

URGENT REFORM PRIORITIES MONITOR

Period: 15 - 30 September 2015

Implementation of the Political Agreement of June 2015

Following the return of the opposition in Parliament on 1 September, the subsequent critical point of the Agreement was implemented – the appointment of a Special Public Prosecutor.

This development led to re-establishment of the High Level Accession Dialogue (HLAD) - on 18 and 19 September, with participation of Commissioner Hahn. In order to avoid further political deals at the very end of agreed dates, Commissioner Hahn set 6 October as the term for agreement on electoral law reform.

The Secretariat for Implementation of the Ohrid Framework Agreement (OFA), supported by the OSCE Mission in Skopje and the European Institute for Peace, launched a review on the role of OFA in improving social cohesion.

The results of the other working groups within the dialogue of the political parties are yet to be seen.

Rule of Law and Judiciary

Judiciary

One of the most challenging points of the Political agreement was realised with **the appointment of Ms Katica Janeva for Special Public Prosecutor**.

On 15 September 2015, in urgent procedure, the Assembly of the Republic of Macedonia unanimously adopted the Law on Public Prosecutor for prosecuting crimes related to and arising from the content of the illegal interception of communications. Upon proposal by the Assembly, the Council of Public Prosecutors appointed as Special Prosecutor Ms Katica Janeva, former Basic Public Prosecutor from Gevgelija. She took office on 16 September.

In addition to the surprise by the choice of the Special Public Prosecutor, the reactions of the public ranged from support to reservation and doubt, due to insufficient experience with similar cases. In her first interview, given exclusively to the TV Channel 24Vesti, the newly appointed Special Public Prosecutor announced selection of the team as the next step and expectation for strong support by the international actors. The interview signals higher transparency of the Special Public Prosecutor, compared to the practice of public prosecutors so far.

On 30 September Ms Katica Janeva publicly announced the proposed team, consisting of 14 prosecutors. The main public comments referred to the fact that all proposed prosecutors come from basic prosecutor offices, as well as to their previous work on sensitive political cases. In this context, the name of Lile Stefanovska raised most attention, as she had been in charge of the case against the journalist Tomislav Kezharovski, and had also been engaged as an assistant prosecutor in the case “Putch”.

In the public the question was raised of whether a special court to process the cases of the Special Prosecutor was needed. The President of the Supreme Court Ms Lidija Nedelkovska, in her interview for the daily “VEST” stated that the current judges can certainly decide and that no judge would make a decision selectively in cases, which would be followed with huge attention.¹

Calling upon “the Action Plan”, the Judicial Council of the Republic of Macedonia, at its sessions held on 23 and 30 September, decided to announce an open call for **appointment of 22 judges to the higher courts and 20 judges to the basic courts**. The Council proceeded to these announcements, **without prior implementation of the urgent reform priorities** that refer to “*depoliticisation of the appointment and promotion of judges*” and putting in place “a

¹ *These judges, too, can be special*. Vest. 18. September 2015. Accessible at: <http://www.vest.mk/default.asp?ItemID=7D537DC3EF38EA49BFE2C9C7A7612340>.
Judges from tapped conversations bear moral responsibility. Vest. 08 August, 2015. Accessible at: <http://www.vest.mk/default.asp?ItemID=91C7082EE147E847A4DD249FF52A4B71>.

harmonised performance management system based on qualitative as well as quantitative standards, as a basis for all career decisions”.

Network 23 published its statement, advocating for a moratorium on the appointment and promotion of judges. <http://www.epi.org.mk/newsDetail.php?nwsid=84>

A citizens' legislative initiative was raised for enacting a Law on Amnesty, which mainly refers to partial release of imprisonment for persons for the first time convicted to prison for up to twelve months. The motivation for this initiative lies in over-crowded prisons and bad prison conditions. The citizens' initiative followed a hunger strike of prisoners and a protest of prisoners' families and supporters in front of the Assembly. After a positive procedural opinion of the responsible parliamentary committees, collecting signatures was launched on 30 September.

Independent, regulatory and oversight bodies

On 15 September the Ombudsman Ixhet Memeti stated that the Directorate for Security and Counter-Intelligence and the Public Prosecutor prevented him from investigating interception of communications. He requested the Assembly to enable unobstructed performance of his duty.

Lustration

The Lustration Committee² had 39 active cases as of 1 September 2015.³ The Committee does not any longer have a mandate to initiate new cases, but still has the mandate to finalise the ongoing ones.⁴

Depolitisation of Public Administration

The Assembly took note of the resignation of the Minister for Information Society and Administration (16 September 2015).

According to the Ministry for Information Society and Administration, 128.253 people are employed in the public sector. This number was officially announced, following media reports of 185.000 employees in the public sector.

Network 23 requested a moratorium on employments in the public sector until the early elections. <http://www.epi.org.mk/newsDetail.php?nwsid=84>

² Committee on the Verification of Facts

³ The Institute for Human Rights received this information, upon its request for access to public information submitted to the Committee on Verification of Facts, the Administrative Court and the Higher Administrative Court.

⁴ Law on Cease of Effect of the Law on establishing conditions for restriction of performance of public office, access to documents and publication of collaboration with the state security organs („Official Gazette of the Republic of Macedonia“, No. 143/15)