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House of Parliament
Hotel Margitsziget Termál

RECOMMENDATION REC (2000) 19
RECENT DEVELOPMENTS
IN THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

by the Public Prosecution Office of the Former Yugoslav Republic of Macedonia

Regarding the recent developments in the prosecution service in Macedonia we would like to point out the adoption and entering into force the new Law for the Public Prosecution of Macedonia. The adoption of this law has its gaining's in the enlargement of the independence and autonomy of the prosecutors authorities throughout the establishment of the Council of Prosecutors, determining the way of proposal and appointment of the prosecutors and the deputy prosecutors as well as disciplinary responsibility of the public prosecution authorities.

As one of the recently presented developments of the Public Prosecutors services in Macedonia is the establishment of the Department for prosecuting perpetrators of criminal acts from the area of organized crime and corruption. The department, by its nature, is closely connected and has very good cooperation and coordination with the police authorities in prosecuting perpetrators of criminal acts.

The law also provides the possibility to deepen the cooperation with the police and other state authorities and institutions. This, in relation to the possibility that the public prosecutors can assume under its command other state institutions to perform certain duties in relation to the needs of the Public Prosecutor. Under certain circumstances and in precisely prescribed criminal acts and procedures the prosecutor may order that one or more authorized persons from an certain ministry or other state institution are assigned to his disposal for a specified time period in an pre-criminal or criminal procedure.

The draft law on witness protection is still in governmental procedure and it is expected to be adopted soon. Considering the nature of this law, the expectations are that it would furthermore deepen the relationship between the public prosecution and the police.

Meanwhile the international cooperation has been expanded furthermore with the signing of the Memorandum of Understanding between the Public Prosecutor's Office of Macedonia, the General Prosecutor's Office of the Republic of Albania, the Public Prosecutor's Office of Bosnia and Herzegovina, the Public Prosecutor's Office of the Republic of Croatia, the Public Prosecutor's Office of the Republic of Serbia and the Chief State Prosecutor's Office of the Republic Montenegro, as well as with the Memorandum of Understanding between the Public Prosecutors Office of Macedonia and the Antimafia National Directorate of the Republic of Italy.

Aiming towards consistent application and improvement regarding the Recommendation (2000) 19 of the Committee of Ministers of member states of the Council of Europe "on the role of the public prosecution in the criminal justice system", the Government of Macedonia already had proposed to the Assembly of Macedonia, and the Assembly of Macedonia have opened a public debate concerning the changes of the articles 106 and 107 of the Constitution of Macedonia and other regulations intended to regulate the issue of full autonomy and independence in the performing of the public prosecutorial function in Macedonia.