



## Monitoring brief on following Chapter 23 – Judiciary, Fight against Corruption and Fundamental Rights – March 2017

### I JUDICIARY

#### 1. Independence

##### **Resignation of the Acting President of the Primary Court Skopje 1, Tatjana Mihajlova**

On 07.03.2017 Judge Tatjana Mihajlova who was the acting President of the Primary Court Skopje 1 submitted a written notice to the Judicial Council of the Republic of Macedonia to inform them that she was irrevocably resigning from the office.<sup>1</sup> This move followed the complaints submitted to the Supreme Court by several judges regarding the annual schedule prepared by Judge Mihajlova, which had them re-assigned to new working positions. Some of those judges were from the few who had positively acted on SPP's requests. More recently, the complaints of the seven out of eight judges were accepted by the Supreme Court and they were restored to their previous positions. On 14.03.2017, the Primary Court Skopje 1 informed<sup>2</sup> that the office of Acting President of the Court was transferred from Judge Tatjana Mihajlova to Judge Stojanche Ribarev who comes from the Supreme Court where he was elected a judge in September 2016.

##### **Jovo Vangelovski -- the old—new President of the Supreme Court**

Jovo Vangelovski was elected President of the Supreme Court. At the special session of the Judicial Council, 12 members of the Council voted in favour, while one was against him. The decision for his appointment was adopted on the 248 session of the Judicial Council.<sup>3</sup> The termination of office of the former Acting President of the Primary Court Skopje 1 was also confirmed during this session. Vangelovski had run for this office together with Judge Lidija Nedelkova from the Supreme Court, the Acting President of the Supreme Court Snezhana Bajlozova and Judge Besa Ademi. Vangelovski was president four years ago, but did not run for second term back then. Some of the public and the media objected to his election, bearing in mind that in one of the wiretapped talks released by the opposition, Judge Vangelovski was talking about completing court records with the former Minister of Transport and Communications, referring to the "Global" Case where the prime suspect was the leader of SDSM, Zoran Zaev.

<sup>1</sup> <http://www.ssrn.mk/Novosti.aspx?novost=498>

<sup>2</sup> <http://www.osskopje1.mk/Novosti.aspx?novost=595>

<sup>3</sup> <http://www.ssrn.mk/Novosti.aspx?novost=500>





## Controversial Annual deployment of Judges in the Primary Court Skopje 1

On 28.03.2017 the newly appointed President of the Primary Court Skopje 1, Stojanche Ribarev, submitted the new Annual Work Schedule for 2017. The Court notification states that the situation with the distribution of cases from all areas was taken into account in the drafting of the schedule, along with the backlog in certain areas and the need of urgency in proceeding with some types of cases established in the legal deadlines, as well as the remarks on the work of the higher-instance judges.<sup>4</sup> The Annual Schedule by President Ribarev who took office only two weeks before the schedule was submitted, outraged the public. The outrage was due to the deployment of the former president Vladimir Panchevski and judges Elena Josifovikj, Aleksandra Pop Stefanija and Lidija Petrovska in the organized crime department, as judges in preliminary proceedings, where they will act on cases submitted by SPP. Josifovikj and Pop Stefanija were mentioned in the State Department Report for 2016, due to their close business and partisan relations when the then-ruling VMRO-DPMNE and the modest five-year long experience as judges. Panchevski will preside over the Criminal Council, the body to which SPP submits complaints upon rejected requests in preliminary proceedings. Lidija Petrovska, whose voice can be heard in the wiretapped conversations, also enters the council.

## The State Public prosecutor with a request for protection of legality in the Trust Case

On 27 March, the Public Prosecution of the Republic of Macedonia submitted a request to the Supreme Court for protection of the legality of the detention order of businessman Sead Kochan, a suspect in the Trust Case, under the authority of SPP. The Public Prosecution demanded the Supreme Court to honor the request for protection of legality, to revoke the decisions of the Primary Court Skopje 1 from 7 March 2017, and of the Court of Appeals from 15 March 2017 and send back the case for another trial and decision. With the request, the state prosecution attacks the decision of the Criminal Council under the Primary Court Skopje 1, which stated that the complaint does not withhold the implementation of the decision, stating that the suspensory effect of the complaint was violated. By taking action to execute the decision before it comes into effect, the public prosecution states that the Council violated Article 134, paragraph 5 of the Law on Criminal Proceedings. Any positive action taken upon this request would signify depriving SPP of the authority to submit outstanding legal remedies or abolish the detention of Mr. Kochan.

This was followed by a prompt reaction of SPP. The Public Prosecutor Katica Janeva withdrew the request with a letter to the Supreme Court.<sup>5</sup> In a brief explanation she highlighted that as a Special Public Prosecutor she is exclusively competent to act on the cases related to and arising from the

<sup>4</sup> <http://www.osskopje1.mk/Novosti.aspx?novost=598>

<sup>5</sup> <http://www.jonsk.mk/wp-content/uploads/2017/03/2017-03-29-%D0%BD%D1%81%D0%BA-%D0%BA%D0%BE-4-17-%D0%BF%D0%BE%D0%B2%D0%BB%D0%B5%D0%BA%D1%83%D0%B2%D0%B0%D1%9A%D0%B5-%D0%BD%D0%B0-%D0%B1%D0%B0%D1%80%D0%B0%D1%9A%D0%B5-%D0%B7%D0%B0-%D0%B1%D0%B7%D0%B7-%D0%B4%D0%BE-%D0%B2%D1%80%D1%85%D0%BE%D0%B2%D0%B5%D0%BD.pdf>





content of the illegal interception of communication in all court instances, calling on to Article 5, paragraph 3 from the Law on SPP, which stipulates that the Public Prosecutor who is in charge of SPP is authorized to take action and to represent cases before the primary courts, courts of appeal and the Supreme Court of the Republic of Macedonia. Paragraph 4 of Article 4 of the said Law lays down Janeva's exclusive competence to undertake prosecutorial actions in even more detail, and clearly states that that the Public Prosecutor in charge of SPP has complete competence and authority to independently conduct all investigative and prosecutorial actions of the Public Prosecution including participation in court proceedings and initiating any kind of court proceedings, both civil or criminal, that the public prosecutor deems necessary.

After the President of the Supreme Court Jovo Vangelovski confirmed that he would act on the request for protection of the legality submitted by Marko Zvrlevski's Prosecution, SPP asked for Vangelovski to be exempt from deciding on the request to terminate the detention of Sead Kochan. SPP doubts his impartiality due to the aired conversation between him and the former Minister of Transport and Communications Mile Janakieski, regarding the "Global" Case during his first term as President of the Supreme Court.<sup>6</sup>

## **UAJACAM and AJA demand resignation of the President of the Judicial Council**

### **UAJACAM**

The Trade Union of Workers from the Administration, Judiciary and Civil Associations of the Republic of Macedonia (UAJACAM) and the Association of Judicial Administration (AJA) asked for the resignation of Zoran Karadzovski, the President of the Judicial Council, because the Council and the Ministry of Justice have still not acknowledged the only request from the strike in 2016 which lasted 62 days – the court employees to get their salary supplements. The Associations urged Karadzovski not to provoke the employees, and instead of cutting 40% of the strikers' salaries to simply resign thus aiding the solution to the strikers' problem.

## **2. Impartiality**

### **Detention imposed for a suspect at SPP's request**

The Special Public Prosecution (SPP) submitted proposals for detention of two suspects in the "Trust" Case. After reviewing the proposal, the judge in the preliminary proceedings rejected the detention proposal for businessman Sead Kochan.<sup>7</sup> SPP withdrew the proposal for detention of Vasilie Avirovikj

<sup>6</sup> <http://www.jonsk.mk/wp-content/uploads/2017/03/2017-03-29-%D0%BD%D1%81%D0%BA-%D0%BA%D0%BE-4-17-%D0%B1%D0%B0%D1%80%D0%B0%D1%9A%D0%B5-%D0%B7%D0%B0-%D0%B8%D0%B7%D0%B7%D0%B5%D0%BC%D0%B0%D1%9A%D0%B5-%D0%B4%D0%BE-%D0%92%D1%80%D1%85%D0%BE%D0%B2%D0%B5%D0%BD-%D1%81%D1%83%D0%B4.pdf>

<sup>7</sup> <http://www.oskopje1.mk/Novosti.aspx?novost=594>





before the judge in the preliminary proceedings and proposed precautions - Prohibition to establish or maintain contacts or relations with certain persons and Prohibition to undertake certain work activities that are related to the crime. This proposal was accepted.

SPP appealed against the decision rejecting the proposal for Kochan's detention before the Criminal Council under the Primary Court. The Council accepted the complaint in full, thus imposing the second measure of detention from the cases submitted by SPP. Sead Kochan absconded two days before the adoption of the Council's decision and an international warrant was released for him. In the meantime, Mr. Kochan's attorney submitted a complaint to the Appellate Court which partially accepted the complaint. According to the decision,<sup>8</sup> the Criminal Council under the Primary Court Skopje 1 adequately assessed that there is danger of absconding. At the same time, the three-judge council from the Court of Appeals decided that there are no circumstances under which he could influence the witnesses and repeat the crime. This decision opens up the possibility for the suspect to submit a guarantee to bail.

### **The Public Prosecution of RM initiated new procedures for election irregularities**

The PPRM announced that it was opening two new investigations on election irregularities for the Presidential Elections in 2014 and the Early Parliamentary Elections held in December 2016.<sup>9</sup> The investigation covered several people, among whom some high officials of the Ministry of Interior, the Local Government and High Officials from a certain political party. They were suspected of various election-related crimes. In February 2017 the Primary Public Prosecution for Organized Crime and Corruption announced that they are running preliminary proceedings due to reasonable suspicion for crime against the elections and abuse of official authority while conducting their duty by former high officials of Mol and other physical persons and legal entities from Skopje, Kumanovo and Strumica<sup>10</sup>. There is a possibility that this newly initiated investigations are a continuation of exactly these preliminary actions. Ever since the publishing of the news about the preliminary procedures, these actions of PPP were assessed as selective and a counterpoint to the investigations on election irregularities run by the SPP against former high government officials, which are also for election fraud.

### **Investigation initiated against a high official from the Municipality of Strumica**

The Public Prosecution for Organized Crime and Corruption announced that they had adopted an Order to conduct investigation against an official person with a high position in the Municipality of Strumica, due to reasonable suspicions that he had committed Abuse of the official position and authority.<sup>11</sup> According to the prosecution, in 2010, the suspect made four separate contracts with the same legal entity from Strumica for a total amount of over one million MKD to pave the same street in a residential

<sup>8</sup> <http://www.asskopje.mk/Novosti.aspx?novost=33>

<sup>9</sup> <http://jorm.gov.mk/?p=3913>

<sup>10</sup> <http://jorm.gov.mk/?p=3872>

<sup>11</sup> <http://jorm.gov.mk/?p=3901>





area in the Municipality. According to unofficial information of several media, this a continuation of the preliminary activities related to the work of the Municipality that the Prosecution conducted in 2016, when they entered the premises of the Municipality and the office of the then-Mayor and present leader of SDSM, Zoran Zaev, seized the computers and examined a dozen of employees.

### 3. Competence

#### SPP submitted its third semiannual report

On 15.03.2017, SPP announced that they had submitted their third six-month report to the Council of Prosecutors and the Assembly of RM.<sup>12</sup> According to the report, by 15 March 2017, SPP has started preliminary proceedings against 112 persons, while 50 persons were subject of investigations. The prosecution team has now reached 117 persons, including the investigative and prosecutorial teams. The content of 272.950 files has been analyzed; i.e. 45% of the total number of audio files in possession of SPP have been processed.

#### The training of the sixth generation of participants of the Academy for Judges and Public Prosecutors

The Academy announced that 37 participants had started with the initial 24-month long trainings where they will get professional skills and knowledge for the judicial and prosecutorial branches.<sup>13</sup> The Head of the Academy, Aneta Arnaudovska, had an address during the ceremony along with the President of the Judicial Council, Zoran Karadzovski, the then acting President of the Supreme Court, Snezhana Bajlozova, the State Public Prosecutor, Marko Zvrlevski and the President of the Council of Public Prosecutors, Petar Anevski. The speakers wished a lot of success to the training participants and emphasized that conscientiousness, honesty and impartiality are the key characteristics to be possessed by anyone who is to take on the responsibilities related to this profession.

#### Court cases of greater importance

##### “Centar Municipality”

The hearing on 10.03.2017 on the case where Mr. Nikola Gruevski occurs as a suspect along with about 15 of his associates for the crime of “Violence” according to Article 386, paragraph 2 and paragraph 1 from the Criminal Code was immediately postponed as the conditions for it to be held were not fulfilled due to the absence of the defendants. The next hearing was scheduled for 03.05.2017.

<sup>12</sup> <http://www.jonsk.mk/2017/03/15/доставен-третиот-шестмесечен-извешт/>

<sup>13</sup> <http://www.jpacademy.gov.mk/novosti/aee----6----->







### **“Zoran Bozhinovski”**

On 06.03.2017 and 31.03.2017 the hearings on the trial for case OCC - 79/16, where journalist Zoran Bozhinovski occurs as the accused for the crimes of “Criminal Association” and “Espionage” were held. The hearing on 06.03.2017 was postponed due to the unavailability of a witness that the defense asks the court to question via a conference call. Before the start of the next hearing, the Court informed the attendees that they had still not obtained information on the availability of the witness/damaged party, and then proceeded to question two other witnesses. Due to the manner of questioning of the witnesses during this hearing in comparison to the other hearings, it remains unclear whether the Court conducts this case according to the new Law on Criminal Proceedings, or the old one. The next hearing from this trial was scheduled for 26.04.2017

### **“Divo Naselje”**

The hearings on the case OCC no. 127/15 in the course of this month were open to the public while the accused were questioned and examined. Two of the defendants were examined about the facts and circumstances referring to the time and place when the crime was supposedly committed. The court proceedings on the case are conducted in accordance with the provisions from the Law on Criminal Proceedings, without any violations. The defendants are on trial for the crimes of “Terrorism” and “Terrorist organization”. The upcoming hearings were scheduled for 19, 21, 25 and 27 April.

### **“Erasmus”**

The trial for the Erasmus case was held on 15.03.2017. 6 people are accused, professors and demonstrators from the Faculty of Economy, Skopje, for the crimes of “Accepting bribe”, “Accepting reward for an illegal influence”, “Abusing official position and authority” and “Giving bribe”. The Court started with the main hearing, i.e. introductory speeches, but due to the need to provide witnesses, the hearing was postponed for 18.04.2017.

### **“Rover”**

The trial for the Rover Case, registered under number C.no.2454/15 was held on 24.03.2017. There are four defendants in this case, including the president of the political party United for Macedonia and former Minister of Interior, who are accused of committing the crime – Murder, from the Criminal Code. The defendant, attorney and witness were absent from the hearing. Therefore, the hearing for postponed for 26.05.2017.

### **“Fortress 2”(Tvrdina)**

On 13.03.2017 the hearing on the case of “Fortress 2”, under the jurisdiction of SPP, was held. In this case seven people are suspected of destroying 2.047 official records, 22 of which referred to the systems for interception of communication. SPP got two decisions for declassifying most of the evidence





in the case, and emphasized that the case books were the only document that remained classified, and that they obtained the answer to the request for declassifying from the Minister of Interior himself. According to SPP, their cooperation with the ASCI is still hampered, especially due to the refusal to receive the mail by SPP, so that the response to their requests came from the Minister. Only one of the lawyers from the legal team of the defense showed up at this hearing, and since there were no conditions to proceed with hearing, it was postponed for 05.05.2017.

## II FIGHT AGAINST CORRUPTION

### Four new investigations by SPP

At its press-conference<sup>14</sup> held on 23.03.2017, SPP announced the opening of four new financial investigations, which are presently at the stage of reasonable suspicion.

1. **TABLA (BLACKBOARD)** – Abuse of official position by a primary school head in the village of Zajas and his decision to build a new primary school without complying with the legal regulations. In this case the damage is about 200 thousand EUR, which is the value of the contract for construction of a school in the village of Strogovishte, signed without a public procurement procedure.
2. **TRISTA (THREE HUNDRED)** – An assistant-minister from Mol is suspected of carrying out a public procurement for 300 vehicles for the Ministry. In the period between 2008 and 2012, the suspect procured 300 vehicles without abiding by the legal regulations for public procurement, this depriving the state budget of 453.570 EUR.
3. **TOTAL** – Tax evasion is the continued crime that there are reasonable suspicions for in this case, that one person is suspected of committing. The owner of several marketing and consultancy service companies - Total, Media Mak, Total Marketing, Media Centar, evaded paying taxes in the amount of about 180 thousand EUR in the period from 2008 to 2015.
4. **TIFFANY** – Another case of tax evasion where the suspect is the owner of the marketing and consultancy services companies Smart Center and Smart Group. In this case too there are reasonable suspicions that in the period between 2008 and 2014, the companies and their owner evaded paying certain amounts of the taxes, by presenting false data on liabilities.

### Katica Janeva's address on the International Whistleblower Day

The Special Public Prosecutor Katica Janeva had an address at the marking of the Whistleblower Day.<sup>15</sup> She reminded of the necessity to implement the recommendations of the Venice Commission with

<sup>14</sup> <http://www.jonsk.mk/2017/03/23/%D0%B8%D0%B7%D1%98%D0%B0%D0%B2%D0%B0-%D0%BE%D0%B4-%D0%BF%D1%80%D0%B5%D1%81-%D0%BA%D0%BE%D0%BD%D1%84%D0%B5%D1%80%D0%B5%D0%BD%D1%86%D0%B8%D1%98%D0%B0-3/>





regards to the Law on Personal Data Protection and the Law on Protection of Whistleblowers, due to the problems that SPP is constantly facing. Janeva also expressed her understanding for the citizens' reluctance to cooperate in the proceedings that SPP conducts, due to the fear of possible consequences and repercussions that these citizens and their close ones might suffer. The Prosecutor expressed her faith in the citizens, who she believes are brave enough to step up and aid this process, although they are aware of the pending risks.

## IV FUNDAMENTAL RIGHTS

### 1. Rule of Law

As it was stated in the previous monitoring brief for February: On 28<sup>th</sup> February 2017, during the gathering of the citizens "For a Joint Macedonia", some of the members of the team of journalists of the electronic media outlet A1ON (<http://a1on.mk/>) were attacked. One journalist and one cameraperson were attacked with "punches to the head and the body, while some of the protesters broke down the camera. As the protest organizer failed to protect the media workers, A1ON announced that they would press charges against the initiative "For a Joint Macedonia" and demand a compensation for damages due to the "outrageous and primitive behavior".<sup>15</sup> In the course of March, Mol submitted criminal charges against M.K. (37) from Skopje to the PPP, for reasonable doubts that he had taken part in the attack along with another unknown (at the time) person. Mol also added that "Upon inspection of the footage from the security cameras of GTC Skopje and by comparing a previously released photo on the internet portal ww.sdk.mk, with a photo from Mol's records, it was confirmed that the person in question is M.K. from Skopje, a previous perpetrator of property offences and violator of the public order and peace."<sup>17</sup> The Minister of Interior, Agim Nuhui, from the Journalists' Club, on this occasion stressed that "no one is above the law" and that "everyone will be held accountable, some day", extending his support to the media and emphasizing that Mol will take any necessary measures to "clear both this case, as well as other cases when the media representatives have been damaged".<sup>18</sup>

### 2. Freedom of expression and media pluralism – attacks on journalists

In March, the journalist Hristijan Banevski from 24 Vesti TV (24 News TV) was attacked while he was reporting from a demonstration. The protester swung his flag at him and hit him on the head. The attack was condemned by the Macedonian, as well as regional journalist guilds,<sup>19</sup> whereby the Agency for Audio and Audio-Visual Media Services (AAVMS) emphasized that: "The attack on the media

<sup>15</sup> <http://www.jonsk.mk/2017/03/24/катица-јанева-со-свое-излагање-на-меѓу/>

<sup>16</sup> <http://a1on.mk/archives/709516>

<sup>17</sup> <http://www.mvr.gov.mk/vest/3724>

<sup>18</sup> <http://www.mvr.gov.mk/vest/3725>

<sup>19</sup> [http://24vesti.com.mk/reakcii-za-napadot-na-ekipata-na-tv24?quicktabs\\_popularna\\_sodrzina=1](http://24vesti.com.mk/reakcii-za-napadot-na-ekipata-na-tv24?quicktabs_popularna_sodrzina=1)







professionals is also a direct attack on the democracy and freedom of speech in a society”<sup>20</sup> while the Council of Media Ethics of Macedonia reminded of the state’s obligation to “take all active measures to create and maintain an environment conducive to freedom of expression, in accordance with Article 10 of the European Convention of Human Rights.”<sup>21</sup> In their Annual Analysis of the Changes to the Regulations and Self-regulations of the Media in Macedonia for 2016, CEMM emphasized the creation of a secure environment for unobstructed work of journalists and media representatives as one of their main recommendations.

There was also a verbal attack on the team of journalists from Telma TV while they were trying to report the standpoints of some of the attendees at the gatherings of the initiative “For Joint Macedonia”. The President of the Media Association Naser Selmani stated: “It is discouraging to find that violence against journalists is coordinated by the political centers of power (...) unmistakably, the violence against journalists is related to the fierce political clash taking place in Macedonia”.<sup>22</sup> As one of the attacked television stations, “Telma”, reported, they do not feel responsibility from the organizers of the gatherings “For Joint Macedonia” because, as they had said, they were not able to control such a large crowd.

Journalist Borjan Jovanovski was also attacked in March, by being publicly humiliated and demeaned after an unknown person called him a “traitor” and spitted on him<sup>23</sup>, while he was eating out in a restaurant, and the video of the incident was then uploaded on the Internet. AAVMS condemned this incident and emphasized that “The differing opinions and standpoints in a democratic society are to be discussed and supported with arguments, and the role of the journalists and media in this process is essential”.<sup>24</sup>

### 3. Children’s rights

Over the month, the Office of the Ombudsman received applications by parents complaining of abuse of their children during the ongoing protests and gatherings of the “For a Joint Macedonia” Initiative. According to the Ombudsman, certain employees in the institutions of education were also involved in this abuse, or directly encouraged it. With regards to this, the Ombudsman, Ixhet Memeti announced: “Under no circumstances may children become the goal of manipulation or abuse, while schools are bound to be places where the basic activity of education is to be performed. Hence, guided by the principle of the best interest of the child, the Ombudsman urges both the parents and teachers not to

<sup>20</sup> [http://www.avmu.mk/index.php?option=com\\_content&view=article&id=3178%3A-24-&catid=88%3Asoopstenija-media&Itemid=313&lang=m](http://www.avmu.mk/index.php?option=com_content&view=article&id=3178%3A-24-&catid=88%3Asoopstenija-media&Itemid=313&lang=m)

<sup>21</sup> <http://a1on.mk/archives/713873>

<sup>22</sup> <http://www.telma.com.mk/vesti/pcosti-i-verbalni-napadi-vrz-novinarite-na-telma>

<sup>23</sup> <https://www.facebook.com/borjan.ez/posts/10158210470150109>

<sup>24</sup> [http://www.avmu.mk/index.php?option=com\\_content&view=article&id=3168%3A2017-03-03-12-07-12&catid=88%3Asoopstenija-media&Itemid=313&lang=mk](http://www.avmu.mk/index.php?option=com_content&view=article&id=3168%3A2017-03-03-12-07-12&catid=88%3Asoopstenija-media&Itemid=313&lang=mk)





allow involvement of students in any gatherings and protests at any cost, and at the same time, urges the competent institutions to immediately react in order to prevent these occurrences.”<sup>25</sup>

The Helsinki Committee for Human Rights of the Republic of Macedonia reacted against the political abuse of minors, after registering two cases in which secondary school students were called to protest, in order to allegedly defend the national interests of the state. The Committee established breach of the official authorizations and violation of the Law on Secondary Education, especially in the case of the Secondary School Mirche Acev from Prilep where the Head of the school held a political speech and invited the students to protest for alleged defense of the Macedonian language and the unitary nature of the state. Therefore, the Committee submitted complaints to the State Education Inspectorate and the Ombudsman, in order to establish unlawful conduct on the part of the Head of the Secondary School Mirche Acev from Prilep, and initiate adequate proceedings for his sanctioning.<sup>26</sup>

With reference to these cases, the Ombudsman reacted by highlighting the schools' obligation for educational activity and concern for proper growth and development of children and stating that any attempt at political action is punishable by law. He appealed to the school boards, Mayors, the State Education Inspectorate and the Ministry of Education and Science to immediately, without any further delay and each within the scope of their competence, take adequate measures against those people who agitate or allow agitation to take place in schools. The Ombudsman Ixhet Memeti started proceedings against the Head of the Prilep High-school Mirche Acev at his own initiative, and also conducts proceedings against the Head of the Skopje High-school Josip Broz Tito at a parent's report because at the start of the month she sent an announcement ordering the students to go out of the school at 15 hours on that day, in order to be recorded by media close to the government and presented as allegedly attending a protest against Albanian as a second language.<sup>27</sup>

### **Ombudsman's report on the situation of human rights and freedoms in 2016**

On 30.03.2017, the Ombudsman Ixhet Memeti held a press conference to launch the Ombudsman's Report on the Situation of Human Rights and Freedoms for 2016.<sup>28</sup> In the introductory remarks he emphasized his regret due to the stagnation and even deterioration of the situation of human rights and freedoms in certain areas, a case in point to which is the increase in the established violations by 4

<sup>25</sup> <http://sdk.mk/index.php/makedonija/narodniot-pravobranitel-istrazuva-politichka-zloupotreba-na-detsa-vo-shkolite/>

<sup>26</sup> <http://mhc.org.mk/announcements/547#.WOI7zPI97IU>

<sup>27</sup> <http://sdk.mk/index.php/makedonija/narodniot-pravobranitel-otvori-postapka-protiv-direktorot-na-prilepskata-gimnazija-za-politichko-agitirane-pred-uchenitsite/>

<sup>28</sup> <http://ombudsman.mk/upload/Godisni%20izvestai/GI-2016/GI-2016.pdf>





percent. Memeti highlighted the party-affiliated and non-functioning institutions which have been implementing party agendas, the unprofessional and brutal treatment of the police, the excessive use of force of the prison police against the convicts and lack of systemic healthcare in the penitentiary institutions, the flaws in the pension system resulting in harmful consequences to the beneficiaries, the unsecured funds for payment of social welfare rights, the violation to the employment right of people with disabilities, the unlawful deportation of refugees, the illegal establishing and payment of the public broadcasting fee and water, the illegal taxation of citizens, as well as lack of professionalism in the work of the election bodies. During the reporting year, the Ombudsman and the regional units acted on 4.718 cases, 3.775 of which were applications received during the reporting period, while 37 were opened the Ombudsman's own initiative.<sup>29</sup>

### Hate crimes

The incidents that may be characterized as hate crimes, continued. Over the month, the Helsinki Committee registered 12 of these incidents.<sup>30</sup> In half of the incidents, the perpetrators and victims are youth and underage persons who attacked each other in buses and in the vicinity of bus stops. In addition, 3 incidents referred to the stoning of the headquarters of political parties in Skopje (2 of SDSM and 1 of VMRO-DPMNE), while one SDSM activist was attacked in Prilep. An exceptionally serious incident which could have provoked ethnic hatred was the Molotov cocktail attack of the Museum of the Albanian Alphabet in Bitola.<sup>31</sup> The offenders aimed at setting the building on fire, but failed to do so, and they also broke the windows. Towards the end of the month, MoI announced that MPP Bitola had filed criminal charges against four people aged 16-17, three of whom are from Bitola and one is from Demir Hisar, due to reasonable doubts that they had committed the crime of "Causing general danger" by making 4 Molotov cocktails and heading towards the Museum in order to set it on fire. This is the fifth in line attack of the Museum in the past four years.

<sup>29</sup> <http://ombudsman.mk/upload/documents/2017/Pres%20GI-2016/Press%202016-Mk.pdf>

<sup>30</sup> <http://www.zlostorstvaodomraza.mk>

<sup>31</sup> <http://www.zlostorstvaodomraza.com/reports/view/395>

