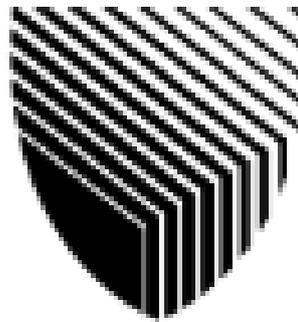




R E P O R T



**On the activities of the Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication for a period of six months
(for the period from 15.09.2016 to 15.03.2017)**

15.03.2017, Skopje





Pursuant to Article 7 paragraph 2 of the Law on the Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication (Official Gazette no. 159/15), on 15.03.2017, I submit the following (third):

R E P O R T

on the activities of the Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication for a period of six months (for the period from 15.09.2016 to 15.03.2017)

I. Characteristic of the Third Reporting Period

The third reporting period covering the activities of the Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication (hereinafter: this Public Prosecutor's Office) in the period from the 15th of September 2016 to the 15th of March 2017 is not similar to the previous two reporting periods mainly because this Public Prosecutor's Office finally managed in this reporting period to secure the conditions necessary for commencing operation in the facility, which was adjusted to the needs of an institution with such area of competence, while also bearing in mind Article 13, paragraph 6 of the Law on the Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication.

The Public Prosecutor's Office maintained the professional, conscientious and responsible operation, practiced since its founding. In addition, this Public Prosecutor's Office remained determined and dedicated in its intention to fulfill its purpose i.e. to investigate crimes related to and arising from the content of the illegal interception of communication.

Even though the Report reflects the activities of this Public Prosecutor's Office during the third reporting period, I have to mention that this is the first reporting period when this Public Prosecutor's Office was in full operation, which could not have been achieved in the previous reporting periods. After commencing operation in the facility which is now the new headquarters, this Public Prosecutor's Office finally secured conditions for effective handling of the materials arising from the content of the illegal interception of communication handed over to this Public Prosecutor's Office, as well as for unhindered fulfilment of its legal obligations.



As part of some of the activities undertaken in this period, I have to point out that even though the Constitution guarantees the fundamental human rights and freedoms of people and citizens as the highest legal act, the illegal interception of communication of thousands of people living in Macedonia in the period from 2008 to 2015 demonstrates serious infringement of the right to respect one's private and family life, and a failure to guarantee the secrecy of the communication. All actions taken in the preliminary investigations and the investigations in this reporting period as well as the evidence gathered and examined by this Public Prosecutor's Office show not only violation of the obligation to refrain from unauthorized invasion of the privacy of so many citizens as well as contravention of the precise legal framework which authorized persons are bound to respect, but also abuses committed by officials with means of the Republic of Macedonia.

Once again I feel obliged to emphasize the professional dedication of my team in the fulfillment of the mandate of this Public Prosecutor's Office, as well as the objective and serious approach to the completion of our mission in the interest of all citizens of the Republic of Macedonia, recognizing the responsibility of this Public Prosecutor's Office towards the citizens of Macedonia.

Furthermore, due to the trust and complete support for the establishment and carrying out of the mandate of this Public Prosecutor's Office given by the leaders of the four major political parties with the signing of the Przino Treaty, and later confirmed with the support of MPs in the Assembly of the Republic of Macedonia by adopting the Law on the Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication, with 111 votes for and none against.

By securing proper working conditions for this Public Prosecutor's Office, this period was marked by a significant increase in the actions undertaken by this Public Prosecutor's Office, within the open investigations, but especially within the preliminary investigations, as well as by a significant increase in the percentage of materials which are being processed. In the course of this period, the Public Prosecutor's Office, which I run, was staffed with the necessary personnel by placing a job advertisement, by getting transfers from the regular prosecutor's offices and based on an order for reassignment of police officers from the Ministry of Interior. Owing to the intensity of the activities undertaken in preliminary investigations and investigations on the cases opened in course of the previous reporting periods, as well as the dynamics of analysing and processing materials handed over to this Public Prosecutor's Office, this Public Prosecutor's Office opened 7 new investigations and launched 14 new preliminary investigations in the period from the 15th of September, 2016 to the 15th of March, 2017.

Since this Public Prosecutor's Office opens majority of the cases based on the materials arising from the content of the illegal interception of communication, the processing and analyzing of the conversations in accordance with the established internal procedures for handling materials take a considerable amount of time in order to build a case. In my opinion, the above needs to be taken into consideration



when analysing the data contained herein, and especially in terms of my duty to report on the progress of the investigations opened by this Public Prosecutor's Office, it is necessary to also bear in mind the legal provision of Article 22 of the Law on the Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication which prescribes a deadline of 18 months for this Public Prosecutor's Office to bring an indictment for a particular case, for which it has undertaken actions, which includes the period for opening a case, launching and conducting a preliminary investigation, as well as launching and conducting an investigation and eventually bringing the indictment.

This is particularly important because the time limits which apply to the actions of this Public Prosecutor's Office are far tighter than the time limits which apply to the actions of the regular public prosecutor's offices, primarily in respect of the time-frame prescribed in the Code of Criminal Procedure which provides for a period of six months for conducting an investigation since the official launching of the investigation by an order for conducting an investigation, which can be extended under the law for another 6 months and again for another 3 months for cases of organized crime.

Moreover, I need to point out that given that this Office is authorized to investigate criminal offenses related to and arising from the content of the illegal interception of communication committed in the period from 2008 to 2015, this Public Prosecutor's Office is not working on active cases, but events and criminal activities which contain a historical element, making it more difficult to investigate and prove the offenses which fall within its jurisdiction. It is therefore absolutely necessary for the competent bodies, institutions and government bodies which receive the requests in terms of legal authorizations arising from the Code of Criminal Procedure to recognize the importance of respecting the deadlines and to respect the legal obligation to respond to the requests of this Public Prosecutor's Office without delay, in the shortest possible time, instead of exhausting in majority of cases the maximum time-frame prescribed by law of 30 days, which has been practiced by most of the institutions since the establishment of this Public Prosecutor's Office through the third reporting period. Especially since the prolonged response to the requests undoubtedly affects and delays the actions of this Public Prosecutor's Office, thereby adversely affecting the progress especially of the open investigations.

It is extremely important to emphasize the fact that the operational conditions in this period resulted in effective analysis and processing of the received materials in accordance with the established internal procedures for handling of materials, and of course by fully protecting the informational, physical and administrative security of the materials through the incorporation of the international standards in this area.

In terms of the activities of this Public Prosecutor's Office on the cases, in this reporting period, in addition to the initiated new preliminary investigations, a large number of the launched preliminary investigations are in advanced stages and some of them moved to the investigation stage.



Even though it is my legal obligation to submit this six-month report on the activities of this Public Prosecutor's Office which contains information based on which you can evaluate the lawful and professional operation of this office, I am firmly convinced that this report demonstrates the commitment to transparency, accountability and responsibility in the operation of this Public Prosecutor's Office.

This Public Prosecutor's Office will always be guided by the principle of equality of citizens, aiming to increase citizens' confidence in the justice system through transparent and independent operation, which is guaranteed by the autonomy of this Public Prosecutor's Office.

II. Administrative and Operational Activities

II-1 Spatial and Technical Conditions

In the third reporting period, and after almost a year since my election as Public Prosecutor for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication, the spatial and technical conditions appropriate for the operation of this Public Prosecutor's Office were finally secured.

It is also necessary in this Report to emphasize that the nature and peculiarity of the work and actions in the competence of this Public Prosecutor's Office necessitate provision of security standards for an institution of this kind, application of safety standards for proper storage of the cases and materials within the competence of this Office, as well as equipping the facility and creating the necessary conditions for undertaking the investigative actions and ensuring adequate protection of the rights of all participants in the proceedings. In the relocation in the assigned facility, this Public Prosecutor's Office closely followed the procedures for providing informational, administrative and physical security of the materials and the evidence in its possession, and at the same time the team of this Public Prosecutor's Office received the essential computer equipment necessary unobstructed fulfillment of the legal obligations.

II-2 Human Resources

Compared to the other two reporting periods, the human resources of this Public Prosecutor's Office improved somewhat in the third reporting period. This Public Prosecutor's Office has established its internal organization since its foundation, thereby providing legal, professional, efficient and effective operation, as well as independent and responsible operation, having in mind Articles 6 and Article 10 of the Law on the Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication. Like in the previous reporting period, I adjusted the need of this Public Prosecutor's Office for human resources according to the workload and available finance.



In this reporting period, in addition to the 23 members of the Judicial Police assigned to work in this Public Prosecutor's Office as investigators by the Ministry of Interior and the Financial Police Office, 2 police officers were assigned to work in this Public Prosecutor's Office by the Ministry of Interior.

Given the foregoing, the current number of members of the judicial police-investigators assigned to work in this Public Prosecutor's Office is 25. A summary of the activities of the investigators during the period from the 15th of September 2016 until the 15th of March 2017 is available herein.

In the reporting period, with the purpose of further staffing the team of this Public Prosecutor's Office, by conducting a recruitment procedure through a public advertisement published on the 17th of October i.e. the 15th of December, a total of 30 people were hired, 27 whereof through a public hiring advertisement and 3 with a transfer. Moreover, in this reporting period, two persons were hired by Temporary Employment Contracts for the purpose of unhindered operation of the Office. A total of 10 volunteers (lawyers) have been engaged since the middle of January 2017 and since 01.02.2017. Hence, at this moment, the team of this Public Prosecutor's Office including both the prosecutorial and the investigative teams consists of 117 people.

II-3 Economic Team of this Public Prosecutor's Office

Given that this Public Prosecutor's Office is working on particularly complex cases which involve corruption and acquisition of criminal property by senior government officials and require analyses of the financial operation of the legal entities, it was necessary to hire finance consultants. The institution which I run is the first institution which recognized the need for this profile of staff that made an outstanding contribution in the actions pursued by this Public Prosecutor's Office within the reporting period. This is important due to the opportunities for wider use of economics, the application of the economic mechanisms important for undertaking procedural activities and the role of the economic team in making founded and accurate analyses, or more precisely making analyses of public procurements and drawing conclusions and preparing reports thereon, drawing conclusions from and preparing reports on analyses of transactions, analyses of records and obtained documents related to financial and accounting activities, electronic processing of accounting records, making analyses of obtained accounting records, inspection of the financial documents and analyses based on a comparison with the obtained documents and records, electronic processing of data from the obtained accounting records and inspection of payments and withdrawals from bank accounts.

The collaboration between the public prosecutors and the team of economists in the analysis of the documentary evidence which involve finances raise the reasonable suspicion when opening investigations and leave room when these financial investigations become indictments to be proven more transparently in court. In addition, the expert advice from the economists in the course of the investigation allows the public prosecutor to give proper and adequate directions for financial



forensics which is essential to the financial investigations. The duration of the preliminary investigations and investigations is thereby shortened, and the public prosecutors is able to reach a prosecutorial decision sooner.

II-4 IT Department at this Public Prosecutor's Office

The huge number of materials in possession of this Public Prosecutor's Office, many whereof are in electronic form, as well as the specifics of the matter within the competence of the Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication, which directly reflect the new forms of crime that involve electronic devices, along with the rapid development of new technologies and the use of digital media necessitate establishment and application of procedures and techniques for utilization and analysis of their content, which ought to be conducted experts. The above is closely associated with the implementation of suitable information and communications technology. The prime goal of the Department of Information Technology at this Public Prosecutor's Office is to raise the quality of the information and communications service for the prosecutorial team.

The software and hardware solutions which form the given system are intended to continuously provide fast, accurate and timely information to the prosecutorial team. In addition, one of the main objectives of the Department is to store the electronic data containing materials and keep them with due care in order to prevent damage and change of their contents and unauthorized access by others. The equipment, devices, software and hardware which can serves as electronic evidence, as well as all other evidence must be handled carefully and in a manner that preserves its probative value.

It is important to highlight herein the contribution given by the employees from the IT Department which had a considerable impact on the results and progress made in terms of the overall work of this Public Prosecutor's Office in the reporting period. Moreover, with the professional knowledge they possess and with the application of the appropriate procedures and specific forensic tools, the IT specialists have made analyses of a number of electronic devices obtained within the ongoing actions, in order to use relevant and analyzed information in support of the evidence obtained within the ongoing actions of this Public Prosecutor's Office.

II-5 Professional Assistance and Support of the Public Prosecutor's Office

As in the previous two reporting periods, in this reporting period as well, this Public Prosecutor's Office also used experts and professional services for its purposes, especially in the area of the constitutional law, criminal procedural law and civil law in the capacity of legal experts (advisors). The recognized need and the established practice of the scope within which their professional knowledge and experience are utilized, still include interpretation of the positive law in the scope of



this Public Prosecutor's Office; keeping track of the new legislation and its relation to the Law on Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication; introduction to the judgments of the European Court of Human Rights and their utilization by the prosecution; expression of their expert views on the status and work of the Public Prosecutor's Office before the prosecution team as well as before the domestic and international public.

In order to improve the knowledge and skills, the prosecutors, investigators and employees in this Public Prosecutor's Office participate in lectures and training which are adjusted to the needs and proceedings on the cases within the competence of this Public Prosecutor's Office and are conducted by national and international experts and professionals who have knowledge and professional experience, which are of particular importance to the practical work of the prosecutors, investigators and employees in this Public Prosecutor's Office. The ultimate goal of lectures and training is still to support professional, objective and independent investigation of the criminal offences related to and arising from the content of the illegally intercepted communication.

In order to fully comply with the legal provisions that regulate the handling and treatment of classified information, like in the previous reporting periods, in this reporting period as well, this Public Prosecutor's Office started the process for obtaining security clearances for the staff employed and assigned to work in this Public Prosecutor's Office, part of which are still in progress.

II-6 Financial Operation of the Public Prosecutor's Office

The finances of this Public Prosecutor's Office, in accordance with Article 15 of the Law on the Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication, consists of funds for the salaries and contributions for the public prosecutors, salaries and contributions for the staff in the prosecutorial team, funds for procurement of goods and services, costs related to the proceedings, including funds for counsels and opinions of experts, funds for professional development of the public prosecutors and the staff in the prosecutorial team, obtaining capital investments and funds for maintenance of the premises and equipment at the Public Prosecutor's Office.

The finances of this Public Prosecutor's Office in this reporting period adhere to the budget approved for 2016 as well as 2017. Out of the approved funds for 2016, a total of 50,607,148.00 MKD were used in the period from 15.09.2016 until 31.12.2016. Out of 253,682,112.00 MKD approved for 2016, this Public Prosecutor's Office used 123,548,695.00 MKD until 31.12.2016 or 48.70% of the total budget. Out of the 228,005,000.00 MKD approved for 2017, in the period from 01.01.2017 through 15.03.2017, this Public Prosecutor's Office used a total of 28,636,159.00 MKD or 12.56% of the total approved budget for 2017.



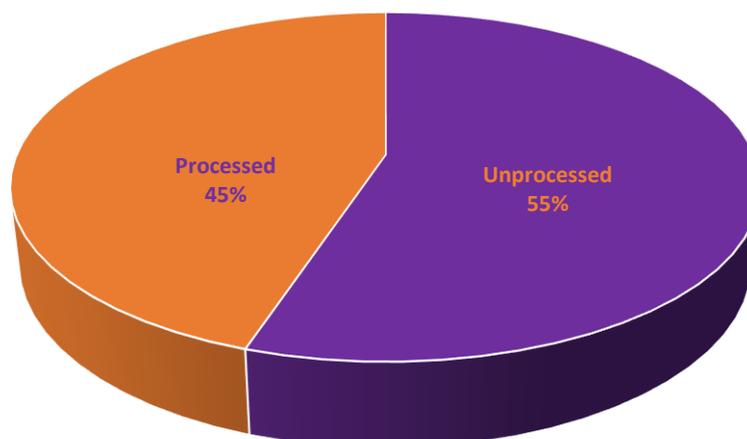
Budge funds were used in the last quarter of 2016 to meet the obligations arising from the contracts awarded for public procurement.

A large portion of the approved budget funds, in the period from the 15th of September 2016 until the 15th of March 2017 were used to meet obligations arising from a lease, since this Public Prosecutor's Office hold the building used as the headquarters on a lease. In addition, the realized funds in this period were intended to settle the obligations arising from the need for providing uninterrupted and effective functioning of the Public Prosecutor's Office, funds for professional development of the public prosecutors and the staff in the prosecutorial service, engagement of experts, as well as payment of the costs in the proceedings.

III. Analysing of the Audio Files and Other Materials

In this reporting period, the Public Prosecutor's Office acquired specialized information and forensic software solutions, and thereby discovered additional 66,909 deleted audio files, thus increasing the total number of audio files to 606,555. These files, just like the previous 540 646, were registered electronically on a list of 15,906 sheets in electronic form. It was determined during the registration that the duration of all audio files is 13,200 hours.

Chart Showing the Work on the Audio Files





Up until the day of submission of this Report, this Public Prosecutor's Office analysed the content of 272,950 audio files or processed 45% of all audio files in its possession and prepared 960 transcripts of the conversations which contain indication of crime. This Public Prosecutor's Office shall maintain the set pace of analysing and processing of materials in the upcoming period as well. The analysis and processing of the materials is carried out in line with the established internal rules and procedures for keeping a record of the process of listening and processing of the materials and by adhering to the principle of confidentiality and privacy of the citizens of the Republic of Macedonia and others, guaranteed by the Constitution and the European Convention on Human Rights, thereby guaranteeing respect and protection of the private and family life.

Given the above, the private conversations are being separated from the conversations which are being processed. Out of the total number of 272,950 analysed conversations, 90,618 audio files in duration of 2030 hours have been separated as private conversations.

The Public Prosecutor's Office for Fighting Organized Crime and Corruption Skopje referred the case KO.no.25/15 to this Public Prosecutor's Office, which, in addition to the other documents and evidence, contained a hard disk, the origin whereof was traced to the office at the Security and Counter-Intelligence Directorate used by Mr. Zvonko Kostovski, who is now convicted, however the hard drive is not included in the list of evidence.

The investigation of the hard disk carried out by this Public Prosecutor's Office reveals files generated with the activity of an application which records the communication between two telephone numbers, targeting Mr. Zoran Zaev, and these generated files and their processing indicate that the communication was intercepted without issued court orders i.e. illegally. This Public Prosecutor's Office made an electronic list of these materials comprised of 27,189 sheets. In addition, we detected 31,495 audio files with duration of 671 hours and 72,513 SMS messages which were targets of the application recording the communication between two telephone numbers.

The summary table below shows the actions taken by the team of investigators assigned to work in this Public Prosecutor's Office, in this reporting period, within the legal authorizations, on all cases pursued by this Public Prosecutor's Office.



Official records	539
Participation in the hearing of witnesses	236
Participation in hearing of suspects/defendants	7
Minutes of hearing of a witness prepared by investigators	16
Contact with citizens/sources of information	200
Summons for interview served to witnesses and suspects	492
Prepared/delivered instruments (requests, accompanying letters, orders, authorizations) to other institutions	618
Making analysis/analytical products	202
Inspection of documentation of legal entities	253
Participation in searches	2
Participation in official meetings with external parties	46
Participation in working meetings held in the Prosecution	115
Detention	/
Operational surveillance of persons and facilities	19
Summary tables	265
Confiscated items	386
Records of receipt of materials	37
Constructed profiles of subject	10
Checks in the available databases	3573

The work of the Public Prosecutor's Office on the preliminary investigations is characterized by the coordinate approach of the team of investigators assigned to work in this Public Prosecutor's Office in cooperation with the public prosecutors.

During this reporting period, the Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication launched 14 new preliminary investigations and counting the 54 preliminary investigations launched since the founding, the total number of ongoing cases in preliminary investigation is 68. The subject of the preliminary investigations is the illegal interception of communications, as well as irregularities in funding of the media, misuse of funds for financing election campaigns, various abuses of



procurement procedures, tax evasion, money laundering, various corrupt activities and various abuses of official position and authorization, financial investigations, as well as irregularities in the procedures relating to construction work etc.

The following summary table shows the activities and actions taken by the public prosecutors in the preliminary investigations.

Action taken as part of the preliminary investigations	Total number
Orders Article 283 and Article 284 of the Code of Criminal Procedure	42
Orders for expert examination	2
Proposal for issuing orders for provisional confiscation of items	5
Request for issuing an order for search of a computer system and computer data	1
Witness summons	646
Number of interviewed people	395
Minutes of examination of witnesses	395
Requests under Article 287 of the Code of Criminal Procedure	897
Requests under Article 284 of the Code of Criminal Procedure	8
Request for inspection	1
Proposal for punishment of a person in charge	5
Appeal	3
Urgent request	59
Records of receipt of materials	15
Records of handover of materials	1
Request of mutual legal assistance	4
Correspondence, notifications, responses	26
Confirmation of confiscated objects	3
Total	2508

64 persons have been under investigation throughout the first and second reporting period.

With the investigations launched in the period from the 15th of September 2016 until the 15th of March 2017, in the third reporting period, this Public Prosecutor's Office, placed under investigation 50 persons in total, by extending the already launched investigations against 15 of them and by launching 7 investigations in this reporting period against 35. This reporting period was also marked by orders for discontinuing investigation of 2 persons.



Action taken as part of the launched investigations	Вкупен број
Order for conducting an investigation	50
Order for discontinuing an investigation	2
Order for extending an investigation to new criminal offences	5
Order Article 283 and Article 284 of the Code of Criminal Procedure	12
Orders for expert examination	2
Order for assistance in a search	1
Proposal for issuing orders for provisional confiscation of items	3
Request for issuing an order for search of a computer system and computer data	6
Request for issuance of a search warrant	2
Notification of a conducted search	1
Witness summons	321
Suspect summons	62
Expert witnesses summons	2
Number of interviewed persons	261
Minutes of examination of witnesses	227
Minutes of examination of defendants	32
Minutes of examination of expert witnesses	2
Minutes of inspection of a case	10
Requests under Article 287 of the Code of Criminal Procedure	171
Request under Article 291 of the Code of Criminal Procedure	4
Request under Article 81 of the Code of Criminal Procedure	1
Request for referral of a case within the jurisdiction	2
Proposal for imposing detention	2
Proposal for determining precautionary measures	5
Proposal for provisional suspension of financial transactions of a bank account with a provisional seizure of property	1
Request for declassification	1
Requests for inspection	3
Request for exemption Article 33 paragraph 2 of the Code of Criminal Procedure	1
A request for protection of legality	2
Appeal	18
Response to an appeal	10
Urgent request	48
Proposal for punishment of a person in charge	3
Withdrawal of indictment	5
Records of receipt of materials	19
Decision not to bring prosecution	2
Decision on competence	1
Notification of completion of investigation under Article 302 of the CCP	32
Correspondence, notifications, responses	3
Confirmation for confiscation of objects	1
Total	1334



Hence, the total number of persons under investigation from the founding of this Public Prosecutor's Office through the third reporting period is 112 persons.

IV. Description and Progress of the Cases Investigated by this Public Prosecutor's Office

IV-1. NSK-KO no.1/15

The case registered under NSK-KO No.1/15 was opened by this Public Prosecutor's Office, on the basis of an Order for Conducting an Investigation from 12.02.2016, against 12 persons due to the existence of reasonable suspicion of the following criminal offences: Criminal Conspiracy of Article 394 paragraph 1 and paragraph 2 of the Criminal Code, Violation of the Voting Rights of Article 159 paragraph 2 of the Criminal Code, Bribery at Elections and Voting of Article 162 paragraph 1 of the Criminal Code, Destruction of Election Material of the Article 164 paragraph 2 of the Criminal Code, Misuse of Funds for Financing an Election Campaign of Article 165-a paragraph 1 of the Criminal Code and the criminal offense Destruction of Election Material of Article 164 paragraph 2 of the Criminal Code.

After taking more investigative actions and listening to unreleased audio conversations, the Order NSK-KO No.1/15 was issued on 18.01.2017 for conducting an investigation of 2 new persons and one suspect with a prior order for investigation. The persons in the order are suspected of Misuse of Funds for Financing an Electoral Campaign under Article 165-a paragraph 1 of the Criminal Code and of Criminal Conspiracy under Article 394 paragraph 2 of the Criminal Code.

After taking several investigative actions and listening to unreleased audio conversations as well as hearing witnesses, the Order NSK-KO No.1/15 was issued on 10.02.2017 for conducting an investigation of 17 persons for the criminal offenses Criminal Conspiracy of Article 394 paragraph 1 and paragraph 2 of the Criminal Code, Misuse of Funds for Financing an Election Campaign of Article 165-a, paragraph 1 of the Criminal Code, Violation of the voting rights of Article 159 paragraph 2 of the Criminal Code, Violation of the Voter's Freedom of Choice of Article 160 paragraph 1 and paragraph 2 of the Criminal Code, Abuse of Official Position and Authorization of Article 353 paragraph 5 of the Criminal Code.

Several requests were submitted in the case NSK-KO No.1/15 on 18.02.2016, 22.02.2016, 10.3.2016 and on 27.02.2017 to the Court of First Instance Ohrid for delivering the court case brought against Jane Miloseski for the criminal offense Attack on an Official when Performing Security Activities of Article 383 paragraph 2 in connection with paragraph 1 of the Criminal Code. After sending several requests to the court in Ohrid, on several occasions we received the same reply that investigators of this Public Prosecutor's Office inspected the case on two occasions and that only the Court of First Instance Ohrid can respond to our request by again allowing inspection of the files and evidence of the case. The response of the Court



of First Instance Ohrid states that the purpose of the aforementioned is avoiding violations of the Code of Criminal Procedure.

In this reporting period, the following actions were taken or filed and submitted with reference to this case: 280 witness summons, 30 suspects summons, 196 minutes of hearing of witnesses, 10 minutes of hearing of a suspect, 10 minutes for inspection on a case, 108 requests submitted under Article 287 of the CCP, 2 Requests for referral of case within the jurisdiction, 11 orders in accordance with Article 283 and 284 of the CCP, 12 orders for conducting an investigation, 5 orders for extending an investigation to new criminal offences, 2 decisions not to bring prosecution in accordance with Article 44 of the CCP, 9 records of receipt of materials, 10 decisions on expenses, 3 responses to appeals, 1 urgent request, 1 decision on jurisdiction, 2 official records for inspection of the case, 2 requests for issuance of a search warrant, 1 notification of a conducted search.

VI-2 NSK-KO no.11/15

The case registered under NSK-KO.no.11/15 was opened by this Public Prosecutor's Office, on the basis of an Order for Conducting an Investigation from 12.02.2016, against 8 persons due to the existence of reasonable suspicion of the following criminal offences: Abuse of Official Position and Authorization under Article 353, paragraph 5 in connection with paragraph 1 in connection with Article 22 of the Criminal Code. The case is in its final stage i.e. preparation of indictment.

The following actions were taken on this case in this reporting period: 13 summonses served to a suspect, 7 minutes of examination of suspects prepared, 1 order issued for preparation of economic and financial analysis under Article 236, paragraph 3 in connection with Paragraph 1 of CCP, and 11 notifications submitted for completion of investigation under Article 302 of the CCP.

IV-3. NSK-KO no.15/15

This Public Prosecutor's Office opened the case registered under NSK-KO No.15/15 on the basis of established subject-matter jurisdiction over the case taken over from the Public Prosecutor's Office Bitola and on 14.04.2016 issued an Order for conducting an investigation on 21 people, due to the existence of reasonable suspicion against 10 person of Abuse of Official Position and Authorization under Article 353, paragraph 5 in connection with paragraph 1 in connection with Article 22 of the Criminal Code and against 11 persons of Abuse of Official Position and Authorization under Article 353, paragraph 5 in connection with paragraph 4 in connection with paragraph 1 in connection with Article 22 and Article 45 of the Criminal Code.



On 16.09.2016, this Public Prosecutor's Office put forward a proposal for extension of a house arrest, but, the Court of Appeal, with the decision CSW-431/16 taken on 19.09.2016, did not uphold the proposal.

This Public Prosecutor's Office filed an Appeal against the Decision KSZ 431/16 from 19.09.2016 of the Court of Appeal Skopje, before the Supreme Court of RM. The appeal of this Public Prosecutor's Office was upheld by the Supreme Court with the decision Vkz.no.21/2016 from 05.10.2016, hence the decision of the Court of Appeal Skopje 431/16 from 19.09.2016 was overturned and the case was remitted. After the remitting of the case, the Court of Appeal Skopje again decided not to uphold the proposal by adopting decision CSW-480/16 on 19.10.2016.

On 07.11.2016, this Public Prosecutor's Office submitted a request for protection of legality before the Supreme Court of the Republic of Macedonia (against decision KSZ-394/16 adopted by the Court of Appeal on 19.09.2016). A case has been established concerning this request in the registration book KOV under NSK-KOV no.2/16, but we still have not received a decision from the court. Regarding this case, this Public Prosecutor's Office submitted a Request to the Court of First Instance Skopje 1 Skopje on 29.11.2016 for return of documents and on 12.12.2016 submitted Provision of Documents pertaining to the Case KOK-PP.no.205/16 to the Supreme Court of the Republic of Macedonia.

This Public Prosecutor's Office has completed the investigation and is currently preparing the indictment.

The following actions were taken in this case in this reporting period: 2 served summons, 2 prepared minutes of examination of an expert witness, 1 submitted proposal for extension of a house arrest, 1 filed request for protection of legality, 9 prepared minutes of delivery of evidence in electronic form, 1 lodged appeal, 1 response to an appeal, 3 missives and 32 notifications delivered, 31 whereof to all suspects and their legal representatives with enclosed minutes of the expert examination, thereby eliminating the technical shortcomings established in the expert analysis of the completed investigation.

IV-4. NSK-KO no.16/15- Putsch

Regarding the case known to the public as "Putsch", on 09.12.2015, this Public Prosecutor's Office established jurisdiction over the case KO.no.25/15 of the Public Prosecutor's Office for Organized Crime and Corruption Skopje which indicted 5 persons for Unauthorized Wiretapping and Audio Recording under Article 151, paragraph 4 in connection with paragraph 1 of the Criminal Code, Espionage under Article 316, paragraph 4 of the Criminal Code and Violence Against Representatives of Highest State Authorities under Article 311 in connection with Article 19 of the Criminal Code. By submitting a written document on 18.01.2017 to the Court of First Instance Skopje 1 Skopje under Article 352 of the CCP, prior to the commencement of the main hearing, we withdrew the indictment because the facts of the case



outlined in the indictment do not corresponds to the evidence obtained in our preliminary investigations pertaining to the illegal interception of communications which try to uncover who, how and in what manner conducted the illegal wiretapping in the Republic of Macedonia. The purpose of our decision is collecting additional evidence that will fully clarify the facts and will enable rendering of a correct and lawful prosecutorial decisions.

We would like to clarify that, in line with our professional operation, we cannot pursue an indictment which is contrary to the evidence at our disposal and the investigations opened by us. Furthermore, we would like emphasize that we do not prejudge whether someone is innocent or guilty by withdrawing the indictment in the case "Putsch", but believe that the full and accurate determination of the facts requires further evidence, which cannot be obtained in the main hearing stage.

It is necessary to underline that in the document for withdrawal of the indictment we asked the court to hand over to us all pieces of evidence outlined in the list of evidence, because they are essential and necessary for the investigation conducted by this Public Prosecutor's Office for Abuse of Position and Authorization under Article 353 paragraph 5 in connection with article 1 of the Criminal Code, which concerns the unauthorized interception of communications carried out in the period from 2008 to 2015 and also includes part of the actions described in the indictment KO.no.25/15 of 30.04.2015.

Regardless of this request and the submitted urgent request, the court has not delivered the evidence, thereby hindering the running of the aforementioned investigation.

The following actions were taken and submitted in this case during the reporting period: 4 opinions on a request of an accused for lifting a guarantee under Article 39 paragraph 2 line 12 in connection with Article 152 of the CCP and 5 documents submitted for withdrawal of the indictment.

IV-5. NSK-KO no.17/15

The case registered under NSK-KO no.17/15 was opened by this Public Prosecutor's Office, on the basis of an Order for Conducting an Investigation from 29.03.2016, against 4 persons, due to the existence of reasonable suspicion against 1 person of Abuse of Official Position and Authorization under Article 353, paragraph 5 in connection with paragraph 1 in connection with Article 22 of the Criminal Code and Falsifying an Official Document under Article 361 paragraph 1 in connection with Article 23 of the Criminal Code as well as Forging an Official Document under Article 361 paragraph 1 of the Criminal Code, against 1 person of Abuse of Official Position and Authorization under Article 353, paragraph 5 in connection with paragraph 1 in connection with Article 22 of the Criminal Code and Falsifying an Official Document under Article 361 paragraph 1 of the Criminal Code, against 1 person of Abuse of Official Position and Authorization under Article 353, paragraph 5 in connection with paragraph 1 in connection with Article 22, and finally against 1 person of Abuse of



Official Position and Authorization under Article 353, paragraph 5 in connection with paragraph 1 in connection with Article 24 and Falsifying an Official Document under Article 361 paragraph 2 in connection with paragraph 1 of the Criminal Code.

The following actions were taken and submitted in this case during the reporting period: a request for inspection of a case submitted to the Court of Appeal Skopje on 21.09.2016, a proposal for punishment of a person responsible submitted on 20.09.2016 followed by (4) urgent requests submitted on 17.10.2016, 02.11.2016, 02.12.2016 and 19.12.2016 due to the failure of the Court of First Instance Skopje I Skopje to act thereon. The Court of First Instance Skopje I Skopje – judge of the pre-trial procedure adopted Decision IV KOK-PP.no.348/16 on 18.01.2017, which rejects the proposal as unfounded. An appeal was filed on 20.01.2017 whereafter the Criminal Council of the Department for Organized Crime and Corruption adopted Decision KIOK -KS.no.25/17 on 15.02.2017 and upheld the decision of the judge in the pre-trial procedure which rejected the proposal as unfounded.

The following actions were taken on this case in this reporting period: 1 lodged appeal, 2 submitted responses to appeals, 12 submitted urgent requests, 1 submitted request for declassification, 5 minutes of examination of a suspect prepared, 9 summons served to a suspect, 1 minutes of witness examination, 1 Notification submitted to the Court of First Instance Skopje I Skopje, 1 request for a copy of the criminal records, 4 notifications given of inspection into files and evidence of the case to the defence, 2 submitted requests under Article 287 of the CCP, 1 request for inspection into a case submitted to the Court of Appeal Skopje, 1 submitted proposal for punishment of a person responsible.

The defence completed the inspection into the files and evidence in the case, whereafter 4 new persons were heard in the capacity of suspects.

IV-6. NSK-KO no.21/15

The case registered under NSK-KO No.21/15 was opened by this Public Prosecutor's Office, on the basis of an Order for Conducting an Investigation from 29.03.2016, against 4 persons, due to the existence of reasonable suspicion against 1 person of Abuse of Official Position and Authorization under Article 353, paragraph 3 in connection with paragraph 1 of the Criminal Code and against 3 person of Abuse of Official Position and Authorization under Article 353, paragraph 5 in connection with paragraph 1 in connection with Article 22 of the Criminal Code, and the investigation was extended by Order issued on 08.06.2016 to 3 more persons, due to the existence of reasonable suspicion against 2 person of Abuse of Official Position or Authorization under Article 353 paragraph 3 in connection with paragraph 1 in connection with Article 23 paragraph 1 of the Criminal Code and due to the existence of reasonable suspicion against 1 person of Abuse of Official Position or Authorization under Article 353, paragraph 5 in connection with paragraph 1 in connection with Article 23 paragraph 1 of the Criminal Code and Abuse of Official



Position or Authorization under Article 353, paragraph 5 in connection with paragraph 1 of the Criminal Code.

The defence appealed an action as unlawful before the Court of First Instance Skopje I Skopje for not adopting a decision for discontinuing an investigation against three suspects, whereupon the Court submitted the Request I OKNZD No.6/16 for statement of opinion on the aforementioned appeal dated 22.08.2016, whereafter a response thereon was submitted to the Court on 22.09.2016.

On 14.10.2016, an Order for performance of a graphological analysis was given to the National Forensics Group, but on the same day, the Order and the evidence were sent back accompanied by document saying that they will not carry out the analysis.

The following actions were taken on this case in this reporting period: submission of 1 Request Article 287 of CCP and submission of 1 response to an appeal.

IV-7. NSK-KO no.1/16

The investigative case noted as NSK-KO. no.1/16 which is lead in this Public Prosecution is formed after the acquisition from the Basic public prosecution Skopje by the Decision for establishment of an effective competence. A warrant for conduction of an investigative procedure from 12.02.2016 has been reached, the investigative procedure is lead against 2 persons due to an existence of a reasonable suspicion that they committed a criminal offence Destruction of electoral documents from Article 164 paragraph 3 related to paragraph 1 from the Criminal Code, that is 1 person for a criminal offence Destruction of electoral documents from Article 164 paragraph 3 related to paragraph 1 from the Criminal Code and 1 person for a criminal offence Destruction of an electoral documents from Article 164 paragraph 3 related to paragraph 1 and paragraph 1 from the Criminal Code.

The case is in its final phase, for which the arrangement of a bill of indictment is in process.

During the course of the reportable period the following actions have been undertaken on this case: 20 witness invitations have been delivered, 3 suspect invitations have been delivered, 3 reports for suspect examination have been formed, 16 reports for witness examination have been formed, 1 Request from Article 287 from the Criminal Procedure Law and 2 Warrants from which one is a Warrant for conduction of an investigative procedure according to Article 39 paragraph 2 point 3 and Article 292 paragraph 1 from the Criminal Procedure Law, for one person and 1 Warrant for termination of an investigative procedure of 2 persons according to Article 304 paragraph 1 point 3 and Article 44 paragraph 3 from the Criminal Procedure Law, 2 Inquiries for statements from the crime record according to Article 287 from the Criminal Procedure Law and 2 Notices for termination of investigative procedure according to Article 302 from the Criminal Procedure Law.



IV-8. NSK-KOV no. 1/16

The case is formed on the basis of an Initiative on establishment of a request for protection of the legality of the convicted Zvonko Kostovski to this public prosecution, indicating that with the stated sentence an infringement of the law for his protection has been performed.

During the course of the reportable period the following actions have been undertaken on this case: 4 Notices on 26.12.2016, 03.02.2017, 16.02.2017 and 02.03.2017, 1 Request according to Article 457 from the Criminal Procedure Law on 16.09.2016, 4 Requests according to Article 287 from the Criminal Law Procedure to the Basic Court Skopje 1 Skopje submitted on 10.10.2016, 03.01.2017, 02.02.2017 and 01.03.2017 with the same case of request. For the same ones 3 responds have been procured, but it has not been conducted according to the request, and after the request submitted on 02.02.2017, it has been responded immediately that the case has been consigned to the Council of public prosecutors of the Republic of Macedonia.

For our last request from 01.03.2017 a respond has still not been obtained.

IV-9. NSK-KO no. 2/16

The investigative case noted as NSK-KO no.2/16 is formed after the acquisition from the Basic public prosecution Skopje by the Decision for establishment of an effective competence from 09.12.2015, a Warrant for conduction of an investigative procedure has been reached on 24.03.2016, the investigative procedure is lead against 7 persons due to existence of a reasonable suspicion for commitment of a criminal offence Torture and other cruel, inhumane or humiliating action and punishment Article 142 paragraph 1 related to Article 23 and Article 22 from the Criminal Code. Namely, 1 person due to existence of reasonable suspicion for a committed criminal offence from Article 142 paragraph 1 related to Article 23 from the Criminal Code and 6 persons due to existence of reasonable suspicion for a committed criminal offence Article 142 paragraph 22 from the Criminal Code.

An insight has been made into a case in the Basic public prosecutions Skopje and the Basic court Skopje I Skopje, under the Specific investigative measures in the cases of the Basic public prosecution Skopje and in the Basic Court Skopje I Skopje, and an insight into a case in the MOI, the Department for witness protection has not been allowed yet. Namely, on 16.02.2016 a Warrant for NSK-RO no.24/15 has been issued by which a provision of an insight in MOI has been required, the witness protection Unit, the Unit responsible for tracing and recording of telephone communications and Units for secret tracing and recording of people and cases with technical assets outside of the home or business space located in the Public Security



Bureau and the Security and Counter-Intelligence Directorate but such insight to this day has not been provided yet.

During the course of the reportable period the following actions have been undertaken on this case: 15 invitations for witness examination have been indicated, 10 Records have been formed for witness examination, 7 invitations have been delivered for examination of accused, 7 records for examination of accused have been formed that is 16 persons have been interrogated (witnesses and accused), 8 Inquiries according to Article 287 from the Criminal Procedure Law, 2 Amendments of Inquiries according to Article 287 from the Criminal Procedure Law, 2 Inquiries for an insight and 1 Warrant for expert evidence which has been set is delivered.

IV-10. NSK-KO 6/16 – Indictment proposal

On 15.09.2016 an indictment proposal has been submitted formed against 7 people for a committed criminal offence – Falsifying an official document from Article 361 paragraph 2 related to paragraph 1 from the Criminal Code.

Acting according to the obligation of the Basic court Skopje 1 Skopje, given on the held trial on 28.11.2016, a request has been submitted for declassification of evidence to the SCID on 13.12.2016 followed by 2 (two) Urgent requests and Inquiries for evidence declassification to the MOI. At the same time regarding the fact that an act of declassification was not provided, after the held trial on 17.01.2017, inquiries were submitted again to the MOI and the SCID, followed by urgent requests, after which a notice from MOI has been received that it has been conducted according to our request. On 9.03.2017 by the Ministry of Interior the required acts have been delivered for application of the evidence in the court proceeding. The last trial was scheduled for 13.03.2017 and the same one was not held but it was rescheduled for the 3rd of May.

Regarding to the submitted bill of indictment a trial for a main discussion has not been held yet.

During the course of the reportable period the following actions have been undertaken on this case: 1 Request for dismissal has been delivered from Article 33 paragraph 22 from the Criminal Procedure Law , 1 request has been delivered also Article 287 from the Criminal Procedure Law, 2 Requests have been delivered for a record delivery and video and audio recording, 1 appeal has been filed, 14 Urgent requests/Notices have been delivered.

IV-11. NSK-KO no. 7/16 – Indictment proposal

On 15.09.2017 an Indictment proposal is submitted for the case NSK-KO. No.7/16 to the Basic Court Skopje 1 Skopje formed against 14 persons for the criminal offence Act of violence from Article 386 paragraph 2 related to paragraph 1 from the Criminal Code, that is 5 persons for the criminal offence Act of violence from



Article 386 paragraph 2 related to paragraph 1 related to Article 23 from the Criminal Code and 9 persons for the criminal offence Act of violence from Article 386 paragraph 2 related to paragraph 1 from the Criminal Code.

The case is in its legal proceeding phase.

During the course of the reportable period the following actions have been undertaken for this case: 2 Requests have been delivered for a statement from the records of punishment, 1 Request for information has been delivered, 2 Requests for provision of a record and a copy of a visual-audio recording have been delivered, 3 Urgent requests for provision of a record and a copy of a visual-audio recording, 3 Appeals of a decision have been filed.

IV-12. NSK-KO no. 8/16

For the investigative case noted as NSK-KO no.8/16 an warrant has been issued for conducting an investigative procedure on 28.09.2016 which is lead against 4 persons, 3 of whom due to existence of a reasonable suspicion for a committed criminal offence Misuse of official position and authorizations from Article 353 paragraph 5 related to paragraph 3 related to Article 22 from the Criminal Code and 1 person due to existence of a reasonable suspicion for a committed criminal offence Misuse of official position and authorizations from Article 353 paragraph 5 related to paragraph 3 related to Article 24 from the Criminal Code.

With the act NSK-KO no.8/2016 to the Basic Court Skopje 1 Skopje on 28.09.2016 a Proposal has been submitted for determination of precaution measures against 3 persons.

On 30.09.2016, on an Examination Record, Public Prosecutor Artan Ajro submitted a Request for taking a judge off the case, from the procedure of the case of this court III KOK-PP no.358/16.

To this Request for taking a judge off the case, from the procedure of this case III KOK-PP no.386/16, the President of the Basic Court Skopje 1 Skopje, issued a Decision Izz no.52/16 on 05.10.2016, with which the Request for taking off a case of the court for the case III KOK-PP no.358/16, was overturned, due to non-existent circumstances which cause a suspicion in its impartiality.

On 06.10.2016, with the act NSK-KO no.8/2016 of this Public prosecution an Appeal has been filed to the Court of Appeal Skopje, against the Decision Izz no.53/16 from 05.10.2016 to the President of the Basic Court Skopje 1 Skopje.

Conducting according to the filed appeal, a Decision has been issued SU-IZZ-221/16 on 10.10.2016 by the President of the Court of Appeal, with which the Appeal of this Public Prosecution was overturned as unfounded, and the Decision of the



President of the Basic Court Skopje 1 Skopje Izz no.53/16 from 05.10.2016 was certified.

Conducting according to the submitted Proposal for determination of precaution measures against the prime suspect from the Basic Court Skopje 1 Skopje a Decision IIIKOKPP no.358/16-1 on 04.11.2016 has been issued, with which the proposal for determination of precaution measures, was overturned as unfounded.

On 07.11.2016 by this Public prosecution with the act NSK-KO no.8/16 an appeal has been filed to the Criminal Council of the Basic court Skopje 1 Skopje against the issued Decision III KOKPP no.358/16-1 on 04.11.2016.

Conducting according to the filed appeal, a Decision has been issued KIOK-KS no.245/16 on 22.11.2016 by the criminal council of the Basic court Skopje 1 Skopje, with which the Appeal of this public prosecution was overturned as unfounded, and the Decision III KOKPP no.358/16-1 from 04.11.2016 was certified.

Conducting according to the submitted Proposal for determination of precaution measures against the fourth suspect, a Decision III KOKPP no.358/16-3 on 04.11.2016 has been issued by the Basic Court Skopje 1 Skopje, with which the proposal for determination of precaution measures was overturned as unfounded.

An appeal was filed to the criminal council of the Basic Court Skopje 1 Skopje against the issued Decision III KOKPP no.358/16-3 from 04.11.2016 by this Public prosecution with the act NSK-KO no.8/16 from 07.11.2016.

Conducting according to the filed appeal by the criminal council of the Basic court Skopje 1 Skopje a decision KIOK-KS no.247/16 from 22.11.2016 has been issued, with which the appeal of this Public prosecution was overturned as unfounded, and the Decision III KOKPP no.358/16-3 from 04.11.2016 was certified.

Conducting according to the submitted Proposal for determination of caution measures against the third suspect, a Decision III KOKPP no.358/16-2 from 04.11.2016 was issued with which the proposal for determination of caution measure was overturned as unfounded.

An appeal was filed to the criminal council of the Basic court Skopje 1 Skopje against the issued Decision III KOKPP no.358/16-2 from 04.11.2016 by this Public prosecution with the act NSK-KO no.8/16 on 07.11.2016.

Conducting according to the filed appeal, a Decision KIOK-KS no.246/16 on 22.11.2016 was issued by the criminal council of the Basic court Skopje 1 Skopje, with which the appeal of this Public prosecution was overturned as unfounded, and the Decision III KOKPP no.358/16-2 from 04.11.2016 was certified.



With the act NSK-KO no.8/2016 on 29.09.2016 a Proposal was submitted to the Basic court Skopje 1 Skopje for determination of imprisonment measure against 1 suspect.

Conducting according to submitted proposal in this manner, a Decision IV KOK PP no.357/16 on 30.09.2016 was issued by the Basic court Skopje 1 Skopje, with which the proposal for determination of imprisonment measure was overturned as unfounded.

On 04.10.2016 with the act NSK-KO no.8/2016 an appeal was filed to the criminal council of the Basic court Skopje 1 Skopje against the Decision IV KOK PP no.357/16 from 30.09.2016, with which the proposal for determination of imprisonment measure was overturned as unfounded.

Conducting according to the filed appeal, a Decision KIOK-KS no.192/16 on 07.10.2016 was issued by the Criminal council of the Basic court Skopje 1 Skopje, with which the filed appeal of this Public prosecution was overturned as unfounded, and the Decision of the judge to the previous procedure of the Basic court Skopje 1 Skopje, KOK PP no.357/16 from 30.09.2016 was certified.

On 06.10.2016 with the act NSK-KO no.8/2016 by this Public prosecution an arranged Proposal was submitted to the Basic court Skopje 1 Skopje for a temporary interruption of the execution of a financial transaction of a bank account with a temporary repossession of property.

Conducting according to the submitted proposal in this manner, a Decision KOK PP no.359/16 on 06.20.2016 was issued by the Basic court Skopje 1 Skopje, with which the termination of the execution of financial transactions of the bank accounts is imposed, for the legal person for whom the proposal is submitted.

On 26.10.2016, with the act NSK-KO no.8/16 a Proposal was submitted to the Basic court Skopje 1 Skopje for punishment of a person responsible.

Conducting according to the submitted proposal, a Decision III KOK PP no.398/16 on 23.12.2016 was issued by the Basic court Skopje 1 Skopje, with which the Proposal of the Public Prosecutor's Office for Prosecuting Criminal Offences Connected to or Arising from the Illegally Intercepted Communication, for punishment of a person responsible was overturned as unfounded.

Against the issued decision, an appeal was filed to the Criminal council of the Basic court Skopje 1 Skopje by this Public prosecution with the act NSK-KO no.8/16 on 30.12.2016.

Conducting according to the filed appeal, a Decision KIOK-KS no.20/17 on 27.01.2017 was issued by the Criminal council of the Basic court Skopje 1 Skopje, with which the appeal of this Public prosecution was overturned as unfounded, and



the Decision III KOK PP no.398/16 from 23.12.2016 of the judge of a previous procedure was certified.

On 21.11.2016 by this Public prosecution with the act NSK-KO no.8/16 a Proposal was submitted to the Basic court Skopje 1 Skopje for issuance of a warrant for search of computer systems and computer information. Acting according to the submitted request of this Public prosecution, the Basic court Skopje 1 Skopje issued a Decision KIOK-KS no.255/16 on 25.11.2016, in which the disagreement of the judge to the previous procedure of the Basic court Skopje 1 Skopje KOK-PP no.442/16 from 22.11.2016 was confirmed, in relation to the Request for issuing of the required warrant.

On 16.11.2016, with the act NSK-KO no.8/16 a Proposal was submitted to the Basic court Skopje 1 Skopje for punishment of a person responsible.

Conducting according to the submitted proposal a Decision I KOK PP no.429/16 on 05.01.2017 was issued by the Basic court Skopje 1 Skopje, with which the Proposal of the Public Prosecutor's Office for Prosecuting Criminal Offences Connected to or Arising from the Illegally Intercepted Communication for punishment of the person responsible was overturned as unfounded.

Against the issued Decision an appeal was filed to the Criminal council of the Basic court Skopje 1 Skopje by this Public prosecution with the act NSK-KO no.8/16 from 20.01.2017.

Conducting according to the filed appeal, a Decision KIOK-KS no.21/17 on 27.01.2017 was issued by the Criminal council of the Basic court Skopje 1 Skopje, with which the appeal of this Public prosecution was overturned as unfounded, and the Decision I KOK PP no.429/16 from 05.01.2017 of the judge of the previous procedure was certified.

On 15.12.2016 by this Public prosecution with the act NSK-KO no.8/16, a Proposal was submitted to the Basic court Skopje 1 Skopje for issuing a warrant for search of computer systems and computer information. Acting according to the submitted request of this Public prosecution, the Basic court Skopje 1 Skopje issued a Decision KIOK-KS no.282/16 on 21.12.2016 with which the disagreement of the judge of the previous procedure of the Basic court Skopje 1 Skopje KOK-PP no.498/16 from 20.12.2016 was certified, in relation to the request for issuing of the requested warrant.

In the course of the reportable period the following actions have been undertaken for this case: 8 requests according to Article 287 from the Criminal Procedure Law have been delivered, 1 record for materials admission, 6 urgent requests have been delivered, 3 requests for notices have been delivered, 2 proposals for punishment of person responsible have been submitted, 2 appeals for decision of punishment of a person responsible have been filed, 3 proposals for determination of caution measures have been submitted, 1 proposal for an



imprisonment measure has been submitted, 1 proposal for a temporary interruption of the execution of a financial transaction of a bank account with a temporary dispossession of property has been submitted, 5 appeals of decisions have been filed and 2 requests for issuing a warrant for search of computer systems have been delivered.

IV-13. NSK-KO no.9/16

The investigative case noted as NSK-KO no.9/12 is lead in this Public prosecution with a Warrant for conducting an investigative procedure on 20.10.2016 against 6 persons for whom a reasonable suspicion exists that they committed a criminal offence "Misuse of official position and authorizations" from Article 353 paragraph 5 related to paragraph 1 from the Criminal Code.

During the course of the investigative procedure 9 new requests have been delivered according to article 287 to the public institutions and banks for which responds have been obtained and evidence has been provided which confirm the cause damage to the Budget of the Republic of Macedonia.

During the course of the reportable period the following actions have been undertaken for this case: 7 Requests according to Article 287 from the Criminal Procedure Law and 1 Warrant according to Article 292 from the Criminal Procedure Law for six persons.

IV-14. NSK-KO no.10/16

The investigative case noted as NSK-KO no.10/16 which is lead in this Public prosecution with a Warrant for conducting an investigative procedure on 20.10.2016 an investigative procedure was conducted against 4 persons due to existence of a reasonable suspicion for a committed criminal offence Misuse of official position and authorization Article 353 paragraph 5 related to paragraph 1 related to Article 22 from the Criminal Code.

Together with the Warrant for conducting of an investigative procedure, the Proposal for determination of caution measures has been issued on 20.10.2016 towards 2 persons. The caution measure – (obligation to call a certain official of the Basic court 1 once a week and a temporary repossession of a passport) contained in the Proposition, have been overturned for both of the persons.

To the Criminal council two appeals have been filed on 01.11.2016 in regards to the decision for overturn of the caution measures. Both of the appeals have been overturned, and the decision of the criminal council has been certified.

By reason of the appeal filed by the prime suspect for illegitimacy of actions a Response to an appeal has been submitted on 07.11.2016, after which the same one was founded according to the court. By reason of the decision, an appeal was filed by us on 21.11.2016 to the criminal council. Simultaneously an appeal was filed by



the prime suspect to the decision of the judge of the previous procedure to the criminal council, and by us a Response to an appeal on 2311.2016 has been provided.

With a decision on 25.11.2016 by the court both of the appeal have been overturned.

IV-15. NSK-KO no.11/16 Spy

After the attainment of the ruling of the Court of Appeal Skopje KOKZ no.35/15 from 26.09.2016 to the case NSK-KOZ no.1/16, the following cases have been formed, case NSK-KO no.11/16 for 1 person for the criminal offences Defraud from Article 247 paragraph 3 related to paragraph 1 from the Criminal Code and Blackmail from Article 259 paragraph 2 related to paragraph 1 related to Article 19 from the Criminal Code, 1 person for the criminal offence Defraud from Article 247 paragraph 3 related to paragraph 1 from the Criminal Code and Blackmail from Article 259 paragraph 2 related to paragraph 1 related to Article 19 from the Criminal Code, 1 person for the criminal offence Unlawful keeping of weapons and explosive materials Article 396 from the Criminal code and Helping oneself in the service from Article 356 related to Article 23 from the Criminal Code, 1 person for the criminal offence Unlawful keeping of weapons and explosive materials Article 369 paragraph 2 from the Criminal Code and 1 person for Helping oneself in the service from Article 356 from the Criminal Code.

The case was formed having in regard that with the decision of the Court of Appeal Skopje KOKZ no.35/15 from 26.09.2016 the decision of the Basic court Skopje 1 Skopje VII KOK. No.107/13 from 06.10.2014 was revoked in the part of paragraph I points 28, 29, 31, 43, 44 and 46 and in that part the case was returned to a repeated trial proceeding in the Basic court Skopje 1 Skopje. The accused ones have been accused for the particular criminal offences which have been referred to in the purview of the Indictment bill KO.no.91/2013 of the Basic Public Prosecution for pursuit of organized crime and corruption Skopje in the part of the points 28, 29, 31, 43, 44 and 46 which is in regard to the ruling of the Basic court Skopje 1 Skopje VII KOK.no.107/13 from 06.10.2014.

The case is in its Court of First Instance procedure and appearances in court were scheduled on 16.11.2016, 22.12.2016, 27.01.2017 and 21.02.2017 and the same ones were postponed due to deprivation of conditions for performing a main search, a court appearance has been scheduled on the 28.03.2017 also.

IV-16 NSK-KO 12/16

For the investigative case noted as NSK-KO no.12/16 a warrant has been issued for conducting and investigative procedure on 17.11.2016 against 10 persons due to existence of a reasonable suspicion for a committed criminal offence Misuse



of official position and authorization from Article 353 paragraph 5 related to paragraph 1 related to Article 22 related to Article 45 from the Criminal Code.

On 18.11.2016 a request has been submitted for issuing an warrant for search of computer systems and computer information, with a decision of the Basic court Skopje I Skopje- department of organized crime and corruption KIOK-KS.no.252/16 from 23.11.2016 the disagreement of the judge to the previous procedure KOK-PP no.439/16 from 22.11.2016 was affirmed, in regards to the request of this Public prosecution.

On 18.11.2016 a Proposal was submitted for issuing a warrant for a temporary repossession of items which could serve as evidence in the criminal procedure, and a Warrant was issued of the Basic court Skopje I Skopje- Department of organized crime and corruption I KOK.no.437/16 on 22.11.2016.

On 18.11.2016 a Proposal was submitted for issuing a warrant for a temporary dispossession of items which could serve as evidence in the criminal procedure, and a Warrant was issued to the Basic court Skopje I Skopje-Department for organized crime and corruption II KOK.no.438/16 from 22.11.2017.

On 18.11.2016 a Proposal was submitted for issuing a warrant for temporary dispossession of items which could serve as evidence in the criminal procedure (HP Computers), with a decision by the Basic court Skopje I Skopje-Department for organized crime and corruption II KOK.no.PP.no. 440/16 from 23.11.2016 the proposal of this Public prosecution was overturned as unfounded.

On 25.11.2016 a request was submitted for issuing a warrant for search of computer systems and computer information, with a decision of the Basic court Skopje I Skopje-Department for organized crime and corruption KIOK-KS.no.260/16 on 29.11.2016 the disagreement of the judge for the pervious procedure KOK-PP no.446/16 from 28.11.2016 was affirmed, in regards to the request of this Public prosecution.

On 28.11.2016 an Appeal was submitted with a decision III KOK PP no.440/16 on 23.11.2016 with a decision of the Criminal council of Department for organized crime and corruption within the Basic court Skopje I Skopje KIOK-KS.no.261/16 on 01.12.2016 the appeal of this Public prosecution was overturned as unfounded, and the decision of the judge on the previous procedure KOK.no.PP.no.440/16 from 23.11.2016 was certified.

On 15.12.2016 a request has been submitted for issuing a warrant for search of computer systems and computer information with a decision of the Basic court Skopje I Skopje-Department for organized crime and corruption KIOK-KS.no.6/17 from 12.01.2017 the disagreement of the judge for the previous procedure KOK-PP no.497/16 was affirmed, in regards to the request of this Public prosecution.



On 09.01.2017 a request was submitted for evidence information according to Article 291 paragraph 3 indent 1 and paragraph 4 from the Criminal Code to the MOI for a minister, it has not been responded yet in regard to this request.

On 20.01.2017 a request has been submitted for issuing a warrant for search of computer systems and computer information, with a decision of the Basic court Skopje I Skopje-Department for organized crime and corruption KIOK-KS.no.17/17 on 24.01 the disagreement of the judge for the previous procedure KOK-PP no.22/16 from 23.01.2017 was affirmed, in regards to the request of this Public prosecution.

On 06.03.2017 an Urgent request was submitted to the Ministry of Interior, due to disregard to the request for information/evidence from 09.01.2017.

Distinctively from the disclosed information for the case NSK-KO no.12/16 on 4 occasions to the Basic court Skopje I Skopje the request for issuing a warrant for search of computer systems and computer information in MSS/OSS devices in Makedonski Telekom AD Skopje was overturned. Also in this case the proposal for issuing a warrant for repossession of the HP computers in SCID which have direct access to the IPS system for interception of communication was overturned. Also in this case on 10.01.2017 a request was delivered again in warrant to conduct a register of the HP computers which have direct access to the IPS system for communication interception. After this request an urgent request was delivered on 06.03.2017, but it was not conducted according to the same one due to and obstruction by the director of SCID.

During the course of the investigative procedure the following actions have been undertaken in the reportable period: 4 invitations have been delivered, 2 Reports have been composed for witness examination, 3 requests have been submitted according to Article 291 from the Criminal Procedure Law, 4 Requests have been submitted for issuing a warrant for search of computer systems and computer information, 3 Proposals have been submitted for issuing a warrant for a temporary repossession of items, 1 appeal was filed, 7 Urgent requests were delivered and 3 Official notes have been composed.

IV-17. NSK-KO no.2/17

The investigative case noted as NSK-KO2/17 is lead against 7 persons due to an existence of a reasonable suspicion for a committed criminal offence Misuse of official position and authorization from Article 353 from the Criminal Code.

During the reportable period the following actions have been undertaken: 2 Warrants for expert report have been delivered, 1 invitation has been delivered, 1 record for a witness has been composed, 7 official notes have been composed, 1 request according to Article 291 from the Criminal Law Procedure has been delivered, 1 affirmation for repossessed items has been composed, 2 notices have been composed and 2 affirmations for issued warrants for expert report have been issued.



IV-18. NSK-KO no.3/17

The investigative case noted as NSK-KO no.3/17 which is lead in this Public prosecution based on the established Warrant for conducting an investigative procedure on 24.01.2017 is lead against 2 persons due to an existence of a reasonable suspicion that a criminal offence was committed from which 1 person for a criminal offence Misuse of official position and authorization Article 353 paragraph 5 related to paragraph 1 related to Article 23 from the Criminal Code and one person for a criminal offence Misuse of official position and authorization from Article 353 paragraph 5 related to paragraph 1 from the Criminal Code, and with the Warrant a proposal was not submitted for a determination of caution measures.

In the reportable period 8 requests in total have been submitted according to Article 287 from the Criminal Procedure Law, 4 from which are to the MOI and that is – a request according to Article 287 paragraph 1 and paragraph 2 from 27.09.2016 a partial response has been obtained on 17.11.2016 and a request according to Article 287 from 01.12.2016 and a partial respond has been obtained on 07.12.2016 as well as 4 requests which have been sent to the State Office for Industrial Property , for the same ones responds have been obtained, and for them partial responds have been obtained also, that is the complete (the required) documentation has not been provided.

IV-19. NSK-KO no.4/2017

For the investigative case noted as NSK-KO no.4/2017 a warrant for conducting an investigative procedure has been issued on 28.02.2017 against 3 persons due to an existence of a reasonable suspicion for a committed criminal offence Abuse of a public call procedure, procedure for awarding public procurement agreement or public and private partnership from Article 275-v paragraph 3 related to paragraph 1 from the Criminal code.

With the act NSK-KO no.4/17 from 28.02.2017 a Proposal was submitted to the Basic court Skopje 1 Skopje for determination of an imprisonment measure against the second suspect. On a record of the examination of the suspect, by this Public prosecution a proposal was submitted for determination of caution measures, based on this proposal a Decision II KPP no.145/17 on 02.03.2017 was issued by the Basic court Skopje 1 Skopje with which the proposal for determination of caution measures was affirmed, and caution measures were determined for 1 suspect.

With the act NSK-KO no.4/17 from 28.02.2017 a Proposal was submitted to the Basic court Skopje 1 Skopje by this Public prosecution for determination of caution measures, against the first suspect. A Proposal for determination of imprisonment measure against the prime suspect. Conducting according to the submitted Proposal a Decision IV KPP no.144/17 was issued by the Basic court Skopje 1 Skopje on 02.03.2017 with which the proposal for determination for caution measures against the prime suspect was overturned.



After the admission of the formed decision, on 03.03.2017 by this public prosecution with the act NSK-KO no.4/17 an appeal was filed to the criminal council of the Basic court Skopje 1 Skopje. After the filed appeal by this Public prosecution, the Criminal council of the Basic court Skopje 1 Skopje submitted a Decision KS no.41/17 on 07.03.2017 with which the appeal of this prosecution was affirmed, and the Decision of the judge on the previous procedure of the Basic court Skopje 1 Skopje, was modified, by which the proposal for determination of imprisonment measure against the prime suspect was affirmed and an imprisonment measure was determined for the prime suspect in a 30 days duration, counting from the day of his localization and deprivation of liberty, and due to existence of the arguments provided with Article 165 paragraph 1 point 1,2 and 3 from the Criminal Procedure Law.

During the reportable period the following actions were undertaken for this case: 1 appeal to a decision of a judge on a previous procedure was filed, 1 respond to an appeal was delivered, 1 proposal for determination of an imprisonment measure was submitted, 1 proposal for determination of caution measure was submitted, 3 Requests for a statement from the punishment record.

The structure for criminal offences for which until now a criminal procedure is conducted in this Public prosecution is stated below, and involved in correlation with the persons included in investigation since the formation of the Public prosecution, in conclusion with the third reportable period indicated a condition in which a reasonable suspicion exists that one person committed many criminal offences is also the following:

- 55 criminal offences "Misuse of official position and authorization" from Article 353 paragraph 5 related to paragraph 1 from the Criminal Code.
- 22 criminal offences "Misuse of official position and authorization;; from Article 353 paragraph 5 related to paragraph 4 related to paragraph 1 from the Criminal Code.
- 4 criminal offences "Misuse of official position and authorization;; from Article 353 paragraph 5 related to paragraph 3 from the Criminal Code.
- 3 criminal offences " Misuse of official position and authorization" from Article 353 paragraph 3 related to paragraph 1 from the Criminal code.
- 3 criminal offences Abuse of a public call procedure, procedure for awarding public procurement agreement or public and private partnership from Article 275-v paragraph 3 related to paragraph 1 from the Criminal Code.
- 8 criminal offences "Criminal Association" from Article 394 paragraph 1 from the Criminal Code.
- 16 criminal offences "Criminal Association" from Article 394 paragraph 2 from the Criminal Code.
- 11 criminal offences "Violation of voting right" from Article 159 paragraph 2 related to paragraph 1 from the Criminal Code.
- 12 criminal offences "Electoral deceit" from Article 165-a paragraph 1 from the Criminal Code.



- 2 criminal offences "Bribery at elections and voting" from Article 162 paragraph 1 from the Criminal Code.
- 2 criminal offences " Destruction of electoral documents" from Article 164 paragraph 2 from the Criminal Code.
- 6 criminal offences " Violation of the voter's freedom of choice" from Article 160 paragraph 2 from the Criminal Code.
- 3 criminal offences "Violation of the voter's freedom of choice" from Article 160 paragraph 1 from the Criminal Code.
- 3 criminal offences "Falsifying an official document" from Article 361 paragraph 1 from the Criminal Code.
- 1 criminal offence "Falsifying an official document" from Article 361 paragraph 2 related to paragraph 1 from the Criminal Code.
- 1 criminal offence " Destruction of electoral documents" from Article 164 paragraph 3 related to paragraph 1 from the Criminal Code.
- 1 criminal offence "Destruction of electoral documents" from Article 164 paragraph 3 related to paragraph 2 from the Criminal Code.
- 7 criminal offences "Torture and other inhuman or humiliating treatment or punishment" from Article 142 paragraph 1 from the Criminal Code.

This Public prosecution including the submission of the third Report has submitted 2 indictment proposals against 21 persons in total.

V. Collaboration of this public prosecution with other government bodies

Regardless of the precisely appointed legitimate obligation consisted in Article 9 paragraph 9 from the Law on Public Prosecutor's Office for Prosecuting Criminal Offences Connected to or Arising from the Illegally Intercepted Communication which prescribes an obligation to all of the institutions for implementation of the laws and the Public Prosecutor's Office of the Republic of Macedonia to provide assistance in relation to a request of the Public prosecution, in accordance to the Criminal Procedure Law, and regarding the fact that in the realization of its competences this Public prosecution is objectively directed towards collaboration with a wide number of judicial institutions, as well as with other institutions and establishments and during the course of this reportable period also this Public prosecution was dealing with difficulties from the aspect of the collaboration between the institutions, besides the non-compliance of the requirements of this Public prosecution by most of the institutions continues, which do not conduct according to the requirements and the time-limits specified by my part, and based on the established legal competences.

During the course of this period also in spite of the continuous indications by this Public prosecution which I am in control of, and in regard to the requirement for implementation of the references directed by the Venice Commission in the function of the realization of the adequate balance between the private interests and the interest of public information, as well as the indication that it is necessary to allow the



publication of materials which are from public importance, with some narrowly defined exceptions connected to the public publication of the information of intimate aspects from the private and family life, the directed references were not implemented. I consider it further necessary that the indication noted in the Report of the European Commission for the progress of the Republic of Macedonia for 2016 should be taken into consideration, where it is emphasized that *The Venice Commission recommendations and earlier European Commission recommendations still need to be followed up in warrant to complete the legislative framework.*

Simultaneously, by the Assembly of the Republic of Macedonia it has not been conducted according to the delivered Initiative for modification and amendment of the Law on witness protection along with the noted requirement for disposal of the possibility for interposing obstacles in the functioning of this Public prosecution and providing a complete implementation of the principle of autonomy of this Public prosecution, through organization of the competences of this Public prosecution in the witness protection procedure.

VI. International cooperation between this public prosecution and the international institutions and bodies

During the reportable period a collaboration between international institutions was established, encounters with high representatives of the international institutions were realized, among which I realized an encounter with the Director of Europe and Central Asia within the European Commission , Thomas Harting, and the British minister of Europe and America Alan Duncan, the professional division of the MAP NATO team for an assessment of the status of implementation from the Action plan for membership within the frames of the 17th cycle, Ad Hoc Commission for observance of the preliminary parliamentary election delegation. Also, I participated in a Round Table Meeting on the subject " Challenges during the implementation of the law for determination of the type and assessment how severe the punishment is" which was held on 30.11.2016 and the organization of the Union for criminal law and criminology and the Section for the governing of the law / Department of human dimension within OSCE Skopje.

The commitment of this Public prosecution to a professional, independent and objective conduct and strictly within the frames of the law, guided by the principle of equality of the citizens in front of the Constitution and the laws was emphasized in all of the encounters which I realized. All of the spokespeople with whom I had the possibility to realize an encounter emphasized the significance from the completion of the specifically important mandate which was assigned to the Public prosecution which I control, especially from the aspect of an institution which is responsible for the governing of the law in the Republic of Macedonia. In this direction a nobly support was demonstrated for functioning of this Public prosecution without restrictions and an expectation for a conduct within the legally prescribed regulations by all of the competent institutions and establishments.



Also, in the direction of a consistent implementation of the obligation of the Republic of Macedonia for respect and incorporation of the international and European standards through undertaking measures for surpassing the established weaknesses it is required by precise measures to take into account the confirmed facts consisted in many international reports in which this Public prosecution is acknowledged as an institution with an exceptionally significant mandate towards promotion of the governing of the law and provision of institution stability. In this regard in the Report of the European Commission for the progress of the Republic of Macedonia for 2016 it is stated that the Country is a signer of all the relevant international conventions, but, after all there is no indication that their principles have been used in practice. The difficulties which this Public prosecution was dealing with from the aspect of the collaboration between the institutions have been confirmed in the international reports also.

In this direction the condition is retrograded from 2014 and the accomplishments of the reform process from the previous decade are undermined with a constant political interference in the work of the jurisdiction system, besides which it is stated that the obstacles which the Public Prosecutor is dealing with have disclosed the requirement to solve the lack of independency in the jurisdiction and to prevent the selective justice. Furthermore, in the Report it is emphasized that the work of the Special public prosecution should not be interfered, besides which it is specifically stated that a complete support and resources for the Special public prosecution should be provided.

The Special public prosecution is the only institution which was proactive in the investigation of cases from a higher rank, in accordance to its mandate, but also further it encounters lack of collaboration by the government agencies. It is indicated that sufficient will-power is not displayed for an effective management with the lack of independence in the jurisdiction. Corruption still prevails in many areas and it presents a serious problem. The Special prosecutor is confronting administrative and judicial obstruction. For the surpassing of these conditions in the Report is noted that it is required to display a greater political will-power in warrant to insure the independency of the judicial system and to enable the Public prosecution to function without restriction.

I also consider it of great importance for the ascertainments of the Report of the State Department for the Republic of Macedonia to be taken into account, where it is stated that by the formation of the Special public prosecution itself a coordinated campaign is administered with the purpose of decreasing of the professionalism of the prosecution.

Furthermore in the statements of some of the higher representatives of the international community the fact that this Public prosecution is a great part of the Przino agreement is emphasized, and in the function of the realization of the purpose due to which it was formed to confirm the legal responsibility which results from the illegal interception of the communications, the needed support is required to be provided, also time and scope in warrant to realize its duty.



During this reportable period, for the accomplishment of the purposes due to which this Public prosecution is established, international legal assistance and collaboration is exercised in regard to the domain of our competence, and in accordance to the laws and the ratified international agreements, which in this period is more intensified from the aspect of the international legal assistance in relation to more procedures which are lead in this Public prosecution especially in the part of the financial investigations, the relation between the private and the public interest and the law, as well as the character and the type of the materials which we are in disposal of.

VII. Public Relations

During the course of the third reportable period also, this Public prosecution from its formation continues to conduct its legal obligation for information of the public for the progress of my work, balancing the ethical and the procedural obligations provided by law and the public interest to be informed for the course of the investigation and the pursuit.

Correspondingly, the Public prosecution in its third reportable period also continued to consistently respect the principle of work transparency. In this direction and in this period we regularly informed the public and all of the media for the activities undertaken by this Public prosecution and its work, and the persons responsible for public relation in this Public prosecution regularly realized contact through the established network of contact with all of the representatives of the media. As thus far, that is how in the future the Public prosecution which I control within the frames of the opportunities remains available for collaboration and accessible for the public.

During the course of the reportable period, on both of the official electronic addresses of this Public prosecution, 203 reporters' questions have been received. But, it is essential to emphasize that in the third reportable period, and in regard to the established network of contacts with the representatives of all of the media, most of the journalists ask the questions to this Public prosecution from their interest directly, in most cases by telephone. In this reportable period of six months two thousand questions of journalists have been asked and it has been responded to most of the almost immediately or in the shortest possible period with the purpose to content their requirements for a fast information which is essential for the functioning of the media on a daily basis. These information themselves express the interest of the media and the public for the work of the Public prosecution which I am in control of, with which the almost the daily representation of this Public prosecution in all of the media is confirmed. Correspondingly it can be easily evaluated that this type of media representation neither one institution has ever had until now in the area of jurisdiction.

The commitment to transparency and accessibility to all of the media of this Public prosecution is going to be continually conducted in the following period due



to which I can emphasize that the established routine in this way by this Public prosecution is that it is already reflected in the conduction of the remaining judicial institutions which also lately, on many occasions announce public statements in the direction of information for its work.

From the moment of the conduction of the investigative procedure related to the illegal interception of the communications noted as NSK-KO no.12/16, until the day of the submission of the Report to this Public prosecution 586 requests have been submitted for examination of the illegal interception of the communications of 1332 different telephone numbers for which the citizens are interested if their telephone numbers were a subject of the illegal interception of the communications. In accordance to the submitted requests until now for examination of telephone numbers, as this Public prosecution informed the public, the undertaking of investigative measures is in course and once all of the evidence are provided, the ones who submitted the requests are going to be notified for the results of the investigation. In this direction I would like to emphasize once more that the persons for whom it is going to be determined that they used telephone numbers which were a subject of illegal interception of the communications, as well as the persons which were conversationalists of the illegally intercepted telephone numbers are going to be summoned to this Public prosecution as damaged persons.

VIII. Conclusions and Future Challenges

This public prosecution during the course of the investigative period also remained consistent in the purpose of providing an independent, objective and professional conduction of the investigations in accordance to the criminal offences connected or arising from the content of the illegal interception of the communication. As a Public prosecutor for Prosecuting Criminal Offences Connected to or Arising from the Illegally Intercepted Communication, I firmly believe that in this way we will succeed to provide the respect of the principle for an equal treatment of all of the citizens under the Constitution and the laws. Undertaking the institutional responsibility for establishing of the governing of the law on this occasion I would like to emphasize that our work is in the interest of the Republic of Macedonia and all of its citizens and our purpose and mission is to ensure their complete trust in the institutions.

In the following six month reportable period above all, I expect the collaboration with the institutions and establishments in this country to be normalized in the frames of the legal competences, with the purpose to enable efficient and without restrictions work of this Public prosecution which is in interest of the justice for all of the citizens of the Republic of Macedonia.

Although in the reportable period this Public prosecution continued to encounter problems in the realization of collaboration with the judicial and other institutions, I express assurance that during the following period this collaboration will



be progressed and all of the institutions and public institutions and organizations competent for the conduction of laws are going to provide assistance at the instance of this Public prosecution according to the Criminal Procedure Law.

It was operating intensely in the stated period on the conducted preliminary procedures within the frames of which special caution was dedicated to the investigation of separate affairs which result from the materials with which this Public prosecution is in disposal of and which result from the content of the illegal interception of the communications.

The achieved progress in part of the conducted investigative procedures I expect to soon result in the conduction of public prosecutable decision and the filing of charges.

By the structure according to criminal offences which is a constituent of the report it can be ascertained that the biggest part of the criminal offences for which a reasonable suspicion exists that they have been committed is in relation to the criminal offence Misuse of official position and authorization from Article 353 from the Criminal Code and that is for the most part the most severe form of this criminal offence is the damage of the Budget of the Republic of Macedonia. After all it is necessary to take into consideration that the investigation of the criminal legal actions for this offence demands more time for provision of documentation, the examination of witnesses, the arrangement of expert records as well as conduction of procedure according to the requirement of the international legal assistance.

In spite of the increased intensity of the analysis and the processing of the materials with which this public prosecution is in disposal of, and which result from the content of the illegal interception of the communication it is essential to take into consideration that the same one represents a truly complex procedure in which many persons from the team of this Public prosecution are included, but in spite of that more time is required for analysis and processing of the materials certainly in accordance to the established procedures for conduction of the same ones.

From the information consisted in this Report which are in regard to the financial work of this Public prosecution it is obvious that this Public prosecution is not only directing towards the frames of the approved budget but from the approved budget for 2016 in conclusion with 31.12.2016 has realized funds in the total amount of 123,548,695.00 MKD or 48.70% from the budget of this Public prosecution. From the approved budget for this Public prosecution for 2017 in the total amount of 228,005,000.00 MKD during the period of 01.01.2017 in conclusion with 15.03.2017 the total amount of realized funds is 28,636,159.00 MKD or 12.56% from the approved budget for 2017. These information undoubtedly demonstrate the rational consumption of the approved funds by this Public prosecution and that solely in function of its normal functioning and undertaking required actions for the procedures.



The organizational situation of the public prosecutors, investigators, expert collaborators and the computer operators, as well as the remaining administrative personnel in this period are in function of analyzing and processing of as many of the materials which we are in disposal of, aware of the determinate deadlines until which we are obligated to conduct. Due to these reasons I consider it of exceptional importance all of the remaining institutions and establishments to take into account the legal deadlines until which this Public prosecution is required to conduct and in that regard to provide assistance in the work of this Public prosecution in accordance to the Criminal Procedure Law.