



Skopje, 15.09.2018

Special Report

The Public Prosecutor for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication respectfully submits this Report to the Assembly of the Republic of Macedonia pursuant to Article 7 paragraph 1 of the Law on Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication.

This report summarizes evidence of judicial misconduct captured in the unauthorized interception of communications, as that term is defined in Article 2(1) of the Law on Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication. This report also identifies current barriers to imposing appropriate sanctions or corrective measures for such judicial misconduct, and makes recommendations to the Assembly regarding corrective legislation.

The unauthorized interceptions summarized in this report recount interactions between high level members of the judiciary and members of the government which fundamentally erode the independence of the judicial branch. The unauthorized interceptions reveal conversations in which members of the judiciary jettison their independence and impartiality to advance the interests of the sitting government or their own interests. Such communication undoubtedly leaves room for creating public distrust in the entire judicial system.

The purpose of submitting this Special Report is not solely to document past misconduct. Absent action by the Assembly and necessary internal and external oversight of high level actors in the judicial system, it would be reasonable for the public to believe that similar improper influences are affecting judicial appointments and decisions in critical cases. It is often said that, "the past is prologue." In this regard, this Special Report is submitted to prevent such misconduct from further undermining the rule of law in the Republic of Macedonia and hindering our country's Euro-Atlantic integration.

Legal Grounds for Examining Evidence and Submitting this Report to the Assembly

In accordance with Article 5 of the Law on Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication, the Special Prosecutor has jurisdiction and authorization to investigate and prosecute criminal offences related to and arising from the contents of the illegal interception of all communication carried out between 2008 and 2015, including but not limited to audio recordings and transcripts submitted to the Public Prosecutor's Office prior to July 15th, 2015.

The audio materials, text messages and transcripts that were submitted to the Public Prosecutor's Office which I run, as well as the numerous pieces of information and evidence obtained in the course of the preliminary investigations and the investigations conducted by the prosecutor's office identify the political influence as the main factor in the judicial governance in the past period. The partisan election of judges outside the legal procedures, the violation of the



provisions for incompatibility between holding judicial office and engaging in another public office, work or activity, the direct interference in the performing of the judicial duties, the disclosing of information obtained in the course of the judgeship to uninvited persons are just some of the ways in which the fundamental values of the constitutional order of the Republic of Macedonia for the rule of law and for the division of powers into legislative, executive and judicial were being undermined.

Legal Framework for Overseeing the Work of Judges and Members of the Judicial Council

Public confidence in an independent, impartial and efficient judiciary, free from political influences and pressures, ensuring the rule of law and equality of all citizens before the Constitution and the laws, and especially the expertise, competence, ethics and personal integrity of judges are the fundamental principles of the judicial system in a democracy and are prerequisites for the quality of justice and administration of justice. The core values of the international community indicate that an independent and impartial court is a guarantee of the rule of law and protection of the constitutional order, that the public confidence in the judicial system is of the utmost importance in a democratic society, hence it is of utmost importance that judges respect the judicial office, adhere to the high standards of conduct, bearing in mind that any misconduct is a blow to the moral authority of the court, and that the promotion of professional and personal standards of conduct while performing the duties of the office is their duty and responsibility.

Guided by international standards, the Constitution of the Republic of Macedonia guarantees the independence of the judiciary through the constitutional provision of Article 98, paragraph 2, which reads: "The courts are autonomous and independent". Establishing the general legal framework for the position of the judiciary, the Constitution provides for protective mechanisms as well as separate bodies aimed at ensuring real independence of the judiciary with regard to the legislative and executive power, with regard to state and all other institutions, especially with regard to political centres of power. Such constitutional intentions are contained in Article 104 of the Constitution of the Republic of Macedonia which states: "The Judicial Council of the Republic of Macedonia is an independent and autonomous institution of the judiciary. The Council shall ensure and guarantee the independence and the autonomy of the judiciary".

Despite the explicit prohibitions on engagement of judges in partisan and political activity, prohibitions on political organizing and activity of the Judicial Council, as well as the prohibitions on partisan activities of members of the Council, the real situation in the Republic of Macedonia, according to the reports of the international community, but most of all, according to the public perception, is that the judicial independence is just an idea written in the laws.

The Judicial Council of the Republic of Macedonia is competent to oversee the work of judges and to impose sanctions for any irregularities in the performance of the judicial duties by initiating a procedure for establishing liability of a judge or a president of a court. The legal solutions provide for two grounds for removing a judge from office: due to serious misconduct prescribed by law which makes him/her ineligible to hold judicial office and due to malpractice under the law.



The Law on the Courts defines malpractice as a lack of expertise or negligent professional behaviour of a judge which affects the quality and efficiency of the work, thus listing the following behaviours: two consecutive negative performance appraisals; unethical, untimely or negligent performance of the judicial duties in the course of the judicial process; judicial bias in court proceedings in favour of one of the parties; violation of the principle of speedy trial; unauthorized disclosure of classified information; public disclosure of information and data about pending court cases, wilful violation of the rules of fair trial; abuse of power or overstepping of official authority; violation of regulations or otherwise undermining the independence of the judges in the course of the trial and gross violation of the rules of the Judicial Code that damages the reputation of the judicial office and if a judgment of the European Court of Human Rights establishes a violation of Articles 5 and 6 of the European Convention on Human Rights.

In terms of misconduct, the Law on the Courts makes a distinction between serious misconduct that is subject to procedure for establishing liability of a judge as a ground for removal from office and misconduct that is subject to procedure for establishing liability of a judge as a ground for disciplinary action, while also defining several categories of misconduct. The law provides for the following sanctions: written warning, public reprimand, committal to additional hours of vocational training at the Academy for Judges and Public Prosecutors and a decrease in salary.

The procedure for establishing liability of a judge or a president of a court is initiated within six months after discovering the committed violation, but not later than three years from the commission of the violation.

The Code of Conduct for Judges in the Republic of Macedonia and the Code of Ethics for the Members of the Judicial Council of the Republic of Macedonia were adopted on the recommendation of the international community and in accordance with international standards in order to supplement and strengthen the legal framework which should guarantee independent judiciary. The Code of Conduct for Judges imposes sanctions for nonadherence to the principles contained therein, whereas the Code of Ethics for Members of the Judicial Council provides for moral accountability for nonadherence to the principles contained therein.

In addition to the legal framework that guarantees independent judiciary, the judicial practice necessitates a culture of independence among judges. It is their independence as individuals that is essential for the proper functioning of the judicial system, and such independence can be achieved only by changing the behaviour of judges and by raising the awareness about their significance in the society. The holders of judicial office should be individuals with ability, integrity and appropriate legal qualifications, and the public should have no doubt about the motives for their appointment. Since the judicial office comes with a considerable power which may have deep and far-reaching consequences in the lives of citizens, it is important to have greater social awareness that such power should not be given to individuals whose integrity and professional and personal standards are questionable.



Aleksandra Zafirovska

- summary of the audio recordings

Article 3 of the Law on the Judicial Council of the Republic of Macedonia stipulates that: "The Council with its work prevents political influence on the judiciary". However, the publicly released telephone conversations between Aleksandra Zafirovska, then president of the Judicial Council of the Republic of Macedonia, and senior officials in the Government of the Republic of Macedonia, as well as unreleased telephone conversations held by this Prosecutor's Office demonstrate that the not only did she not prevent the political influence on the judiciary, but on the contrary, she enabled the then ruling political party to take full control over the institutions of the judicial system through instructed and arranged appointments of judges, direct interference in judicial decision-making, corruption, revanchism and, in a word, politicization of all segments of the judiciary.

The evidence available to this Public Prosecutor's Office, especially the telephone conversations of Aleksandra Zafirovska in the period from 2011 to 2013, some of which were made public, show that while she was President of the Judicial Council of the Republic of Macedonia she worked in constant coordination with the executive power. The content of the audio materials points to the conclusion that the then Prime Minister of the Government of the Republic of Macedonia was not only informed and consulted when making the most important decisions of the Judicial Council, but also played a key role in the selection of judges and professional associates.

The then President of the Judicial Council of the Republic of Macedonia, the Prime Minister of the Government of the Republic of Macedonia, the Minister of Justice, the Minister of Interior and the Head of the Agency for Security and Counterintelligence, decided on appointment of "eligible" judges and removal of "ineligible" judges, selected party members as professional associates, managed the work of the courts, interfered in the court proceedings, etc. The existence of numerous irregularities and abuses is also noted in the Report from the inspection of the operability of the information system and the supervision of the compliance with the Rules of Procedure of the Court, prepared by the Ministry of Justice, whose content primarily identifies the apparent failure of the Judicial Council.

- blatant violations

It is evident that the constitutional guarantees of the independence and autonomy of this judicial body and the existent legal solutions cannot adequately respond to the constant influence and political pressure. The established standards of ethical and moral behaviour that the members of the Council take on as a personal and professional commitment are also insufficient. There seems to be no provision of the Code of Ethics for the Members of the Judicial Council of the Republic of Macedonia which was not violated by the unprofessional conduct of Aleksandra Zafirovska. This raises the question of whether the state is rendered helpless in the sanctioning of such conduct, having in mind that Aleksandra Zafirovska is currently a member of the Judicial Council and is expected, as an individual, to promote the independence and operation of the judicial system.



Jovo Vangelovski

- summary of the audio recordings

The Supreme Court of the Republic of Macedonia as the highest court is considered a guardian of the justice system which ensures uniformity in the application of the laws by the courts. The confidence in this institution, whose main and most important role is the role of an ultimate corrective in court proceedings, involves not only confidence in its functionality as a body, but also confidence in the competence and the personal example of the supreme judges, and certainly above all in the moral authority, integrity and the impartiality of the chief justice – the President of the Supreme Court.

The information obtained by this Prosecutor's Office over the course of its work, along with the publicly released conversation between Jovo Vangelovski as President of the Supreme Court of the Republic of Macedonia and Mile Janakieski as Minister of Transport and Communications, and the unreleased conversations of Jovo Vangelovski from 2011 and 2012, reveal malpractice by repeatedly giving out information to interlocutors about court proceedings before the Supreme Court, interfering with the work of other judges and giving suggestions for further actions.

- blatant violations

The multiple violations of Article 75 of the Law on the Courts i.e. legal malpractice defined as unethical, untimely or negligent performance of the judicial duties in several cases, public disclosure of information and data about pending court cases, abuse of power or overstepping of official authority, violation of regulations or otherwise undermining the independence of the judges during a trial and gross violation of the rules of the Judicial Code that damages the reputation of the judicial office, raise the question of whether the inability to sanction such behaviour will continue to determine the position of the judiciary? Does the Republic of Macedonia, as a country that aspires to join the European family, have the capacity, strength and determination to deal with past and current situations in the judiciary, and whether charting of new democratic paths for the institutions of the system can be expected from individuals whose biography is a reflection of unprofessionalism and incompetence? The Report of the Ministry of Justice again notes a number of irregularities in the work of the Supreme Court of the Republic of Macedonia, whose president since 13.03.2017 has been Jovo Vangelovski. The section about the work of the Supreme Court on pages 4 and 5 states: "In 2017, the schedule was changed 9 times. The frequent changes in the Annual Work Schedule of the Court affect the composition of the councils that handle the cases, and entail manual reassignment of cases. There is a written decision from the president of the court for the assignments, but it is not in accordance with the provisions of the Rules of Procedure of the Court. Hence, the random selection of a judge through automatic assignment of cases is suspended, and instead, the selection of a judge can be anticipated".



Sofija Lalichikj

- summary of the audio recordings

The telephone conversations that were made public at the press conference of the political party SDSM held on 19.03.2015, showed the public how were judges in the Republic of Macedonia appointed. The content of the publicly released telephone conversation between Sofija Lalichikj and Sasho Mijalkov, then Head of the Agency for Security and Counter-Intelligence, who is informing her on that occasion that she had been appointed judge, is only an illustration of the co-operation between the executive and the judicial power. The Public Prosecutor's Office has audio materials from telephone conversations, as well as text messages from Sofija Lalichikj, a judge in the Court of First Instance Skopje 1 Skopje, which speak not only of her illegitimate appointment as judge, but also of the non-existence of personal integrity and credibility as a prerequisite for judicial office. The content of a large number of telephone conversations made before her appointment shows that she was promised the position one year before the actual appointment.

Namely, the appointment of Lalichikj as judge was planned a while back and arranged in advance, and the unlawful appointment was carried out by several members of the Judicial Council of the Republic of Macedonia, senior officials from the executive and judicial power, and with a significant contribution from the then Head of the Agency for Security and Counterintelligence, Sasho Mijalkov. Two committees conducted the interviews with the candidates who applied for the judgeship. Knowing that certain members of the Judicial Council of the Republic of Macedonia were invited to the meetings in which executive and judicial officials planned who will be appointed to the judgeship; it is not a coincidence that Sofija Lalichikj had the interview before the committee that consisted of some of those members. The planning also covered the way in which she will be suggested as appointee as well as the unanimous support of that suggestion, with particular care being taken to cover the reasons for favouring her over the other candidates. The session in which the Judicial Council will make the appointment was carefully chosen, and the appointment was planned to be made in the session when candidates for two separate judgeships will be selected. Audio recordings of telephone conversations made shortly after Lalichikj's appointment as a judge at the Court of First Instance Skopje 1 Skopje show her fears that certain media will write about the way she was selected.

Her connections with the executive power do not end with the appointment, but on the contrary, are intensified in a direction that constitutes a flagrant violation of the independence of the judiciary and abuse of the reputation of the judicial office. Serving private interests and interests of people close to her, interferences and favours of all kinds, sharing information and knowledge acquired while performing her judicial duties for purposes that were not related thereto, acquainting third parties with the internal situation and relations in the court where she was serving, unbecoming conduct in personal and social relations and allowing them to adversely influence her conduct are only part of the ways in which she used the power that comes with the judicial office. Judge Lalichikj perceived the judicial office as many things but its true meaning – a privilege to serve the community by ensuring justice in accordance with the laws and equality of all citizens, including herself, before the Constitution and the laws in the Republic of Macedonia.



- *blatant violations*

In light of the foregoing, and contrary to the established and incorporated ethical standards for performing judicial duties, Judge Sofija Lalichikj performed the judicial duties entrusted to her unbecomingly, grossly violating the principles contained in the Code of Ethics for Judges in the Republic of Macedonia. Her overall personal and professional conduct while in office constitutes repeated violation of the principle of independence laid down in items 1.1, 1.2, 1.3 and 1.5, the principle of impartiality laid down in items 2.1 and 2.2, the principle of integrity laid down in items 3.1, 3.2 and 3.3, the principle of decency laid down in items 4.2, 4.3, 4.6 and 4.7, as well as the principles of competence and diligence laid down in item 6.7 of the Code of Judicial Ethics.

Article 77 paragraph 1 line 1 of the Law on Court lists "(1) as misconduct subject to disciplinary action for determining liability of a judge: the violation of the rules of Code of Judicial Ethics that damages the reputation of the judicial office".

On the other hand, Article 76 paragraph 1 lines 3 and 9 lists as "serious misconduct subject to a procedure for establishing liability as a ground for removal from office: the abuse of power and reputation of the court for serving private interests and the disclosure of confidential information obtained while performing the judicial duties."

Svetlana Kostova

- *summary of the audio recordings*

The audio recording of a telephone conversation between Sasho Mijalkov and Svetlana Kostova that was made public on 19.03.2015 reveals how Svetlana Kostova was appointed as judge in the High Administrative Court. Kostova's last comment in the above mentioned conversation is a clear indication about her independence in her future work.

The evidence available to the prosecutor's office, especially the text messages and telephone conversations of Svetlana Kostova from 2011, on several topics and with several interlocutors, raise the issue of incompatibility of holding judicial office with engaging in another public office, work or activity. According to her resume published on the Court Portal of the Higher Administrative Court of the Republic of Macedonia, in the period from 2005 to 2011, Svetlana Kostova was in charge of the Sector for Management and Education in the Agency for Security and Counterintelligence. In the period from her appointment as a judge in the High Administrative Court in March 2011, until taking up office on 01.07.2011, according to the records of the Employment Agency of the Republic of Macedonia, Kostova continued working in the Ministry of Interior. The telephone conversations of Judge Svetlana Kostova in September and October 2011, i.e. two to three months after her appointment as judge in the High Administrative Court, show that she continued carrying out the daily tasks for the Agency for Security and Counter-Intelligence related to organizing and mediating meetings and undertaking other tasks that fall within the scope of the daily operation of the Agency for Security and Counter-Intelligence. The fact that Svetlana Kostova was simultaneously performing judicial



duties and duties for the Agency for Security and Counterintelligence calls into question both her personal integrity and the institutional independence of the judicial office.

- *blatant violations*

Engaging in another public office, work or activity that is incompatible with the judicial office according to the Law on the Courts is a serious misconduct punishable by removal from office.

The Code of Judicial Ethics establishes principles whose aim is to supplement, and not deviate from the existing legal regulations, hence, in terms of ethics, in accordance with the principle of competence and diligence "A judge must not engage in conduct that is incompatible with the diligent execution of judicial duties", i.e. the judge must not accept nonjudicial obligations incompatible with the zealous execution of the judicial duties.

The overcoming of these and similar problems is a precondition for restoring institutional and personal independence. The first is related to a more precise definition of the relations of the judiciary with other segments of state power, and the latter to personal and professional competence of judges. In addition to intellectual capacity, this also implies an appropriate institutional framework and professional integrity based on moral and ethical principles that make the judicial function worthy of doing.

Having in mind the established principles of ethical conduct of judges as a standard, applied in accordance with the Constitution, the laws and the international conventions, are not just guidelines, but an actual framework for the behavior of the judges that guarantees judicial accountability and their disregard involves moral and legal accountability.

- *obstacles for imposing appropriate sanctions*

The identified judicial misconduct on one hand and on the other the legal provision from Article 54 of the Law on the Judicial Council of the Republic of Macedonia which stipulates: "The procedure for establishing liability of a judge or a president of a court is initiated within six months after discovering the committed violation, but not later than three years from the commission of the violation", raise the question as to whether such and similar anomalies will remain noted, but unpunished? Will and how much will the functionality of the judicial system progress without radical changes in the legal solutions, without substantially reforming the justice system in its entirety and without resetting the individual awareness of all social actors?

I put forward the following recommendations to the Assembly of the Republic of Macedonia aimed at ensuring accountability for and sanctioning of past and future irregularities in the performance of the judicial duties:

- urgent intervention in the Law on the Judicial Council of the Republic of Macedonia in terms of the time limit for initiating a procedure for establishing liability of a judge or president of a court by making it equivalent to the term of office of the holder of the judicial office;
- changes in the sanctions by introducing various types and stricter sanctions that will prevent inadequate career advancement in general.



The latest report of the Council of Europe's anti-corruption monitoring body – GRECO that examines the prevention of corruption among members of parliament, judges and prosecutors in Macedonia notes that “there is no visible progress” in this area. It describes the results in Macedonia as “obviously disappointing” because it has given in its Evaluation Report 19 recommendations to the Republic of Macedonia, but, as described in the Compliance Report, the country has implemented satisfactorily or has dealt satisfactorily with three out of the 19 recommendations.

Priebe's report notes the extremely bad situation of the judiciary and gives recommendations for depoliticizing appointment and promotion of judges by making appointments and giving promotions according to transparent, objective and strictly merit-based criteria, under transparent procedures established by legislation rather than internal rules, which will eliminate partisan or political affiliation as a selection criterion.

With the increasingly critical remarks about the state of the judiciary, and given the fact that the Judicial Council of the Republic of Macedonia has a central role in the judiciary, any reform of the judiciary should start from the Judicial Council. Any improvement of the operation of the Council pertaining to the principle of independence and autonomy necessitates constitutional changes.

Even though Amendment XXVIII to the Constitution of the Republic of Macedonia has allowed judges to select members to the Judicial Council from their own ranks, the Assembly can still appoint law professors, lawyers and other prominent member of the legal profession as members of the Judicial Council. In addition, the amendment stipulates that the President of the Supreme Court of the Republic of Macedonia and the Minister of Justice are also members of the Judicial Council ex officio.

The Assembly of the Republic of Macedonia has an obligation to contribute to the bettering of the poor state of the judicial system through appropriate solutions with constitutional amendments aimed at ensuring full independence of the judiciary, and then through amendments to the Law on the Judicial Council and the Law on the Courts to fully protect the judiciary and support its continuous development, thereby improving the public perception of the courts and thus increasing the public confidence in the judiciary.

The Assembly of the Republic of Macedonia is the only state body that can eliminate all possible influences in the judiciary, and thus increase its independence and autonomy. Hence, I consider that the legislature should renounce its constitutional competence to appoint members to the Judicial Council, and should revoke the constitutional right of the President of the Republic to nominate members of the Judicial Council. This will prevent any possible interference of the executive and legislative power with the independence of the judiciary. The possibility for judges to elect all members of the judicial council from their own ranks in direct elections by secret ballot should be seriously considered as the most acceptable solution. This means that the judges themselves will elect their representatives on the Judicial Council, whereas the fact that only appointed judges can be nominated as council candidates will further eliminate any potential abuse of the term “prominent member of the legal profession” which has enabled many individuals with suspicious biographies to infiltrate the judiciary. The judges are thoroughly familiar with the situation in the judiciary and their membership in the Judicial Council can directly contribute to the bettering of this situation. The recommendation R (94) 12 of the



Council of Europe for the independence, efficiency and role of judges is in the same direction and states the following: "All decisions concerning the professional career of judges should be based on objective criteria, and the selection and career of judges should be based on merit, having regard to qualifications, integrity, ability and efficiency. The authority taking the decision on the selection and career of judges should be independent of the government and the administration. In order to safeguard its independence, rules should ensure that, for instance, its members are selected by the judiciary and that the authority decides itself on its procedural rules".

Since the term of office of the members of the Judicial Council, which is six years with a possibility for re-election, is a rather long term of office and a position of convenience, the Assembly of the Republic of Macedonia should also consider the duration of the term of office of the members of the Judicial Council. According to the current provisions, a member of the Judicial Council can be elected for two consecutive 6-year terms, which makes a total of twelve years on the Judicial Council, and if the member comes from the ranks of the judges, after the expiry of the two terms, she/he will have to return to the original court and continue with administration of justice. It will be difficulty for a judge who has been out of touch with the court developments for quite some time to go back to performing the judicial duties. For that reason, I believe that, in addition to reducing the term of office, the Assembly should consider the possibility of making the membership on the Judicial Council as a membership in a committee, i.e. the members should simultaneously perform their judicial duties, because this is the only way in which they will stay in touch with the developments in the judiciary, and won't be disconnected and unattainable like they are now. Further, the unaccountability of the members of the Judicial Council is an additional problem, as, under the positive legal regulations, they are not accountable to anyone for their work, yet it is unacceptable for a body that elects, promotes and remove judges to be exempt from liability for potential misconduct.

As for the judges and their selection, promotion and removal, I consider that the Assembly should be careful when establishing of the criteria for selection, promotion and removal from office. Namely, it is unclear why there is a difference in the criteria for selection of judges in the courts of first instance, appellate courts and the Supreme Court of the Republic of Macedonia vis a vis the criteria for selection of judges in the Administrative Court and the Higher Administrative Court. The current legal provisions establish the Academy for Training of Judges as the only criterion for appointing a judge to a court of first instance, while the requisite for promoting a judge to an appellate or supreme court is a certain number of years of judicial service in a court of lower instance, which discontinue the practice of appointing individuals who do not have a single day of judicial service as judges in the appellate and supreme court, yet are put in a position to oversee and evaluate the work of judges with extensive judicial experience. But these criteria tightened the requirements for appointment and promotion of judges only in the courts of first instance, the appellate courts and the Supreme Court of the Republic of Macedonia, while the situation with the Administrative and the Higher Administrative Court remained unchanged. Hence, I consider that the requirements for selection of judges in the Administrative Court and the Higher Administrative Court should also be amended in order to eliminate the possibility for selecting a person with five or six years of legal experience in a state body with good work results or excellent performance appraisal. The current envisaged possibility allows appointment of individuals as judges to the Administrative Court and the Higher Administrative Court who come from bodies which hold executive power, without any judicial experience, and what is more, it provides an easy path for their advancements from these courts to the appellate courts or the Supreme Court of the Republic of Macedonia.



The Venice Commission is of the opinion that the judicial system in every modern legal state should contain clear parameters that will distinguish the individual responsibility of the judge from the responsibility of the judicial system as a whole. The individual responsibility of the judge is often the starting point for the inefficiency of the judicial system as a whole. It turns out that only an independent and impartial judiciary will fulfil its duties vis-a-vis the legislator, the executive branch and especially the citizens. The independence of the judiciary is an obligation of the judges, but a right of the citizens. The approach rests on the understanding that the division of power and its protection by the judiciary is a right that belongs to citizens and that the justice must be in the service of the citizens.

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Katica Janeva**