Assessment report on Mutual Legal Assistance in Criminal Matters in Macedonia

IPA 2014 project
“International Cooperation in Criminal Justice: Prosecutors’ Network of the Western Balkans”

2016
Macedonia team:

EU MS Seconded Prosecutor Gabriele Walentich
National Legal Officer Marina Kovachich

All views in this report are those of the author(s) and do not necessarily represent those of the European Union, GIZ, CILC or UNODC
# Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

## Table of Contents

I. Introduction/Background .................................................................................................................. 6
   I.1 Terms of reference ......................................................................................................................... 6
   I.2 Study procedure/process of preparation of the assessment reports ........................................... 7
   I.3 Membership in relevant international association/bodies/organisations .................................... 7
   I.4 Reference, literature .................................................................................................................... 8

II. Legal framework ............................................................................................................................ 9
   II.1 Short resume of findings in Prof. Klip report ............................................................................ 9
   II.1 National legal framework ......................................................................................................... 10
   II.2 Current legislative developments ............................................................................................ 11
   II.3 Secondary legislation (Guidelines, Manuals, Handbook, Templates/Standard Forms)......... 12

III. National MLA structure ................................................................................................................ 14
   III.1 Ministry of Justice ..................................................................................................................... 14
       III.1.1 Organisation (HR and IT capacities) ................................................................................ 14
       III.1.2 Jurisdiction/tasks in international legal cooperation ....................................................... 16
       III.1.3 Practice, cooperation with other law enforcement agencies ........................................ 18
       III.1.4 Challenges/shortcomings ............................................................................................... 19
       III.1.5 Improvements/recommendations .................................................................................... 19
   III.2 Prosecution Offices and Courts ............................................................................................. 21
       III.2.1. Organisation (HR and IT capacities) .............................................................................. 21
       III.2.2. Jurisdiction/tasks in international legal cooperation ....................................................... 26
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>III.2.3</td>
<td>Practice, cooperation with other law enforcement agencies</td>
<td>28</td>
</tr>
<tr>
<td>III.2.4</td>
<td>Challenges/shortcomings</td>
<td>29</td>
</tr>
<tr>
<td>III.2.5</td>
<td>Improvements/recommendations</td>
<td>32</td>
</tr>
<tr>
<td>III.2.6</td>
<td>Courts</td>
<td>34</td>
</tr>
<tr>
<td>III.2.6.1</td>
<td>Organisation (Structure, HR and IT)</td>
<td>34</td>
</tr>
<tr>
<td>III.2.6.2</td>
<td>Responsibilities / tasks in international legal cooperation</td>
<td>37</td>
</tr>
<tr>
<td>III.2.6.3</td>
<td>Practice, cooperation with other law enforcement agencies</td>
<td>38</td>
</tr>
<tr>
<td>III.2.6.4</td>
<td>Challenges/shortcomings</td>
<td>38</td>
</tr>
<tr>
<td>III.2.6.5</td>
<td>Improvements/recommendations</td>
<td>38</td>
</tr>
<tr>
<td>III.3</td>
<td>Police</td>
<td>39</td>
</tr>
<tr>
<td>III.3.1</td>
<td>Organisation (HR and IT capacities)</td>
<td>39</td>
</tr>
<tr>
<td>III.3.2</td>
<td>Responsibilities/tasks in international legal cooperation</td>
<td>41</td>
</tr>
<tr>
<td>III.3.3</td>
<td>Practice, cooperation with other law enforcement agencies</td>
<td>45</td>
</tr>
<tr>
<td>III.3.4</td>
<td>Challenges/shortcomings</td>
<td>47</td>
</tr>
<tr>
<td>III.3.5</td>
<td>Improvements/recommendations</td>
<td>49</td>
</tr>
<tr>
<td>III.4</td>
<td>Other law enforcement authorities (Customs, Financial Police, FIU)</td>
<td>50</td>
</tr>
<tr>
<td>III.4.1</td>
<td>Customs</td>
<td>50</td>
</tr>
<tr>
<td>III.4.1.1</td>
<td>Organisation (HR and IT capacities)</td>
<td>50</td>
</tr>
<tr>
<td>III.4.1.2</td>
<td>Responsibilities/tasks in international legal cooperation</td>
<td>53</td>
</tr>
<tr>
<td>III.4.1.3</td>
<td>Practice, cooperation with other law enforcement agencies</td>
<td>55</td>
</tr>
<tr>
<td>III.4.1.4</td>
<td>Challenges/shortcomings</td>
<td>56</td>
</tr>
<tr>
<td>III.4.1.5</td>
<td>Improvements/recommendations</td>
<td>56</td>
</tr>
<tr>
<td>III.4.2</td>
<td>Financial Police</td>
<td>57</td>
</tr>
<tr>
<td>III.4.2.1</td>
<td>Organisational set up</td>
<td>57</td>
</tr>
</tbody>
</table>
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

III.4.2.2. Responsibilities/tasks in international legal cooperation ........................................59

III.4.2.3. Practice, cooperation with other law enforcement agencies ..................................60

III.4.2.4. Challenges/Shortcomings .....................................................................................61

III.4.2.5. Improvements/Recommendations ........................................................................62

III.4.3. Agency for financial intelligence ..............................................................................62

III.4.3.1. Organisation (HR and IT) .......................................................................................62

III.4.3.2. Responsibility in international cooperation ..............................................................64

III.4.3.3. Practice, cooperation with other law enforcement agencies ..................................65

III.4.3.4. Challenges/shortcomings .......................................................................................65

III.4.3.5. Improvements/recommendations ..........................................................................66

III.4.4. Agency for managing confiscated property ...............................................................66

IV. Processing MLA requests/working methods ..................................................................67

V. Statistical Data (MoJ, PPOs, Police) ...............................................................................70

VI General recommendations: ............................................................................................71

Ministry of Justice: ...............................................................................................................71

Public prosecution: ..............................................................................................................71

Courts: .................................................................................................................................72

Police: ....................................................................................................................................72

Customs: ...............................................................................................................................72

Financial Police: ....................................................................................................................73

Financial Intelligence Unit (FIU): ..........................................................................................73
I. Introduction/Background

This is an assessment report with main observations and recommendations for improvement in line with the terms of Activity II.1.1 of the action plan of the Project IPA 2014 “International Cooperation in Criminal Justice: The Prosecutors’ Network of the Western Balkans.” The duration of this project comprises of 35 Months: 19 November 2014 – 18 October 2017 and is implemented by the “Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH” in cooperation with the “Center for International Legal Cooperation (CILC)” and the “United Nations Office on Drugs and Crime (UNODC)”. The target countries are the Western Balkans, including Albania, Bosnia and Herzegovina, Former Yugoslav Republic of Macedonia, Kosovo, Montenegro and Serbia. The target groups of the beneficiaries are Public Prosecutors’ Offices, Ministries of Justice and other law enforcement agencies in all target countries.

The overall objective of the project is to prevent and combat serious and cross-border organized crime and linked corruption cases with cross-border implications, as well as to dismantle criminal organizations involved in illicit trafficking destined to the EU, in particular trafficking in firearms, drugs and human beings. Whereas specific objectives required by the contract refer to the strengthening the operational capacities of the prosecution offices in relation to investigation and prosecution of serious and cross-border organized crime.

I.1 Terms of reference

Component II: Strengthening of the institutional capacities, as well as coordination and cooperation mechanisms among beneficiaries to effectively prosecute and investigate serious and cross-border organised crimes, linked cases of illicit trafficking destined to the EU, in particular trafficking in firearms, drugs and human beings.

Activity II.1.1 Conduct an assessment with main observations and recommendations for improvements (Baseline and guidance throughout the entire project).

Description of the Action
EU MS seconded prosecutors, possibly supported by STEs, prepare comprehensive assessment reports, based on the case-flow in actual prosecution files and elaborate recommendations for organisational and procedural improvements. In preparing the assessment, they will also analyse the process of how the judgement is finally handed down and they will make recommendations on legislation, investigation, prosecution and make solutions in line with European standards.

**Expected Outputs**

- Six comprehensive assessment reports with recommendations for improvements.

### I.2 Study procedure/process of preparation of the assessment reports

This report takes into consideration outputs of the IPA 2010 project on “Strengthening the Prosecutors’ network in the WB” and field visits of the Macedonian team carried out during the IPA 2010 and the current IPA 2014 project, and results in an overview of the present situation, developments and future strategic tendencies of the relevant authorities in processing MLA requests. The data presented have been recorded by different methodologies, i.e.: data transmitted by the relevant authorities upon request; e-mail exchange with stakeholders as to particular issues; interviews conducted during the timespan of the IPA 2010 and IPA 2014 projects; extensive desk research for data which were not available on the official web sites of stakeholders etc.

Nevertheless, it has to be noted that the information presented in this baseline study might not be complete and needs additional input. This had been foreseen to be fulfilled during the national round table envisaged to take place beginning of April 2016, when the stakeholders will propose their recommendations, remarks and concerns, and later the assessment to be finalised during the MLA workshop planned for the end of April 2016 in Munich.

### I.3 Membership in relevant international association/bodies/organisations

The Macedonian authorities are members of: EUROJUST; EUROPOL; INTERPOL; SELEC/SEEPAG; the Western Balkans prosecutorial Network, ILECU. (Please see explanations related to the respective stakeholders below.)
I.4 Reference, literature

Please see the Annex: Reference literature, attached at the end of the document
II. Legal framework

For details as to the legal acts applicable in this field, the IPA 2010 Project on organised crime and corruption: Prosecutors network of the WB had compiled all relevant legal texts and provided an overview of the relevant authorities involved in international cooperation in criminal justice. This so called Compendium is going to be updated soon. It is accessible through the following web site (http://pn.datheca.com), or as Annex: Compendium attached at the end of this report.

II.1 Short resume of findings in Prof. Klip report

The general recommendations contained in this report highlight the following:

- the legislation on mutual legal assistance in criminal matter in Macedonia is generally up to date, consistent and inherently logical
- the degree of ratification of relevant international treaties is very high
- minor amendments to the national legislation reflecting the reservations made to some conventions need to be made
- recommendation for ratification of the 4th additional protocol of the Convention on extradition
- the so called “name issue” is a matter of concern
- the inclusion of an article related to the International Court of Justice and the European Court on Human Rights might raise confusion as they do not deal with criminal proceedings directly
- the terminology used to differentiate different assistance matters through the terms letter rogatory and request might raise questions for consideration
- evaluation of the division of tasks in international cooperation across different ministries and law enforcement agencies should be a goal in near future

strengthen the language capacities of the employees in the international cooperation departments

II.1 National legal framework

The national legal framework shaping the international cooperation in criminal matters is based on several directly applicable laws, as it is the practice in most countries. The two main laws are the Law on international legal cooperation (MLA Law) and the Law on criminal procedure (LCP). Both of these laws - although enacted by the Assembly in 2010 - due to the *vacatio legis* have only recently entered into force (December 2013). Consequently, practice is still missing and forthcoming amendments and changes as well as alignments among these laws and other relevant legal acts are expected in the near future. In addition, the publication of a Manual on MLA developed by the public prosecutors is expected, which will outline the legal framework regarding international cooperation in criminal justice in the country. However, as other relevant actors in the preparation of this manual have not been included, the aforementioned Manual might not be complete and worth bridging the gap in future.

The current project (IPA 2014) had developed a Manual for outgoing requests for international judicial cooperation in criminal matters (for Macedonia) which is yet to be disseminated with the beneficiary for input. However, this Manual although descriptive and extensive in character, can be a useful tool for in-depth learning and further developing practical tools. This Manual was prepared for a few countries in the region, that being Macedonia, Bosnia and Montenegro.

The Report also includes sublegal framework (where available) that is currently applicable for the relevant institutions for the purpose of assessing their working capacities and possibilities to perform the tasks related to international cooperation in criminal matters. As a rule, the sublegal framework outlining the human resource and the capacities foreseen, rarely reflects the actual situation on the ground where the filed actors perform. Therefore, the scarce capacities of the majority of the institutions directly affect the performance of the officers working in the field and the possibilities for improvements.

Nevertheless, the MLA and the LCP together with the wide spectrum of ratified international and regional instruments, as well as together with bilateral agreements and memoranda for
cooperation provide a solid ground for a vital international cooperation in criminal matters. Related to the EU regulations, Macedonia in plenty of cases has already aligned its legal framework. However the full alignment with the EU regulations applicable has still to be achieved, which is pending due to the process regarding the membership to the EU.  

II.2 Current legislative developments

As of 2007, the Ministry of Justice developed the criminal legislation into a substantially different direction; with the adoption of the Strategy for reform of the criminal legislature an adversarial system was introduced and the lead of investigation was transferred to the prosecutor. The Law on criminal procedure was changed. In line a new law was originated – the Law on international cooperation in criminal matters, which entered into force jointly with the Law on criminal procedure at the end of 2013. Correspondingly the Criminal Code, which previously had ruled the issue of international cooperation in criminal matters, was amended as well and no longer ruled the topic, which was enacted into the separate legal act mentioned before.

Having in mind the substantial chances of the public prosecution service, new EU assistance aims specifically on the strengthening of the capacities of the public prosecution. With support of the EU through IPA funds, the Ministry of Justice is about to develop a new Strategy for the judiciary for the period of 2016 – 2020. Its draft version foresees the strengthening of the capacities of the law enforcement institutions, and their inter- and intra-cooperation. Nevertheless, the final document and the results are yet to be delivered.

Furthermore, improvements and changes in the police are expected through the newly developed Police development strategy for the period 2016 – 2020: “Further institution and capacity building of the police service (FICB PS) in the area of border management, community policing and fight against organized crime”.

---

2 Association for Development Initiatives “Zenith” and Prof. Dr. Gordana L. Buzarovska, Judicial cooperation in criminal matters and alignment with the EU acquis - State of play and future steps / Assessment of Macedonia’s legal alignment with the European Union acquis, December 2013

Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

In the arena of money laundering, the National strategy for prevention of money laundering and financing of terrorism (2012-2014) still is active, but also at the moment the new Strategy is under preparation and is expected to be completed in 2016.

In the framework of the Customs Administration, several strategic documents⁴ make their policies transparent: among others the Strategy for integrity in combating corruption in the Customs Administration in RM (2015 – 2018) and the Strategic plan of the Customs Administration 2014 – 2016.

II.3 Secondary legislation (Guidelines, Manuals, Handbook, Templates/Standard Forms)

Regarding the secondary legislation in the international cooperation in criminal matter, the Ministry of Justice is currently commencing the Light Twinning Project "Strengthening the judicial cooperation in civil and criminal matters", with its overall objective to strengthen the capacities of the Ministry of Justice, the public prosecution, the courts and other relevant stakeholders in the field of mutual legal assistance. Within the framework of this Twinning the Ministry of Justice will develop manuals/handbooks with templates for mutual legal requests in criminal and civil matters. In addition, a review of the relevant sublegal framework will result in providing recommendations for improvement or development of the respective legal framework on MLA.

Through OSCE support the public prosecutors have developed a Handbook on MLA which also includes templates. This manual was promoted but not yet shared with the public, which is foreseen for April 2016, so it is difficult to reflect on the content of the same. Nevertheless, the handbook is expected to be a useful tool for the everyday use of prosecutors as it provides description and/or commentary to the articles contained in the law on international cooperation in criminal matters.

With EU support the Ministry of Interior, in November 2014, developed a Guideline for criminal investigation and manner of handling criminal groups. The guideline has a chapter dedicated to intra-national and international cooperation with other agencies in the fight of cross border

Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

crime. In addition, with the new Strategy for development of the police 2016 – 2020⁵, additional input will be provided in this field as well.

Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

III. National MLA structure

The national MLA structure in Macedonia resembles the structures of all the countries whose framework is based on the internationally ratified treaties in the field. The Ministry of Justice is the Central authority for the transmission of outgoing and incoming MLA requests and the decision in specifically indicated cases; the public prosecution of the Republic of Macedonia and the Courts, and the supporting law enforcement agencies are referred as national authorities.

III.1. Ministry of Justice

III.1.1 Organisation (HR and IT capacities)

The Ministry of Justice (MoJ) is the Central authority for the purpose of cooperation in international criminal matters and for processing the formal mutual legal assistance in the country. In its capacity as Central authority the MoJ formally reviews all incoming requests for international assistance in criminal matters in order to establish whether they qualify for execution (under international criminal law). It is the filtering body for incoming and outgoing requests for mutual legal assistance, for extraditions and for transfer of sentenced persons. Even if the possibility for direct communication and information exchange among the relevant authorities (e.g. investigative authorities) is existent and – in practice only infrequently - used, according to the law 6 copies of the documents have to be sent to MoJ for information purposes as MoJ is also responsible for collecting information on international cases for statistical purposes.

According to its structure the Macedonian MoJ has a specifically designed Sector of international legal assistance which performs this task on behalf of the Minister. This Sector is composed of 2 departments - the department for extradition and transfer of sentenced persons, and the department for requests in criminal and civil matters - and is responsible for international legal assistance both in criminal and civil matters and for the preparation of

6 Law on international cooperation in criminal matters, Official gazette No.124/2010, art.6
7 Rulebook on the Internal organisation of the Ministry of Justice of the RM, April 2014, art. 11
bilateral agreements in this segment as well as for extraditions and transfers of sentenced persons.

HR and IT.

The Act on systematisation of the working positions within the MoJ\(^8\) determines the human resources for this sector as 20 persons not including supporting and administrative staff affiliated to the sector:

- One State advisor on international legal assistance is given an advisory role as to the most important issues arising from the international legal assistance in criminal and in civil matters (i.e. extraditions, transfer of sentenced persons, reciprocity issues, recognition of foreign judgements according the bilateral and multilateral treaties etc.). S/he is directly responsible to the Minister and the State secretary of the MoJ.
- One Head of the Sector for international legal assistance, and one Deputy Head of Sector for international legal assistance (place vacant)
- two Heads of departments, one for the department for extraditions and transfer of convicted (place vacant) and two advisors in this department (places vacant)

However, currently the position of the State advisor is not filled and the Sector counts 12 employees in total. Additional supporting administrative staff is present, but not employed and only affiliated on a temporary basis. Additional 4 employees lead the archive of the Sector but are not counted in the number of 20 persons envisaged by the Act on systematization (joint services)

IT capacities are not sufficient. The staff working in the sector are equipped with PCs and printers of modest character, which slows down the performance of the staff: 11 computers (from 2007, some a bit newer), 2 lap tops, 8 printers, 1 scanner. A case management system is not available. For management purposes a document management system (DMS) provides limited possibilities. It allows to scan papers and make electronically inputs regarding the cases. It records the incoming and outgoing papers (cases) and the responsible person. This data base cannot be filled with more data to get a detailed overview of the case and to generate statistics. The DMS provides only info on the movement of documents within the sector:

\(^8\) Act edited in April 2014
In the archive the papers are scanned and forwarded to the Head of the sector, who decides which case will remain in the responsibility of her/his domain, and which case is distributed to the Head of the departments (for civil and for criminal matters), who after this disseminate the case to an officer to conduct the required activities. When they are finished the chain goes the other way round: the officers end the file to the head of the departments, who after send it to the Head of Sector for final verification. At the end the Head of sector sends the file to the archive where it is stamped and disseminated to the relevant authority.

Staff directly working on cases took own initiatives and created additional excel tables to facilitate operative capacities and statistics. These as well are of limited character.

**III.1.2 Jurisdiction/tasks in international legal cooperation**

The MoJ is the designated authority for international cooperation in criminal matters. It is referred to as the Central authority, or the relevant National authority with the task to transmit requests for mutual legal assistance (further in the text MLA) and requests for international cooperation in criminal matters. It is the formal link between the national institutions when it comes to the issues of extradition, transfer of convicted persons; the communication link for nationals and foreigners who are serving imprisonment sentences in the country or abroad; the information link for detained foreigners, for approving visits as well as for information regarding detained (remanded) nationals abroad. In this role the MoJ is the contact authority for linking the appropriate institutions.

The MoJ does not play a relevant, decisive role in criminal proceedings on national level. In fact, the MoJ is the filtering body for the communication among the authorities of countries involved in international legal assistance. Thus, for the sake of validity as evidence in front of the court, it is still common practice to involve the MoJ and provide the MoJ with the relevant exchanged documents, files etc., and even in cases when direct communication among judicial authorities is possible, when communication is linked through INTERPOL or when the

---

9 Law on international cooperation in criminal matters, art.5
10 Ibid.art.6
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

diplomatic channel is used.\textsuperscript{11} Also the relevant authorities send requests officially via the MoJ, because they do not have sufficient knowledge of international cooperation in criminal matters when executing requests for international assistance and are not aware of the fact, that direct communication gains more and more importance and is becoming common practice, initially based on the Second additional protocol to the European convention on mutual assistance in criminal matters (1959).

However, there are countries whose legal system requires communication exclusively to be performed through the respective MoJs.\textsuperscript{12} Thus, this does not interdict direct communication among the practicing authorities. In cases of extradition, the MoJ acts as the Central authority and must in any circumstance possess all documents related to the foreseen extradition. The main role of the Ministry in this field of extradition, beside the operational organisation of the transfer, is the decision of the Minister of Justice to (dis-) approve the extradition in cases provided by Law on international cooperation in criminal matters (further in the text referred as MLA Law).\textsuperscript{13}

The MoJ unfortunately does neither have a proper advisory nor a coordinative role in the whole spectrum of MLA. Moreover, the MoJ is not considered by practitioners in the field to assume such a role. However, the necessity for this is quite apparent. Despite the tasks arising from the capacity as Central authority, the MoJ should be able to provide advice to courts, and the PPOs with regard to dealing with (legally) complicated cases of international assistance in criminal matters and to make decisions in which form the cooperation with foreign countries should be performed, for cases that are politically sensitive. Moreover, it is advisable that the MoJ has also an advisory role for the other departments in the Ministry: for instance in connection with the implementation of EU regulations, the development of new legislation and (ministerial) consultations with chain partners and representatives of other states.

\textsuperscript{11} Ibid.

\textsuperscript{12} For example, UK and Ireland have the requirement that the communication has to be channelled through the respective Central authorities: The Home offices for UK [https://www.gov.uk/guidance/mutual-legal-assistance-mla-requests]; and the Ministry of Justice for Ireland [http://www.justice.ie/en/JELR/Guide\%20to\%20Irish\%20Law\%20and\%20Procedures\%20Mutual\%20legal\%20Assistance\%20in\%20Criminal\%20Matters.pdf]

\textsuperscript{13} Law on international cooperation in criminal matters, art.66-71
The MoJ has a designated contact person for communication with EUROJUST. On the basis of the signed agreement with EUROJUST, Macedonia had appointed two contact persons, one from the MoJ and one from the Basic public prosecution on organised crime. The PPO on organised crime for certain types of cases (i.e. cross border observations, controlled deliveries and covert investigations) is the designated judicial authority for MLA as well.\(^{14}\)

The MoJ has signed plenty of international, regional, and bilateral agreements with foreign countries which are a base for enhanced cooperation. In the field of international cooperation agreements in criminal matters have been signed with: Slovenia, Romania, Bulgaria, Turkey Ukraine, Serbia, Kosovo, Albania, Bosnia, Montenegro, and Croatia. Currently the MoJ is working on an agreement with Italy.

**III.1.3. Practice, cooperation with other law enforcement agencies**

Since requests are reviewed for practical feasibility by the courts and as to whether they qualify for execution by the public prosecutor, the MoJ frequently cooperates in performing its obligations with these institutions and in addition with the Ministry of Interior, and the Prison Administration.

According to the Ministry, cooperation with basic public prosecution offices is good, whereas cooperation with the courts is more complicated because of their horizontal organisational structure.

The MoJ is aware of the fact that in general outgoing requests for international assistance in criminal matters originated from the local public prosecution offices (PPOs) and courts lack in quality. Therefore an improved review of the contents of these request and a better knowledge in the field of international cooperation in criminal matters of the national authorities are desirable. However, recently had been noticed that the younger public prosecutors take initiative and seek advice from the MoJ more frequently, e.g. for contact information, legal questions etc.\(^{15}\)

\(^{14}\) On the basis of the requirement of the Second additional protocol to the european convention for mutal assistance in criminal matters/Macedonian declaration

\(^{15}\) Conversation with representative from the MLA department in MoJ, 15th february 2016.
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

The use of standards and templates could contribute to an enhancement of the quality of such requests (with the consequence that foreign authorities will refuse the requests less often). Also the quality of translations accompanying such requests is not always satisfying.

III.1.4. Challenges/shortcomings

- High workload
- Seriously limited human resources and capacities
- Lack of professional staff in the sector
- Lack of personnel to ensure the foreseen advisory/education role for the assistance of judges and public prosecutors
- Insufficient assurance of knowledge and experience within the organisation
- Insufficient administrative support for the proper performance of tasks
- Inadequate knowledge of foreign languages
- Lack of translators
- Limited IT support for the proper performance of tasks
- Missing electronic case management system for adequate handling of MLA and generating reliable statistics
- Difficulties regarding extraditions as there are hardly direct flights available

III.1.5. Improvements/recommendations

- Highly recommended is the setup of an expertise centre which would provide legal and other type of advice to courts, PPOs and other departments of the ministry and other agencies
- Guidance with respect to outgoing requests (if needed)
- Amendment of MLA law (see Prof. Klip Report: Amendments of ratifications, reservations and declarations as to international conventions; make declaration made to the Second additional protocol to the European convention on mutual assistance in criminal matters (2nd Protocol) applicable to other CoE conventions, withdraw reservation to Art. 16 of the 2nd protocol, ratify 4th add. Protocol on Extradition, bring requirements concerning
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

requested language of various treaties and the national legislation in harmony and limit the number of language versions to the national and ONE foreign language, new declaration to the non/extradition of nationals as to the European Convention on Extradition (ECoE), withdraw reservation to Art.12 of ECoE etc.)

- Development of a secondary legislation as to MLA Law to ensure uniformed method/system for administration and execution of requests applicable to all authorities involved
- Developing MLA Guidelines, Manuals, Handbooks, Templates, standard Forms etc. (foreseen in upcoming Twinning light)
- Memoranda of understanding with countries of stopover (Austria, Croatia, Slovenia, Turkey) in cases of extradition to facilitate security and accelerate the transfers
- 24/7 service for MLA (congruent with PPO) to improve the cooperation between the MoJ and PPO service, especially in urgent cases.
- Direct communication between the department for international cooperation within the PPO RM as to the referral of the international requests for legal aid and determining the appropriate jurisdiction
- Professional translation of the MLA law of Macedonia in English as the current version is of poor quality and may lead to confusion in international contexts
- Installation of case management system for an adequate handling of MLA (LURIS is foreseen)
- Linking the LURIS with the other electronic system, namely of the Courts (AKMIS) and the system at the public prosecution.
- Registering (reports, statistic)
- Tracking/monitoring system (assistance, execution of MLA requests)
- Development of writing tools (MLA requests and other documents (in different languages)
- Upgrade IT equipment
- Reorganising the Sector for international legal assistance for better use of available capacities and more efficient performance with clear division of the departments for civil, criminal matters and department for international and bilateral agreements
- Further development of the systematisation of work places which would reflect the needs of the departments for criminal matter and civil matter.
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

- Enhancing the HR and capacities
- Enhancement of professionalism of staff (trainings)
- MLA trainings (content and form related, legal systems abroad)
- Language classes (English, German)
- Arrangement for continuity and career opportunities for the staff (i.e. experienced employees in MLA with knowledge of foreign languages as well as extensive language and communication skills)

III.2 Prosecution Offices and Courts

The new Law on criminal procedure (LCP)¹⁶ (effective as of the end of 2013) changed the criminal/penal system in Macedonia. The reform altered the modus operandi and the nature of the work of the prosecutors and changed the interaction between the law enforcement institutions involved in the criminal procedure. The main amendment of the law is the shift from the investigative judge to the public prosecutor regarding the responsibility as to the investigating procedure. Now the public prosecutor will solely lead the criminal investigation. S/he will be assisted by the judicial police composed out of experts/investigators from the Ministry of internal affairs, i.e. the Police, the Financial Police and the Customs Administration. The law also foresees the establishment of Investigative centers in one or more public prosecutors offices.

III.2.1. Organisation (HR and IT capacities)

The main legal framework of the Public prosecution is the Law on public prosecution¹⁷ and the Law on public prosecutor’s council¹⁸. The Public prosecution office of the Republic of Macedonia (further in the text: State PPO)¹⁹ in Skopje is on top of the hierarchy. This office led by the State public prosecutor acts at the level of the Supreme Court, brings a case to the

---

¹⁶ Law on criminal procedure, Official gazette No.150/2010
¹⁷ Law on public prosecution, Official gazette No. 150/2007, 111/2008
¹⁸ Law on public prosecutors council, Official gazette No.15/2007, 100/2011
¹⁹ Please also see Annex – organogram of the PPO
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

constitutional court concerning its constitutionality and legality, plays a part in international cooperation\textsuperscript{20} and carries out managerial functions.

In addition to the State public prosecutor, eight deputy prosecutors work in the office. The State PPO is composed of three departments: the criminal department, the civil department and the department for international cooperation\textsuperscript{21}. In this office an IT-case- management and case-tracking-system has been recently installed. According to information, from the State PPO the installation of the aforementioned IT-system is ongoing and it is expected that very soon all prosecution offices in the country will be interconnected. At the moment two IT officers support the entire prosecutorial network in the country (28 PPOs). We kindly advise you to also see the official information from the State PPO Annexed 4 – the most resent information from the State PPO outlining the changes and the development related to the organisation, human resources and the IT capacities.

Despite the increase of responsibilities for the public prosecution service by the new LCP, its total budget has been cut: from 7.19 million Euros for 2014, to 6.97 million Euros for 2015. In addition, the resources allocated for implementing the new LCP\textsuperscript{22} were reduced by 20 %; from 1.8 million in 2014 to 1.4 million EUR for 2015.\textsuperscript{23} Such budget restrictions might hamper the full realisation of the requests arising from the new LCP. There was also increase in number of employees in the PPO, from 412 employees in 2014, to 448 employees in 2015. (Also see Annex 4)

**High Public Prosecutions** (\textit{further in the text: Higher PPO}) are attached to the corresponding appellate courts. Accordingly, there are 4 Higher PPOs in Skopje, Gostivar, Bitola and Stip. In general the Higher PPO acts before the Appellate Court and is part of the international cooperation in the second instance of proceedings.

\begin{itemize}
\item Law on public prosecution, art.36, within the framework of the international agreements, the State PPO establishes direct cooperation with the Public Prosecution Offices in other countries, especially in the field of prevention and prosecution of organized crime and other serious types of crime, through direct exchange of data, close cooperation, education, specialization of personnel and other forms of cooperation
\item Rulebook on internal organisation of the public prosecution, 2010, art.13
\item Law on criminal procedure, Official gazette No.150/2010
\end{itemize}
Basic Public Prosecution office for organised crime and corruption (further in the text PPO on organised crime) based in Skopje is responsible for cases involving serious and organized crime and corruption and has jurisdiction over the whole country. It has two main departments: one for trafficking in drugs, weapons, human beings and migrants, and the other one for economic and financial crimes. Each one is led by a public prosecutor from the office.

The PPO on organized crime brings an action to the Department on organised crime and corruption in the Basic Court Skopje 1.

Registry. The PPO on organised crime receives cases with a component of MLA/international cooperation either from the MoJ, the MoJ, from other PPOs or directly from foreign counterparts. Each case with an international component is registered in two manners: The cases for international cooperation in general, for which according to Art. 5 MLA Law, “a request for international assistance” is needed (transfer of proceedings and judgement, and extraditions) have a file reference AM; the MLA cases, which according to Art. 5 MLA Law require a “letter rogatory” a reference KO MP. However, this is according to the Rulebook of the PPO. In practice, the prosecution offices register the MLA cases as part of their usually used registries. When the case is received at the archive of the office, it is registered in two manners: in the so called RO registers (a variety of cases are registered there, sometimes there is not yet a formal criminal report or the case is at an early stage of development) or in the KO registry (then a criminal report is submitted and the case is already at an advanced (pre)investigation phase). The MLA cases are usually registered in the RO registry; later on when or if they develop they...

24 Criminal Code of the RM, Official gazette No.19/04 (used is the English version of the consolidated text with the amendments from 2004, 2006, 2008 and September 2009). The PPO on organised crime has jurisdiction over criminal offences committed by a structured group of three or more individuals, criminal offences committed by a structured group or a criminal enterprise in the country or abroad, or in instances when the crime was organised or planned in the country or abroad; criminal offences of misuse of official position and authority under art. 353, paragraph (5), accepting bribes of a significant value under art. 357 and illegal mediation under art. 359, committed by an elected or an appointed official, authorised person or responsible person in a legal entity; and criminal offences of unauthorised production and trade in narcotic drugs, psychotropic substances and precursors under art. 215, paragraph (2), money laundering and other proceeds of a punishable act of a greater value under art. 273, terrorist endangerment of the constitutional order and security under art. 313, giving bribes of a significant value under art. 358, unlawful influence on witnesses under art. 368–a, paragraph (3), criminal enterprising under art. 394, terrorist organizations under art. 394–a, terrorism under art. 394–b, criminal offences of human trafficking under art. 418–a, criminal offences of smuggling of migrants under art. 418–b, trafficking of juveniles under art. 418–d and the rest of the criminal offences against humanity and international law from the Criminal Code, irrespective of the number of perpetrators.
are included in the KO registry. It has been mentioned that soon a separate registry for MLA cases will be introduced.

Referral. Within the PPO on organized crime no special prosecutor has been appointed or designated with tasks or duties in regard to international legal cooperation and MLA. These respective cases are always referred to the prosecutor on duty. Consequently all of these cases can be examined by the majority of the public prosecutors from this office being more or less specialized in MLA/ international legal cooperation. Also letters rogatory are handled this way, both incoming and outgoing. In special situations the Head of the PPO on organized crime (The Basic Public prosecutor) assigns by discretionary authority a case because of its complexity, urgency and the skills required for the case to a particular prosecutor.
Whenever a PPO, namely one with extended jurisdiction\(^\text{25}\), receives a case – from the MoJ or other sources - and considers that the case is not within its jurisdiction it transfers the case directly to the appropriate PPO. If the receiving PPO is of the opinion that it also does not have jurisdiction, it sends the case to the State PPO who deals with the conflict of jurisdictions, and decides finally.
Regardless, if the MoJ or another body sends a case to a PPO with inadequate jurisdiction, it takes time until the case reaches the appropriate office. A centralized and coordinating office, managing all MLA and international cooperation cases, would speed up the process and avoid time lags. The State PPO has the legal possibility to set up such specialized department.

HR & IT. The PPO on organized crime fulfills the criteria of the act on systematization and consists of 12 public prosecutors (11 public prosecutors and the basic public prosecutor) though, out of 16 foreseen legal associates, who have to work with the prosecutors on cases, only 10/11 are present. The PPO on organized crime is so far the only office which has established an investigative center as required by the

\(^{25}\) Please see below as to the PPOs with extended jurisdiction
LCP. However, at the moment only one customs inspector and three assistants with a legal background are supporting this center. The approximate number of staff including the administrative and technical staff makes the office of about 42 employees. The PPO on organized crime is provided with the necessary IT equipment, but has still not installed the case management and case tracking system. Currently everything is done manually and electronically by an electronic registry and electronically recorded referral which is of modest capacity. This electronic data base is a rather static data base and does not provide a working station for each public prosecutor to work on the files. Three rooms in the office are equipped with an audio-video recording system for interrogations, one room with a video-conferencing system. All prosecutors have official mobile phones.

The Basic public prosecution offices (further in the text: Basic PPO) are acting in front of the corresponding Basic Courts in first instance proceedings. 22 offices exist throughout the country.

Basic public prosecution offices with extended jurisdiction
12 of the Basic PPOs bring action in front of courts with extended jurisdiction. These PPOs mirror the establishment of the courts with extended jurisdiction and are situated in Bitola, Gostivar, Kocani, Kumanovo, Ohrid, Prilep, Skopje, Stip, Strumica, Tetovo, Gostivar, and Veles. The jurisdiction of these offices is basic, but extended to act also on cases punishable with up to 5 years of imprisonment, deal with international legal cooperation and assistance, implement extraditions and other authorizations as well.

From the visits of all these offices it was noted that: no structure of handling MLA cases is existent; the number of MLA cases they are dealing with is rather low; and the majority of cases are related to the so called minor MLA and extraditions. Sometimes these offices have to handle cases they do not have jurisdiction of, because the case was not sent to the appropriate...
office from the very beginning. However, their activities in this field are of moderate character. Their HR and IT equipment were of extremely modest character. For more details as to the situation in these offices and of the changes that occurred in a meantime (from the moment of conducting the field visits) please find more in-depth information at the end of this report in Annex 4: PPO with extended jurisdiction.

III.2.2. Jurisdiction/tasks in international legal cooperation

A precondition for international cooperation in criminal matters is the harmonization of the criminal legislation of Macedonia with the one existent in the EU. No total adaption of the legislation is required, yet the domestic legal framework should provide possibilities and mechanisms to facilitate and foster international judicial cooperation. In this context, Macedonia has signed the majority of relevant UN and CoE instruments which are applicable for the status of the country. In addition, also a range of Memoranda of Understanding and Agreements for Cooperation are existent, which add the purpose of facilitating and specifying international legal cooperation. Also, the level of regional and bilateral agreements is far-reaching.

Despite these legal instruments, the PPO has signed specific Memoranda of understanding or cooperation with other prosecution offices in order to allow for easier and more specific related international cooperation in criminal matters.

The Macedonian PPO is rather active in international, regional and bilateral cooperation. As of 2003 Macedonia is member of SEEPAG established to facilitate judicial cooperation in significant trans-border crime investigations and cases. In addition, since 2006 Macedonia is a member of the Western Balkans prosecutorial network. From the countries of the (so called) Western Balkan, Macedonia is the only country that has signed in 2010 an operational and

32 Please see the Annex: PPO with extended jurisdiction
33 Please find attached the list of ratified instruments and signed MoUs.
34 Please see Annex 4: PPO with extended jurisdiction - of MoU signed on Prosecutorial level.
35 South East Europe Prosecutors Advisory Group
36 http://www.seepag.info
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

strategic agreement with EUROJUST\textsuperscript{38}. A representative from Macedonia is not present within EUROJUST – only a national contact point in Macedonia is existent – and a Macedonian desk is not yet established to deepen the cooperation with EUROJUST. Neither Macedonia has yet assigned a contact point for the European Judicial Network (EJN).\textsuperscript{39} Especially the PPO on organized crime has an intensive and dynamic cooperation with foreign police liaison officers based in the country or abroad which stimulates and facilitates even more the international cooperation.

The department responsible for international cooperation within the PPO of RM, which should be the coordinating body for international cooperation and which should also have an advisory role for the national prosecution service, is still not functioning and managed as such despite the fact of the existent legal basis. Though, according to the Rulebook it has been envisaged that a public prosecutor shall be managing such department.\textsuperscript{40}

The PPOs with extended jurisdiction are also part of this scheme. The law gives them the legal basis to play an active role in international cooperation and MLA. However, from the aforementioned description of their activities in this area it shows their role is rather limited. Every PPO with extended jurisdiction acts on very few cases only and does not practice direct communication with colleagues abroad. They rely on the police contacts and on the MoJ for the formal processing of MLA. Moreover, a systematic knowledge about the international framework of MLA is lacking and it was highlighted by the practitioners as well. All this leads to obstacles, delays and lengthy procedures despite the urgency in some cases. The PPOs with extended jurisdiction at the moment remain a rather passive actor in the overall system.

From all basic prosecution offices, besides the basic PPO Skopje, the Basic PPO on organized crime has the most dynamic international cooperation experience. This is a logical consequence as the crime cases they are dealing with most often have a cross border character and urge the PPO on organised crime to deal with foreign colleagues. The most frequent is the cooperation with the Balkan states, but also Austria, Germany and the

\textsuperscript{38} \url{http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/agreements/Agreement%20on%20cooperation%20between%20Eurojust%20and%20the%20former%20Yugoslav%20Republic%20of%20Macedonia%20%282008%29/Eurojust-fYROM-2008-11-28-EN.pdf}

\textsuperscript{39} \url{http://www.ejnforum.eu/cp/network-atlas}

\textsuperscript{40} Rulebook on internal organisation of the public prosecution, 2010, art. 19
Netherlands. However, also contacts to other countries are often needed. The prosecutors in the PPO on organized crime often use direct contacts with their colleagues abroad, if envisaged by legal means or if speed is required; in such case the initial communication is via email or phone contact and later on everything is formalized through the MoJ by sending the necessary documents through official channels. Also, in urgent cases they often use the ILECU (INERPOL) contact point. The direct communication is also envisaged according to art.36 of the Law on public prosecution.

III.2.3. Practice, cooperation with other law enforcement agencies

For the purpose of interconnection with other authorities, the LCP foresees the establishment of investigative centers and a judicial police. The judicial police shall be composed of members of the Financial Police, Customs Administration and police forces from the MoI and shall be seconded to investigative centers in the public prosecution offices. These inspectors shall serve as a link to the corresponding institutions, namely Financial Police, customs and MoI as art.32 of the Law on PPO foresees that the public prosecutor coordinates the cooperation with all other state institutions and legal entities for those issues, which are important for the prosecutorial function and for the detection of criminal offences and their perpetrators. An additional link among the relevant actors is the financial intelligence unit.

To initiate a better coordination the authorities have also signed memoranda and protocols for cooperation. However, these formal agreements for cooperation are not sufficient to ensure the full authority of the public prosecutor in view of leading and coordinating the criminal investigations.

For the execution of certain incoming requests, PPOs need the permission of the court. In the frame of international legal assistance they cooperate with the designated preliminary procedure judge. Extraditions, the transfers of proceedings and executions of sentences go

---

41 According the Second additional protocol to the CoE Convention on MLA, art.4 allows direct communication and direct referral of requests to foreign judicial authorities. However, there is a different practice among the national PPOs. One of the possible confusions might be that Macedonia had made a declaration to the art.4/8b,9 of the Second protocol indicating that the Ministry of Justice is the competent judicial authority; and that if telecommunication is used as means of communication later a postal delivery is necessary (through the Ministry of Justice)

42 Please see in annex the list of Protocols and MoUs signed among the institutions

43 Law on criminal procedure, art.294/6, Competencies of the preliminary procedure judge
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

via the MoJ as the Central authority for MLA. The MoJ in any case must always be informed and sent a copy of the legal request. The main contact within the police is the Sector for International police cooperation, the ILECU (International law enforcement cooperation unit) contact point.

According to our information the cooperation with the judges runs well. The cooperation with the MoJ sometimes is rather slow, may be due to the overload of the MoJ and the fact that it does not operate on a 24/7 basis, which hampers prompt responses and actions needed in international cooperation. In addition it has been noticed that some public prosecutors do not consider the MoJ as relevant body to provide legal advice. Nevertheless the recent developments show that the younger public prosecutors might change this practices as their communication with the MoJ on these matters shows rather different and more intensified dynamics, meaning communication and cooperation.

Another obstacle faced by the authorities is the absence of electronic interconnection between PPOs/police and between PPOs /courts, which would facilitate and speed up the information exchange and communication.

III.2.4. Challenges/shortcomings

Organizational structure

- Absence of a strong and dedicated body/department at the level of the PPO of RM as coordinator, tool for the overall management of international cooperation and MLA cases and panel for assistance/ guidance of the other PPOs;
- Difficult management of MLA cases in general, especially for the PPO with extended jurisdiction due to lack of information, contacts and proper guidance regarding MLA cases;
- Inefficient/double administration of requests for international assistance in criminal matters by different authorities.
- Legal uncertainty among the practitioners due to the absence of a unified legal practice in the area of MLA;
- Investigative centers are not functioning: even if the process to set up these centers started with the formal establishment of one investigative center within the PPO on organized crime, it still needs further encouragement regarding the set-up of the missing
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

centers and their equipment to make them fully functioning. This requires the employment, seconding and training of personnel to/of these offices. In addition, these centers need to be organized, managed and coordinated to become a fully efficient support to the public prosecution service. Incorporated in such an organizational set up should be a revision of the current legislation and the preparation of the secondary legislation, guidelines and manuals to enable the implementation of these centers in practice.

*Human resources & IT*

- Human resources are lacking in the majority of PPOs. Additional prosecutors and qualified assistance as foreseen in the respective organizational chart of the particular office must be allocated;
- Information and communication technology. The current situation inhibits the public prosecutors to perform their general overall duties. Insufficient administrative and ICT support for the proper performance of tasks may result in some offices in high workload or even backlogs.
- Substandard IT systems in some PPOs as well as inadequate IT support for all PPOs cause difficulties to use even the available IT infrastructure. From this deficiency obstacles for the new case management and case tracking system will arise once it becomes operational in all PPOs. It is crucial to employ more IT staff, install licensed and highly secure software for all offices.
- Difficulty to keep track of all cases with international cooperation and MLA component due to the manually recording of the cases in the paper registries.
- Insufficient knowledge and experience of prosecutors in the field of MLA when executing requests for international assistance in criminal matter.
- According to MoJ, the quality of the execution of incoming requests by local public prosecutors and their own outgoing requests for international assistance still need improvement.
- Absence of MLA Handbooks, Manuals, and guidelines for MLA, which according to the prosecutors should be provided by a Higher Prosecution Office.
- Insufficient assurance of knowledge and experience within the PPO organization.
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

➢ There is limited knowledge of foreign languages, particularly of English; the recent changes in the legislation require profound English skills (mainly for leading positions). However, in the field of MLA additional language skills, e.g. German, would be necessary. The minimum requirement would be translators in the PPO.

International cooperation

➢ Lack of language knowledge, e.g. English, provides obstacles regarding the contact with authorities abroad.

➢ It is inevitable to address the problem that is euphemistically called “the name issue” with Greece. Reportedly requests for international cooperation are returned by Greek authorities if they have any reference to the “Republic of Macedonia” in the documents. This problem does not only affect the bilateral relationship with Greece, but also the relationship in cooperation matters with other states within the EU. However, information was given about some positive practices in the bilateral relationship with Greece, but only in cases of direct, unofficial contacts. As soon as higher authorities are involved the name issue blocks all forms of cooperation. The “name issue” is a serious impediment for international cooperation.

➢ The communication and cooperation with Bulgaria, which until recently was practiced mainly via the police, should be enhanced by the MoU signed between the Prosecutors’ offices 24th April 2015.

➢ Practitioners should be encouraged to use more frequently direct contacts with colleagues abroad (via phone and email), even before any action takes place. Appointing a contact person for EJN would be helpful in this respect.

National cooperation among law enforcement authorities

➢ So far no centralized body for MLA and international cooperation is established to refer cases among PPOs. Although the legitimate body for this task is the State PPO, the MoJ also is involved in this procedure. In addition, PPOs themselves refer directly cases to other PPOs, if they consider them to have the appropriate jurisdiction.

44 Law on Courts, Official gazette No. 58/06,35/08,118/08, 150/2010
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

- The practitioners indicated that the cooperation with the MoJ is rather slow. Despite this issue, the majority of practitioners are still using the MoJ as the only link and communication channel to foreign countries in MLA cases.
- One reason for the slow dynamic of the MoJ might be that MoJ does not operate on 24/7 basis, is overloaded with cases and lacks HR and IT capacities for a proper handling, which might add additional problems especially in urgent matters/cases.
- For some practitioners the network of national authorities involved in international cooperation is rather extensive which causes difficulties in identifying the appropriate contact point for particular actions.
- Extension of the knowledge of all staff involved in international cooperation and MLA was indicated as a prerequisite for a better function of the overall system.
- Necessity of trainings on MLA was indicated by practitioners\(^{45}\).

III.2.5. Improvements/recommendations

- Establish a central body which will maintain and develop a system for centralising the communication channels with other countries which will be available to other PPOs, either directly or through the central body which should be de fact operational
- Appoint focal points for MLA at the basic public prosecution offices with extended jurisdiction.
- Provide legal and practical guidance in MLA issues by State PPO – in cooperation with MoJ
- Develop and provide for the new investigative centres secondary legislation, guidelines, and manuals to clarify their coordination and management and thus make them fully functional.
- Develop unified registries, secondary legislation, guidelines, handbooks, manuals, templates and forms for MLA.
- Establishing of a sound track record on organised crime cases and – in addition - of those involving international cooperation and MLA.

\(^{45}\) Law on Courts, Official gazette No. 58/06,35/08,118/08, 150/2010
Finalise the installation of the modern case management system and the electronic database in all PPOs and other relevant institutions in the justice sector in order to strengthen the capacities of the public prosecution service.

Enhance the cooperation with contact points for the Balkan countries and international networks.

Encourage and support practitioners to use direct contacts and channels of communication (phone, email exchange) with their foreign colleagues, while working on international cases and involve later MoJ to validate the evidence and correspondence for court requirements.

Intensify international cooperation through meetings on bilateral and multilateral level;

Establish sound coordination with contact points of other law enforcement agencies e.g. EUROPOL, EUROJUST and EJN. Appoint a contact person for EJN.

Enforce a clear division among the law enforcement authorities as to their authorisations and jurisdiction.

Make easily available all MoUs signed among the national law enforcement authorities to all of the participating parties and/or to the foreseen centralised body for MLA at the PPO.of RM.

Finalise the establishment of the National coordination centre for organised crime.

Establish a centralised referral system for MLA cases.

Procure modern technical equipment, IT hard- and software for the PPOs.

Install licenced, and highly secure software in all offices (sensitive data).

Improve the electronic interconnection among the relevant authorities to facilitate information exchange, which would benefit also to a sound case tracking system (investigation, prosecution and trials/convictions) between all law enforcement agencies involved and give feedback about efforts made.

Provide joint meetings and trainings among all law enforcement authorities, especially for the new personnel in the investigative centres to ensure a better understanding of the system, the manner of work and for exchange of experience and knowledge.

Provide clear career opportunities for staff (experienced employees in MLA with foreign language skills).
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

- Employ additional IT staff to ensure proper functioning of IT in PPO offices including advice for users.
- Provide special training on MLA issues for prosecutors and the attached employees.
- Provide proper and necessary training for the employed staff in the investigative centres in respect of their new role, as they will be at least involved in the execution of MLA issues.
- Institutionalise language training for prosecutors due to the necessity esp. English is essential within international cooperation. Also additional language trainings should be considered (e.g. German as the German speaking countries often are involved in MLA cases).
- Employ translator/s for PPO office (once a central body for MLA is established).
- Allocate higher budget for translation of documents as a must for the use of information and evidence in courts.

III.2.6. Courts

III.2.6.1. Organisation (Structure, HR and IT)

According to the Law on Courts the judicial power is exercised by the Basic Courts, the Appellate Courts, the Administrative Court, the High Administrative Court, and the Supreme Court of the Republic of Macedonia. Appellate courts are established for the territory of several first degree courts in Bitola, Gostivar, Skopje and Stip. The Administrative and the Higher Administrative Court HQ are in Skopje, and they exercises the judicial power over the entire territory of the Republic of Macedonia. The same applies to the Supreme Court, whose seat is in Skopje.

In the territory of Macedonia for one or more municipalities 27 Basic Courts are established, which have specialised departments in criminal, civil, and administrative matters. Out of these 27 Basic Courts, 11 Basic Courts have extended jurisdiction. In addition to the basic instance

---

46 Law on Courts, Official gazette No. 58/06,35/08,118/08, 150/2010
47 Appellate courts are established for the territory of several first degree courts in Bitola, Gostivar, Skopje and Stip. The Administrative and the Higher Administrative Court HQ are in Skopje, and they exercises the judicial power over the entire territory of the Republic of Macedonia. The same applies to the Supreme Court, whose seat is in Skopje.
48 Basic courts in RM: (in Berovo, Bitola, Vinica, Veles, Gevgelija, Gostivar, Debar, Delcevo, Kavadarcı, Kicevo, Kocani, Kratovo, Krusevo, Negotino, Ohrid, Prilep, Radovis, Resen, Sveti Nikole, Skopje, Struga, Strumica, Tetovo and Stip
49 Law on Courts, art. 31: Basic courts with extended jurisdiction: Bitola, Gostivar, Kocani, Kumanovo, Ohrid, Prilep, Skopje I, Stip, Strumica, Tetovo, Veles whose competence extends beside the general competences of the basic instance also includes the following: crimes which by law are sanctioned by a penalty of imprisonment of more than 5 years and on crimes and misdemeanours perpetrated by juveniles; to carry out investigation or investigative actions on crimes that fall into their scope of competence; to decide on extradition; to decide on complaints and appeals to actions that fall into their scope of competence; to decide on proceedings related to international legal assistance specified by law.
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

responsible for dealing with international legal requests and can inter alia decide on: extraditions; proceedings related to international legal assistance specified by law. Within their extended jurisdiction these courts are also responsible for cases punishable with at least 4 years of imprisonment.

The president as the manager of the court organises its proper functioning. S/he prepares by the end of each year for the upcoming one a yearly work schedule for the court including the appointment of the heads of the departments, their deputies, the assigned judges to each of the departments, etc. Attention should be paid to designate judges to particular working areas with the aim to avoid overlaps with different legal fields.\textsuperscript{50}

According to the Rulebook on the courts, a specialised department on organized crime and corruption has been established at the Basic Court Skopje 1 as the largest Court in the country. Even if not specifically mentioned, in general a specialized department on MLA could be instituted within Basic Courts with extended jurisdiction as well as these courts are dealing with this special issue.\textsuperscript{51} However, such a specialized department (on MLA) can only be established in a court, if at least 5 judges work on this particular type of cases.\textsuperscript{52} Consequently, only in the biggest criminal court in Macedonia, the Basic Court Skopje 1 (also a court with an extended jurisdiction) a department for international legal assistance - letter rogatory and MLA requests - exists.

The interviews conducted with the presidents of several Basic Courts with extended jurisdiction revealed that there is no uniformed structure for dealing with international cooperation and legal assistance is existent. A variety of practices was provided: in some courts every judge deals with MLA cases, in some courts exclusively the president, in some courts the president refers the case to a particular judge, and in some courts the president refers the case to the judge of preliminary procedure or judge for enforcement of sentences\textsuperscript{53} Specialisation is rather difficult to achieve, but could be triggered by a focal point or to find another mechanism (see the recommendations).

\footnote{\textsuperscript{50} Rulebook on Courts, art.112} \footnote{\textsuperscript{51} Rulebook on Courts, Official gazette No.66/2013, art.66} \footnote{\textsuperscript{52} Rulebook on Courts, art. 66} \footnote{\textsuperscript{53} Please see the Annex: References at the end of the document.}
With the introduction of the accusatorial system in the 2010 Law on criminal procedure\textsuperscript{54} (further in the text - LCP) the responsibilities for investigative actions were transferred to the public prosecutor including all investigative actions which are part of MLA requests. In investigations the authorization by the judge of preliminary procedure foreseen by the LCP is limited to coercive measures related to personal liberties and privacy. The preliminary procedure judge is the guardian of freedom related to the legal performance of the public prosecutor. Her/his main responsibilities are encompassed with the following: deprivation of liberty issues, searches, temporary seizures and freezing, special investigative measures (linked to interception of telecommunications, monitoring/surveillance, access to computer data etc.), plea agreements and most important for this assessment the processing of cases of international cooperation in criminal matters according to the Law on international cooperation in criminal matters\textsuperscript{55}.

\textit{HR and IT.} According to information in recent months about a fifth of all judges’ posts remain vacant in Macedonia due to a shortage of qualified candidates. Thus, the 2014 Progress report on Macedonia indicates that the ratio of the total number of judges to the per capita of the population remains more than 50 \% higher\textsuperscript{56} than the European average.\textsuperscript{57} Some analysis\textsuperscript{58} show that 85\% of the judicial budget is spent on salaries. The high number of judges especially in areas where it is incompatible with the number of cases adds to this scenario. Also judges have a privilege regarding the age of retirement: according to the labor law it is in general 65/67; judges enjoy a lex specialis and 62/65 instead. This difference was made pursuant to the indicated analysis to decrease the number of judges, and the aim to even close some smaller courts for economic efficiency reasons as courts face a drastic reduction of case numbers as a result of the reorganization of competences in areas as e.g. notary, mediation and investigation process.

\textsuperscript{54}Law on criminal procedure, Official gazette No.150/2010
\textsuperscript{55}Law on criminal procedure, art. 294
\textsuperscript{56}2014 Progress report on Macedonia, Chapter 23
\textsuperscript{57}2015 Progress report on Macedonia, chapter 23: “The number of both judges and court staff per 100 000 inhabitants are significantly above the European average, raising questions about efficiency.”
\textsuperscript{58}http://epi.org.mk/docs/Analiza_Mreza.pdf
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

**III.2.6.2. Responsibilities / tasks in international legal cooperation**

International legal cooperation in criminal matters involving a judge includes the so called “small” legal assistance (i.e. the transfer of documents, hearing of accused, witness or damaged parties, etc.)\(^{59}\), extradition, transfer of convicts, and enforcement of foreign judgements in the scope of the imposed sanction.

The courts accept cases or requests for international legal assistance of foreign courts only if they are submitted through official channels. They themselves use exclusively the MoJ as communication link with foreign countries and do not practice direct contacts with colleagues abroad.

The courts are taking into consideration only those documents which are according to art. 80 MLA law written in the official Macedonian language in Cyrillic.

Also, legal assistance is provided only in the manner stipulated by national legislation. However, the actions a foreign court requests to perform, may also be executed in the manner requested by the foreign court, if such procedure does not conflict the national law.

As mentioned above, different courts have different set ups within their organisation regarding the management of MLA cases.\(^{60}\) However, all interviewed presidents of these courts coincided that MoJ proves to be a slow and inefficient tool for handling MLA cases which on occasions need acceleration, despite the fact that MoJ is their preferred communication link.

\(^{59}\) Law on international cooperation in criminal matters, art.15-41

\(^{60}\) Please see Annex: Courts
III.2.6.3. Practice, cooperation with other law enforcement agencies

The main cooperation of the judges in the field of MLA is with the MoJ and the prosecution offices.

III.2.6.4. Challenges/shortcomings

- No common/uniformed structure of handling MLA cases in place
- No focal point
- The practitioners state the need for improvement of the knowledge of this field
- Lack of information as to the contact persons abroad responsible for MLA according the foreign country jurisdiction.
- No direct communication with foreign colleagues

III.2.6.5. Improvements/recommendations

- Extension of the ACMIS system to include proper MLA registration system (link to LURIS MoJ, PPO electronic system)
- Uniformed method for administration/execution of requests for MLA throughout entire court system (manuals etc.)
- Focal point for MLA (24/7) parallel to focal point in PPOs
- Consider the possibility of establishing a specialised department for extradition with jurisdiction throughout the country. Department which would be also ready for the enforcement of the EAW once it becomes applicable. The department should be composed of 5 judges: 1 judge for preliminary procedure, 1 judge for enforcement of sentences and 3 judges composing the Criminal court council.
- More intensive and more frequent MLA training courses (in content and form)
III.3 Police

III.3.1. Organisation (HR and IT capacities)

The Ministry of Interior (MoI) is the leading law enforcement and security agency in Macedonia. It has two main organisational units: the Public security bureau where the Macedonian central police service is situated, and the Security and counterintelligence office.\(^61\)

For the purpose of this assessment, the main focus will be put on particular organisational units within the Public security bureau: The Sector for international police cooperation as the main link for international cooperation\(^62\). But the following should be mentioned as well: the Department for suppression of organized and serious crime\(^63\), the Border affairs and migration department and the Border affairs regional centers\(^64\). Linking the border police organisational sectors, within the Border police structures a National coordination center for border management has been established.

HR & IT. In 2014, 400 police cadets completed their basic training and 399 of them were recruited. According to the most recent Eurostat data, the country has about 500 police officers per 100.000 inhabitants.\(^65\) The number of staff in the Department for combating serious and organized crime continues to increase, with 10 new employees hired. In July 2015, the

---

\(^{61}\) Law on internal affairs, (Official gazette No. 42/14, 116/14 and 33/15). Art.17, and update through the MoI Organogram, as of October 2015. (See in Annex – MoI Organogram)

\(^{62}\) Composed of the Units for INTERPOL, EUROPOL and Pursuits.

\(^{63}\) Please see ANNEX: Organogram MoI, October 2015.

\(^{64}\) Law on border control (Official gazette No. 171/10, 41/14 and 148/15). The law manages the border police, its organisation, authorisations of the police employees and performance of duties. The indicated law regulate the security of the border regions, the responsibilities and organisation related to preventing and combating cross border crime, the establishment of the National coordinative centre for border management, as well as the cooperation with foreign services, officers, institutions or agencies, as well as internally with the other relevant bodies within the border management system. The Border police is composed of 4 regional border centres throughout the country. Border crossing North (for Kosovo and Serbia), South (towards Greece, covering part of the Prespa region), East (towards Bulgaria and part towards Greece) and West (towards Albania). The biggest one is the northern border crossing regional center covering Kosovo and Serbia covering 5 border crossings (Jazince, Blace, Tabanovce, Pelince, and Makedonski Brod). There is also an existing common contact centre for police and customs cooperation with Bulgaria.

\(^{65}\) http://appsso.eurostat.ec.europa.eu/nui/show.do
Government adopted a supplementary budget, raising expenditure in particular for the police, their wages, etc.\textsuperscript{66}

The Public security bureau (PSB) was reorganized to strengthen capacities, improve police performance and to implement European standards. New standard operating procedures and guidelines were issued in order to improve the level of investigations carried out at regional, local and central level, and to ensure a more effective and efficient share of information.\textsuperscript{67}

There is also a need for improvement of the document management system of the PSB which apparently is paper based which has an influence in their effectiveness in police work.\textsuperscript{68}

The National coordination centre for the fight against organized crime (further on NCC) is established by governmental decision\textsuperscript{69} but is still not operational pending the development of procedures for data exchange between the relevant institutions, human resources, training and supply of IT and other equipment. Nevertheless, this decision foresees that the President of the NCC will be the Director of the Bureau for public security (art.2). Although, the NCC is a coordinative body, it should be ensured that this leadership does not result in a competition and does not hamper the investigation as the public prosecutor is the leader of the investigation of crimes.

In addition, still no result in the establishment of the national criminal intelligence database could be obtained\textsuperscript{70}. According to the 2015 autumn progress report for Macedonia, it has been delayed for until 2018.\textsuperscript{71}

Progress was achieved in the technical infrastructure of the border police, notably with surveillance equipment.\textsuperscript{72} The general level of police equipment in terms of vehicles, premises, IT and radio communication systems is relatively good (e.g. TETRA communication technology is well established and in operation)\textsuperscript{73}. The regional centers for border affairs which perform administrative functions, logistics and investigations, are hampered in their performance and

\textsuperscript{66} 2015 Progress report on Macedonia
\textsuperscript{67} 2014 Progress report on Macedonia
\textsuperscript{68} Police development strategy, 2016 - 2020
\textsuperscript{69} Decision for establishment of National coordinative centre for fight against serious and organised crime, Official gazette No.58/2014.
\textsuperscript{70} Law on national criminal intelligence database, Official gazette No.120/2009
\textsuperscript{71} 2015 Progress report on Macedonia, as well as http://vlada.mk/node/91
\textsuperscript{72} 2012 Progress report on Macedonia
\textsuperscript{73} 2014 Progress report on Macedonia
tactical work due to a lack of appropriate IT infrastructure, which is not electronically connected to any databases etc.\textsuperscript{74}

The IT capacities of the Sector for international police cooperation are appropriate for information exchange and are linked with the operational systems with INTERPOL (I 24/7), EUROPOL through SIENA and the SELEC information exchange. However, the IT infrastructure of the international police cooperation sector needs an upgrade and secure channels for communication with all national law enforcement agencies and all national databases.\textsuperscript{75}

Neither an electronic inter-connection between police and the PPOs nor an access of other agencies to some data basis of the MoI (e.g. as for the counterfeiting money data base) is existent. Only the Border police has been connected with the MoI data communication network, but they have limited access to the other relevant databases.\textsuperscript{76}

Police as well as the Customs Administration and the Financial Police are responsible for the implementation of special investigative measures (SIMs). However, the police do not have own technical means to carry out interception measures as provided by the Law on criminal procedure, and is dependent on the intelligence service which has the equipment and which is used to provide such services.

The Police training center provides advanced, continuous and specialized training. Training programs for field officers and a specific training program for senior and mid-level police officers are also part of the curricula. It has to be highlighted that in future the seconded personnel from the MoI, which will be part of the judicial police, will be useful to have additional training regarding MLA and international cooperation.

**III.3.2. Responsibilities/tasks in international legal cooperation**

Most of the international police cooperation of the RM focuses on prevention, prosecution and investigation through exchange of information and operational cooperation. Given the fact that

---

\textsuperscript{74} Police Development Strategy, 2016-2020

\textsuperscript{75} Ibid.

\textsuperscript{76} Ibid.
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

the Law on police\(^{77}\) provides only general and rather limited legal framework which would shape the responsibilities for international cooperation, the fact remains that Macedonia has a very vibrant international police cooperation. A sublegal framework governs the implementation of the international criminal investigations, namely the Guideline on criminal investigations and managing criminal groups\(^{78}\); art. 60 - 64 outline the process and manner of establishing the work within an international criminal investigation.

On police level regional and international cross border cooperation and information exchange should not be based on personal relations among colleagues, but on an institutional, legal and secure approach to not only ensure the legality of the information exchange\(d\), but as well the quality, the security and the validity of the information. For this purpose, Macedonia has signed numerous international, regional and bilateral instruments just to facilitate the international cooperation in the fight against serious crime. \(^{79}\) The PCC SEE Convention\(^{80}\) and SELEC Convention\(^{81}\) are one of the main legal instruments for cross-border law enforcement cooperation as well as the Agreement for operational and strategic cooperation with EUROPOL\(^{82}\).

Some provisions can be applied immediately, some provisions require a (n) (additional) bilateral agreement. Also for this purpose Macedonia has already signed numerous bilateral agreements.\(^{83}\) Direct cross-border cooperation with foreign police services through the exchange of operational information and intelligence, joint operations, joint investigative teams and the involvement of public prosecutors from the countries concerned is functional. Macedonia actively participates in regional initiatives and as well in bilateral activities in the field of justice and home affairs, including border management cooperation with neighboring

\(^{77}\) Law on police, (Official gazette No.114/06, 06/09, 145/12, 41/14, 33/15), art.4/7, 12, 15/2-5. Where it is indicated that the police has authorisations to developed the international cooperation and the responsibilities in the framework of the Bureau for public security where is indicated the responsibility for implementation of the ratified international agreements for police cooperation.

\(^{78}\) Developed by MoI, November 2014

\(^{79}\) Please find a list of agreements as Annex to this document

\(^{80}\) PCC SEE Convention is the Police cooperation convention for South East Europe, Official gazette No.74/2007

\(^{81}\) Convention of the Southeast European law enforcement center, Official gazette No.18/2011

\(^{82}\) Official Gazette No.172/11 from 14.12.2011

\(^{83}\) Please find list of agreement as an Annex to this document
countries. In this line, protocols for cooperation were signed for the establishment of regional contact centers for police cooperation and information exchange between the neighboring countries. In the regional contact centers there are police officers (mainly from the border police) from Macedonia and the neighboring country who on a daily basis exchange data and other information. On the other side, the representatives of the border police, on the basis of the signed protocols arising from the PCC SEE, meet at local, national and regional level. Such centres are established and are functioning on the basis of protocols for cooperation signed with Serbia, Kosovo and Albania, and with Bulgaria (protocol for police and customs cooperation). The only contact centre that is not established yet is with Greece. Close cooperation in the fight against organized crime continues with international and regional bodies such as EUROJUST, EUROPOL, and SELEC as well as with police services in several other countries.

There is also a successful joint Police and Customs cooperation on drugs seizures. In 2009 the Macedonian MoI signed a working arrangement for establishing operational cooperation with FRONTEX. The Sector for international police cooperation is a designated sector or a National central unit for cooperation with the signatories of the PCC SEE. This Sector has embodied the National contact bureau for INTERPOL and the European contact unit of EUROPOL. Together they form the contact point for international cooperation and information exchange at police level. This structure is also known as ILECU contact point for Macedonia. The ILECU offices are unique for the SEE region for international cooperation and information exchange. Through these national personnel EUROPOL and INTERPOL are also conducting their work and support the national staff during investigative actions. Macedonia is a member of INTERPOL as of 1993. The National contact bureau within the Macedonian Sector for international police cooperation has been linked to the INTERPOL data exchange system (I-24/7) since 2003. The cooperation with EUROPOL started from 2007 when Macedonia signed

---

84 Relevant legislation implementing the Law on border control and the integrated border management system have been adopted. (http://arhiva.vlada.mk/registar/files/23022010_strategija_igu.pdf). The cooperation with FRONTEX is ongoing.
87 The ILECU’s are a structure existing in the countries of SEE initiated by a project led by EUROPOL and INTERPOL through the Austrian Ministry of Interior/Office for criminal intelligence. The main focus was the establishment of the International coordinating units of the authorities responsible for law enforcement (ILECU’s). The network of ILECU’s is fully operational and details can be found at http://themis.rec.org/files/ilecus_network_contact_list_2014.pdf
the Agreement for strategic cooperation. The signature of the Agreement for operational and strategic cooperation with EUROPOL in 2012 opened the way for international information exchange and the access to the EUROPOL SIENA system for secure information exchange (Secure Information Exchange Network Application). Macedonia has a liaison officer assigned to EUROPOL and an officer assigned to INTERPOL.

SELEC (South East law enforcement center) provides Macedonia with another possibility for international cooperation and information exchange (on regional level). In SELEC, like in EUROPOL and in INTERPOL each member country\(^{88}\) has its own liaison officer, who can be an officer from police or from customs, representing both law enforcement agencies.

Other models used for international police cooperation are the foreign police liaison officers\(^{89}\), FRONTEX, and other possibilities provided with international and bilateral agreements. In addition, Macedonia does not have police liaison officers aboard\(^{90}\), which could be an efficient tool to strengthen the capacities of the police and to stimulate international cooperation.

The international exchange of information is conducted through IT systems unique for all aforementioned institutions: for INTERPOL, the I 24/7 system, for EUROPOL system SIENA, for SELEC the SELEC - info exchange system. Macedonia has a link with all of them.

Within the EU another possibility of information exchange is existent: the information system for secured information exchange arising from the Schengen Agreement and the Schengen Convention\(^{91}\). Initially access to this information system was limited to the member states and parties to this Convention only, but nowadays several non EU Member states are also part of this system as they are belonging to the so called Schengen area\(^{92}\). The current information exchange system is known as SIS II – Secure Information Exchange System of 2\(^{nd}\) generation which is operational as of 2013. Also applicable only for EU is the possibility of the automatic

\(^{88}\) [http://www.selec.org/m107/Member+States](http://www.selec.org/m107/Member+States)

\(^{89}\) Prof. Klip Report, p.104, “On the basis of Article 9 there are five foreign liaison officers in Macedonia and some ten officers abroad”. More precisely, Liaison officers of foreign police services in Macedonia (Italy, Bulgaria, Greece, Switzerland, Austria, Romania and France) and 9 liaison officers seconded to neighboring countries but accredited for Macedonia (Belgium, the Netherlands, Slovakia, Germany, Australia, Czech Republic, Slovenia and Nordic countries).


\(^{91}\) The Schengen Convention proposed the abolition of internal border controls and a common visa policy

\(^{92}\) The SIS data base information is used by the countries from the so called Schengen area. The Schengen area encompasses most EU Member states, except for Bulgaria, Croatia, Cyprus, Ireland, Romania and the United Kingdom. The 22 EU Member states that are part of the Schengen area fully operate the SIS. The associated countries to the Schengen area which are linked to the SIS are Norway, Lichtenstein, Iceland and Switzerland. [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system/index_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system/index_en.htm)
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

data exchange based on the Prüm Convention of 2005. The advantage of this instrument is that national jurisdiction can have access to the data bases of the other countries which have ratified this Convention. However, this Convention is not applicable in all countries of EU as it is not signed and ratified by all Member states93. Obviously at present these systems cannot be used by Macedonian authorities, as Macedonia is only a candidate country for accession to the EU. Nevertheless, since Macedonia expects to join the EU, in future these systems will be obligatory, at least the SIS II system.

All of the aforesaid applies for the international police cooperation and information exchange. However, international legal cooperation, more precisely mutual legal assistance (MLA), needs judicial cooperation and information exchange through different authorities. Although MLA is conducted by the judicial authorities, still the police and the other law enforcement authorities are part of the criminal justice response to crime. Therefore, some information and modes of cooperation can be done via police cooperation exchange even though the materials/information has to be used as evidence in court in case everything is channeled via the legally established system later on. One legal possibility is stipulated in art.6 of the MLA Law94. It foresees an exceptional form of direct communication in urgent cases and under the condition of mutuality; under these circumstances requests for legal assistance can be delivered through the police (the international police cooperation channel/ILECU). Later on, the same information/documents shall be channelled through the MoJ for the sake of the legality of the procedure and the validity of the evidence in front of the court.

III.3.3. Practice, cooperation with other law enforcement agencies

International cooperation requires a synchronized and supportive environment to properly implement joint activities in the fight against (organised) crime. For this reason the criminal justice authorities have to function internally on a high level. With regard to the legal changes of the criminal proceedings in Macedonia and the shift of the responsibilities among the law enforcement authorities, the authorities face some challenges to adapt to the new environment.

Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

For the purpose of their joint efforts in fighting crime they have signed several inter agency agreements to coordinate their activities. A brief overview as to the legal and sub legal framework and relevant bodies is presented shortly below.

Several relevant Laws (Law on police, Law on internal affairs, Law on border control) regulate the cooperation among the organisational units within the MoI and other authorities. The Guideline on the manner of implementing criminal investigations and manner of handling criminal groups (further on The Guideline) (art. 53 - 56) regulates the manner of intersectoral cooperation within the MoI and the establishment of joint investigative teams. The Law on police (art.10) indicates the possibilities of information sharing with other state institutions and creates an obligation to provide assistance for the purpose of prevention or detection of crime (art.11). The Guideline, in its art.57-59, gives the general rules for the establishment of interagency cooperation with other law enforcement agencies for investigating crime. The National coordination center for border management is also operational and is staffed with 24/7 representatives from the border police, the customs, and other relevant authorities with border management authorisations. The Integrated border management system provides a platform for information exchange for the purposes of monitoring the situation at border crossings. It developed a database for consolidating the border management data aimed at ensuring a coordinated approach and exchange of information between government agencies with border management competencies. On this basis all documents and structures, protocols or memoranda for cooperation among the law enforcement agencies and other relevant agencies have been signed. These documents regulate the manner of cooperation, information exchange and contain other details necessary for the implementation of the joint criminal investigations. Another type of cooperation among authorities is the new possibility constituted by the Law on criminal procedure, the so called investigative centers in the prosecution offices. Art. 55 of the Law on internal affairs consequently foresees the secondment of police officersinspectors to these centers as well as the cooperation and arrangement with the public prosecution service as to this secondment. However, the LCP entered into force already at the end of 2013 and still

96 Law on criminal procedure, Official gazette No.150/2010, art.45, Investigative centers at the public prosecution offices
the investigative centers are not operational causing challenges in the cooperation among law enforcement agencies. Especially relations between prosecutors and police still need to be improved so that the prosecutor can fully play his leading role in investigations, as provided for within the new LCP. Practitioners also indicated as important the need of an electronic interconnection between the police and the PPO, which would allow information to be shared efficiently and swiftly.97

Several protocols have been signed with the Customs Administration for their interagency cooperation.98 Despite the signature of a protocol for cooperation in criminal procedures between the Ministry of Interior, PPO and Customs Administration the practical cooperation still needs to be improved.99

Related to money-laundering, the police are also part of the Council for combating money laundering (ML) and financing of terrorism (FT). For investigating financial crime the financial intelligence units (FIUs) are the closest connection of the relevant police departments. The details of their cooperation are included in the memorandum for cooperation concluded between the respected institutions. A new electronic database on counterfeiting money has been set up and used by the MoI, but has yet to be made accessible to all other relevant institutions.100

The 2014 progress report on Macedonia indicates also the need for better monitoring of all cases from investigation until final sentencing, including improved feedback and information exchange between the law enforcement agencies, the prosecution service and the courts.

III.3.4. Challenges/shortcomings

- Several protocols have been signed between police and customs to ensure their interagency cooperation. Also a Protocol for cooperation in criminal procedures was signed between the Ministry of Interior, PPO and Customs Administration, but it was indicated that the practical cooperation still needs to be improved.

97 Progress report on Macedonia for 2015
98 For more details, please refer to the Annex: List of protocols and MoU for interagency cooperation
99 Progress reports on Macedonia for 2014
100 Progress report on Macedonia 2014
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

- Relations between prosecutors and police still need to be improved for the prosecution service to fully play its leading role in investigations, as provided for by the new LCP.
- Despite the fact that the LCP entered into force at the end of 2013, the foreseen investigative centers are not yet operational, which might hamper the cooperation among all law enforcement agencies including police/prosecution service.
- The National coordination centre for the fight against organised crime is established by law, but still not operational pending training and supply of IT equipment and the development of procedures for data exchange between the relevant institutions. As the Director of this Centre is the Director of the Bureau for public security, this might cause problems with the PPOs and be in a way contradictory to the new LCP giving the lead of investigations to the prosecutor.
- A new electronic database on counterfeiting money has been set up and is used by the Ministry of the Interior, but has yet to be made accessible to all other relevant institutions.
- All cases from the start of investigation until the final sentencing should be better monitored, including an improved feedback and information exchange between police, the prosecution service and the courts.
- The National criminal intelligence database could not be established so far.
- The technical capacities of the Sector for international police cooperation and the limited access to relevant national databases slows down their performance.
- An electronic inter-connection between the police and the PPO, which would allow information to be shared efficiently, is not existent.
- No access of the other law enforcement agencies including the prosecution service to some data basis of the MoI (e.g. as for the counterfeiting money data base) is existent.
- According to the LCP, the police (as well as other law enforcement agencies as Customs Administration and Financial Police) are responsible for conducting SIMs. To fulfil this duty police so far is dependent on the intelligence service as police do not have own technical means for this kind of wiretapping. This situation has to be changed.
- It might be useful to check synchronization between all electronic information systems available on police level to enhance data/information exchange.
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

Statistics with detailed information about crime types, personal data of suspects, victims etc. (in cross border cases) are hardly available in public. For crime prevention and crime suppression strategies handling of statistics should be improved.

III.3.5. Improvements/recommendations

- Improvement of the cooperation between Ministry of Interior, PPOs and Customs Administration.
- Set up a MoU or protocol for close cooperation between FIU and police department of financial crime, (as to money laundering for example).
- Give access to all other relevant law enforcement agencies as to the new electronic database on counterfeiting money at MoI level.
- Institutionalised monitoring and statistical registration of all cases from the start of investigation until the final sentencing including a feedback and information exchange between police, the prosecution service and the courts.
- Bring into function the National coordination centre for the fight against organized crime.
- Establish the National criminal intelligence database.
- Improving the IT infrastructure of the Sector for International police cooperation and interconnecting it with all relevant national databases
- Set up an electronic inter-connection between the police and the PPOs.
- Access of the other law enforcement agencies including the prosecution service to some data basis of the MoI (e.g. as for the counterfeiting money data base).
- Set into function the investigative centers in the prosecution offices; secondment of personnel by other law enforcement agencies are necessary.
- Provide the police with own technical means to conduct SIMs and cut the dependence on the intelligence service.
- Check possibilities of synchronization between all electronic information systems available on police level to enhance data/information exchange.
- Produce reliable and available statistics for crime prevention and suppression strategies data collection with detailed information about crime types, personal data of suspects, victims etc. are necessary
III.4 Other law enforcement authorities (Customs, Financial Police, FIU)

III.4.1. Customs

III.4.1.1. Organisation (HR and IT capacities)

The Customs Administration (CA)\textsuperscript{101} is part of the Ministry of Finance of the RM. The jurisdiction of the CA is covering the whole territory of Macedonia. Its responsibilities are enforced through the central administration office (Central directorate) and the regionally spread offices (Customs houses).\textsuperscript{102} The legal framework applicable to the CA are the Law on customs, the Law on Customs Administration, the LCP, the Criminal Code and other laws\textsuperscript{103}. In the framework of its law enforcement role, the main responsibilities of the CA include customs surveillance, preventive investigation and intelligence measures, detection and investigation of customs offences and crimes, initiation of procedures against customs frauds and other offences, as well as criminal acts prosecutable by law, etc.\textsuperscript{104}

International agreements have been signed through CEFTA and EFTA for liberal trade. Bilateral agreements with EU countries, neighboring countries, Turkey, Ukraine, and USA are in force; contracts with Canada and China would be needed. With China negotiations are ongoing; currently an old Yugoslav agreement is used. CA has developed and enacted internal sublegal acts for all duties regarding seizures, submission of documents, transport of apprehenders etc.\textsuperscript{105}

\textsuperscript{101}http://customs.gov.mk/

\textsuperscript{102}The Central directorate is the coordinative body that administrates the customs on the entire territory of the Republic of Macedonia (The HQ). The Customs houses coordinate and manage particular regions. They have been established according to the volume and structure of the traffic of goods and passengers realized outside the country. The 5 decentralised Custom houses perform their duty through 42 units named Customs offices. Each regional Custom house is responsible for one or more border crossing points and 18 Custom offices.

\textsuperscript{103}Other applicable laws for the Customs: the Law on custom tariff, the Law on excises, the Law on custom measures related to the protection of industrial property rights, the Law on intellectual property, etc.

\textsuperscript{104}Law on Custom administration, (Official gazette No. 46/2004, 43/2014) art.10, 27

\textsuperscript{105}http://www.customs.gov.mk/DesktopDefault.aspx?tabindex=0&tabid=373
The Central directorate is the main coordinating and managing authority. It has within its organizational structure several departments. Among them the most relevant for this assessment is the Sector for control and investigation. This central body administers, coordinates and implements the investigations indicated by the field offices (i.e. the Customs houses) and consists of several departments (the mobile anti-smuggling teams, intelligence, investigations, risk analysis, post clearance control and communications and coordination unit). The Investigation department is composed of two sub-departments (one on economic crime and the other on anti-smuggling). The inspectors affiliated to this Sector work closely with the mobile customs teams, the customs officers and with other relevant employees within the CA or in other institutions. To force up their activities, and The CAs` on-call Department (responsible for coordinating and information exchange activities between the CA officers, inspectors the mobile units, the MoI border units and relevant other bodies) is an independent body under the direct authority of the Director of the Customs.

The risk analysis department is responsible for of the integrated risk management task. A centralized risk analysis data base which is constantly updated with information from various sources is established.

The inspectors affiliated within the Sector for control and investigations have authorizations as police officers. According to the LCP they are responsible for the pre-investigation procedure in detection of crime, for undertaking investigation activities, collection of evidence, seizures, temporary detentions etc for particular types of crime. Having such authorizations, they can also implement special investigative measures (SIM). However, due to the fact that the CA is not equipped with appropriate technical equipment for such actions, they use the MoI for collection of materials through SIM, on which basis they further proceed with the investigation. Nevertheless, it should be highlighted that the investigation is led by the public prosecutor.

107 The Sector for control and investigations is composed of the following departments: Intelligence department, Risk management department, Operational matters department (mobile-teams unit and mobile x-ray scanner unit), Investigations department (unit against economic crime and anti-smuggling unit), Trade companies control department
108 Please see the organogram of the CA
109 Assessment and monitoring mission (AMT) report, Strengthening the integrated border managemnt in the WB and Turkey. IOM, 2010/Chapter on Macedonia.
110 Law on criminal procedure, art. 47, 161
111 Law on criminal procedure, art.252
112 Directorate for security and counterintelligence
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

The mentioned inspectors can be sent by their institution to assist the public prosecutors or be part of the judicial police as secondee from their generic institution. In this role – different from the role as customs’ investigators - they are members of the investigation centers within the PPOs. At this moment, only one customs officer (inspector) is seconded to the investigative center of the PPO on organized crime.

The initial selection of the case determines the type of the illegal action: whether it is a criminal activity or a misdemeanor. If it is a misdemeanor, the customs officers can temporary seize the goods and refer the case to the Commission for misdemeanors (Commission within the CA). If they identify illegal transport of goods, usually cases of smuggling drugs, weapons, goods of high value or persons, they secure the goods or/and the passengers, they inform and report the case to the Contact center, which links the case to the Sector for control and investigation at the Central directorate. This Sector takes over the case and proceeds with the investigation according to its authorization.

The Sector for control and investigation maintains and updates a database for recording of all criminal and misdemeanor cases and the reports submitted to the appropriate authorities. The database contains details as to the cases, the criminal acts, the persons involved, the charges submitted etc., but does not include automatic feedback information as to the outcomes of the processed cases from the relevant authorities, e.g. the PPOs or courts; only on customs’ request feedback is provided. Attached you will find some statistics.

**Human resources.** According to the CA Quarterly report for 2014 1133 employees work within the overall Customs Administration. The Sector for control and investigations has 92 employees in total.

---

113 Law on Custom administration, art.27a
114 Law on Custom administration, art.27c (art.27v in the Macedonian enumeration),
115 Interviews conducted with representative from: Custom administration, Custom offices Gevgelija, Tabanovce and Medzitlija (IPA 2014 - filed visits, 2015). If foreigners are involved, they can be apprehended in the facilities of the CA. The CA has appropriate facilities within their administration building where the deprivation of liberty takes place. The facility has an acceptance officer who prepares a report regarding the apprehension, indicating the circumstance of the case, reason for the apprehension, considering all the legal requirements for the benefit of the apprehended person (his legal and procedural rights – very important one). It has been stated that the duration of apprehension can last up until 24 hours of the period of the initial apprehension until the person is taken before a prosecutor.
116 Please see Annex_Statistics_Customs
The CA has used EU funds for technical assistance and the organization of several trainings like: Workshop for money laundering and financing of terrorism, risk assessment; Training for professional development of the law enforcement officers and development of their leadership capabilities in ILEA; Trainings of integrity and anticorruption; Seminar on combating falsifying and piracy; Trainings on intelligence gathering; Training on financing of terrorism; Procedures for risk assessments;

**IT and other equipment.** As of July 2015 the CA has a fully functional Computerised transit system (NCTS) which is based on the membership to the Convention on common transit procedure\(^{118}\) and the Convention on simplification of formalities in trade of goods.\(^{119}\) The CA has IT systems for its own purpose: a system called CIM (an abbreviation) for recording misdemeanours conducted by natural or legal persons and a system MIS (abbreviation) for recording the origin and value of goods. In addition they own equipment for detecting suspicious actions of passengers, vehicles and similar, as well as means for detecting hidden items.

### III.4.1.2. Responsibilities/tasks in international legal cooperation

The CA cooperates with foreign CAs in customs matters, in the field of detection and prevention of customs offences and as to criminal acts in customs matters, etc...\(^{120}\) It is a member of the World Customs Administration. The World Customs Administration\(^{121}\) as part of its enforcement activities has set up a network of Regional intelligence offices (RILO). The regional division of world’s customs makes the Macedonian CA part of the South East and Central European region with its HQ in Warsaw. The main role of these Network offices is the exchange of customs intelligence information related to their scope of work through the Customs

---


\(^{120}\) [Law on Customs Administration, art.22](http://www.wcoomd.org/en.aspx)

enforcement network (CEN)\(^{122}\). For this purpose the CA continuously makes inputs to the CEN with data regarding seized cash, coins, gold, drugs, commodities, etc.\(^{123}\) In addition, the CA is also involved in the work of the Regional SECI/SELEC Centre for combating trans-border crimes.

The main working framework of this membership is based on the mutual cooperation between customs and police, for the purpose of direct data exchange, information and documents of operational character, related to all kinds of trans-border crime. In the same line, links with OLAF and EUROPOL have also been established.

The cooperation with customs authorities from foreign countries is carried out through signed international treaties providing for mutual administrative assistance in the area of prevention, investigation, identification and sanctioning of customs misdemeanours. Besides the requests for administrative assistance in customs matters, Customs Administrations share information for detected crimes or other types of fraud, especially serious types of crimes, such as drugs, weapons, and cultural heritage or excise goods. The unit responsible for such international cooperation is the Department for investigation (within the Sector for investigation and control).\(^{124}\)

The Government of the Republic of Macedonia and/or the CA have signed numerous agreements for cooperation with governments or Customs Administrations of other countries.\(^ {125}\)

Their law enforcement authorisations also provide possibilities for cross border cooperation in the fight against crimes. In this respect customs officers receive information from their neighbor/foreign colleagues to better mobilise their resources for combating trans-border crime.

Field visits to the border crossings Megitlija and Bogorodica (the latter being the biggest border crossing point in Macedonia (to Greece) and the hot spot on the so called Balkan route) revealed that on operational level (at the border crossing) the customs officers have very good cooperation with their Greek colleagues. However, this is based on personal convictions,

\(^{122}\) The Central enforcement network - CEN is an information system which meets the highest standards on security and protection of data and provides access to several databases and a direct exchange of messages between the Members. The exchanged information helps the fight against illicit traffic and customs frauds. The databases contain information on goods seized for violation of the customs legislation.

\(^{123}\) Moneyval report on Macedonia for 2014

\(^{124}\) 2014 Moneyval report on Macedonia

\(^{125}\) 2014 Moneyval report on Macedonia. Such agreements have been signed with the governments or Customs Administrations of the following countries: France, Albania, Turkey, Russian Federation, Denmark, Holland, Italy, Slovenia, Bulgaria, Poland, Slovakia, Finland, Kosovo
relations and initiatives only. No structure is in place and no common rules are implemented. There is no official exchange of data, documents, files or similar. Everything is done solely orally. Also the necessary intelligence exchange has hurdles in this regard.\textsuperscript{126} Even if cooperation and exchange of intelligence with customs authorities of neighboring countries and the wider region is intensified\textsuperscript{127}, it seems from the interviews conducted with customs officers, that there is still a need for better cooperation in this regard.

III.4.1.3. Practice, cooperation with other law enforcement agencies

According to art. 10 and 21 of the Law on CA, the CA cooperates with other state institutions to enhance their work performance and can provide and seek information. On national level, the CA has signed memoranda for cooperation with other institutions\textsuperscript{128} and law enforcement agencies.\textsuperscript{129} The customs inspectors are also involved in relevant working groups, e.g. in one at the level of the MoI, in which representatives of all law enforcement agencies are included with the aim of a strategical approach regarding particular cases or issues of general nature.\textsuperscript{130} The CA is a member of the National coordinative center for border management.\textsuperscript{131} It has a designated liaison officer and a deputy.\textsuperscript{132} As part of the National integrated border management coordination center the CA shares the risk analysis results with the other affiliated members of this body.

There is a tight communication, coordination and information exchange with the FIU, which has a direct access to the electronic data bases of the CA. Although, not everything can be shared.\textsuperscript{133}

\textsuperscript{126} Interview with the Director and Custom officer at the Custom office Gevgelija (Border crossing with Greece)
\textsuperscript{127} 2014 Progress report on Macedonia, Chapter 29 — Customs union.
\textsuperscript{128} As are the Macedonian post office, the Macedonian railway and the Macedonian airports with TAV.
\textsuperscript{129} Please see the Annex document “List of MoUs and Protocols for interagency cooperation”
\textsuperscript{130} Guideline for criminal investigations and management related to criminal groups, MoI 2014
\textsuperscript{131} Law on surveillance of the national border, Official gazette No.88/2009
\textsuperscript{132} Assessment and monitoring mission (AMT) report, Strengthening the Integrated Border Managemnt in the WB and Turkey, IOM, 2010/Chapter on Macedonia.
\textsuperscript{133} Moneyval report on Macedonia for 2014
III.4.1.4. Challenges/shortcomings

- Despite the fact that the CA is part of criminal investigations and entitled to conduct special investigative measures, they are dependent on MoI (as they do not have own technical equipment).
- Different working hours and procedures for different institutions within Macedonia and neighbouring countries involved in the daily work (e.g. vet service, customs tax office etc.) are sometimes hurdle for cross border cooperation.
- Even if Macedonian and Greek customs officers have good cooperation on operational level (and even continuous meetings with the border chief in Greece), the political implications due to the unsolved name issue result in only unofficial exchange of data, documents or similar data based on personal relations.
- Cross border intelligence exchange (with some countries (Greece) in particular) is not on an appropriate level.
- Feedback from other institutions (courts, prosecution services) regarding the outcome of customs investigations are not automatically sent to the Customs and might have an impact on the motivation of the officers, and the general overview of the cases.
- There are ongoing activities as to the conclusion of international agreements that are yet to be signed with Canada and China.
- Division of authorities and work among all law enforcement authorities could be simplified once the National coordination centre for organised crime starts working, which also would represent a central database for organised crime cases.\(^\text{134}\)

III.4.1.5. Improvements/recommendations

- Due to the political stance of the so called “Name issue” some operational problems remain to make obstacles to the ongoing cross border cooperation with Greece.
- Immediate actions should be taken related to the appropriate equipment of the CA for the independent implementation of SIMs to end the dependency from MoI.

\(^{134}\) National coordination centre for combating organised and serious crime, Official gazette No.58, 2014
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

- Initiating changes which would enable automatic feedback and prompt reply on the actions undertaken by the CA. This would facilitate the cooperation among the law enforcement authorities and the judiciary (e.g. report on outcome of cases investigated by customs).
- Institutionalizing of cooperation with bordering countries, esp. Greece.
- Institutionalizing data and intelligence exchange on enhanced level, esp. with Greece.
- Complete international customs agreements, e.g. with Canada and China.

III.4.2. Financial Police

III.4.2.1. Organisational set up

The Department of Financial Police of Macedonia is under the authority of the Ministry of Finance. It has jurisdiction within the whole territory of Macedonia. The Financial Police are organised in 3 departments and 12 units. It performs its duties through the Central directorate and the field offices.

The main role of the Financial Police is the protection of the financial interests of the Macedonia and the EU. Whenever the judiciary, the public administration authority, a supervisory body, or the Ministry of Interior has a suspicion of a financial violation, it should be reported to the Financial Police. The Financial Police have specific authorizations and are in charge of the field of financial, tax and customs operations. Financial Police have authorisations for detecting and investigating complex forms of organized financial crime. This unit is mainly covering general financial crime, but according to the law, it is also involved in cases of tax evasions, money laundering and other proceeds from crime, smuggling, illegal trade, asset recovery etc. Issues as the financing of terrorism is as well part of its scope of activities. Namely, if FIU (Financial intelligence unit) sends a report on suspicious financing, the Financial Police will proceed with an investigation while cooperating with the MoI, the secret service or other

136 Law on Financial Police, art.6
137 Law on Financial Police, art.2
138 Law on Financial Police, Official gazette No. 12/14, 43/14, 33/15, art.12, 13 - 28
139 Law on criminal procedure, Official gazette No.150/2010, art. 2 and 47
relevant agencies - if necessary - and the public prosecution. Together with the CA and the FIUs, the Financial Police are also part of the judicial police within the public prosecution offices within the investigation centres. In particular cases and with a defined scope, the Financial Police have extraterritorial authorisations (can undertake activities outside its national jurisdiction) according to the ratified international agreements.

In conclusion, the Financial Police are the intermediary between the criminal and the administrative investigations. As a law enforcement authority which is undertaking independent financial investigations, it is not part of the financial investigations conducted by the MoI. That is due the fact that the MoI has its own specialised department within the organised crime sector, which investigates financial (related) crime. The Financial Police inspectors have the same authorisations as the police officers within the MoI. According to the LCP they have authorisation in detection and investigation of the following crimes: money laundering and other crime proceeds from article 273, illegal trade from article 277, smuggling from article 278 and tax evasion from article 279, as well as other criminal offenses that involve crime proceeds of significant value. Beyond the regular police authorization like identification of persons, deprivation of liberty, searches, temporary seizure of items, etc. The Law on The Financial Police gives the unit authorisation to also undertake special investigative measures (SIM). However, due to the lack of appropriate technical equipment, the Financial Police have to use the Macedonian MoI. After compiling the appropriate documentation a criminal report is filed to the public prosecutor.

In general, the role of the Financial Police does not overlap with the role of the other law enforcement authorities, but rather complements it. Financial Police also represents a bridge between the law enforcement authorities and the financial institutions. However in practice, it

---

140 Interview with Suzana Petrovska, Head of Unit, Financial Police department. 20.05.2015
141 Law on criminal procedure, 150/2010, art.49
142 Law on Financial Police, art.4
143 Law on Financial Police, art.12/5, can initiate procedure to the tax and other administration authorities in cases of financial violations
144 Law on criminal procedure, 150/2010, art.47
145 Law on criminal procedure, 150/2010, art. 161/4, the deprivation of liberty shell take place in special premises within the Department for Financial Police
146 Law on Financial Police, art.13 and art.27
147 Law on Financial Police, art.35
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

has been noted that there is a lack of legal framework to distinguish the multi sectoral coordination among all these authorities.\(^{148}\)

Within the Financial Police an anti-fraud coordination structure (AFCOS) is established\(^{149}\) and supported with four employees. Its main responsibilities are linked to the development and the dissemination of methodological tools, the establishment of the AFCOS network and the organization of training for irregularity\(^{150}\) officers. Among the other activities, this structure (unit) directly cooperates and exchanges information with the European anti-fraud office (OLAF). It is the national contact point for OLAF in the prevention of frauds.\(^{151}\)

Regarding asset recovery and confiscation, the Financial Police do not have any records, since at the end of investigations they are not provided with a feedback regarding their efforts from other bodies.

*Human resources.* The Department of the Financial Police has about 40 employees. Approximately 90% are (investigative) inspectors.\(^{152}\)

*IT and other equipment.* N/A

III.4.2.2. Responsibilities/tasks in international legal cooperation

The Financial Police can cooperate with international organisations, can exchange information and data with foreign police and other state organs, foreign organisations, international organisation in the field of financial crime on the basis of bilateral agreement and ratified international treaties.\(^{153}\) In this manner, it cooperates with OLAF; on bilateral level with SOCA

\(^{148}\) Moneyval report on Macedonia for 2014


\(^{150}\) http://cfcd.finance.gov.mk/?page_id=15

\(^{151}\) Decree for the procedure for preventing irregularities, the manner of mutual cooperation, the form, the contents, the deadline and the manner of reporting on the irregularities, Ministry of finance, 2011, http://www.finance.gov.mk/files/u10/ree_for_irregularities_adopted_by_government.pdf

\(^{152}\) Interview with Suzana Petrovska, Head of Unit and the Department of Financial Police of RM, 20.05.2015

\(^{153}\) Law on Financial Police, art.36
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

from UK and with the Italian Guardia di Finanza. However, the cooperation with the international and regional police organisations, EUROPOL, INTERPOL, ILECU or any other mechanisms for police cooperation of other countries is linked via the Macedonian MoI. Such dependence should be avoided.

On the regional level, Macedonia is not yet signatory party to the CoE/OECD Convention on Mutual Administrative Assistance in Tax matters. This gap should be closed, as this treaty, opens the possibility of data exchange and different modes of undertaking such activities from the relevant authorities.

The Financial Police signed a memorandum for electronic data exchange with the Public revenue office (PRO) and with the financial intelligence unit. Operational instructions were adopted for PRO employees on the handling of exchange of information with tax authorities from other countries.

III.4.2.3. Practice, cooperation with other law enforcement agencies

Interagency cooperation can enhance the functioning of the country’s financial system and assist good governance; more over it will have a positive effect in fighting financial crime. The Financial Police cooperate with other law enforcement institutions/agencies on a national level, e.g. the PPO, MoI, PRO, CA, FIU, State commission for prevention of corruption, Commission for protection of competition, National audit, the States` foreign exchange inspectorate, States` market inspectorate and other inspection bodies, government agencies and entities that are legally responsible for the prevention and detection of financial offenses.

The Financial Police are member of the Council for anti-money-laundering and financing of terrorism, part of the judicial police within the public prosecution offices, and part of joint criminal investigation teams (together with MoI, FIUs, the CA and the PPOs). As a member of the Council for antimony laundering undertakes a more strategic approach when creating

---

154 Moneyval report on Macedonia for 2014, par.1523
155 Law on Financial Police, art.35
156 Moneyval report on Macedonia for 2014, par.1575
; From the region only Albania, Croatia, Slovenia and Greece ratified the Convention and the amending Protocol - http://www.oecd.org/tax/exchange-of-tax-information/Status_of_convention.pdf
158 Law on Financial Police, art.35
policies and implementing the National strategy for prevention of money laundering and financing terrorism, proposing amendments of legal acts etc.

For the benefit of jointly combating serious crime, a series of memoranda for understanding have been signed between the law enforcement authorities relevant in this context including financial institutions such as the Financial Police, to enhance their cooperation and collaboration. Cooperation with the Financial Police so far theoretically is ensured through the system of secondments of the Financial Police inspectors to the investigation centres in the PPOs. The Financial Police are also a future member within the national body for suppression of organised crime and can make inputs into the affiliated database. Moreover the Financial Police are part of the MoI established working groups to fight serious crime, etc.

III.4.2.4. Challenges/Shortcomings

- The Financial Police face constrains in leading an independent international cooperation and data exchange with other foreign or international organisations. The Financial Police should have international information exchange powers. The officers appointed to exchange information and to cooperate with foreign law enforcement institutions must be adequately equipped and trained.159

- The Financial Police do not have own adequate technical capacities, nor appropriate equipment to perform particular investigation techniques as foreseen by law, namely SIMs. The office is dependent on the MoI.

- So far no inspector of the Financial Police has been seconded neither to the investigative centre in the Basic PPO on organized crime and corruption nor to other PPOs, which might hamper coordination and cooperation.

- In general, the role of the Financial Police does not overlap with the role of other law enforcement authorities, but rather complements it. It represents a bridge between the law enforcement authorities and the financial institutions. However in practice, there is a lack of legal framework for distinguishing the multi sectoral coordination among all these authorities.

159 Moneyval report on Macedonia for 2014, par.1585
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

➢ No records/statistics are available regarding asset recovery and confiscations, because the Financial Police do not receive feedback regarding their efforts from other actors involved (PPOs etc.).

➢ On regional level, Macedonia is not yet a signatory party to the CoE/OECD Convention on mutual administrative assistance in tax matters. This gap should be closed, as this treaty gives the relevant authorities the possibility of data exchange and different modes of cooperation.

III.4.2.5. Improvements/Recommendations

➢ Give the Financial Police legal power for international data exchange.
➢ Provide adequate equipment and training for international data exchange.
➢ Provide adequate equipment and training for conducting SIMs to cease dependency on the MoI.
➢ Structured cooperation with other law enforcement agencies including reports on outcome of investigations for statistical reasons.
➢ Secondment of financial inspector to the investigative centers of the Public Prosecution Office.
➢ Data base and establishment of the national body on organised crime to ensure best cooperation level.
➢ Signature and ratification of CoE/OECD Convention and Protocol to enhance data exchange and cooperation on regional level.

III.4.3. Agency for financial intelligence

III.4.3.1. Organisation (HR and IT)

The Agency for financial intelligence was established in 2001. Since its establishment it changed its name twice, and as of 2012 is known as Agency for financial intelligence (FIU), a separate legal entity within the Ministry of finance. The FIU is a state body and an administrative type of body for financial intelligence. The FIU does not perform financial
investigations. Its main responsibilities are reception, request, processing, analysis, storage, preparation of reports and other information, as well as submission of information received from the relevant entities for the purpose anti-money laundering and financing of terrorism. According to the law, it receives data on suspicious transitions\textsuperscript{160} from the private sector (banks, insurance companies, private companies etc.\textsuperscript{161}). In addition to these mainly research and analysis functions, the FIU has a competency to propose to the public prosecutor and on this basis the judge to issue an order for enforcing a temporary measure “postponement of financial transaction”. The FIU reports its findings to relevant agencies for further processing. In cases of suspicion for criminal activities it reports to MoI, PPO, and the Financial Police and other relevant state institutions\textsuperscript{162}. Such position makes the FIU a bridge between the private sector and the law enforcement authorities. Here are some statistics.\textsuperscript{163}

According to the Law on combating money laundering (ML) and financing of terrorism (FT) (2014) the FIU is a central body with jurisdiction throughout the territory of Macedonia.\textsuperscript{164} The FIU has a Director who leads and manages the institution, a Sector for oversight, regulation and development of the system. Within the FIU there is also a department for HR and department for financial matter who are directly under the auspice of the Director of the FIU.

\textit{Human resources and IT}. 32 employees build the workforce within the FIU; 16 are working in the Departments that work on cases and prepare analysis, which is the main function of the institution.\textsuperscript{165} The FIU organise specialized continuous trainings for its employees in general and for the employees in the analytical departments.

In January 2014 the FIU has installed \textbackslash and put it in production a new and highly sophisticated system for case and data management \textit{AKS - MK}. The system allows information exchange with banks and their management, receiving and management of data from notaries, car sellers, insurance companies and other entities in an electronical form. The implementation and production of this software solution was supported by the Norwegian authorities.\textsuperscript{166} In addition,

\begin{itemize}
  \item \textsuperscript{160} Law on antimony laundering and financing of terrorism, Official gazette No. 130/2014, art.30
  \item \textsuperscript{161} Law on antimony laundering and financing of terrorism (Law on ML and FT), art.3
  \item \textsuperscript{162} Law on ML and FT, art.81
  \item \textsuperscript{163} Please see Annex_Statistics.FIU
  \item \textsuperscript{164} http://www.ufr.gov.mk/files/docs/OrganizacionaSema.jpg
  \item \textsuperscript{165} Moneyval report on Macedonia for 2014
  \item \textsuperscript{166} FIU Annual Report 2014
\end{itemize}
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

it has also a possibility for data exchange with the EGMONT members through an EGMONT group secure web site (ESW). In details, the IT system of the FIU is composed of the following: data and case management; suscriptor (electronic archives software); DocuShare (document management system); i2 analyst Notebook 8 (6 licenses), and ASK-MK. The offices and the workplaces are equipped with appropriate staff.167

III.4.3.2. Responsibility in international cooperation

The FIU are authorised to sign agreements with other countries. From 2001 until the end of 2015, they have concluded 58 memoranda for cooperation with FIUs of foreign countries.168 The FIU is an institution in charge of international cooperation provided by law.169 By these provisions, the FIU is involved in international cooperation and information exchange in the area of combating ML and FT, thus only with authorized bodies from foreign countries and international organisations involved in the field of ML and FT. This cooperation is based on a cooperation agreement (art.40). It appears therefore that information sharing would mainly be carried out through general channels of cooperation between FIUs through the EGMONT secure web.170 Sending and receiving requests can be done on own initiative or on foreign country requests on the basis of reciprocity. The FIU may also refuse the request for information exchange if: it is contrary to its own law, or if the international request impedes the conduct of the investigation of another competent state authority or the criminal procedure against the person on which data is requested (art. 89/5). The FIU would need to explain the reasons for refusing such request.

The FIU is also active in the regional cooperation with FIUs from the neighboring countries where continuous cooperation is conducted through joint activities in conferences, working

167 Ibid.
168 FIU Annual report for 2014: MoU with FIUs of following countries: Bulgaria, Slovenia, Serbia, Albania, Romania, Ukraine, Bosnia and Herzegovina, Poland, Russia, USA, Czech Republic, Kosovo (UNMIK 2005, 2015), Luxembourg, Moldova, Montenegro, Aruba, Belgium, Georgia, Taiwan, Monaco, The Dutch Antilles, Mexico, Guatemala, Turkey, OAE, UK, Peru, Portugal, Belorussia, Nigeria, Latvia (2009, 2013), San Marino, Norway, Argentina, Canada, Estonia, Armenia, British Virgin Ireland, Hungary, Israel, Australia, Finland, Netherlands, Andorra, Bermuda, Bahamas, Kazakhstan, Lithuania, Azerbaijan, Germany, Lichtenstein, England, Panama, Malawi, Croatia, Romania. Currently there are also additional initiatives of such type with several other countries.
169 Law on ML and FT, art.40 and 89
170 Moneyval report on Macedonia for 2014; www.ufr.gov.mk
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

groups and other forms of meetings. It has been stated that the regional cooperation runs smoothly, except maybe with Greece where there is a need for improvement.\textsuperscript{171}

**III.4.3.3. Practice, cooperation with other law enforcement agencies**

The FIU is entitled to cooperate with national authorities. According to the Law on ML and FT (art.88) it is entitled to conclude agreements, memoranda and protocols for multisector cooperation in the scope of its work. For this purpose the Law foresees that a Council for combating ML and FT is established. The Council is a governmental body composed of all relevant law enforcement agencies and the audit or supervisory bodies in the country.\textsuperscript{172} The Council also coordinates the realization of activities foreseen in the National strategy for the countering of money laundering and terrorism financing\textsuperscript{173}. Its main role is to enhance the interagency cooperation in the fight against ML and FT. Related to this multisector cooperation the FIU has signed several MoUs.\textsuperscript{174}

The main partner in fighting organised crime for the FIU is the MoI, and regarding the financing of terrorism, the Department for security and counter-intelligence (within the MoI), which is responsible for the counter-terrorism issues. The cooperation between these and the other law enforcement authorities is regulated with an internal Guideline criminal investigations and managing regarding criminal groups \textsuperscript{175} as well as the protocols for interagency cooperation. In addition, as a contact legal expert, the FIU liaises with a designated prosecutor from the PPO on organized crime and corruption working on financial crimes.

**III.4.3.4. Challenges/shortcomings**

*MONEYVAL recommendations*

\textsuperscript{171} Interview with the deputy Director of the FIU (08.05.2015)

\textsuperscript{172} Law on ML and FT, art.88/2 related to the composition of the Council: MoI, MoF, Ministry of Justice, Basic PPO for prosecution of organised crime and corruption, Financial Police, CA, National bank of RM, Public revenue office, Securities commission, Agency for insurance supervision, Agency for supervision of capital financed pension insurance, Postal agency, Bar Association and Public notary association. The work of the Council is supported by an administration

\textsuperscript{173} http://www.ufr.gov.mk/files/docs/Nacionalna_2011.pdf (Macedonian language)

\textsuperscript{174} Please see the Annex document (List of MoU and Protocols for interagency cooperation)

\textsuperscript{175} For details please see the chapter on Police
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

- MLA: Comprehensive mechanisms are in place for national and international cooperation and Macedonia actively cooperates with other jurisdictions at all levels. However, the application of dual criminality in the LCP may negatively impact the ability to provide mutual legal assistance (MLA) due to shortcomings in terrorism financing criminalisation.
- National intelligence database – still non-existent.
- Cooperation only with institutions in the field of ML and FT.
- Statistics: The authorities do not maintain adequate statistics on the predicate offences and on autonomous/third party laundering cases. The supervision statistics are not complete and integrated, and the statistics on MLA are not comprehensively maintained.

III.4.3.5. Improvements/recommendations

- Enhancing the cooperation with Greece.
- Widen up the scope of cooperation with other organisations, which per momentum is limited only to organisations in the field.
- Extend the scope of exchange of information capacities and responsibilities, which at the moment are limited only as to the above mentioned cooperation.

III.4.4. Agency for managing confiscated property

According to the Law on managing confiscated property, material gain and seized items in criminal and misdemeanour procedure an Agency for managing confiscated property was established as a separate legal entity in 2009. To the main tasks of the Agency belong the regulation of the management, the use and disposal of temporarily seized property, proceeds and objects, of confiscated property, proceeds and the objects seized with an effective decision during the criminal and misdemeanour procedure. Macedonia is a member of CARIN informal network, has an observer status and the possibility for data exchange.

176 Please see the Annex_FIU
177 Law on managing confiscated property, Official Gazette No.98/08, 45/10, 104/13, 187/13, 43/14, 97/15, 148/15
IV. Processing MLA requests/working methods

The main aim of mutual legal assistance in criminal matters is obtaining evidence which are existing in other countries for the purposes of national investigations and prosecutions.

- **Exchange of information and obtaining evidence**
  The initial phase starts with the police, where the initial checks and information exchange are performed via the International police cooperation sector within the Ministry of Interior, where the channels of EUROPOL, INTERPOL and the ILECU Unit are residing. Within this phase the Border police can be involved, if particular information is needed, and if their involvement in information exchange is a prerequisite, having in mind their set up at the borders. Moreover, an inevitable link are the police liaison officers whose role cannot be underestimated as the usual facilitators in police work with foreign countries. In addition, the FIUs and the CA inspectors can also be involved as they have a mandate for information exchange in their field of work with their respective networks, namely the money laundering and financing of terrorism and the customs related offences applicable to this area.

- **Judicial cooperation in criminal matters**
  The base for such cooperation are the international instruments, the regional and the bilateral agreements and memorandums for cooperation which Macedonia had ratified or signed. If there is no agreement of any sort with a particular country to legally base the international cooperation, the foreign country should provide written guarantee for reciprocity\(^\text{178}\).

- **Channels of communication**
  - Direct communication channel among the relevant authorities
  - Urgent communication through INTERPOL
  - Central authority (Ministry of Justice)
  - Diplomatic channel (Ministry of foreign affairs)

\(^{178}\) Please see prof. Klip report as to art.12 (reciprocity) of the MLA law.
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

It is important to note that even when direct communication or INTERPOL is used as a channel, the Central authority - the Ministry of Justice is promptly or subsequently informed and all the documents further are transmitted through the MoJ.

➤ *Identification of relevant authority*

The Ministry of Justice is the central authority for identification of appropriate authorities on national level and international as well. As a Central authority in a majority of cases, the MoJ refers the cases to the appropriate national institutions. However, if there is a conflict in jurisdictions then the receiving institution sends the request where by its opinion is the relevant authority. This might cause delays and it is reflected the recommendations in this report. Also a proper information has to be sent to the requesting foreign authority. Relevant national authorities are the basic public prosecution offices, basic public prosecution offices with extended jurisdiction, including the basic public prosecution for combating organised crime and corruption, and the Courts.

➤ *Language in use*

Macedonia sends MLA request in Macedonian language with a translation into the appropriate language of the country at stake or a translation into one of the official languages of the Council of Europe. The analogy applies when foreign countries send requests to Macedonia, meaning the whole documentation should be sent in the original language with translation into the Macedonian language. If this requirement is not met, the Ministry of Justice might ask the requesting state for a translation.\(^\text{179}\)

➤ *Processing MLA*

➢ When receiving a request or a letter rogatory, the MoJ immediately refers it to the relevant authority except if the request or the letter rogatory should be rejected. If the request lacks documents, the MoJ would request the additional required documents to be submitted.

\(^{179}\text{However, prof. Klip report indicates that declarations made by Macedonia to different international instruments related to the language in use in international cooperation might bring confusion to the practice which should be considered and aligned for each treaty equally.}\)
Assessment Report of the Mutual Legal Assistance (MLA) in Criminal Matters in Macedonia

➢ The relevant authority acts in accordance with the national law. If the foreign requesting authority has specific requirement as to the procedure that should be followed in Macedonia these can be net as long as they are not in conflict with the national law.

➢ If the MLA request is sent directly to the relevant authority, the relevant national authority acts without delay in the manner indicated in the request, or if not possible it shall send an information to the foreign authority explaining the reasons of the same.

➢ If there are obstacles due to the national investigation or other national proceeding and are linked to the foreign country request, the relevant authority shall inform the requesting authority regarding the postponement of the international cooperation.

➢ Where the foreign authority has requested to participate, everything should be organised for this to occur. If for some reason the foreign authority cannot participate, they have the possibility to send questions in written form which would be used while undertaking the particular action.
### V. Statistical Data (MoJ, PPOs, Police)

<table>
<thead>
<tr>
<th></th>
<th>Incoming requests</th>
<th>Outgoing requests</th>
<th>Country</th>
<th>Timeframe From income/ sending to answering / receiving</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MoJ</td>
<td>ILECU</td>
<td>MoJ</td>
<td>ILECU</td>
</tr>
<tr>
<td>Extradition</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary extradition and transit</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer of proceedings</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enforcement of procedural actions (delivery of documents, criminal records, evidence etc.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interrogation (witness/suspect)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Videoconference/telephone</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. conference</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. abroad</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Temporary) Confiscation of property (benefits of crime)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cross border observation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Controlled delivery</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of person with hidden identity</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Joint investigation team</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer of execution of judgments</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
VI. General recommendations:

Ministry of Justice:
- to enhance the capacities of the Sector for international cooperation in criminal matters, and setting up an expertise centre within the Sector for international cooperation in criminal matters which would provide professional, timely assistance and expert advice to relevant authorities;
- to provide 24/7 focal point
- to install a sound IT and HR infrastructure in this centre to provide such expertise; administrative and logistical support, which would have possibilities to keep and maintain a clear overview of the cases, and would provide reliable statistics and moreover would be beneficial for the professional working within;
- to adopt immediately amendments to the legal and the sublegal framework;
- to develop a speedy mechanism for the transfers in extradition cases, i.e. to sign memoranda with countries of stopover;

Public prosecution:
- to operationalise the central body (department) within the Public prosecution as the main coordinative body and an expertise centre for international legal cooperation and assistance; this would also require to build a sound network of contact points within the public prosecution offices with extended jurisdiction which are also working in this area; this central body would also serve as the main contact point for international partners and colleagues; will encourage and provide logistical support for direct contacts between the authorities; will stimulate the international cooperation; will appoint permanent contact points for the international networks as the EJN, etc.;
- to finalise the electronic interconnection among all prosecution offices in order to provide a unified practice in the use of all registries and data maintenance: to shape a central electronic system applicable for MLA cases; to interconnect the public prosecution with all
relevant law enforcement authorities and other existing agencies for the facilitation of data exchange;

Courts:
- to establish a transparent and easily traceable department/focal point for international legal cooperation and a separate central department for extradition with general jurisdiction
- to strengthen the capacities of the judges regarding the knowledge and practice in international cooperation;
- to stimulate direct contacts with foreign colleagues (judges and other relevant actors);
- to extend the ACMIS system and make it applicable to MLA case registration and the PPOs electronic system
- to link the courts with the EJN resource network;

Police:
- to strengthen the capacities of the Sector for international police cooperation;
- to enhance and stimulate in-depth cooperation among all law enforcement agencies, including customs, Financial Police, FIUs, public prosecution;
- to expand the electronic interconnection among all the aforementioned institutions and all relevant national databases for swifter data exchange and cooperation;

Customs:
- to broaden the international customs related agreements;
- to strengthen the investigative capacities of the CA department on investigations for the sake of a more profound role in conducting investigations;
- to provide Customs with appropriate IT equipment for independent implementation of SIMs;
- to interconnect Customs IT infrastructure with relevant national databases;
- to institutionalise the cooperation with neighbouring countries and enhance the data and intelligence exchange;
Financial Police:
- to sign and ratify the CoE/OECD Convention and Protocol to enhance data exchange and cooperation on regional level;
- to provide Financial Police with legal power for international data exchange supported by equipment and trainings;
- to provide adequate equipment and training for conducting SIMs to cease the dependency on the MoI;
- to deepen the interconnectedness between the Financial Police and the PPO with seconding personnel where appropriate; as well as placing permanent members from the Financial Police in all relevant national bodies;

Financial Intelligence Unit (FIU):
- to develop the legal and institutional framework as per MONEYVAL recommendations;
- to widen the scope of the international cooperation field of this institution;
- to enhance the scope of information exchange.