

LIGHT

DARK



CORRUPTION BAROMETER

October 2023

“DARK” OCCURRENCES FOR OCTOBER 2023



The amendments to the Criminal Code from September 6th provide the statute of limitations for a significant number of cases involving officials and public servants accused of corrupt activities

“Target-Tvrdina” crashed, Mijalkov “unharmred”

After five years and nine months of legal wrangling, including nine months of keeping the case in a drawer at the Appeal Court in Skopje, the final nails in the coffin of “Target-Tvrdina” case came directly from politics.

Antonio Milosheski will be prosecuted only for fraud as the abuses of official position charges faced the statute of limitations

The prosecution for abuse of an official position has a statute of limitation for him, but he will remain in the courtroom for the fraud charges

The Criminal Code saved Dimovski and Talevska in the “Producent” case - The Court decided to halt the criminal prosecution proceedings in this case against the former Minister of Agriculture from the Socialist Party, Ljupcho Dimovski and journalist Ivona Talevska.

The amendments in the Criminal Code resulted in the "Toplik" case becoming a statute of limitations for all the accused

Just three days before exactly seven years had passed since the investigation was opened for the "Toplik" case. The Appeal Court in Skopje revoked the verdict, allowing the "Sonchev Grad" case to become absolutely statute of limitations

After 16 years of trial, the "Zmisko Oko" case is statute-barred and the accused will seek compensation on all grounds

The "Zmisko Oko" case from 2007 in which 46 employees of "Makedonija Pat" were accused of abuse of position and malicious association, specifically that they didn't issue fiscal invoices to drivers but kept the money for themselves, earning several million euros.

The amendments in the Criminal Code brought auspicious circumstances for Muhamed Zekiri

During the last trial, the prosecutor that leads the case made changes to the indictment according to the amendments of the Criminal Code, so instead of the previously legally established sentence from at least five years in prison, Zekiri can now be sentenced to one to five years in prison.

The "abuse" of Mile Janakieski in the "Talir" case will also become a statute of limitations

Prosecutor Lenche Ristovska proposed at the last hearing so the judge will decide at the next hearing regarding the statute of limitations for the abuse charge against former minister Mile Janakievski.

Ristovska: There will be no legal responsibility for illegal wiretapping in the country again, which is a direct consequence of the amendments to the Criminal Code

Just like in the other two previous wiretapping cases, the same will happen in this one. Unfortunately, we won't have criminal court clearness, and there will be no legal responsibility for the illegal wiretapping in the country, says Public Prosecutor Lenche Ristovska regarding the "Target-Tvrdina" case.

According to Ivan Dzolev, President of the Basic Criminal Court in Skopje, precisely the amendments to the Criminal Code are the main problem for the statute of limitations of the cases. What is sorely missing, according to him, is an analysis of the timing when these amendments should have occurred, whether they should have taken place when a large part of the cases were in their final stage.

Dzolev: Stop pointing fingers at the judiciary, the amendments to the Criminal Code were an intrusion into the judicial system

There is no liability for officials who do not provide the necessary information to the State Commission for the Prevention of Corruption

The State Commission for Prevention of Corruption has halted the proceedings related to illegal constructions in Chair Municipality, as for years, the Mayor of the Chair Municipality, Visar Ganiu, has not provided the requested information

The Mayor has not acted on the initiatives of the State Commission for Prevention of Corruption, which handled a complaint regarding illegal construction brought forward by imprudent citizens in 2011, 2016 and 2018, with no appropriate response from any institution

The State Commission for Prevention of Corruption will file a criminal report and seek the dismissal of the Director of the Inspectorate for Construction

The State Commission for Prevention of Corruption has decided to initiate criminal proceedings with the Public Prosecutors Office and submit a request to the Government for the Dismissal of the Director of the State Inspectorate for Construction, Fatmir Arifi. The decision occurred because of the lack of justification for the way he acquired property in the past period when questioned by the Commission

GRECO is not satisfied with compliance with the Recommendations

GRECO: North Macedonia is not sufficiently compliant with anti-corruption recommendations - The Group of States against Corruption has concluded that North Macedonia is "insufficiently compliant" with the recommendations contained in the Fifth Evaluation Round Report on combating corruption.

The Ambassador of the Kingdom of the Netherlands once again pointed out the problem of corruption

What are you doing, aside from making excuses?! Why didn't you implement the reforms 15 years ago?!

- The Dutch Ambassador for Macedonia's EU membership - Excuses instead of reforms, corruption and nepotism. The European Union is waiting for Macedonia, not the other way around. This is the message conveyed by Dutch Ambassador Dirk Jan Kop.

Media from EU member states react to the abuse of the EU flag for amendments to the Criminal Code

F.A.Z. for North Macedonia: Corruption in the name of the EU -

Following the scandal at the Oncology Clinic and the amendments to the Criminal Code, the German newspaper Frankfurter Allgemeine Zeitung notes that government corruption is hidden behind the EU flag.

There is a low level of rule of law in the Republic of North Macedonia

North Macedonia ranks 67th on the latest Rule of Law Index - North Macedonia is ranked 67th out of 142 countries on the latest global list according to the World Justice Project's Rule of Law Index. Compared to the previous year, although it has the same score, the country is ranked four places lower and is now on par with Mongolia, Kazakhstan, Indonesia, and Moldova.

The judiciary doesn't uphold ethical standards and remains a sore spot in our society

How integrity rules are applied in the judiciary!

The judge for whom the Minister of Justice reacted, chosen as the president of the Kumanovo Basic Court - The Judicial Council selected Judge Snežana Manev as the president of the Kumanovo Basic Court. Despite the reports prepared from the conducted controls, the findings, and the adoption of the reports, the Judicial Council did not sanction the president of this court, who, according to the public report, had abused the AKMIS system, appointed judges at will, disrupted human relations in the court, and insulted and demeaned the Albanian employees.

Furthermore, Judge Manev was in the focus of public correspondence between the Judicial Council and the Minister of Justice Krenar Loga, initiated by the fact that the judge was given another opportunity to retake the psychological test.

"The Ministry of Justice is surprised and inquires about the reasons behind your public report issued on 13th March 2023, instead of taking appropriate measures. After so many months, you've created an additional report (on 23rd June 2023) that contradicts the first one, introducing a new practice where, in the future, officials (court presidents) can act improperly and against the law and the ethical code and have the opportunity to "correct" it," states the reaction from the Ministry of Justice regarding the Judicial Council's candidate for the position of the Kumanovo Basic Court, Snežana Manev, claiming that a judge who hasn't passed the psychological personality test and the integrity test cannot retake it immediately.

According to the Ministry of Justice, this new practice leaves room for all sorts of influence.

“LIGHT” OCCURRENCES FOR OCTOBER 2023

Revealed criminal association for tax evasion

Arrested 20 suspects for tax evasion and money laundering in a malicious association of 26 owners and managers of 28 companies, six of them are on the run - The Public Prosecutor for the Prosecution of Organized Crime and Corruption has issued an investigation order against 26 owners and managers of 28 companies, who are reasonable suspected of committing criminal acts of Malicious Association, Tax Evasion, Money Laundering, and other offenses as defined in Article 273 of the Criminal Code.

Increased Reports of Bribery

Criminal Report against police officer from Arachinovo charged with abuse of official position and authority

The Internal Control, Criminal Investigations and Professional Standards Department has filed a criminal report against A.A., an employee in Arachinovo Internal Affairs Department of the Skopje Regional Police Department. There are grounds to suspect that the employee committed a criminal offense of "Abuse of Official Position and Authority" under Article 353, paragraph 1 of the Criminal Code of North Macedonia. This employee has provided false records of documented working hours for salary payment without providing reports on temporary work inability for the employee I.D., who did not attend work, enabling him to unlawfully obtain (a) certain sum of money, thereby damaging the budget of the Ministry of Internal Affairs. The Internal Control, Criminal Investigations and Professional Standards Department will initiate disciplinary proceedings and temporary removal of the employee from the workplace until the disciplinary procedure is completed.

Criminal Report against a person from Negotino charged with "abuse of official position and authority"

The Foreign Criminal Affairs Office of the Negotino Regional Police Department has filed a criminal report against M.D. (41) from Negotino. There are grounds to suspect that he committed a criminal offense of "Abuse of Official Position and Authority" as provided in Article 353, paragraph 1 of the Criminal Code. The accused in the period from 14th September 2023 to 21st September 2023, as an authorized person employed in the Negotino Municipality, abused his official position by exceeding his official authority. He charged money in cash for using public space for the "Negotino fair 2023" event and in that way, he unlawfully appropriated money in the amount of 98,100 denars for himself, causing damage to the Budget of the Negotino Municipality.

Criminal Report filed against a resident of Saraj for "bribery"

The Economic and Computer Crime Unit at the Skopje Regional Police Department has filed a criminal report against A.S. (50) from the village of Laskarci, Saraj municipality, for suspicion of committing the criminal offense of "bribery" under Article 358 of the Criminal Code. After police officers determined a traffic offense and informed him that a traffic penalty would be issued, the suspect took out and threw 1,000 denars on the front passenger seat of the police vehicle to avoid the penalty.

Arrested employee of the Forest Police in Demir Hisar municipality for accepting a bribe - Police officers from the Demir Hisar Regional Police Department apprehended D.T. (58) from Demir Hisar, an employee of the Forest Police in Demir Hisar, on the road between the villages of Sveta and Edinakovci in the Demir Hisar region. He was apprehended on suspicion of committing a criminal offense under Article 357 of the Criminal Code, "Accepting a bribe." D.T. from Demir Hisar solicited money in exchange for not taking action or sanctioning illegal work.