statement shall be included in the draft laws presented to the Parliamentarians. However, the SCPC has no capacity to carry out its duties as there is only one executive responsible for anti-corruption proofing of legislation (APL). In addition, the SCPC reported that the government rarely sends regulations to the SCPC for the APL procedure. In its Annual Report for 2019,<sup>102</sup> the SCPC indicated that the government had sent only three laws for APL.

## CONNECTION WITH CORRUPTION CASES

Our research did not identify corruption cases in court statistics connected with tailor-made laws. However, corruption cases may have never been investigated due to state capture, ineffective prosecution and trial, and widespread patronage networks. A rare exception is the case of Magyar Telecom involving the directors of Macedonian Telecom. They were

<sup>99</sup> <http://www.feroinvest.mk/mk/feroinvest-shpp-portfolio/>

<sup>100</sup> <https://civilmedia.mk/malite-hidrotsentrali-vo-severna-makedonija-se-privilegirani/>

<sup>101</sup> Statements of the reviewed laws are published on the website of the SCPC <https://dksk.mk/index.php?id=71>

<sup>102</sup> [https://dksk.mk/fileadmin/user\\_upload/2020/Godishen\\_izveshta\\_\\_\\_za\\_rabotata\\_na\\_DKSK\\_-\\_2019.pdf](https://dksk.mk/fileadmin/user_upload/2020/Godishen_izveshta___za_rabotata_na_DKSK_-_2019.pdf)

charged with criminal association, misuse of a public position, and contracting false consulting agreements, damaging the Macedonian Telecommunication budget for over €4 million and the Macedonian state budget for over €2 million. The e-mail communications between Magyar Telecom executives contained evidence of tailoring the 2005 Law on Labour Relations. They excised from the law provisions to protect employees' rights when they are transferred to a new employer as a result of economic and structural changes. Without the provision, employers had no obligation to retrain dismissed workers, offer them new employment in other companies, or give them priority in future employment in the same company. The labour union was also excluded from negotiations over severance packages.



# CONCLUSION

North Macedonia has ratified many of the most important international instruments to prevent and fight corruption, but our evaluation shows insufficient implementation of the adopted laws. This is due to both a lack of capacity to immediately adopt new tools and methods of investigation and a lack of political will to provide institutions with sufficient resources. Implementation of existing legal norms is endangered by state capture by interest groups and patronage networks.

Our analysis of grand corruption cases shows the greatest weaknesses in the criminal justice system. The system is inadequate to detect and prosecute high-level corruption and prevent the politicisation and capture of institutions by ruling-party interests. The analysed cases date back to 2005 and show that impunity is not a new problem but lasts through the transition period and across different governments. The damage caused by these crimes has a long-term effect. However, high-level officials are able to avoid accountability by exploiting the legal rules for postponing hearings until the statutes of limitations expire.

Other countries in the region, including some EU members, have also used an SPO to prosecute corruption. However, the SPO in North Macedonia failed to maintain its integrity and professionalism or to establish an efficient system for prosecuting high-level corruption cases. The SPO's caseload and prosecutors have now been transferred to the POOC. While the Council of PP should help ensure that professional ethics and integrity prevail among prosecutors, citizens' trust in the PPO is low,<sup>103</sup> and there is still insufficient capacity for high-level corruption investigations. The legal system needs to ensure that the statute of limitations does not expire before investigations are completed.

In the judiciary, judges have lost the trust of citizens after numerous failures to demonstrate their independence. This was partly due to wiretapped conversations concerning the appointment and dismissal of judges in specific cases. As a result, there is public demand to improve the vetting of judges. New Laws on the Courts, the Judicial Council and the Academy for Judges and Prosecutors should provide a framework to strengthen the integrity and accountability of judges, but the question of implementation will always arise. Previous efforts, including constitutional changes and the creation of a judicial council elected only by judges, failed to protect the judiciary from political influence.

The pardons issued by the former President Ivanov and related proceedings in the North Macedonian Constitutional Court and the ECHR may complicate ongoing court proceedings in many cases initiated by the SPO—and make efforts to establish the rule of law look futile. Effective measures are needed for systemic changes in the PPO and the judiciary. Institutional changes may be needed to establish a separate judicial centre with full autonomy to investigate high corruption cases, which will be tried in separate courts. One solution may be to establish international jurisdiction for grand corruption in cross-country cases.

<sup>103</sup> Колкава е довербата во правосудството? - EPI

Tailor-made laws are a relatively new form of high-level corruption, wherein legislation and regulations are quietly passed or modified to benefit an individual's or business' private interests. In North Macedonia, tailor-made laws are especially a problem in the construction and urban-planning sectors. The SCPC has a legal obligation to conduct anti-corruption scrutiny of laws but lacks the capacity to carry out its duties. It is necessary to mandate the involvement of anti-corruption experts and stakeholders in not only the review but also the preparation and negotiations of laws.

# RECOMMENDATIONS

1. The Judicial Council and the Prosecutors council must improve the application of integrity measures to judges and prosecutors.
2. The European Commission should consider conducting additional expert-led assessments of the rule of law, compliance with the EU *acquis*, and state capture, similar to the *Priebe Report*.
3. The Public Prosecution Office and the judiciary should implement reform strategies based on evidence, research, and international practice; and increase the capacities of prosecutors and judges to identify and process high-level corruption cases, free from political influence.
4. The government, academia, and civil society should conduct a comprehensive assessment of the underlying causes of state capture, including weaknesses in the judiciary, public prosecutor's office, and police. The assessment should include independent monitoring and provide sustainable solutions based on evidence.
5. The government should conduct an analysis of procedures and practices that failed to prevent state capture at the institutional level.
6. The government should include national experts and civil society in policy-making and the supervision of the judiciary, the public prosecution and police, to ensure the proper and consistent implementation of legal solutions and public policies.
7. The Government should remove political influence from the appointments, evaluations, promotion and dismissals of judges and public prosecutors, as well as members of the Judicial Council and the Council of Public Prosecutors, by instituting public and independent vetting procedures.
8. The Assembly of North Macedonia should provide clear criteria and transparent procedures for appointing the non-judicial members of the Judicial Council.
9. The courts should provide detailed explanations for detention decisions.
10. The government should provide resources and capacity to the SCPC to ensure anti-corruption scrutiny of legislation is conducted before laws are submitted to the Parliament.
11. The government should include national experts and other stakeholders in working groups to draft laws and legal amendments.

12. The government should draft a new law to require the reporting of contacts between officials and lobbyists and make clear their interests in legislative activities.
13. The government should implement the Law on Whistleblower Protection and educate the public about reporting in the protection of the public interest.
14. The government should strengthen the capacity of the judiciary, the PPO, and the police to fight corruption and money laundering.
15. The Ministry of Justice should introduce mandatory and timely control of the ACCMIS system by all authorised bodies.
16. The PPO should be assessed on proactive work to initiate proceedings against corruption on its own initiative.
17. Parliament should affirm the public prosecutor's functional oversight over police involved in criminal proceedings to significantly reduce the risk of direct interference by the executive power.
18. The government should extend the statute of limitations for grand corruption cases to prevent impunity of high-level officials.
19. The PPO should make more information about its work available to the public, journalists and civil society organisations.





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